

For the attention of:

The Programme Officer
Homefield House
Homefield Road
Saltford
Bristol BS31 3EG

**Independent Examination of The North Dorset Local Plan Part 1
2011-2026 (LP1) – Issues and Questions**

Name: Michel Nublat - ID 661 - Representation Number 4086

Hearing Matter – Issue 2 - Question 2.5 – What status of ‘Important Open and Wooded Areas’ – should they be referred to in LP1

The object of this statement is to reinforce my representation dated January 2014 in which I presented evidence to support the argument that ‘saved’ policy 1.9 regarding the designation IOWA is out of date thus its inclusion in the Local Plan Part 1 2011 – 2026 is unjustified and consequently renders this part of LP1 unsound. IOWA should NOT be referred to in LP1

After more than four years into its drafting the LP1 now under review will contain policies from the **expired** Local Plan 2003-2011. ‘*Not yet been replaced*’ infers they will be but only well into the 2011 – 2026 plan period. Consequently, ‘saved’ policies, and more specifically ‘saved’ Policy 1.9 concerning designated IOWA, must be considered out- of - date.¹

Policy 1.9 of the Local Plan 2003-2011 regarding designated IOWA, had been replaced in The draft Plan for North Dorset dated March 2010 by the very comprehensive, detailed and clear Development Management Policy 3 (DMP 3).² This policy was part of a detailed framework for assessing the acceptability of certain types of development. It was also intended to be used by those who were contemplating of making a planning application to assess whether their proposals were likely to be accepted.³

DPM3 was drafted and published prior to the publishing of the NPPF in 2012, and was intended to support the sustainable development strategy and included directives regarding design principles, development form, ways of assessing

¹ The New Plan for North Dorset - The Draft Core Strategy and Development Management Policies Development Plan Document - March 2010 – 3.6 page 26

² The New Plan for North Dorset - The Draft Core Strategy and Development Management Policies Development Plan Document - March 2010 - Appendix A – Saved and Replaced Local Plan Policies page 265

³ North Dorset Local Plan Part 1 – 2011 to 2026 Pre-submission Document – paragraph 3.1.4 page 183

design quality,⁴ complying with the NPPF directive to ‘enhance valued landscapes.’⁵

LP1 dedicates paragraph 3.24 to ‘Relevant Policies Are Out- of- Date’. It states when assessing development proposals, *‘policies that the Council will have regard to include those in the 2003 District-wide Local plan that remain ‘saved’, as listed in Appendix A. These policies were adopted before the NPPF was published. However, they should not be considered to be out-of-date simply because they were adopted prior to the publication of this Framework’*

As regards ‘saved’ Policy 1.9, clearly this is not the case. As has been pointed out prior to the publication of NPPH in 2012 Policy 1.9 had already been replaced in March 2010 with DMP 3 then re-introduced as ‘saved’ Policy 1.9 in the Pre-submission Document.⁶

In the report on the responses to the 2010 consultation - The New Plan North Dorset - the conclusion to responses regarding DMP3 was:

*‘There appears to be **overwhelming** support for DM3 and its design related policies’*

I believe the decision to ‘save’ Policy 1.9, substituting DMP3, was taken after the meeting of the Planning Policy Panel held on Friday 6th September 2013 at the Council Chambers in Blandford Forum, but the reasons for doing so have not been documented.

When discussing Policy 15 the notes of the meeting have recorded the following: *‘Policy 15 – The PPM referred to green infrastructure which included local green spaces. Communities could identify these through their Neighbourhood Plans or leave for the District Council to do so when developing Part 2 (site allocations) of the Local Plan. He enquired whether Members wanted to ‘save’, and carry forward into the new Local Plan, the existing policy on ‘Important Open or Wooded Areas’ (IOWA’s).’*⁸

There is no record of any response to the Planning Policy’s Manager’s (PPM) question. It appears it was at this period of time, September 2013, that DMP3 was reverted back to Policy 1.9 as a ‘saved’ Policy well after the publication of NPPF which was in March 2012, thus making ‘saved’ policy 1.9 out-of-date.

⁴ North Dorset Local Plan Part 1 – 2011 to 2026 Pre-submission Document – paragraph 3.1.4 page 183 and 184

⁵ National Planning Policy Framework – paragraph 115 page 26

⁶ North Dorset Local Plan Part 1 – 2011 to 2026 Pre-submission Document – paragraph 3.24 page 30 & Appendix A page 368

⁷ The New Plan for North Dorset – Report on Responses to the Development Plan Policies – DMP3 Design Conclusions – page 12

⁸ Planning Policy Panel meeting held on Friday 6th September 2013 at the Council Chambers in Blandford Forum

‘Used for development management purposes’⁹ is a statement that conflicts with the NPPF, “*Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay.*”¹⁰ The statement can only serve as an ‘escape valve’ reserving the right to reject, possibly unjustifiably, a development that has demonstrated to have mitigated its impact on landscape issues.

