



# **Sturminster Newton Neighbourhood Plan 2016 – 2031**

## **A report to North Dorset District Council on the Examination of the Sturminster Newton Neighbourhood Plan**

By:  
Terrence Kemmann-Lane JP DipTP FRTPI MCMI  
Independent Examiner  
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## **Abbreviations**

CIL	Community Infrastructure Levy
IOWA	Important Open and Wooded Area
LGS	Local Green Spaces
LP	Local Plan
LPA	Local Planning Authority
LPP1	Adopted Local Plan Part 1 (2016)
NDDC	North Dorset District Council
NDP	Neighbourhood Development Plan
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SEA	Strategic Environmental Assessment
SNNP	Sturminster Newton Neighbourhood Plan 2016-2031
SNTC	Sturminster Newton Town Council

## Non Technical Summary

This report concludes that, as submitted, the Sturminster Newton Neighbourhood Plan does not fully meet the Basic Conditions as required by statute, but with the appropriate modifications, it can be recommended to be taken forward to Referendum.

The modifications needed to meet the statutory requirements can be summarised as follows:

- Changes to the text of policies and their explanatory text to increase clarity; modification of certain policies; and the deletion of the policy concerning land adjacent to the Bull Tavern to bring policies and the Plan as a whole more into general conformity with the strategic policies in the development plan for the local area and to have better regard to national policy and advice issued by the Secretary of State.

The specified modifications recommended in this report are based on matters raised in the public consultation responses and in responses from the Town Council, the District Council and others to questions that I raised, and do not significantly alter the basis of the overall approach and policies of the submitted Neighbourhood Plan.

### 1. Introduction

1.1 I have been appointed by North Dorset District Council (NDDC) with the consent of Sturminster Newton Town Council (SNTC) to carry out the independent examination of the Sturminster Newton Neighbourhood Plan (SNNP), in accordance with the relevant legislation<sup>1</sup>. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

1.2 As required by the legislation, I am independent of SNTC and NDDC, I do not have an interest in any land that may be affected by the draft plan, and I have appropriate qualifications and experience. I am a Chartered Town Planner (Fellow of the Royal Town Planning Institute) with wide experience in local and central government and private consultancy over a period of 40 years.

1.3 The process of preparing the SNNP took place between March 2014 and February 2018. The project was initiated by SturQuest, the Town's independent community organisation that is sponsored and funded by SNTC. The launch event was in March 2014 when the public were presented with the concept of the NP. Thereafter many consultation events were held including workshops, focus groups, and consultation with various groups of residents, businesses, landowners, developers, service and infrastructure providers and interested organisations, including NDDC, and adjoining parish councils. It is clear that a great deal of commitment and effort has gone into the production of the SNNP, and that it is founded on a desire to protect and enhance the character of the Town and Parish whilst allowing for desirable growth.

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<sup>1</sup> Localism Act 2011, Town and Country Planning Act 1990 as amended, Planning and Compulsory Purchase Act 2004 as amended, The Neighbourhood Planning (General) Regulations 2012 as amended, Neighbourhood Planning Act 2017.

1.4 Representations on the SNNP were submitted by Dorset County Council, Gladman Developments Ltd, Hall and Woodhouse Ltd, Highways England, Historic England, North Dorset District Council, Streeter Carpets and Beds Ltd, Mr D Wingate, and Wyatt Homes. I have taken all these representations into account.

1.5 Representations mainly refer to the extent to which the Basic Conditions have been met concerning: i) the need to have regard to national policy and advice issued by the Secretary of State, and whether the evidence supporting the plan is proportionate and robust; ii) whether the plan contributes to the achievement of sustainable development; iii) whether the plan is in general conformity with the strategic policies in the development plan for the area. Other more minor matters were raised that I deal with in due course to the extent that it is necessary.

1.6 Wherever possible, the examination of the issues by the examiner should be by consideration of the written representations. The examiner must cause a hearing to be held where it is necessary to ensure adequate examination of a particular issue, or where it is necessary to give a person a fair chance to put a case. In this instance, the plan itself and the written representations were clear, and where I needed additional explanations, these were provided in responses to my written questions: I came to the view that it was not necessary for a hearing to be held. My questions and the responses were circulated to the representors and placed on the SNNP webpage: representors were also able to respond and a number did so.

1.7 This report and my reasoning and conclusions are based on the submitted written material and representations. I made an unaccompanied visit to the area covered by the Plan on 29 August 2018.

## **2. Location and characteristics**

2.1 Sturminster Newton sits in the heart of the Blackmore Vale. It has been a market town for the area since the 1200s. It continues to reflect its history with medieval lanes in the old town, the market square, the bridge built in the 1500s over the Stour and the 17<sup>th</sup> century mill, all little changed. The railway came in 1863, but since its loss in the 1960s, and the closure of the livestock market and creamery, agriculture is now less important to the town's economy and function. The SNNP notes that, since the 1990s, it could be said that Sturminster Newton has struggled to find its identity and to grasp opportunities to help strengthen its role in the area. The SNNP has been developed to address this key challenge.

2.2 Sturminster Newton has a population of some 4,355 people (ONS Census 2011) and is expected to grow by about 10% over the next 15 years. Apart from Sturminster Newton town, the area is rural in nature with only a few small settlements that include Newton, Glue Hill, and the area around the Town Bridge – all of which have settlement boundaries. In addition there is Broad Oak and Bagber and a few smaller settlements.

## **3. The basis for this examination**

### The Basic Conditions

3.1 A Neighbourhood Plan must meet the Basic Conditions as prescribed in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act, 1990. In brief, the Basic Conditions which must be met by SNNP are:

- it must have regard to national policy and advice issued by the Secretary of State;
- it must contribute to the achievement of sustainable development;
- it must be in general conformity with the strategic policies in the development plan for the local area;
- it must not breach, and must be otherwise compatible with, EU obligations, including human rights requirements;
- it must not have a significant adverse effect on a 'European site' (under the Conservation of Habitats and Species Regulations 2010);
- it must comply with other prescribed matters.

3.2 I deal in more detail with each of these conditions below.

3.3 The examination is intended to be carried out with a 'light touch'<sup>2</sup>. I am not concerned with the 'soundness' of the plan, as in the examination of a Local Plan, but whether it meets the basic conditions and other prescribed matters.

## **4 Assessing the Plan against the Basic Conditions**

### Have regard to national policy and advice issued by the Secretary of State

4.1 National policy is set out in the National Planning Policy Framework (NPPF). The NPPF is supported by web-based Planning Practice Guidance (PPG). I have also borne in mind the Written Ministerial Statement on Neighbourhood Planning (HCWS346) made on 12 December 2016.

4.2 On 24 July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework (NPPF2). It might be expected that this should be taken into account in this examination: in the introduction to the NPPF2 it is stated that "*The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.*" However, in its Annex 1: Implementation, at paragraph 214, it is stated that: "*The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.*" Therefore the contents of the NPPF2 will not be relevant to this examination.

4.3 The submission documents include a Basic Conditions Report that contains a table assessing SNNP and its policies against the NPPF policies (2012), National Policy Guidance and Ministerial Statements. The table within this document also deals with general conformity with the strategic policies of the development plan. I deal later with that part of the table that refers to the policies of the development plan.

4.4 In respect of having regard to national policy and advice issued by the Secretary of State, the table (in the first column) sets out the main themes of the NPPF that are identified by paragraph numbers and where appropriate, national planning guidance and ministerial statements. The third column then provides a commentary on the way in which the NP has responded to the policy or advice, making reference to particular policies of the plan that are relied upon for implementation. The 'themes' of the NPPF are comprehensive and include, to give examples, "Build a strong, competitive economy and prosperous rural economy", "Deliver a wide choice of high quality homes", "Promote healthy communities", "Conserve and enhance the natural environment". There is also a section that deals with conformity issues raised through the pre-submission consultation

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<sup>2</sup> See Planning Practice Guidance: Paragraph: 055 Reference ID: 41-055-20140306

and sets out what action was taken.

4.5 It seems to me that the analysis in the table is sufficiently comprehensive and, for a 'light touch' examination, I do not need to look further into the policies of the NPPF, save for the extent to which representations raise particular issues. I do this in section 5 'Sturminster Newton Neighbourhood Plan Policies and Other Content', below, where it is convenient to deal with matters raised in consultation responses.

#### Contribute to the achievement of sustainable development

4.6 In July 2015 the Sturminster Newton Neighbourhood Plan Strategic Environmental Assessment (SEA) Scoping Report was produced. This identified the steps likely to be necessary, the need to collate some basic information on the environmental sensitivity of the area, and mapped planning issues and constraints.

