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North Dorset Local Plan – 2011 to 2026 Part 1

Pre-submission Focused Changes Consultation

1 August to 12 September 2014

Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012

Response Form

For each representation you wish to make a separate response form will need to be completed.

This is a formal consultation on the legal compliance and soundness of the Local Plan as amended by focused changes, before it is submitted to the Secretary of State for examination by an Inspector. For advice on how to respond to the consultation and fill in this form please see the 'Guidance Notes for Making Representations' that can be found on the Council's website at

www.dorsetforyou.com/focusedchangesconsultation/north

Please return completed forms to:

Email: planningpolicy@north-dorset.gov.uk

Post: Planning Policy, North Dorset District Council, Nordon, Salisbury Road, Blandford Forum, Dorset DT11 7LL

Alternatively you can submit your comments online at:

www.surveymonkey.com/s/NorthDorsetLocalPlanFocusedChangesConsultation

Deadline: 11:59 p m on 12 September 2014. Representations received after this time may not be accepted.

Part A – Personal details

This part of the form must be completed by all people making representations as **anonymous comments cannot be accepted**. Representations cannot be treated in confidence as Regulation 22 of the Town and County Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. By submitting this response form you consent to your information being disclosed to third parties for this purpose, but signatures, private telephone numbers and e-mail addresses or private addresses will not be visible on our web site, although they will be shown on paper copies that will be sent to the Inspector and available for inspection.

*If an agent is appointed, please complete only the Title, Name and Organisation boxes to the personal details but complete the full contact details of the agent. All correspondence will be sent to the agent.

| Personal Details (if applicable)* | | Agent's Details (if applicable)* | |
|--|------------------|----------------------------------|--|
| Title | | Mr | |
| First Name | | Jonathan | |
| Last Name | | Kamm | |
| Job Title(<i>where relevant</i>) | | | |
| Organisation (<i>where relevant</i>) | Clemdell Limited | Jonathan Kamm Consultancy | |
| Address | | | |
| Postcode | | | |
| Tel. No. | | | |
| Email Address | | | |

Part B – Representation

The Focused Changes to the North Dorset Local Plan 2011 to 2026 Part 1 and its supporting documents have been published in order for representations to be made prior to submission to the Secretary of State for examination. The purpose of the examination is to consider whether the Local Plan as amended by focused changes, complies with the **legal requirements** and is **'sound'**.

If you are seeking to make a representation on the **way** in which the focused changes have been prepared it is likely that your comments or objections will relate to a matter of **legal compliance**.

If you are seeking to make representations on the **content** of the focused changes it is likely that your comments or objections relate to the **soundness** of the plan and whether it is justified, effective or consistent with national policy.

Further information on the matter of legal compliance and the issue of soundness can be found in the 'Guidance Notes for Making Representations'.

If you need help completing the response form please see a member of the Planning Policy Team at the consultation exhibition in Blandford Forum on 14 August 2014 or call 01258 484201.

1. Please select which document you are commenting on:

- North Dorset Local Plan 2011 to 2026 Part 1: Pre- Submission Focused Changes (please complete Questions 2 to 9)
- Supplement to the Sustainability Appraisal Report (please complete Questions 2 and 10)

2. Please state to which pre-submission focused change you are commenting on:

| | |
|-------------------------------------|--------------------|
| Change Reference: The Supplement | Section reference: |
|-------------------------------------|--------------------|

3. Do you consider the Local Plan as amended by focused changes, to be legally compliant and prepared in accordance with the Duty to Cooperate, legal and procedural requirements?

- Yes No

4. Do you consider the Local Plan as amended by focused changes, to be 'sound'?

- Yes No

5. If you consider the Local Plan as amended by focused changes, to be unsound please specify your reason(s) by ticking the box(es) that apply below

- It has not been positively prepared
- It is not justified
- It is not effective
- It is not consistent with national policy

6. Please give specific details of why you consider the Local Plan as amended by focused changes, has not been prepared in accordance with the Duty to Co-operate, legal or procedural requirement or why you consider the plan to be unsound. Alternatively, if you wish to support any aspects of the plan please also use this box to set out your comments.

Continue on a separate sheet if necessary

7. What change(s) do you consider are necessary to ensure that the Local Plan is legally compliant and sound? It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet if necessary

8. If your representation is seeking a change to the Local Plan as amended by the focused changes, do you consider it necessary to participate in the oral part of the examination?

- No, I do not wish to participate in the oral examination
- Yes, I would like to participate in the oral examination

9. If you wish to participate in the oral part of the examination please outline why you consider that to be necessary. Please note that the Inspector determines who is heard at the examination.