If planning applications are to be analysed and judged against policy they should be transparent for all parties to understand and adhere to. DMP 3 set out limits, standards and guidance for developers and for planning authorities too.

Consent for development has been given for areas designated as IOWA in North Dorset - Planning Application numbers 2.2012/1374/PLNG , 2.2012/0066/PLNG 2/2012/1479 are but three examples.

The Planning Authorities acted correctly in approving the applications, they analysed the developers intended schemes, worked with them to arrive at a sustainable development that would improve, enhance the existing locations and at the same time benefit the community. Consequently if this was done successfully and sustainable why is there a need to now ‘save’ Policy 1.9 ?

The approvals have invalidated the intention of designated IOWA. As stated in the Local Plan 2003-2011, ‘*Designated Important Open or Wooded Areas will be protected from development*’¹¹ consequently a precedence is set making their the designation redundant and out of date.

Please see below an extract from the minutes of the North Dorset District Council management committee meeting held on 18th June 2013:

“The Committee were advised that the Planning Policy Manager had said that the development of the neighbouring Phoenix House fully within the IOWA had affected the relevance of the designation, so there was no objection to this application.”¹²

The NPPF requires local planning authorities to look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.¹³

⁹ North Dorset Local Plan Part 1 – 2011 to 2026 Pre-submission Document – paragraph 7.134 page 178

¹⁰ National Planning Policy Framework – paragraph 15 page 4

¹¹ The New Plan for North Dorset - The Draft Core Strategy and Development Management Policies Development Plan Document - March 2010 – Policy 1.9

¹² NORTH DORSET DISTRICT COUNCIL MINUTES OF THE DEVELOPMENT MANAGEMENT COMMITTEE MEETING HELD ON TUESDAY 18 JUNE 2013 – Appendix A - APPLICATION: 2/2012/1479 Officer Appraisal – page 3

¹³ National Planning Policy Framework – paragraph 187 page 45

Landowners of designated IOWA who have been on the sidelines waiting to invest in sustainable developments, those that could potentially propose developments that would enhance the green infrastructure of the locality, create employment and provide new facilities for the community will view the 'saving' of policy 1.9 an unnecessary obstruction and delay to the development of the area in which their site is located.

The rural nature of North Dorset District means that there is a limit of Brownfield sites available to accommodate the housing need and services. The landscape of North Dorset District is second to none with almost 40% of the district being covered by an AONB designation as well as containing two internationally, and twelve nationally protected wildlife sites.

Although North Dorset is fortunate of having an abundance of protected areas and sites the downside is that the potential for expansion as regards Shaftesbury is limited.¹⁴

To accommodate growth as required by the NPPF, designated IOWA should not be included in LP1.¹⁵ Developments on once designated IOWA would only be permitted if proven to truly enhance environmental assets, include multi-functional spaces and contribute in creating / enhancing green corridors and the local character¹⁶

The section on The Natural Environment in North Dorset in the LP1, contemplates development and the impact upon the landscape and provides controls for submittals for development proposals in sensitive areas¹⁷: *"Where there is likely to be a significant impact on the landscape, development proposals should be accompanied by an assessment of the impact on the landscape character such as landscape and visual impact assessment."*¹⁸

The saving of policy 1.9 would result in an additional, unnecessary and excessive control warding off developments that have the potential to enhance the present day landscape on those sites and that are dearly needed to accommodate growth of the market towns.

LP1 refers to an Open Space Audit & Assessment of local need. Prepared by the Council the Audit has already assessed and designated a range of Local Green Space / Green Infrastructure, including recreational grounds, amenity spaces and formal gardens, allotments, cemeteries and sport pitches, consequently why the need to 'save' Policy 1.9?¹⁹

¹⁴ ¹⁴ North Dorset Local Plan Part 1 – 2011 to 2026 Pre-submission Document – Policy 18 paragraph 8.98 page 209

¹⁵ National Planning Policy Framework – paragraph 17 page 5

¹⁶ North Dorset Local Plan Part 1 – 2011 to 2026 Pre-submission Document – paragraph 4.45 page 51

¹⁷ North Dorset Local Plan Part 1 – 2011 to 2026 Pre-submission Document – paragraph 4.42 page 51

¹⁸ North Dorset Local Plan Part 1 – 2011 to 2026 Pre-submission Document – paragraph 4.42 page 53

¹⁹ North Dorset Local Plan Part 1 – 2011 to 2026 Pre-submission Document – paragraph 7.123 page 175

The Strategic Housing Land Availability Assessment (SHLAA) published in 2011 was a technical study and an assessment of the land that was deliverable and developable within North Dorset. The community of North Dorset were invited to form a panel to represent key stakeholders groups which included, Campaign to Protect Rural England, Dorset Community Action, Natural England, Environment Agency, Spectrum Housing Group, architects, estate agents, small and volume house builders.