4.7 In response to the Strategic Environmental Assessment scoping consultation Natural England (email dated 20 August 2015) confirmed that the plan is not likely to have any adverse effect on either international or nationally designated wildlife sites or European Protected Species. The District Council, in its screening determination dated May 2017, which was also subject to consultation with Natural England, concluded that a Habitats Regulation Assessment would not be necessary.

4.8 The Environment Agency, in its response to the Strategic Environmental Assessment scoping consultation noted that under the Water Framework Directive, the Stour and Moors Restoration Plan is looking to deliver favourable conditions for the riverine environment. This was taken into account in the Strategic Environmental Assessment objectives.

4.9 In October 2016 the Strategic Environmental Assessment Pre-submission Stage Environmental Report was produced, together with a Non- Technical Summary. The SEA identified the main potential issues that should be assessed in considering the possible effect of the Neighbourhood Plan, including harm to ecological interests, local landscape character, and the area's many heritage assets. Possible contamination, loss of productive farmland, flood risk and sustainable travel patterns were also key considerations, as well as promoting health and wellbeing through opportunities for housing, employment, education and training, healthcare, shopping and leisure activities.

4.10 The Neighbourhood Plan's aims were assessed against the sustainability objectives, demonstrating that the plan should overall have a positive environmental impact, subject to further testing of the detailed policies. The conclusions from the more detailed testing of policies was that there are no likely significant adverse impacts identified as a result of the assessment process, other than the potential cumulative impact in relation to the loss of productive farmland. Overall the policies should secure significant positive benefits. On this basis it was concluded that the Neighbourhood Plan would contribute to the achievement of sustainable development.

4.11 Looking in a little more detail at the outcome of testing in the SEA of the Plan's aims and policies, a conventional matrix of likely impacts, in terms of 'significant positive', 'positive', 'negative', 'negligible', 'unknown', 'adverse' and 'significant adverse' were assessed. For ease of assessment, the Plan's policies were grouped under four headings:

- General policies for a well-balanced and sustainable community
- General policies and proposals for a better transport network
- General policies to protect and enhance local character
- General Policies to support the Town Centre.

4.12 Following on from the detailed testing, the combined policy impacts are considered, on pages 29 and 30 of the report, and shown in a matrix where all the policies are assessed against the SEA objectives, whilst assessments for site allocations and alternatives that were considered are set out in Appendix 1. The overall level and distribution of growth within the Neighbourhood Plan Area had been established through the recently adopted Local Plan, and as such the focus of the assessment of the Neighbourhood Plan has been on those aspects where the Neighbourhood Plan moves on from the Local Plan.

4.13 The main alternatives assessed were in relation to site options, most of which had previously been identified and assessed in part through the District Council's Strategic Housing Land Availability Assessment. Following the advice of Natural England, additional ecological assessments were carried out to identify the potential presence of protected species. No significant adverse impacts were identified in regard to the policies proposed for inclusion in the draft Neighbourhood Plan, other than the potential cumulative impact in relation to the loss of productive farmland. The overall conclusion was that the policies should secure significant positive benefits particularly in terms of population and human health.

4.14 Finally, in May 2017 the Strategic Environmental Assessment Submission Stage Addendum was published to support the examination stage of the plan<sup>3</sup>. This document sets out how there were responses to the Strategic Environmental Assessment Pre-submission Stage Environmental Report: a table sets out the issues, the consultees and the action taken. It is then stated that, based on feedback, it is not considered that the assessments of the policies would change significantly; although the cultural heritage impact 'score' for Policy 39 Land adjoining the Bull Tavern (Policy 41 in the pre-submission draft) could arguably be reassessed as 'significant adverse impact likely', however the policy wording has been revised to include criteria that the design and layout should not cause substantial harm to the setting or significance of the nearby heritage assets.

4.15 The production of the Neighbourhood Plan alongside the SEA was an iterative process, allowing issues highlighted through the SEA process to be included in the policy drafting, and clarity on what environmental checks were undertaken to inform the plan. In particular, the SEA highlighted the need to focus on assessing the site allocations, where there was likely to be the greatest impacts across a range of environmental issues. Particular issues revealed were potential negative landscape impact of developing land at Yewstock Field, the reserve site off Elm Close and the landscape and heritage impact of developing the site adjoining the Bull Tavern. The loss of productive farmland cannot be avoided - there are not enough brownfield sites available, and criteria were included in all the site specific policies to mitigate any potential adverse impacts.

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<sup>3</sup> The Sturminster Newton Neighbourhood Plan was submitted to the District Council under Regulation 15 in September 2017. The consultation statement however was not found to be compliant with Regulation 16(2) and it was suggested to the Town Council that the basic conditions statement be revised to include reference to the European Convention on Human Rights. A revised basic conditions statement was received by the District Council in October 2017 and a legally compliant consultation statement received in February 2018.

4.16 I will need to deal with some of the individual sites when considering the policies in section 5 below, but I am satisfied, on the basis of the Strategic Environmental Assessment that I have dealt with above, that reasonable alternatives have been assessed and that the process of assessing the Plan through its various stages has ensured that it contributes to sustainable development.

Be in general conformity with the strategic policies in the development plan for the local area

4.17 The development plan for the area currently includes the North Dorset Local Plan Part 1 (LPP1), adopted in January 2016. It includes topic-based, place-based and development management policies: the topic-based and place-based policies provide the strategic policy framework. Dorset County Council has a Minerals Strategy, adopted 2014, and a Waste Local Plan, adopted 2006, but neither contain proposals for the NP area, other than defining minerals safeguarding areas which are noted in the SEA. In addition there are 'saved' policies from the earlier North Dorset District-Wide Local Plan (LP), adopted in 2003.

4.18 The Neighbourhood plan period aligns with the LPP1: 2016 – 2031. The LPP1's spatial strategy, Policy 2, identifies Sturminster Newton as one of four 'main towns' which will function as the main service centres for the District and will be the main focus for growth, both for the vast majority of housing and other development. Policy 19 sets out the strategic policy for Sturminster Newton and identifies the main areas where development will take place. The LPP1 makes clear that local communities can review settlement boundaries and allocate sites through NPs.

4.19 As mentioned in paragraph 4.3 above, the submission documents include a Basic Conditions Report that contains a table that includes an assessment of SNNP's policies with regard to general conformity with the strategic policies of the development plan. The policies of the plan are assessed and the commentary provides an adequate analysis against the relevant policies of the adopted Local Plan.

4.20 From my reading of the SNNP and having regard to the content of the table in the Basic Conditions Report, I am satisfied that the Plan is in general conformity with the strategic policies in the development plan for the local area, save for the extent to which representations raise particular issues. However, as noted at paragraph 4.5 above, I address these issues in section 5 below, 'Sturminster Newton Neighbourhood Plan Policies and Other Content', where it is convenient to deal with matters raised in consultation responses.

4.21 The government's PPG deals with the situation where there is an emerging local plan. The PPG advises that a draft neighbourhood plan is not tested against the policies in an emerging local plan, although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. I am told that work is progressing on a review of the Local Plan. A number of key documents have been produced including a Sustainability Appraisal Scoping Report and an update to the Strategic Housing Market Assessment. A 'call for sites' has been undertaken and the submitted sites have been shared with the NP group. From the information before me, I see no conflict between the SNNP and the emerging Local Plan other than the matter of housing numbers, and the status of the 'Reserve Housing sites', that I deal with later in this report.

Must not breach, and must otherwise be compatible with EU obligations, including human rights requirements

4.22 There is nothing in the representations or my reading of the SNNP and the background documentation to suggest to me that there is any breach of EU obligations or that it is not otherwise compatible with those obligations including human rights requirements.

Must not have a significant adverse effect on a 'European site' (under the Conservation of Habitats and Species Regulations 2010)

4.23 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 refers to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment. Paragraphs 2 to 5 of Schedule 2 amend the Conservation of Habitats and Species Regulations 2010 so that its provisions apply to Neighbourhood Development Orders and NPs. The Regulations state that NPs are not likely to have a significant effect on a site designated at European level for its biodiversity; however, this needs to be ascertained through a Habitat Regulations Assessment's screening process.

4.24 I have already noted in paragraph 4.7 above that Natural England confirmed that the plan is not likely to have any adverse effect on either international or nationally designated wildlife sites or European Protected Species. The District Council, in their screening determination dated May 2017, which was also subject to consultation with Natural England, concluded that a Habitats Regulation Assessment would not be necessary.

Must comply with any other prescribed matters.

4.25 When submitted to the local planning authority (LPA), a Neighbourhood Development Plan (NDP) should be accompanied by a map or statement identifying the area to which the plan relates, a 'basic conditions statement' explaining how the basic conditions are met, and a 'consultation statement' containing details of those consulted, how they were consulted, their main issues and concerns and how these have been considered and, where relevant, addressed in the plan.