Clemdell Ltd is a local company that has various properties in the area of Blandford Forum particularly the Town Centre. It is concerned that the Focused Changes and the Sustainability Appraisal positively reject national planning guidance on sustainability.

Clemdell's participation in the Hearing could, therefore, assist the Inspector in determining the outcome of the Examination.

10. Please outline your comments on the Supplement to the Sustainability Appraisal or Addendum to the Habitats Regulations Assessment. Comments are not confined to 'soundness' issues, but respondents can express their opinions on the above documents and use it as a reference point on the 'soundness' of the Local Plan.

Please see the attached Statement of Objection

11. Do you wish to be notified of any of the following? *Please tick all that apply. We will contact you using the details you have given above.*

- That the Local Plan Part 1, as amended by the Focused Changes, has been submitted for independent examination
- The publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan Part 1
- The adoption of the Local Plan Part 1.

Signature: J Kamm

Date: 11 September 2014

If submitting the form electronically, no signature is required.

**OBJECTION TO
THE SUPPLEMENT TO THE SUSTAINABILITY APPRAISAL
ON BEHALF OF CLEMDLE LIMITED**

1.0 BACKGROUND

- 1.1 The NPPF (for example at paragraphs 7 & 8) identifies the function and content of a sustainability appraisal: *“There are three dimensions to sustainable development: economic, social and environmental..... These roles should not be undertaken in isolation, because they are mutually dependent.”*
- 1.2 As part of what *“constitute(s) the Government’s view of what sustainable development in England means in practice for the planning system”* paragraph 6 points LPA’s, inter alia, to paragraph 23 which includes that the Local Plan *“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;....recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.”*
- 1.3 The Supplement to the Sustainability Appraisal (“the Supplement”) is the fourth iteration of the Sustainability Appraisal during the Local Plan process. Together with two Scoping Reports this is a process commenced in 2007. In this period there has been ample opportunity to align and update the Appraisal with government policy and events that have a strategic impact upon Blandford. That opportunity has not been taken.
- 1.4 The Local Plan recognises its purpose is to apply *“the presumption in favour of sustainable development at the “heart” of the NPPF “Local plans must be based on and reflect ‘the presumption’ and include clear policies setting out how the presumption should be applied locally”* (paragraph 1.2) The Supplement states the following at paragraph 3.1: *“This Sustainability Appraisal has been undertaken in an iterative way looking at options for meeting the housing requirements at each of the four main towns in the district.”* That is it references a wider area than Blandford but is stated, in terms, to consider just one of the sub-items, “housing”, that affects sustainability. In fact its main effect is to justify a policy reversal by way of the “Focussed Changes”. That effect is not mentioned in the Appraisal and it is the effect of CON16/1 which upturns the basis of sustainability by giving undefined “other facilities” the same status as the Town Centre for growth, contrary to the NPPF.
- 1.5 The Appraisal should be read not just with the Focussed Changes but, inter alia, with the Agenda Report to Cabinet 10 July 2014 (“the Agenda Report”) paragraph 31 *“Consequently, the proposal to delete the Crown Meadows site from the Local Plan Part 1 is based on heritage issues and not on other issues.”* (sic)

1.6 In reviewing the LPA's preferred option in the Supplement the two sites considered have been viewed as if hypothetical planning applications had been made. Thus the Supplement takes an entirely "focussed" view of the options without regard to the overall strategic effect on sustainability of its recommendations and in complete rejection of the NPPF and the principles stated in the Local Plan (eg at paragraph 1.2). In contrast the Focussed Changes makes changes which have foreseeable but unconsidered prejudicial effects upon Blandford and the broad policy area.

2.0 THE LAND TO THE WEST OF BLANDFORD (CROWN MEADOWS)

2.1 The Supplement confirms that "*The detail of the site was discussed with Natural England and appropriate biodiversity mitigation measures were suggested.*" (paragraph 3.7) The Agenda Report (paragraph 1) confirms that English Heritage was also consulted throughout the Local Plan process which included Topic and Background Papers on the Historic Environment.

2.2 Nevertheless the LPA saw fit to commission further work on the effect upon the setting of specific heritage assets - not from the potential development area - but of Crown Meadows as a whole. Specified heritage assets are taken out of context – that is reasonable given the remit of the Heritage Assessment. Heritage assets are of particular importance to Blandford Forum. But it is one sub-heading of the three dimensions of sustainability that have to be balanced. The Council has failed to consider or attach any weight to the investment needed to curate and enhance the heritage assets as a whole; that investment would flow from the applying sustainability criteria rejected by the Supplement.

