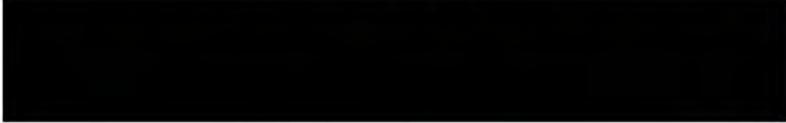


Jonathan Kamm Consultancy

TOWN AND COUNTRY PLANNING



Mr David Hogger
c/o Planning Policy
NDDC
Norden
Salisbury Road
Blandford Forum
DT11 7LL

12th May 2015

Dear Mr Hogger

NORTH DORSET LOCAL PLAN EXAMINATION

Please find enclosed two copies of the comments of Clemdell Ltd (Id No. 1191) in response to the additional mid-hearing written material as set out in your letter of 1st May.

The comments are set out in a logical form which I trust you will find straightforward.

Yours sincerely



Jonathan Kamm

On behalf of Clemdell Ltd.

NORTH DORSET DISTRICT COUNCIL

LOCAL PLAN PART 1

COMMENTS ON THE ADDITIONAL MATERIAL

ON BEHALF OF

CLEMDELL LIMITED

ID No: 1191

1.0 INTRODUCTION

- 1.1 These Comments are made on the contents of the Mid Hearing Documents (MHD).
- 1.2 The MHD tend to depart in content from the headings and Inspector's questions and the same issues frequently appear in different MHD's. There is therefore some duplication in the Comments but an effort has been made to cross reference the different MHD's.
- 1.3 Overall the MHD's address (often in contradictory terms) strategic matters not addressed in the Examination for example major extension to broad locations, or fail to substantively address issues for example the contribution to the strategic numbers from smaller brownfield sites.
- 1.4 It is not considered that the MHD make any credible case for the early adoption of LP1 on "current evidence". Rather they identify:
- numerous issues for examination some of which appear to be "modifications" embedded in MHD, and
 - reasons why LP1 should not be adopted in its current form as modified
- 1.5 This opinion derives from the Comments that follow.

2.0 MHD006: EXTENDING THE PLAN PERIOD

- | | Para |
|--|--------|
| 2.1 | 1.1 |
| The decision to adopt LP1 as set out in the Notes based on current evidence is not supported for reasons including: | |
| 2.1.1 | |
| The decision is justified by NDDC only by reason of boosting the housing supply. That implies that LP1 is making “allocations” (other than at Gillingham) contrary to the latest iteration of LP1 (SUD017a) at paragraphs 1.7 and 1A: <i>“The two-part approach will see a strategic policy framework put in place in advance of specific sites being allocated”</i> . Allocations should therefore not be made in LP1. (Allocations are specifically made in MHD012 paragraphs 5.1 and 5.3) | |
| 2.1.2 | |
| Work has not been done through the plan process to allow the early approvals relied upon in the trajectory. | |
| 2.1.3 | |
| Sites have not been brought forward by landowners because of reliance on the clarity of paragraph 1.7 of LP1 that <i>“Part 2 (a subsequent document) will allocate specific sites for housing and employment growth in the main towns”</i> reinforced by the addition of paragraph 1A added in November 2014. | |
| 2.1.3 | |
| The “current evidence” available to NDDC is not reflected in LP1. For example LP1 does not take account of its MWA reports on the state of Blandford Town Centre. | |
| 2.1.4 | |
| The Note repeats the “one dimensional” approach to a sustainable Local Plan. | |
| 2.2 | 3.9 |
| | 3.14 |
| It appears that this Note seeks to make a further “allocation” for 150 dwellings adjoining the St Mary’s Hill location – presumably SHLAA site 2/03/0534. The proposed extension to the broad location at St Mary’s Hill has not been subject to an SEA/SA. This is considered further at point 5.0 re Satnam. | |
| 2.3 | 4 |
| | et seq |
| In assessing jobs & employment land there is no recognition of the role of eg Blandford Town Centre as the employment hub for the town and the | |

need to support its role because of the fragility recorded by NDDC's MWA reports. Regeneration of the town centre should have the purpose of supporting and extending the range and quantity of employment (as well as a key location for brownfield housing) – this should be recognised by additional text in LP1.