- The NP contains a map of the area to which the plan relates.
- A basic conditions statement was submitted with the NP.
- A consultation statement was submitted with the NP.

4.26 The NP must meet other legal requirements, including:

- that it is being submitted by a qualifying body (as defined by the legislation)
- that what is being proposed is a NDP as defined in the legislation
- that the NP states the period for which it is to have effect
- that the policies do not relate to 'excluded development'
- that the proposed NP does not relate to more than one neighbourhood area
- that there are no other NDPs in place within the neighbourhood area.

4.27 The requirements listed in paragraphs 4.25 and 4.26 have all been met.

## 5 Sturminster Newton Neighbourhood Plan Policies and other Content

5.1 There are a number of matters raised in consultation responses that I need to deal with. I do this by looking at the various elements of the plan and its policies in the order that they appear in the plan.

### Paragraph 1.1.2

5.2 Paragraph 1.1.2 refers to the function of the NP in guiding development, as part of the development plan that includes the Local Plan for North Dorset. NDDC points out that, since the Local Plan is currently being reviewed, and that the NP is not likely to be updated soon after the reviewed plan is adopted (SNNP paragraph 11.1.11 refers to the fact that the exact timing of any future review depends on a number of factors, including resources and availability of volunteers), it would add clarity for future readers if this paragraph clearly referred to the currently adopted Local Plan.

5.3 In view of the fact that the drafting of SNNP has overlapped with the emerging review of the Local Plan, I consider that greater clarity will be achieved in the NP if the full title of the currently adopted LPP1 is set out in the text of this paragraph and recommend that the reference is revised to "the North Dorset Local Plan Part 1 [2016]".

### Policy 2. Important views and landscape sensitivity

5.4 A representation suggests that within this policy the physical attributes that are to be protected should be defined so that a decision maker can make judgments against what is of particular value when deciding whether development would adversely affect the valued feature. However, I consider that the policy is sufficiently clear in the submitted form.

### Policy 4. Local Green Spaces

5.5 There were no representations forwarded to me in relation to Policy 4 Local Green Spaces (LGS) arising from the regulation 16 consultation. However it has become clear in dealing with other matters, particularly Policy 39 Land adjoining the Bull Tavern, that it is necessary for me to look at the content of Policy 4.

5.6 Policy 4 identifies land that is valued by local people for its recreational use, its historic significance, its wildlife value or simply because it makes such a positive contribution to the character of the area (see paragraph 4.2.12 of SNNP). Designating land as a LGS brings a presumption against development on such land similar to Green Belt policy.

5.7 Paragraph 4.2.13 explains that these designations "effectively replace the Important Open and Wooded Area (IOWA) policy areas that were carried forward from the previous Local Plan". In this context I am told that the IOWAs designated in the (saved policy) of the Local Plan were intended to remain in place until such time as they were reviewed in a later LP or a NP. It is clear that a number of NPs within North Dorset District, including some that have become 'made', have designated LGS on the basis that, in doing so, they have carried out a review of the IOWAs within their area and that the LGS designation replaces the IOWAs. I am told that, in reporting on the examination of the Shillingstone NP, the Examiner included the following text: "*Once this neighbourhood plan is made, those areas within Shillingstone which are presently identified by the saved policies of the North Dorset Local Plan as Important Open and Wooded Areas but which are not included within the local green spaces will no longer*

*be specially protected.*" He adds: *"The District Council, in representation 7, do not appear to appreciate that this is the case."*

5.8 I have concerns about whether this is correct, on the basis that, whilst LGS policy is nationally recognised, the IOWA policy is a construct of the particular LP, and there does not appear to have been a district wide agreement with the Local Planning Authority for IOWAs to be replaced, and in some cases be removed from that designation, by LGSs, or of any assessment methodology to do so. Indeed, it certainly appears to be the case in this examination that NDDC was not aware at the Regulation 16 stage that this is the intended effect of SNNP Policy 4.

5.9 In making these points I recognise that the saved LP policy makes provision for IOWAs to be reviewed within a NP. However, what further concerns me is that characteristics that lead to LGS designations may not be coincident with those that led to the original IOWA designations.

5.10 This last point certainly seems to be the case in respect of SNNP because NDDC point to inadequacies in the way in which the LGSs have been assessed. In particular, whilst NDDC confirms that it has no objection to Policy 4, it states with reference to the land adjacent to the Bull Tavern, that it has not been assessed, and therefore Policy 4 cannot take this land out of the IOWA designation. It also states that other parts of IOWAs in the SNNP area have not been fully assessed, and that whilst Policy 4 in the NP would take precedence over the LP policy, this would only be in respect of those IOWAs that have been assessed and identified as LGS. Thus my understanding is that NDDC considers that, where a LGS designation impinges on an IOWA designation, but does not cover all of the latter, the IOWA policy continues to apply to the non-LGS part of the IOWA. This seems to be a correct interpretation, although I must say that it is far from satisfactory. If this last remark of mine has any virtue, I can only say that the emerging Local Plan may be the vehicle to bring some unified sense to the situation.

5.11 In respect of my examination of SNNP, as far as I have been made aware, this controversy only has implications for Policy 39 of the Plan. If my understanding and reasoning above is correct then, in respect of the land covered by Policy 39 – land adjoining the Bull Tavern – it will remain subject to the IOWA policy. I will deal with the implications of this later, when addressing the representations concerning Policy 39.

5.12 This leaves me to consider whether I should make any recommendation in respect of Policy 4. I am reluctant to do so since I have no representations about the aims or the text of Policy 4, other than those that have arisen from the questions I raised because of issues related to other parts of the NP. I have set out above my interpretation of the effect of Policy 4: in the circumstances I consider that I must leave decision makers, particularly when dealing with planning applications, to make their own interpretation of the LGS and IOWA policies as they affect land in the SNNP area.

#### Policy 5. Other Important Open and Wooded Areas

5.13 NDDC has drawn attention to the term, in Policy 5, 'Other Important Open and Wooded Areas' which has a similarity with the North Dorset District-Wide Local Plan designation 'Important Open and Wooded Areas'. To avoid potential confusion it is suggested that the NP term should become 'Other Sturminster Newton Important Open and Wooded Areas' or 'Other Green Spaces'.

5.14 Particularly in view of the matters that I have been dealing with in paragraphs 5.5 to 5.12, I support the avoidance of confusion between designations in different plans and will recommend that Policy 5 has the title "Other Green Spaces"

Housing - Aims (text box, page 10), Section 4.3 New Housing Provision and Policy 7 Housing numbers and locations

5.15 NDDC questions the statement within the text box on page 10 that identifies that the intention of the reserve sites is to cater for future local needs. It points out that the most up to date level of housing need available at the time of preparation (the 2015 Strategic Housing Market Assessment) is not being provided for in the NP, when the LPP1 identifies that Sturminster Newton should meet both strategic and local needs growth. The aim in the text box to deliver the amount of housing identified in the LPP1 might not be achievable. The Sturminster Newton Housing Needs Background paper has been updated to refer to the 2015 Strategic Housing Market Assessment and suggests what might be a pro rata increased housing figure for the town of around 457 dwellings. However this figure does not appear in the NP, the LPP1 figure of a minimum of 395 continues to be referred to. In the work on the Local Plan Review, NDDC is, in fact, using a higher figure than the 2015 Strategic Housing Market Assessment. Based on the currently available evidence, the need for new dwellings in Sturminster Newton is around 457 dwellings up to 2031; although this figure will be reviewed as part of the Local Plan Review process.

5.16 The Town Council however considers that the reserve sites should be held only to cater for future local needs beyond that predicted by the adopted LPP1, and points out that the basis of their release has been developed following a significant amount of public consultation over a number of years. The NP uses the 'at least' figure for development up to 2031, and this figure should be retained and not replaced with the figure of 457 dwellings. The future housing numbers, including at Sturminster Newton, are a strategic policy issue that should be dealt with in the Local Plan Review.

5.17 In considering this matter, I note that paragraph 4.3.4 of the SNNP states that the reserve housing sites are intended to cater for growth beyond 2031, although there may be circumstances where their early release would be appropriate and essential. I also note that, taking the capacity of the reserve sites into account, SNNP identifies sufficient land to meet the figure of around 457 dwellings referred to above. My understanding of the conclusion in the Housing Needs Background paper is that the 457 figure relates to a strategic need that takes account of both local and wider housing requirements. Whilst the aim to meet the target of a minimum 395 dwellings meets the policy in the adopted LPP1, and therefore cannot be said to not meet the Basic Requirement; nevertheless, I consider that I need to take account of the guidance that NPs should be mindful of evidence prepared for emerging Local Plans, and it appears to me that there is clear evidence, albeit untested as yet by Examination, that the higher figure would be a desirable aim for the SNNP. I take this view aware that there is a national housing shortage that provides a compelling reason to accept higher levels of house building than may be suggested by population levels alone, as recorded at the bottom of the second page of the SN Housing Needs Background paper, January 2017.