2.3 What is also clear is that Councillors were not informed of the general prejudice to Blandford Forum that followed upon the deletion of Crown Meadows because of the "*single issue*" of housing, Firstly that the Town Centre would lose investment and CON16/1 would downgrade the Town Centre to equivalence with sundry facilities. The overall effect upon the conservation and enhancement of Blandford Forum's important heritage assets has not been considered. In short the "economic" dimension of sustainability has been discarded.

2.4 Similarly the "social" dimension has been ignored. The current local plan (paragraph 2.5.2 and policy BL7) has concern, and a policy, recognising the Crown Meadows importance as open space. Because, on its own terms, the Supplement considers only housing there is no consideration of the sustainability of the proposed deletion of the majority of Crown Meadows as open space. Such evidence as the Council has put forward that this allocation is sustainable and contributes to Blandford Forum's self-containment and social welfare therefore stands and that allocation should remain in the Local Plan.

3.0 LAND SOUTH OF THE A350/A354 ROUNDABOUT (ST. MARY'S HILL)

- 3.1 In contrast to the review of Crown Meadows the Supplement states at paragraph 3.12, in terms, that the analysis of St. Mary's Hill relies upon "*information (that) has been submitted as part of the pre-application work prior to a planning application being submitted.*" That information was submitted as part of a request for a Scoping Opinion (2/2014/0079/PLNG).
- 3.2 The Supplement states (as an example only) at paragraph 3.22 that this information "*indicates that the development can be adequately incorporated into the landscape. There are areas where the impact on the landscape will exist however the impact is not considered to be as significant as previously thought.*"
- 3.3 The Supplement should be contrasted with the LPA Scoping Opinion, dated 5 March 2014, "Landscape Impact Assessment (Incl. AONB) The development has the potential to cause a significant landscape and visual impact due to the scale of the development proposed, topography of the land and proximity to the AONB's" which is detailed in the consultee's response.
- 3.4 The Supplement brushes over the sustainability issues breached by the proposed allocation. These issues include of "severance" at paragraph 3.20 and the impact to the setting of the town, at paragraph 4.7. Nor is there any assessment against the Local Plan objective at paragraph 8.8 for Blandford to "*increase selfcontainment*".
- 3.5 The Recommendations almost read as a series of planning conditions to a planning permission rather than a strategic overview of the sustainability of its conclusions. The narrowness of the LPA's re-definition of sustainability is re-enforced in paragraph 4.2 recommending St Mary's Hill as "*the most sustainable approach to meeting the housing needs of Blandford*".
- 3.6 It should also be noted that Recommendation 3 which asserts that the Dorset Trailway "*runs through Blandford town centre.*" In fact it does no such thing, nor is it proposed to do so. It directs users away from the Town Centre. If the Supplement was iterative, applying the three dimensions of sustainability and concerned with, inter alia, self-containment it would reference and reinforce the proposals to strengthen the links between Blandford St Mary and the Town Centre across the Mortain Bridge.
- 3.7 The Council is committed to the Trailway improvements and confirms, in Appendix B of the Infrastructure Delivery Plan that it is a Dorset County Council commitment to fund and deliver and is "*required (to meet the needs and aspirations of the community)*". As with the By-Pass and links from Blandford St Mary to the Town Centre, these are not directly related to the development of a site and cannot be material to the sustainability appraisal contrasting this site to Crown Meadows.
- 3.8 This site is described variously as Land South of the A350/A354 Roundabout, St. Mary's Hill, or Land South-East of Blandford St Mary.

4.0 PRE-EMPTING THE LOCAL PLAN - PART 2 SITE SELECTION

- 4.1 The Council has determined to progress the Local Plan in two parts. What this means in practice is that the LPA is unable, at this time, to make any useful assessment of the sustainability of the alternative sites it lists in the Local Plan – Part 1.
- 4.2 However for St Mary's Hill site the LPA has been able to formulate a Scoping Opinion, further to 2/2014/0079/PLNG, which rebuts the Supplement. The Application Plan identifies the site as 4.061 ha gross, from which land will be reserved for the By-Pass. On the net area the Focussed Changes (CON/16/3) propose about 300 dwellings. The Heritage Assessment uses a different plan.
- 4.3 It is trite that the assessment of the sustainability of a site will be completely different depending on the precise location and size of that site.
- 4.4 The Supplement confirms (at paragraph 6.3) that the iterative assessment process will continue alongside the Local Plan – Part 2. That process will either apply the three dimensions of sustainability:
- (a) To a range of housing sites – then the current exercise will need to be repeated but applying all not just one sub-section of the dimensions, or
 - (b) To an arbitrarily pre-determined housing site – then any future work is otiose and the principle of sustainability should be deleted from the Local Plan pages in toto.