- 2.4 The section of the Note headed “Need for an Early Review” considers only housing issues. Housing may be one issue of relevance. But the substantive reasons LP1 requires early review include the need to: 5.5 et seq
7.4
- a. recognise the most up to date evidence across all of its “strategic policies”.
 - b. integrate the three elements of sustainable development to remedy the one dimensional approach of LP1.
 - c. provide the framework for enabling the proposed government target of identifying and enabling brownfield housing sites to be objectively met (considered further at point 4.0)
 - d. distinguish between “broad locations” and “allocations” and thus between LP1 and LP2.
- 2.5 The Recommendation for provision for an early LP1 review is not carried into a specific time-frame. That should be stated now so that it can be examined. If LP1 is to proceed in basically its current form and upon its current superseded evidence base there should be a commitment to that review within two years so that LP2 is based upon a sound and up-to-date plan, during that time LP1 could remain unadopted but a material consideration. 1.1
- 2.6 In the confusion within these Notes it appears they seek an unexamined redefinition of the role of LP2. NDDC implies that the “broad locations” for development are effectively allocations of the whole of that location. That is emphasised by the heading preceding paragraph 6.5: “*Bringing Forward ‘Broad Locations’ Through Planning Applications.*”, and confirmation in the Note of the Council's Agenda item, referred to in the Note, that “*This wording change would effectively enable development to be brought forward on these sites in advance of the Local Plan Part 2.*” Allocations are specifically made in MHD012 paragraphs 5.1 and 5.3 6.3
6.5

- 2.7 But then the Note affirms the purpose of LP1 as limited to: *“identification of broad locations for development in Part 1, whilst also providing some flexibility in Part 2”*.and *“LP1 provides a strategic framework for making planning decisions through LP2”* 6.3
6.4
- 2.8 Again this is contradictory for example by MHD012 stating sites are “allocations” in LP1 and *“A revised housing trajectory has been prepared and is included as Figure 6.1 below. This shows that there will be relatively high levels of delivery in the five years from 2015/16 onwards reflecting the bringing forward of a number of sites at the ‘broad locations for housing growth’ in accordance with Policy 2 (and paragraph 3.55) of LP1 - where there have already been pre-application discussions; where environmental assessment screening opinions (and in some cases scoping opinions) have already been issued; or where planning applications have already been submitted.”* 6.6
- 2.9 In other words LP1 would pre-empt LP2, which is in contradiction to the quoted Agenda Item, paragraph 26, that *“The allocation of sites in the Local Plan Part 1 would be likely to require significant additional work and would delay the submission of the plan.”* That work is essential and should have been carried out over the many years of iterations of this Plan – if it delays LP1 so be it. 6.5
- 2.10 It is not even clear that NDDC still support an LP2. For example: *“In the event that the new SHMA and subsequent work indicated a similar or a lower level of need for housing in North Dorset, any review of LP1 would be ‘light touch’. The preparation of LP2, which **could** remain as a separate document could then focus on formally allocating any sites at the ‘broad locations for growth’, which had not yet been developed or granted planning permission.”* This is in circumstances where the Note and its trajectory indicate the “broad locations” being allocations being built out from next year. 6.9
- 2.11 If “broad locations” are to be regarded as allocations, as runs through the Notes, then stating that LP2 *“also provides choice to local communities in the four main towns to decide whether they want to lead on defining sites and reviewing detailed policies through their neighbourhood plans, or whether the Council should lead on these matters “and in MHD007* 6.3

paragraph 3.6 that “*NDPs have a key role to play, when made, as they will form a part of the Development Plan. Additionally the Council will invite the significant new active involvement of communities in preparation of LP2*” is at best misleading. Blandford+ have recently identified a completely different broad location as a strategic proposal.

- 2.12 The Note also records that “*work has commenced on the revision of the Workplace Strategy for the area.*” There is no indication of this timescale nor whether it will recognise and support town centres as the hub of the local economy. 6.12
- 2.13 The Note does not provide any sound reason for the need to adopt LP1 in its present iteration. It raises considerable doubt as to whether LP2 can serve its stated purpose. It makes a substantial addition to the “broad locations” for housing and, with other Notes, conflates locations with allocations. If it is to be adopted it should be clarified that locations are to be examined as allocations in LP2 and NPO’s and that it will replaced in a specific timescale, not longer than two years. The changes proposed in these Notes are fundamental and demand examination.