5.18 Whilst appreciative of the fact that the status as reserve sites followed significant public consultation, it is nevertheless true that there has been considerable local support for the two 'reserve' sites for housing development. Taking all these points into account I have concluded that the SNNP should have the aim of attaining 457 new dwellings as a minimum, and that the two sites, north of Manston Road, east of Northfields and Bull Ground Lane at Elm Close Farm, should lose their status as

reserve sites and should be made available for development within the plan period. This will require revision of text in the text box at the bottom of Page 10, and within section 4.3, Table 4, Map 5 and Policy 7. I recommend accordingly. It will be necessary to ensure that other textual amendments are made to ensure consistency throughout the plan. I can leave the detail of this to SNTC and NDDC.

5.19 There is criticism in representations about the inadequacy of reasonable alternatives in the SEA and the fact that all sites have not been assessed in detail. However I am satisfied that for the purposes of a neighbourhood plan the possible reasonable alternatives have been assessed with sufficient clarity. Ideally full assessment should have been made of every site, but reliance can also reasonably be placed on the sustainability appraisal of LPP1. From what I saw at my site visit I am satisfied that the assessment of the sites justifies the allocations that have been made, save that it is necessary to look carefully at one site – see below.

5.20 There have been strong representations with regard to one of the proposed allocated sites: that adjoining the Bull Tavern, Town Bridge. I deal with this site beginning at paragraph 5.51 below.

#### Section 4 Flooding issues and Biodiversity Protocol

5.21 Dorset County Council suggests that a policy be inserted into the plan that would enable proposed development to be assessed for flood risk and mitigation. However this would be a duplication of national and local policies when there are no specific local issues to be addressed and I am not in favour of adding to the complexity of the plan unnecessarily.

5.22 The County Council also suggests that, in spite of the plan's policies, losses of biodiversity may still occur and mention should be made of Priority Species and Habitats and the Mitigation Hierarchy, and the policy in the NPPF about securing enhancements as well as preventing losses. Again I see no reason to duplicate policy that is expressed elsewhere, not having had any locally specific matter that should be highlighted, beyond the general policy requirement, drawn to my attention.

#### Map 5 and Policy 8. Settlement boundary revision

5.23 The LP sets out settlement boundaries for the towns and larger villages in the District, including Sturminster Newton at Inset 47 to the Proposals Map. The LPP1 allows for settlement boundaries to be reviewed within a later plan including through neighbourhood planning. The SNNP proposes changes to the settlement boundary as shown on Map 5.

5.24 Map 5 shows the housing allocations as being outside the settlement boundary. NDDC states that allocated sites should be located within the settlement boundary, but in its answer to my question EQ3, appears not to wish to press the point too hard. Also, in responses to the SNNP consultation, there is an issue raised with regard to the amended Settlement Boundary in relation to the removal of an area from within the settlement boundary shown in the LPP1.

5.25 With regard to allocations, the submission draft SNNP Settlement Boundary excludes allocation sites that are currently outside the settlement. The main arguments against this revision and its approach are that it is normal for allocated sites to be shown within the settlement boundary, that it raises potential conflict with restrictive policies in the Local Plan for development outside settlement boundaries and that the inclusion of allocations within the boundary would improve consistency

between SNNP and the Local Plan.

5.26 Dealing first with my conclusions with respect to the site allocations, it is standard practice to include allocations located on the edge of a settlement within that settlement's boundary. I note that this appears to be the case on the proposals map and insets for the LP; this includes employment allocations as well as residential. The justification by the Town Council is that allocated sites should be outside the settlement boundary until such time that they are built out and that in the mean time they continue to have the protection afforded by countryside policies.

5.27 It appears to me that this goes against the national requirement for planning to seek to greatly increase the housing supply and the certainty for developers and the public that planning policy should provide. Furthermore, if the allocated sites have been carefully assessed, have been subject to SEA and to public consultation, it suggests a reluctance to regard these as commitments if they are not enclosed within the settlement boundary. Indeed the Town Council wishes to ensure that such sites do 'benefit' from the protection afforded by countryside policies. Since the SNNP is to become part of the development plan, its current allocations should have all the integrity appropriate to a policy document on which residents and prospective developers can rely. I therefore recommend that the Settlement Boundary should be amended to include the allocated sites. This recommendation is subject to my recommendations as to the status of the sites shown to be 'reserved', and that regarding the allocation of the Bull Tavern site.

5.28 For clarity, since I recommend at paragraph 5.78 below that the land adjoining the Bull Tavern should not be allocated, this land should not be included in the Settlement Boundary. However, I see no sound reason for excluding the Bull Tavern itself from the settlement boundary, and it should remain as shown on Map 5.

#### Policy 9. Housing types (including tenure and size)

5.29 There is a drafting error in Policy 9: the nationally set threshold for a requirement for affordable housing, without evidence to support a lower figure, is developments of 11 dwellings or more. The figure given at the end of the first full paragraph should not be 10, but should be 11. I recommend accordingly.

#### Policy 10. Important Community Buildings and associated land

5.30 The text in brackets in the first paragraph of this policy seems to refer to community use rather than to the building/land. SNTC and NDDC suggest that it should read, after the word 'adapt', "~~to continue enable the community facilities they provide...~~" (delete strikethrough, add underlined text). I so recommend.

#### Paragraph 4.4.6, Table 6 and Policy 11. Open space and recreation provision and standards in new housing developments

5.31 NDDC raised concerns that Table 6 sets out, in respect of equipped play areas, that the main priority is to provide for older children, advising that the toddler play areas in the newer housing areas do not appear to be well-used, suggesting that the generic FiT (Fields in Trust) standard may not be appropriate in SN. I asked NDDC and SNTC to discuss this matter and provide me with a joint response.

5.32 The response that I received was that paragraph 4.4.6 in the neighbourhood plan should be amended to read as follows:  
*"In support of the neighbourhood plan, work has been carried out to assess open*

*space and recreation provision at Sturminster Newton. The following table ~~sets out~~ seeks to indicate, on the basis of the work carried out, whether the provision of public open spaces and recreation provision in Sturminster Newton meets, or falls short of, the standard ~~suggested~~ required in the 2016 North Dorset Local Plan Part 1 (2016) (the standards required in the Local Plan being the Fields in Trust (FiT) standards) and the main priorities for the future provision in and around the town. These priorities are the basis of decisions to be taken under policy 11 that follows."*

5.33 It was also suggested that Table 6 'Open Space and Recreation Provision Priorities' should be replaced by:

Type	Assessment	Main priorities and recommended standards of provision
Playing pitches/ formal sports	Less formal areas such as the War Memorial and Rixon Recreation Grounds provide opportunities alongside the football grounds off Honeymead Lane, but overall provision is below recommended space standards.	The main priority is to focus on improvements to the training and all weather football pitches used by the High School and Sturminster Newton United Football Club, for which contributions will be sought. See Policy 28 for more details of the proposals for this area.
Parks, gardens and amenity green space	The town lacks these areas when assessed against the FiT standards, particularly in the older areas. Even 'double counting' the two recreation grounds there is a shortfall. They do make a significant contribution to the new housing areas in the town (such as the North Fields open space).	Amenity green spaces should be provided at a level in line with the FiT standard,. This should be part of a landscaping strategy and designed for informal play.
Equipped play areas	There are toddler play areas in the newer housing areas, but the evidence, supporting the plan, suggests existing provision of Local Areas of Play (LAPs), when considered against the FiT standard, is insufficient. The equipped play areas in the War Memorial Recreation Ground in the south of the town and Rixon in the north, aimed at children who can go out to play independently, are well-placed to serve most residents. There are currently no facilities aimed at older children and young people therefore the relevant FiT standards for this group are not being met. There are no multi-use games areas (MUGAs), however work has been completed on building a Skate Bowl on Rixon Recreation Ground.	In addition to maintaining and improving the play offer for all ages at appropriate locations, for which contributions will be sought at the equivalent FiT standards, a particular priority is to provide for older children (potentially in the education/leisure hub or within one of the main recreation areas)

Publicly accessible natural green space	The town appears reasonably well served with Butts Pond, the open space around the Mill and Town Bridge, but is still below the recommended standards.	The main priority is to maintain the existing sites and improve recreational trails around the edge of the town and linking to the countryside (see Policy 14). A further area of natural green space can also be provided within the Elm Close sites (see Policy 32), and Butts Pond LNR may be extended as part of the mitigation measures for the Market Fields site (see Policy 24). Where on-site or related offsite provision is not possible, contributions towards identified and costed projects will be sought.
Allotments	There is a shortfall and need for more allotments, against the current local standards – the standards suggest additional allotment land is needed for the existing population.	The larger development sites, and in particular land at Elm Close (see Policy 32), should provide the opportunity to deliver much needed allotments to achieve the required standards. Where not provided on-site, contributions will be sought.