5.0 CONCLUSION

- 5.1 The Focussed Changes (at paragraph 1.22) sets out four tests of a Local Plan's soundness. The Supplement forms part of that Local Plan process and signally fails to comply with those tests. In particular it is inconsistent with national policy – "*the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.*" The Supplement directly rejects consideration of the three mutually dependent elements of sustainability.
- 5.2 The Supplement fails to appraise the sustainability of its Recommendations in the round. The recommendations flow from an assessment of a narrow review of housing needs based upon a very very narrow view of selective heritage issues. Consistent with the Sustainability Appraisals throughout there is no pretence at a genuine attempt to weigh and balance the "*economic, social and environmental*" roles that are "*mutually dependent*" (per the NPPF).
- 5.3 There has been no Sustainability Appraisal applying the sustainability dimensions to the effect, inter alia, on the vitality and viability of the Town Centre of equating it with "other facilities" or upon it of relocating residential development out-of-town
- 5.4 Upon its own terms the Supplement is flawed ab initio as a sustainability appraisal. Paragraph 3.1 confirms that it considers only housing allocations and that the LPA has made its decision based only upon the setting of heritage assets (paragraph 4.3).

As is stated in the Agenda Report *“the proposal to delete the Crown Meadows site from the Local Plan Part 1 is based on heritage issues and not on other issues.”*

- 5.5 The conclusions pre-empt the Local Plan – Part 2 Site Selection not least for the sustainable location of housing. The Supplement at paragraph 6.3 states that *“Further Sustainability Appraisal work will be undertaken as and when necessary to support the adoption of the Local Plan”*. Until sites are properly defined in Part 2 of the Local Plan no one can make any credible judgement as to the sustainability of housing sites.
- 5.6 The LPA have confirmed by email dated 1 September 2014 that its further work will not include revision and updating of the Joint Retail Assessment by Nathaniel Litchfield. That Assessment is based upon 2007 information thus not taking account of the LPA approvals of Asda and Tesco which its own reports, commissioned from MWA between 2011 and 2012, demonstrate will have a profoundly negative effect upon Blandford Town Centre.
- 5.7 The MWA reports thus stand as the LPA’s appraisals of the sustainability of the Town Centre recording the severe prejudice of decisions not reviewed in the iterations of the Sustainability Appraisals. Assessing the sustainability impact upon Blandford Town Centre of removing the housing allocation from Blandford Forum is necessary and is a piece of work the LPA must do in accordance with paragraph 6.3 of the Supplement.
- 5.8 The form of the Sustainability Appraisals do not comply with the NPPF. As is made clear from the documents referred to in the Agenda Report (paragraph 11) the LPA’s Heritage Reports do not take account of current English Heritage guidance. Even if it were possible to disregard these matters, the Agenda Report (at paragraph 19) accepts that the case law on planning applications which form the basic assumption of the Supplement *“do not necessarily preclude permitting development that would cause harm to designated heritage assets, nor do they mean that the same weight has to be given irrespective of the degree of harm that occurs.”*
- 5.9 Prima facie the commitment to further Sustainability Appraisal work is misleading. For example there is no consideration in the Council’s documentation of how the Council will meet the housing allocation for Blandford if one of its preferred sites is found to be objectively unsustainable through the Local Plan – Part 2 process. That is clear evidence that the Council has pre-empted the outcome of the Part 2 process and that it is critical that the Supplement is recast in the context of the NPPF.
- 5.10 It is not simply the NPPF and statutory guidance that has been disregarded by the Sustainability Appraisals. There is an absence of objective judgement and balance. There is a conflict between statements in the Supplement and the LPA’s own underlying documents.
- 5.11 Crucially the Sustainability Appraisals, as iterated over a seven year period, have failed to positively consider the viability of Blandford Forum Town Centre. There is no consideration of the effect of factual and proposed changes on the Town Centre in

that seven years that could lead to the slipping-in of the key change in the Focussed Changes, CON16/1, that introduces the proposal to rank unidentified “other facilities” as equivalent to the Town Centre in considering sustainability.

- 5.12 The Sustainability Appraisals are thus fundamentally flawed and should be reviewed with regard to NPPF (and indeed English Heritage) guidance. These decisions are recognised in the Local Plan as “difficult” but that is the LPA’s obligation.