Following an exhaustive assessment process, which included assessments upon the impact on the key townscape or landscape, 37 'included' sites and 28 'excluded' sites were selected.

The 'included' sites, some of which were designated IOWA, were those sites assessed to have development potential. The 'excluded' sites were those considered unsuitable for development. The 'included' designated IOWA sites although considered to be suitable and developable were also listed as unavailable until the IOWA designation was reviewed in a future local plan.

The SHLAA Assessment also stated, "*The SHLAA Practice Guidance sets out the detail of how the assessment should be carried out. It also states that when followed, a local planning authority should not need to justify the mythology used in preparing its assessment, including at independent examination*"²⁰

The Landscape Impact Assessment and subsequently The Market Towns Site Selection - Background Paper, stated that consultation on the draft Core Strategy in 2010 highlighted the concerns of the local community regarding the impact of the development at Blandford and Shaftesbury on the landscape. With this in mind the Council employed, a senior landscape officer at DCC to undertake a landscape assessment of the potential housing sites adjoining Blandford and Shaftesbury as identified in the District Council's SHLAA.²¹

The Landscape Impact Assessment methodology was²²:

- to assess 4 in Blandford;
- to assess some of the rejected SHLAA sites around Blandford (SHLAA map E2) and Shaftesbury (E29 & E40 – around Blackmore Vale Dairy 2/46/0495)
- for the assessment to be done by one senior landscape officer at Dorset County Council in June/July 2010

19 sites were assessed, 9 in Blandford and 10 in Shaftesbury, consequently more sites were assessed than had originally been proposed in the methodology.

²⁰ NORTH DORSET STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT 2010 – paragraph 4.1 page 14

²¹ North Dorset District Council Proposed Housing Sites Landscape Impact Assessment & Market Town Site Selection Background Paper – November 2013 – Paragraph 7.8 page 61

²² North Dorset District Council Proposed Housing Sites Landscape Impact Assessment : Methodology

The assessment of these sites is the basis for the Technical Evidence informing policy in the Market Town Site Selection Background Paper of November 2013 for the market towns of Blandford and of Shaftesbury.²³

Of the 10 sites selected in Shaftesbury only 3 did the Landscape Officer consider could be successfully be mitigated. All of these 10 sites were 'included' in the SHLAA and assessed as suitable for development.

Unlike the SHLAA, where key stakeholders were consulted and actively involved in the assessment of the sites, The Impact Assessment was carried out by only one DCC officer, it is therefore considered that the report is not a representative assessment and consequently not valid as a report and should not be considered as evidence in the review of LP1 or used subsequently in any way.

It should be questioned the need for having commissioned the Landscape Impact Assessment. As stated above, the report on the responses to the 2010 consultation on The New Plan of North Dorset concluded there was an overwhelming support for DM3 and its design related policies.

²³ Market Town Site Selection Background Paper – November 2013 – Paragraph 7.8 page 61

Main points of this statement:

- In an early draft of the LP1, prior to the publication of NPPF in 2012, Policy 1.9 carried over from Local Plan 2003 which expired in 2011, had been replaced by DMP3. The report on the responses to the 2010 consultation, The New Plan of North Dorset , concluded an overwhelming support for DMP3 – **consequently, DMP3 should have remained and Policy 1.9 not ‘saved’;**
- ‘Saved’ Policy 1.9, for the reasons stated in the conclusion above, **is it out-of-date;**
- Planning approval has already been granted for a development fully within the IOWA - **this has affected the relevance of the designation IOWA;**
- LP1 requires development proposals in sensitive areas should be accompanied by an assessment of the impact on the landscape character such as landscape and visual impact assessment – **LP1 has sufficient controls for development of sensitive sites, ‘saving’ Policy 1.9 will result in unnecessary and excessive planning control and its adverse effects on growth;**
- The Landscape Impact Assessment, contradicts site assessments listed in SHLAA 2011 – **As the report did not consult key stakeholders of the community the report is not valid and consequently it should not have been submitted as evidence as a Pre-submission document or should its findings be used in any way;**
- The report on the responses to the 2010 consultation, The New Plan of North Dorset, concluded there was an overwhelming support for DM3 and its design related policies – **The commissioning of a Landscape Impact Assessment should therefore be questioned;**
- **The inclusion of ‘saved’ Policy 1.9 in LP1 is unjustified and consequently renders this part of LP1 unsound. IOWA should NOT be referred to in LP1.**

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