5.34 Further to the suggested changes referred to above, for reasons of clarity, the Town Council and the District Council consider that the first sentence in Policy 11 (Open space and recreation provision and standards in new housing development), should be revised to read as follows:

*"Housing development proposals will be expected to make provision for outdoor sport and recreation in line with the standards of provision (those standards being the Fields in Trust (FIT)) standards and Neighbourhood Plan priorities set out in Table 6."*

5.35 I agree that these suggested changes bring greater clarity to this part of the plan and better conform to the policies of LPP1. I so recommend.

Policy 15. Improving the Town Centre

5.36 NDDC point out that Policy 15 would read more correctly if the element in brackets, beginning "as assessed against..." were not enclosed in brackets. I agree that the policy would be clearer if the text remained but the brackets were removed. I so recommend.

Paragraph 5.1.3 Shopping Frontages Protection Zone

5.37 I am told that since the NP was submitted, a Joint Retail and Commercial Leisure Study including the NDDC area has been published. This includes an assessment of need for retail and commercial leisure development at SN, makes

recommendations in respect of the town centre development opportunity sites identified in the NP, and also recommendations for the definition of the town centre area (TCA), primary shopping area (PSA) and shopping frontages (SF). The TCA in the NP is considered to be appropriate, but the Study recommends that separate Primary SFs and Secondary SFs are defined. SNNP does not define a PSA, but these are defined in Appendix 23 to the Study. To be NPPF compliant, NDDC suggests that consideration be given to the Study's findings.

5.38 Responding to a question from me about how this might be achieved, the Town and District Councils have discussed the recommendations presented in the Study. Bearing in mind that the revised NPPF does not require the identification of primary and secondary shopping frontages (unlike the 2012 NPPF), both Councils agree that there should be no change to the proposal within the submitted NP and that the matter of a Primary Shopping Area will be dealt with as part of the Local Plan Review, subject to the NP stating this. It is therefore suggested to me that the following sentence be inserted at the end of NP paragraph 5.1.3: "*The primary shopping area has not been defined in this neighbourhood plan, but it is intended that this will be defined as part of the Local Plan Review.*" I am satisfied that this is a sensible way to deal with the matter, and will so recommend.

#### Policy 20. Station Road

5.39 Following the publication of the Joint Retail and Commercial Leisure Study, referred to in paragraph 5.37 above, the Town and District Councils agree that development of the Station Road area would benefit from the preparation of a planning and development brief, as advised in the Study, and that this should be referred to in the SNNP. The following sentence is to be added to the end of Policy 20: "*Development of the Station Road area would benefit from the preparation of a Planning and Development Brief*".

5.40 This is a sensible suggestion to achieve the aims of the NP for this area and I so recommend.

#### Policy 22. Clarkes Yard and other land at the Bath Road/Old Market Hill junction

5.41 Similarly to Policy 20, it is the suggestion of both the Town Council and the District Council that, following the publication of the Joint Retail and Commercial Leisure Study, a similar reference to a planning and development brief, as advised in the Study, should be referred to in the SNNP. The following standalone sentence to the end of Policy 22 is suggested: "*Development of Area 6 on Map 10 would benefit from the preparation of a Planning and Development Brief*". I so recommend.

#### The Town Centre Generally

5.42 Before leaving town centre matters, I need to deal with two other issues raised in representations. The first is about the adequacy of consultation and the consequent justification for elements that have been incorporated in the NP. I see from the evidence in the Consultation Statement submitted to me that the neighbourhood plan has been subject to extensive consultation as it has emerged. I see no reason to doubt that the NP has been fully consulted upon during its preparation or that the policy elements within it are well thought out.

5.43 Following from the general point made above, in respect of the matter of the redevelopment of the Station Road area, I conclude that this is aspirational and that any 'proposals' referred to are only illustrative; if a scheme were to be put forward

then it would be subject to full consultation, including with landowners and traders. I see no reason to question this element of the NP.

#### Policy 31. Rixon and Eastern Fringe character

5.44 Whilst a representation supports Policy 31, concern is expressed that more flexibility is desirable in the wording of the policy to ensure that high quality and inclusive design is not compromised by aesthetic requirements alone, although no specific amendments are suggested.

5.45 Looking at the policy I see that the character description given, listing the predominant character of the area and positive features, is quite generalised, whilst the preamble refers to taking opportunities to add further interest and that modern architecture and design will be supported when complementary to the surrounding character. In my view there is no justification for me to recommend a change.

#### Policy 32. Land South and East of Elm Close

5.46 A representor who lives in the immediate locality of these proposed housing areas expresses concerns about a lack of consultation with residents in the immediate area; changes to the present rural aspect; security, privacy and peace; and vehicular access.

5.47 It is clear to me that there has been adequate consultation on the emerging neighbourhood plan, as evidenced by the submission document 'Sturminster Newton Neighbourhood Plan Consultation Statement, February 2018'. This details consultations running from the Launch event in March 2014 through various workshops, focus group sessions, etc., including a consultation with residents of Elm Close and Friars Moor in August 2015. Furthermore, as referred to in paragraph 5.19 above, I am satisfied that reasonable alternatives have been assessed in the SEA and, from what I saw on my visit to the NP area, I am satisfied that the assessment of the sites justifies the allocation of the land South and East of Elm Close.

#### Policy 38. Land at North Dorset Business Park

5.48 NDDC notes that the first criterion of Policy 38 allows for 'hotel/catering primarily aimed at business users' on land at North Dorset Business Park. However, Policy 11 (Economy) in LPP1 does not allow for hotel/catering. Consequently there is tension between Policy 11 in LPP1 and SNNP Policy 38.

5.49 The Town Council acknowledges this tension between Policy 38 in the Neighbourhood Plan and LPP1 Policy 11 and agrees that an amendment to the first bullet point of Policy 38 should be made as follows: *"the primary use falls within B1/B8 type use or is for education/training facilities, ancillary retail of bulky goods and other uses whose main focus is business support"*.

5.50 This is a sensible suggestion to remove the conflict between the Local Plan and the Neighbourhood Plan, and I so recommend.

#### Policy 39. Land Adjoining the Bull Tavern

5.51 Policy 39 supports enabling development to secure the long-term viability and maintenance of the Listed Bull Tavern, including the provision of separate landlord accommodation, an amenity and visitor parking area associated with the public house, together with housing 'appropriate to the scale and sensitivity of the site', and subject

to criteria that are set out. I will say immediately that I looked carefully at the Bull Tavern (from outside) and its surroundings during my visit to the area and can fully understand the issues behind this policy. However, this allocation is highly controversial, which necessitates me dealing with the issues in some detail. To help comprehension, I will add sub-headings. The arguments that I now deal with arise from the original regulation 16 consultation responses and from answers and representations received following my questions EQ13 and EQ18.

#### *North Dorset District Council*

5.52 NDDC acknowledges that the Bull Tavern is valued as a community asset and also notes the issues that have been raised by the owner that are considered to impact upon the viability of the business, and which have led to the allocation of the land by the Town Council for 'enabling development' to secure the long-term viability and maintenance of the public house. The District Council therefore fully appreciates the intention behind the inclusion of Policy 39. NDDC also acknowledges that the plan identifies the sensitivity of the allocation site, including due to its location in the conservation area and between the listed public house and other historic buildings.

5.53 However, NDDC does not support this allocation. Whilst Newton is included within the settlement boundary for Sturminster Newton, NDDC considers that development in or adjoining the village of Newton to the south of the River Stour is inappropriate on the basis of poor access to local services and facilities which are located in the town centre but which are not easily accessible for pedestrians due to severance issues caused by the main road (A357). This position is being maintained for the Local Plan Review with the 'Areas of Search' to the south of Newton and between Glue Hill and the A357 being rejected from having development potential in the Issues and Options document, due in part to poor accessibility to the local services and facilities situated within the town centre.

5.54 More specifically, proposals for development on this site have been considered several times over the last few years. In addition to its proposed allocation in the NP, the site has also been the subject of pre-application consultation - PRE/2016/0292/PREAPP. In both instances, NDDC's response has been consistent and robust in that it is considered that residential development on this site would be detrimental to this important key open space and would affect the special character and interest of the neighbouring heritage assets and their setting. The site is currently under consideration for development - planning application 2/2017/1912/OUT - with a recent officer report for consideration by NDDC's Planning Committee setting out reasons for refusal in terms of concerns over heritage assets. Currently it has been decided to defer a decision on the application until receipt of the Examiner's Report in respect of the neighbourhood plan.