3.0 MHD008: HOUSING TRAJECTORY

		Para
3.1	The substance of this Note is concerned with Blandford sites and an assumption that proposed broad locations have been evidenced as suitable for development in their entirety.	2.3
3.2	Although the Note refers to increasing the capacity of the land at St Mary's Hill to 450 this actually represents an additional site. Although the addition is expressed interrogatively in MHD006 paragraph 3.14 ie " <i>If it is assumed</i> " etc it is clear that assumption has been made. But it has not been examined.	4.7
3.3	This Note adds the assumption of extra land into the trajectory at Figure 1 to produce a build out at St Mary's Hill of 450 units by 2031. This is in the context of even the small part of the location that was the subject to a Scoping Opinion (2/2014/0079/PLNG) being unsatisfactory.	
3.4	Further, there is a conflation within these Notes between "broad locations" and "allocations" (see eg MHD012) within the context of MHD006 at paragraph 6.5 recording " <i>(t)he allocation of sites in the Local Plan Part 1 would be likely to require significant additional work and would delay the submission of the plan.</i> "	
3.5	For any part of the broad locations to be included in the trajectory that work does need to be done. Not least, as affirmed by Satnam, there needs to be a comprehensive SEA/SA covering the whole of the broad location.	
3.6	The trajectory does not include delivery of non-strategic brownfield sites that need to be identified further to emerging government policy (as referenced in MHD009 paragraph 4.1). Without this work NDDC will be unable to demonstrate a five year housing supply.	
3.7	LP1 states at paragraph 1.7 that Part 2 " <i>will allocate specific sites for housing</i> ". The trajectory should be derived from LP2 after the significant additional work has been done on strategic sites (including compliance with full SEA/SA's) and brownfield sites.	

- 4.0 **MHD009: as to “ENSURING THAT POTENTIAL DELIVERY ON BROWNFIELD LAND IS CONSIDERED.”** Para
- 4.1 The NPPF refers to “brownfield” land interchangeably with “previously developed land.” On 13 June 2014 DCLG issued a press release that included that “*(m)inisters are clear of the need to make the best possible use of brownfield land in a way that keeps strong safeguards in place that protect our valued countryside. Councils will play a critical role in bringing forward brownfield land*” This went on to reference government proposals to introduce local development orders to ensure the delivery of 90% of brownfield sites by 2020 (with a sliding scale introduced by 2017 starting at 50%). This delivery target is not focussed on “affordable” housing. The government’s direction of travel is clear – to remove barriers to brownfield sites coming forward for housing which are capable of supporting five or more dwellings. Non compliant LA’s will be unable to claim a five year housing supply. Note 1
4.1
2.3
- 4.2 The potential of the majority (as to area) of brownfield land, such as in town centres, is not addressed by LP1 or this Note (MHD009) which focuses on the larger parcels. As noted in the Housing Topic Paper (MHN002) after excluding larger sites, delivery of brownfield housing in North Dorset to 2008 is approximately 33% (paragraph 6.19). (MHN2 analysis has not been updated from the 2009 version.) MHN002 states “*it would be unlikely that the Council could meet the 50% target*” (paragraph 6.20 reaffirmed at 6.22) 4.3
- 4.3 The Housing Topic Paper (MHN002) notes that “*(t)he rural nature of the District means that brownfield land is not abundant. It remains important to encourage development on brownfield land where regeneration opportunities arise in suitable locations.*” (paragraph 7.3 in 2009). Yet LP1 did not recognise town centres as brownfield land with **any** residential potential until its final iteration in November 2014 (SUD017).
- 4.4 MHD007 at paragraph 5.7 references that LP1 strategy “*brings together employment opportunities with the vast majority of proposed housing development to support an enlarged workforce.*” Again, it was only in the

year housing supply.

- 4.9 The Note also concludes that “*reflecting residual land values is considered to be the most appropriate given the available evidence and is therefore justified.*” Again this cannot be correct. Current use values should be at the heart of LP1 policies for ensuring that potential delivery for housing is supported. 5.1
- 4.10 The Note fails to state what, if any, work is in progress to identify brownfield potential so that NDDC will be able to satisfy the requirements of evolving government policy and, as appropriate, identify and allocate sites in LP2, and NP’s. This lack of aspiration is evidenced (for example) in Note MHD008 where Figure 3.1 identifies some smaller, including brownfield, sites and Figure A1 which projects just 31 infill units for Blandford over a 20 year period.
- 4.11 LP1 should identify the work the Council will undertake to identify its brownfield housing sites for 5 or more dwellings. LP1 should recognise PPG and its own evidence base to produce flexible standards for its Affordable Housing tariff which will ensure that appropriate brownfield sites are not subject to the wasted time and costs of viability assessments or which act as a barrier to delivery because eg of the “*hassle*” (MHN017 page 47). This Note (MHD009) should be rewritten to address this issue.
- 4.12 The Note (as with LP1) fails to recognise PPG. It acknowledges emerging national policy but then ignores it. Without the necessary integration of national policy LP1 remains unsound, will not be able to evidence a five-year housing supply and should not be adopted.