5.55 NDDC is aware of the landscape comments made in respect of planning application 2/2017/1912/OUT by the Specialist Services Manager, referred to by Hall & Woodhouse Ltd. It is clear from these comments that it had been assumed that the land adjacent to the Bull Tavern had been reviewed by SNTC as part of the assessment of potential sites for LGS designation, but the IOWA covering land adjacent to Bull Tavern was not included (see paragraph 5.57 to 5.60 below). However it is reiterated that the main harm resulting from development arising from the proposed allocation would be to heritage assets including the Sturminster Newton Conservation Area.

5.56 Significant harm to both the character of the conservation area and that of the listed public house would result from the development proposed through the

allocation. The very fact that the land, together with the adjacent cemetery, is designated in the adopted local plan as 'Important Open or Wooded Area' (IOWA) to be protected from development ('Saved' Policy 1.9 of North Dorset District-Wide Local Plan) is an indication of the significant contribution it specifically makes to the character of the area. Evidence is required to justify the level of significant harm to the heritage assets and demonstrate that the proposed development, the 'enabling development', is necessary to ensure the delivery of public benefits, i.e. securing the future of the Bull Tavern. However, such evidence, as is specifically required under paragraphs 133 – 135 of the NPPF (2012) and in general terms under Planning Practice Guidance paragraph 040 Reference ID: 41-040-20160211, has not been submitted in support of this policy.

5.57 As to the question of whether NP Policy 4 Local Green Spaces supersedes the IOWA designation in the plan area, a neighbourhood plan policy cannot delete a local plan policy. Land that is already designated as an IOWA in the neighbourhood plan area will retain such a designation until the point at which the designation is possibly deleted or replaced as part of the North Dorset Local Plan Review process.

5.58 In any event, although the evidence base document reference 13C.1, Local Character Summary Report (January 2017), states that all previously designated open/wooded areas were assessed, the evidence<sup>4</sup> submitted alongside the neighbourhood plan indicates this is not the case, with IOWAs comprising private gardens excluded. The land adjacent to the Bull Tavern, the subject of the proposed allocation Policy 39, was also not included in the assessment.

5.59 Paragraph 185 of the NPPF (2012) sets out, amongst other things, that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Paragraph 30 of the NPPF (2018) makes the same point. It is therefore accepted that Policy 4 in the neighbourhood plan would take precedence over the relevant local plan policy, but only in respect of those IOWAs that have been assessed by SNTC and identified as Local Green Space.

5.60 Furthermore, it is considered that Local Plan Saved Policy 1.9 remains part of the development plan until deleted or replaced as part of the Local Plan Review process. Consequently, Saved Policy 1.9 would continue to apply to each of those IOWAs that have been designated as LGS by Policy 4 in the neighbourhood plan. In respect of the land designated by Policy 39, Policy 4 would not, in any event, take precedence over the IOWA designation because it has not been assessed under LGS criteria.

5.61 As a consequence of these concerns, Policy 39 in the plan fails to meet basic conditions relating to the production of a neighbourhood plan including: (i) the need for a plan to have regard to national policy and advice issued by the Secretary of State; and (ii) the need for the plan to be in general conformity with the strategic policies in the development plan for the local area. It should be deleted together with the supporting text from paragraphs 10.5.7 to 10.5.12 inclusive and Figure 10, and amendments made to the text accordingly throughout the plan.

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<sup>4</sup> See two evidence base documents listed within the 'Index of Submitted Documents and Evidence (Regulation 16)' on the website, item 5.9.1 identified as being available to view on request. I have been supplied with an electronic version.

5.62 Nevertheless it is appreciated that the Bull Tavern is a valued community asset and that concerns exist about securing its future. To this end, as outlined in Historic England's representation, it is considered that there is potentially scope for ancillary development to the public house, so designed that it would not cause undue harm to the conservation area or the setting of the Bull itself, such level of harm being offset by the public benefits. It is therefore considered that such development proposals, simply to support the viability of the listed Bull Tavern and as such limited in scale and operationally linked to the public house, can adequately be assessed under NP Policy 10: Important Community Buildings and Associated Land (subject to any modification) in conjunction with national and local policies that protect the historic environment.

#### *Historic England*

5.63 Historic England has also made a response to the regulation 16 consultation which makes similar points to the District Council, and therefore do not require repetition. It is clear that the District Council's views have been formulated on the basis of cooperation with the Historic Places Adviser to Historic England.

#### *Sturminster Newton Town Council*

5.64 In response the Town Council acknowledges the objections raised by Historic England and the concerns raised by NDDC. However, the Town Council remains of the view that the Sturminster Newton Neighbourhood Plan should retain the land allocation outlined in proposed Policy 39. The Town Council believes that enabling the development of the land adjoining the Bull Tavern is essential to ensure the long term viability and maintenance of the listed public house.

5.65 As to the matter of Local Plan (2003) Saved Policy 1.9 IOWAs, SNTC confirms that the intention of Policy 4 Local Green Spaces in the submission version of the SNNP is for it to supersede the IOWAs in the NP area as set out in the Saved Policy 1.9. IOWAs and other open areas were assessed against the criteria in the National Planning Policy Framework (NPPF) relating to Local Green Spaces (LGSs) and the most valued spaces designated as LGS and, as outlined in paragraph 4.2.13 of the neighbourhood plan, effectively replace the IOWA policy areas that were carried forward from the earlier local plan. The NP team assessed the land adjacent to the Bull Tavern, and its importance as an open space, when they carried out the assessment of each proposed housing site. The outcome of this assessment was then considered in the public consultation events in November 2015 and February 2016.

#### *Land Owners*

5.66 Hall & Woodhouse Ltd (HWL), the owners of the Bull Tavern, made a response to the regulation 16 consultation, made a representation following the answer by NDDC to my question EQ13 and made a further representation in answer to my question EQ18. One of these representations also dealt with the comments of Historic England made at submission stage. It is necessary for me to set out here the main gist of these representations, having taken account of their full content.

5.67 Neighbourhood planning gives direct power to a community to shape the development and growth of its local area. This has been done with a fully inclusive process with the local community over an extended period. In addition HWL has also undertaken its own consultation with favourable results. A number of matters have been raised by NDDC, and these are dealt with in turn.

5.68 In terms of the impact on the character of the area, it is acknowledged that the site is allocated as an IOWA under the 2003 Local Plan. However, the Local Plan Inspector recommended a review of these designations, but this has never been undertaken. The Town Council, in preparing the NP, has reviewed the IOWAs and carried out an assessment against the criteria in the NPPF for LGS. The NP establishes LGS, which will supersede the IOWA designations. This site is not proposed as such an area, although the adjoining Sturminster Newton Town Cemetery is included. Furthermore, a 'Landscape and Visual Appraisal' was commissioned (March 2017) and submitted at regulation 16 stage. It was also submitted as part of a planning application: whilst it is accepted that the planning application is entirely separate from the NP, it is noteworthy that the NDDC officer endorsed this document as a robust review of the IOWA designations and found no reason to object to its conclusions, or the NP's conclusions with Policy 4. The NP follows the guidance in the NPPF and the 2003 Local Plan.

5.69 Also heritage issues have been addressed. These issues were identified at the outset and relevant studies commissioned by HWL and shared with the TC. Historic England was consulted at the early draft stage of the NP and made no comment on this policy allocation, but did comment on the NP as a whole as "A most impressive document in its depth and scope ... that draws extensively on an understanding of the historic character of the area ..."; and "this is the best of its kind that we have seen in the south west". During the preparation of the NP, this policy was amplified with particular reference to heritage issues. The policy wording and supporting text ensure that any development proposal must take full account of heritage issues. The policy sets out stringent parameters for development and there is no evidential basis to conclude that there would be direct impacts on statutory listed buildings, on non-designated heritage assets, on the cemetery or on the conservation area.

5.70 The criticism about the sustainability of the site and suitability for housing is also rejected. In dealing with the planning application referred to in paragraphs 5.54 and 5.55 above, NDDC officers have confirmed the reasonable distances to important facilities that demonstrate that this location is better placed for general accessibility than, for instance, the allocation for 12 dwellings on land adjoining Barton Farm. NDDC accepted that allocation on the basis of the need for housing. Another example is Policy 29 'North Honeymead Fields' indicated with a capacity of 100 dwellings, which is further from the centre of Sturminster Newton than the land at Bull Tavern. Sturminster Newton is a dispersed settlement, but the land adjacent to the Bull Tavern is very much more accessible to employment opportunities at the Business Park than the sites to the north of the town.

5.71 In terms of housing supply, it is noted that NDDC has expressed concerns about the amount of housing provided for in the NP, and have indicated that in the Local Plan Review it is working to higher figures.