5.0 MHD0010: LEGAL VIEW OF IMPLICATIONS OF SATNAM

- 5.1 The Note does not refer to the Court's judgement that Warrington Borough Council had failed to carry out a strategic environmental assessment or sustainability appraisal (SEA/SA) in line with the requirements of European and domestic law. (Ground 2)
- 5.2 This aspect is material when considering the SEA/SA supporting LP1 and when NDDC conflates "broad locations" with "allocations" – see eg MHD012 paragraph 5.1. Indeed a new area for 150 dwellings has been added in MHD006 paragraphs 3.9 and 3.14 to a broad location where the Scoping Opinion (2/2014/0079/PLNG) was for only small part of the original broad location.

MHD018: SCHEDULE OF CHANGES

Change Reference	Policy	Section Reference	Proposed Change	6.0 Comment
5/8/22	Policy 8	Page 106 Para 5.92	<p>On a site where viability may be an issue, the Council will consider offering the opportunity for both the applicant and the Council to rely upon a single assessment of viability by the District Valuer or other mutually agreed independent assessor. Where such an offer is made, the terms will include the following requirements:</p> <p>the applicant will be expected to cover the cost of the assessment reflecting the fact that the purpose of the exercise is to enable the applicant to seek to justify a departure from the normal requirements of the Council;</p> <p>the District Valuer or other mutually agreed independent assessor would be instructed by the District Council; both parties would however have the opportunity to provide information to the District Valuer or other mutually agreed independent assessor to assist in the undertaking of the assessment; and</p> <p>the applicant must adopt an ‘open book’ approach for the purposes of the assessment.</p>	<p>6.1 This is unacceptable in principle.</p> <p>Further it is not clear whether this precludes an Applicant using its own assessor. A local plan cannot prejudice an applicant’s right of appeal.</p> <p>Many disputes will arise because NDDC fail to recognise current use value of brownfield land and place barriers to sustainable development contrary to emerging government policy (see also comments on MHD009).</p> <p>If NDDC wish to use outside consultants for any element of a planning application that is its right at its own cost.</p> <p>In any event:</p> <p>(a) DV or joint assessor must be instructed jointly</p> <p>(b) that assessor makes any award of costs.</p>

5/8/23	Policy 8	Page 106 & 107 Para 5.93	The parties would agree to rely upon the conclusions of the District Valuer or other mutually agreed independent assessor for the purposes of the application, thereby minimising disputes and protracted negotiations, and could refer to the findings of the District Valuer or other mutually agreed independent assessor in any subsequent proceedings.	6.2 See comments on 5/8/22
5/8/25	Policy 8	Page 111 POLICY 8: AFFORDABLE HOUSING	In cases where a level of affordable housing provision below the target percentages is being proposed, the developer may be offered an opportunity (subject to certain requirements) to involve the District Valuer or other mutually agreed independent assessor with a view to securing a mutually agreed level of affordable housing provision. In any case where viability is an issue, an ‘open book’ approach will be sought on any viability assessment.	6.3 See comments on 5/8/22 & 5/8/23
8/16 /10	Policy 16	Page 201 POLICY 16:BLAND FORD	The main focus for town centre regeneration, which may include additional retail floorspace, will be land to the south of East Street, including land around the existing Co-op store. The extension of existing retail units south of Market Place and East Street may also be permitted. Town centre regeneration will embrace a range of town centre uses, not only retail and commercial but community and leisure as well as residential uses, and will be encouraged. An important element of town centre regeneration will be land to the south of East Street,	6.4 A consequential minor amendment is to Figure 8.1. Item 12 on that plan should be reworded “ <i>Regeneration to the south of Market Place and East Street</i> ” with an illustrative location shown similar to that in Figure 2.8.1 in the March 2010 iteration of LP1. Wording of this paragraph should be clarified to: “ <i>such as the extension or redevelopment of</i>

			<p>including land around the existing Co-op store. On appropriate sites, all development and redevelopment schemes which support town centre regeneration, such as the extension of existing retail units south of Market Place and East Street, will be viewed positively within the recognised constraints of heritage and flooding considerations. The emerging Neighbourhood Plan for Blandford will have a key role to play in identifying regeneration opportunities in the town.</p>	<p><i>existing, and additional, retail units south of Market Place and East Street”.</i></p> <p>This is to provide for the potential closure of Morrisons and to guide eg the development of vacant land such as the DCC site.</p> <p>Further:</p> <p>(a) for consistency with the land around the recognised constraints on the land around the existing Morrisons, the same existing constraints around the Co-op should be recognised in paragraph 8.37 of SUD017a by adding at the end of 8.37:</p> <p><i>“any scheme here would also have to have regard to the potential impact on the historic character and visual context of the town”</i></p> <p>(b) to recognise the sequential tests in NPPF paragraph 24 that apply to the Co-op land, after (a) should be added:</p> <p><i>“and on the viability of the town centre”</i></p> <p>and paragraph 8.38 of SUD017a should reflect the final wording of this Change.</p>
10/24/11	Policy 24	Page 294	<p>Development should be designed to improve the character and quality of the area within which it is located. Proposals for</p>	<p>6.4 This should cross refer to Changes: 10/24/12, 10/25/6 and App/C/3</p>

			development will be required to justify how the relevant aspects of development form address the relevant design principles and standards set out in Figures 10.1, 10.2 and 10.3 of this policy and how the design responds to the local context.	
10/24/12	Policy 24	POLICY 24: DESIGN	Developments will be permitted provided that the relevant aspects of development have been designed to reflect the relevant design principles and have satisfactorily addressed the relevant standards. A proposal that uses development forms which do not reflect the relevant design principles and standards, or which otherwise conflict with the design principles, will not be permitted. <i>There may be circumstances where it is not appropriate to apply the design principles, aspects of form and / or space standards (for example, bin storage and laundry drying in town centre developments).</i>	6.5 For clarity this should be amended: “... <i>the design principles (set out in Figures 10.1, 10.2 and 10.3 of this policy)</i> ”
10/25/6	Policy 25	Page 296 Para 10.76	Permanent residential developments should be provided with adequate private open space to meet the needs of the people likely to occupy the properties. The amount of private open space required will largely depend on the type of residential development being proposed. For a family house, an adequate garden is essential both to meet operational needs and for family activities, such as children playing. For small single bedroom or retirement units, a well-designed communal space may be more appropriate. Communal private spaces should include sufficient	6.6 For consistency this Change should also be added to the Policy 25 ie: “ <i>In certain circumstances, such as the conversion of buildings in town centres, private open space provision may not be required</i> ”.

			space for refuse storage and clothes drying as well as a garden area. Adequate private open space should be provided not only for new dwellings but also where existing residential properties are extended or subdivided and where existing buildings are converted to residential use. In certain circumstances, such as the conversion of buildings in town centres, private open space provision may not be required.	
APP/C/3	Appen dix C	Page New para CA	The standards and guidance set out the Council's requirements for residential and non-residential vehicle and cycle parking unless a different level of provision can be justified by local or site-specific circumstances.	6.7 For consistency and clarity this Change should also be added as a new paragraph 10.44A

7.0 SUMMARY & CONCLUSIONS

		Para
7.1	The Mid Hearing Documents when read as a whole are contradictory and underline the need for further work before LP1 can be considered for adoption as a sound plan. As noted in MHD012 paragraph 5.6 Main Modifications are still to come.	
7.2	LP1 (SUD017) added, in November 2014, paragraph 1A which reaffirmed that LP2 will make the site allocations. It appears that by way of the Notes NDDC propose to turn “broad locations” into allocations without the necessary examination – yet the Notes also reaffirm that LP2 will identify sites within the broad locations.	MHD012 5.1 MHD006 6.6 6.3 & 6.4
7.3	The evidence base for LP1 does not provide SEA/SA sufficient to meet the legal requirements (reaffirmed by Satnam) for determining allocations nor for the strategic extension of a broad location simply by way of Note MHD006.	MHD006 3.9 & 3.14
7.4	The Notes recognise the emerging guidance on brownfield sites but neither integrate this into the thinking or numbers in the trajectory, nor identify the timescale for this work.	MHD009 4.1
7.5	There is no explanation within MHD009 why the flexibility in supporting the viability of brownfield sites found for example in COD036 has been removed from LP1 thereby placing new barriers on sustainable development. There is no substantive consideration in MHD009 on means to ensure the delivery of the range of potential brownfield land, nor accepting PPG guidance.	
7.6	MHD006 promotes the early adoption of LP1 on current evidence for a single issue – housing. In that regard the Notes cannot be correct in concluding housing locations will substantively feed into the trajectory from 2016 as it is acknowledged that significant additional work has to be done.	1.1 6.5
7.7	Therefore LP1 should not be adopted until further work is completed for examination - to include the acceptability of site allocations and identification of the full range of brownfield land.	