### *Conclusions*

5.72 I first address the question of whether development in or adjoining the village of Newton to the south of the River Stour is inappropriate on the basis of poor access to local services and facilities, as argued by NDDC. It is interesting to note that, in respect of Newton, paragraph 10.1.3 of the neighbourhood plan says: 'However, its status as a settlement could usefully be reconsidered as part of the Local Plan Review if it is not an appropriate location for the town's future growth.' This statement appears to suggest that there is recognition of the differing role Newton has to Sturminster Newton: but I consider that this is a matter best left for the emerging Local Plan.

5.73 The introductory paragraph (10.5.7) in the supporting text to Policy 39 makes it abundantly clear that the reason for including the policy arises from the fact that the Bull Tavern is an important community building that has significant problems when it comes to maintaining a thriving business. Further, the fact that Policy 39 states that development will be supported for enabling development to secure the future of the Bull Tavern, clearly suggests that the site is not suitable for development that is intended to meet general housing need.

5.74 It will be clear from paragraph 5.11 that I have concluded that the land adjacent to the Bull Tavern remains covered by the IOWA designation. The objection to Policy 39 by NDDC and HE rests to a large extent on the IOWA designation and the assessment of features that underpin it. In respect of the response from Historic England (HE), mentioned at paragraph 5.69 above, I am aware that it related to the draft plan as a whole. In the HE response to the submission plan the need for the evaluation of potential allocation sites to demonstrate that appropriate account had been taken of the significance of, and potential for impact upon, relevant heritage assets is highlighted.

5.75 HWL has drawn my attention to the documentation that has been submitted to NDDC supporting the planning application. In this examination that planning application is not before me. It is for the LPA to make decisions on planning applications. In view of the conflict between the LPA and the TC in respect of this site, I consider that I should be reluctant to stand in the shoes of the District Council. However, I find the representations of NDDC persuasive and they satisfy me that Policy 39 fails to meet the basic conditions relating to the production of a neighbourhood plan including: (i) the need for a plan to have regard to national policy and advice issued by the Secretary of State; and (ii) the need for the plan to be in general conformity with the strategic policies in the development plan for the local area.

5.76 I began my consideration of Policy 39 by noting that it supports enabling development to secure the long-term viability and maintenance of the Listed Bull Tavern and, having looked carefully at the Bull Tavern and its surroundings during my visit to the area, I fully understand the issues behind this policy. Similarly, as reported at paragraph 5.62 above, NDDC appreciate that the Bull Tavern is a valued community asset and that concerns exist about securing its future. To this end, as outlined in Historic England's representation, NDDC considers that there is potentially scope for ancillary development to the public house, so designed that it would not cause undue harm to the conservation area or the setting of the Bull itself, such a level of harm being offset by the public benefits.

5.77 In view of my own assessment of the situation, and NDDC's/HE's comments, I have given thought to the possibility of modifying Policy 39 and its text. My conclusion is that it is not appropriate for me to recommend substantial changes to a policy in carrying out an examination of whether or not the NP meets the basic conditions, particularly when there is no agreement between the neighbourhood plan making body and the LPA. In any event it seems to me that such a revision would not be helpful to HWL in the short term in the context of its existing planning application.

5.78 I have concluded that Policy 39 should be deleted together with the supporting text from paragraphs 10.5.7 to 10.5.12 inclusive and Figure 10, and any other necessary amendments made to the text throughout the plan. In making this recommendation I am satisfied that the housing target for the NP area should, nevertheless, be attainable with reasonable certainty – especially as the emerging local plan will be making a fresh assessment of the housing requirements that will

supersede any conflicting policies of the NP.

#### Policy 40. Land adjoining Barton Farmhouse

5.79 In principle NDDC considers that residential development at Newton is inappropriate due to poor access to the services and facilities at Sturminster. But, given the need for housing and the site's proximity to the North Dorset Business Park employment area, it agrees that a sensitively designed housing scheme can be supported at this particular site, subject to the additional planting being identified as 'native'. It therefore suggests that the 2nd bullet point of Policy 40 be amended as follows: *"the frontage onto the A357 retains the existing mature trees and includes additional native planting to retain the semi-rural character of this section of road."*

5.80 It is indeed desirable that additional planting should be of native species, and I recommend this small change.

#### Section 11. How the Plan will be Implemented

5.81 I note two points in this section of the NP, the first arising in paragraph 11.1.9 dealing with comments on planning applications. NDDC raised the point that it is the District Council that has the statutory duty to make decisions on planning applications, with the appropriate professional staff. It suggests that the sentence in paragraph 11.1.9 should advise that comments on individual planning applications must be submitted to the District Council as local planning authority rather than through the TC. This is clearly the correct approach for those wishing to make such representations: whilst representations may be copied to the Town Council, and that council may in turn take them into account in forming its own views, it is only right that individuals should submit comments directly to NDDC.

5.82 I therefore recommend a minor alteration to this paragraph to read: "As with all planning applications in the Parish, local residents, businesses and developers can submit comments on applications to the local planning authority. If these are copied to the Town Council they will be considered by the Town Council in deciding its response to the local planning authority".

5.83 In looking at the point just dealt with and re-reading the section, I notice that the first sentence of paragraph 11.1.12 does not appear to read correctly, as it appears unfinished. This could be corrected, for instance, by inserting "there are" between the words 'Neighbourhood Plan' and 'a number of points'. It could also be dealt with by other drafting amendments: it is a small point that I will leave to the NDDC/TC to deal with, rather than make a precise recommendation.

#### Section 12. Infrastructure Improvements and Future Projects

5.84 NDDC does not currently intend to adopt a Community Infrastructure Levy (CIL) Charging Schedule and therefore, at least for the time being, Section 106 agreements will continue to be used in order to make acceptable, development, which would otherwise be unacceptable, in planning terms. The Town Council acknowledges the present status regarding CIL in North Dorset. The District Council recognises the Town Council's frustration at not having direct responsibility for funding to support the identified local infrastructure projects.

5.85 Nevertheless, the current reference in paragraph 12.1.1 to CIL is misleading and therefore the following agreed change has been suggested: delete existing paragraphs 12.1.1 and 12.1.2 in the plan and replace with the following paragraph to

reflect the current position regarding CIL/planning obligations: *"Although a Community Infrastructure Levy (CIL) Charging Schedule for North Dorset has been subject to examination, and the examiner concluded that it is an appropriate basis on which the District Council could introduce CIL, the District Council has not approved and implemented the Charging Schedule. Consequently, the District Council continues to make use of planning obligations, in line with the tests set out in the CIL regulations in terms of securing contributions in respect of proposals for new development. To this end any monies collected from developments in the Parish will be spent on infrastructure and other qualifying projects in Sturminster Newton Parish. It is anticipated that CIL will be reviewed at an appropriate time by the new Dorset Unitary Authority."* (Note, I have slightly amended the suggested text to simplify it without altering its sense.)

5.86 Clearly it is appropriate that the NP should record the actual position in regard to infrastructure funding and I therefore recommend this change.

## **6 Other Matters**

### Land off Manston Road

6.1 A representation draws attention to land off Manston Road, to the east of Sturminster Newton settlement, by a company with land interests that specialises in the promotion of strategic land for residential development and associated community infrastructure. Whilst this area has previously been discounted as a preferred development location as part of the NP preparation, it is considered to have no technical or environmental constraints that would preclude sustainable residential development. It could deliver market and affordable homes in accordance with policy; be integrated into the landscape; be provided with an appropriate access and informal footpath and cycle links; be well related to a good range of existing services and facilities by sustainable modes; and provide new public open space with high quality landscaping; whilst development could avoid the Flood Zone 3 area adjacent to the watercourse.

6.2 I note that this site is within the area covered by section 8 of the plan – Rixon and Eastern Fringe area. Within this area the NP identifies two areas of land for development that are both green-field but are well related to the built up area and have a degree of containment. The representor's land to the east of Manston Road projects further into the open countryside and would be an extension of the town beyond the clear present boundary provided to the east by Manston Road. This site has been assessed, along with 10 other sites, in the Strategic Environmental Assessment Pre-Submission Stage Environmental Report. From this assessment the decision making process of the Plan's authors is clear and I see no reason to question the assessments or the overall view taken as to which sites should not be allocated.

## **7 Overall Conclusions and Formal Recommendation**

7.1 I have concluded that, provided that the recommendations that I refer to above are followed, as detailed in Appendix A, the SNNP meets the basic conditions. I have also concluded that the SNNP meets other prescribed matters and other legal requirements that I have dealt with in paragraphs 4.25 to 4.27 above.

7.2 I therefore recommend that the SNNP, as modified, should proceed to a referendum.

7.3 There is no evidence to suggest that the area of the referendum should be anything other than the Neighbourhood Plan Area, as defined by the map on page 4 of the SNNP.



Terrence John Kemmann-Lane, JP DipTP FRTPI MCMI  
Chartered Town Planner and Development Consultant  
November 2018

## Appendix A:

### The Examiner's recommended modifications to the SNNP

Examiner's report Paragraph	SNNP reference	Recommendation
5.3	Paragraph 1.1.2	In the third line of paragraph 1.1.2, amend the reference to the Local Plan to "the North Dorset Local Plan Part 1 [2016]"
5.14	Policy 5, 'Other Important Open and Wooded Areas'	Amend title of the policy to: "Other Green Spaces"
5.18	Housing - Aims (text box, page 10)	Revise text in the text box at the bottom of Page 10, so that the first line under the heading Housing – Aims reads: To deliver the amount of housing identified in Policy 7, with opportunities provided by:"
5.18	Section 4.3 New Housing Provision	The two sites, north of Manston Road, east of Northfields and Bull Ground Lane at Elm Close Farm, lose their status as reserve sites and should be made available for development within the plan period. This will require revision of text within section 4.3, Table 4, Map 5, and in any other parts of the NP where relevant.
5.18	Policy 7 Housing numbers and locations	Amend the first line of Policy 7 to read "This Plan makes provision for at least 457 new dwellings as a minimum in the parish of Sturminster Newton between 2011 and 2031".
5.27	Map 5 and Policy 8. Settlement boundary revision	Amend the Settlement Boundary to include the allocated sites.
5.29	Policy 9. Housing types (including tenure and size)	Amend the figure given at the end of the first full paragraph from 10 to 11 (or more homes).
5.30	Policy 10. Important Community Buildings and associated land	Amend Policy 10, second line, to read, after the word 'adapt', " <u>to continue enable the community facilities they provide...</u> " (delete strikethrough, add underlined text).
5.32	Paragraph 4.4.6	Amended paragraph 4.4.6 to read as follows: " <i>In support of the neighbourhood plan, work has been carried out to assess open space and recreation provision at Sturminster Newton. The following table <del>sets out</del> seeks to indicate, on the basis of the work carried out, whether the provision of public open spaces and recreation</i>

		<i>provision in Sturminster Newton meets, or falls short of, the standard suggested required in the 2016 North Dorset Local Plan Part 1 (2016) (the standards required in the Local Plan being the Fields in Trust (FiT) standards) and the main priorities for the future provision in and around the town. These priorities are the basis of decisions to be taken under policy 11 that follows."</i>
5.33	Table 6 'Open Space and Recreation Provision Priorities'	Replace Table 6 'Open Space and Recreation Provision Priorities' by the table set out in this report at paragraph 5.33.
5.34	Policy 11 Open space and recreation provision and standards in new housing development	Amend the first sentence in Policy 11 Open space and recreation provision and standards in new housing development to read as follows: " <i>Housing development proposals will be expected to make provision for outdoor sport and recreation in line with the standards of provision (those standards being the Fields in Trust (FIT)) standards and Neighbourhood Plan priorities set out in Table 6.</i> "
5.36	Policy 15. Improving the Town Centre	In Policy 15, remove the brackets from the text beginning "as assessed against...".
5.38	Paragraph 5.1.3 Shopping Frontages Protection Zone	Insert the following sentence at the end of paragraph 5.1.3: " <i>The primary shopping area has not been defined in this neighbourhood plan, but it is intended that this will be defined as part of the Local Plan Review.</i> "
5.40	Policy 20. Station Road	Add the following sentence to the end of Policy 20: " <i>Development of the Station Road area would benefit from the preparation of a Planning and Development Brief.</i> "
5.41	Policy 22. Clarkes Yard and other land at the Bath Road/Old Market Hill junction	Add the following standalone sentence to the end of Policy 22: " <i>Development of Area 6 on Map 10 would benefit from the preparation of a Planning and Development Brief</i> ".
5.50	Policy 38. Land at North Dorset Business Park	Amend the first bullet point of Policy 38 to read as follows: " <i>the primary use falls within B1/B8 type use or is for education/training facilities, ancillary retail of bulky goods and other uses whose main focus is business support</i> ".

5.78	Policy 39. Land Adjoining the Bull Tavern	Delete Policy 39 together with the supporting text from paragraphs 10.5.7 to 10.5.12 inclusive and Figure 10, and make other necessary amendments to the text throughout the plan to achieve consistency.
5.80	Policy 40. Land adjoining Barton Farmhouse	Amend the 2nd bullet point of Policy 40 to read as follows: <i>"the frontage onto the A357 retains the existing mature trees and includes additional native planting to retain the semi-rural character of this section of road."</i>
5.82	Paragraph 11.1.9, Section - How the Plan will be Implemented	Amend paragraph 11.1.9 to read: <i>"As with all planning applications in the Parish, local residents, businesses and developers can submit comments on applications to the local planning authority. If these are copied to the Town Council they will be considered by the Town Council in deciding its response to the local planning authority"</i> .
5.83	Paragraph 11.1.12	Amend paragraph 11.1.12, which does not appear to read correctly, since it appears unfinished.
5.85 and 5.86	Infrastructure funding: Paragraphs 12.1.1 and 12.1.2	Delete existing paragraphs 12.1.1 and 12.1.2 in the plan and replace with the following paragraph: <i>"Although a Community Infrastructure Levy (CIL) Charging Schedule for North Dorset has been subject to examination, and the examiner concluded that it is an appropriate basis on which the District Council could introduce CIL, the District Council has not approved and implemented the Charging Schedule. Consequently, the District Council continues to make use of planning obligations, in line with the tests set out in the CIL regulations in terms of securing contributions in respect of proposals for new development. To this end any monies collected from developments in the Parish will be spent on infrastructure and other qualifying projects in Sturminster Newton Parish. It is anticipated that CIL will be reviewed at an appropriate time by the new Dorset Unitary Authority."</i>

## **Appendix B:**

### **Background Documents**

In carrying out this examination I have had my attention drawn, and have had regard, to a number of documents:

- Sturminster Newton Neighbourhood Plan, Submission Draft, September 2017
- Map of Sturminster Newton Neighbourhood Area, February 2014
- Sturminster Newton Neighbourhood Plan Pre- Submission Draft, November 2016
- Sturminster Newton Neighbourhood Plan – Changes to Policy Numbers from Pre-Submission Consultation Version
- Sturminster Newton Neighbourhood Plan, Consultation Statement, February 2018
- Sturminster Newton Neighbourhood Plan, Basic Conditions Statement, October 2017
- Sturminster Newton Neighbourhood Plan Strategic Environmental Assessment Scoping Report, July 2015
- Sturminster Newton Neighbourhood Plan Strategic Environmental Assessment Pre-Submission Stage Environmental Report, October 2016
- Sturminster Newton Neighbourhood Plan Strategic Environmental Assessment Pre-Submission Stage Environmental Report, - Non-technical Summary, October 2016
- Sturminster Newton Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Assessment Determination Statement, May 2017
- Sturminster Newton Neighbourhood Plan Strategic Environmental Assessment Submission Stage Addendum, May 2017
- Sturminster Newton Climate Change Review, January 2017
- Sturminster Newton Local Character Submission Report, January 2017
- Sturminster Newton Town Design Statement Supplementary Planning Document, July 2008
- Sturminster Newton Neighbourhood Plan Character Appraisal, October 2015
- Sturminster Newton Settlement Boundary Report, January 2017
- Sturminster Newton Housing Supply Report, January 2017
- Sturminster Newton Housing Needs Background Paper, January 2017
- North Dorset District Council Annual Monitoring Report 2016
- 2011 Strategic Housing Market Assessment Update – North Dorset Summary, August 2015
- Sturminster Newton Neighbourhood Plan Ecological Assessment of Sites Report, September 2016
- Elm Close, Sturminster Newton - Odour Assessment, January 2015
- Elm Close, Bull Ground Lane, Sturminster Newton: Preliminary Ecological Appraisal, December 2014
- Land to the South of Elm Close, Sturminster Newton: Preliminary Ecological Appraisal, December 2014
- Sturminster Newton Community Assets Review, January 2017
- North Dorset District Council Infrastructure Delivery Plan, November 2014
- Sturminster Newton Neighbourhood Plan – Movement and Transport Issues Background Paper, May 2017
- North Dorset Business Park Design and Development Brief, April 2012
- National Farmers Union Meeting Notes, October 2015
- Bournemouth Dorset Poole Workspace Strategy, 2016

- Sturminster Newton Town Centre Health Check Report, January 2017
- North Dorset Guide to Shopfront Design, 2014
- Joint Retail Assessment – Volume 2: North Dorset, March 2008