

CLEMDELL LIMITED

SUBMISSION AND REASONING

IN RESPONSE TO THE

NORTH DORSET DISTRICT COUNCIL

DRAFT CHARGING SCHEDULE CONSULTATION

1.0 INTRODUCTION

1.1 The Statement sets out the submission and reasoning of Clemdell Limited (“Clemdell”) which has current and proposed retail and residential property interests in Blandford Forum Town Centre. It identifies matters of particular interest where Clemdell would wish to participate in the Examination Hearing, but is not intended to limit Clemdell’s submissions to that Examination as the Draft Charging Schedule and its Evidence Base proceed through the consultation process.

2.0 FLATS

2.1 The proposal that ‘flatted development’ is to have a zero rate for CIL charging is generally supported.

2.2 A definition of that form of development, such as set out by the DCLG in Building Regulations 2000, would assist clarity for all parties in development control.

3.0 THE TOWN CENTRE RETAIL CHARGING ZONE

3.1 Clemdell proposes that the plan presently Figure 6 (“Figure 6”) in Appendix B of the Draft Charging Schedule – June 2016 (“the Draft Schedule”) is replaced by the plan identified in the Local Plan – Part 1 (“LP1”) as that to be used for development management purposes (attached hereto as **Appendix 1**) for the reasons set out below:

3.2 Clemdell’s interest is in the vitality and viability of Blandford Forum Town Centre and in particular the enabling of regeneration projects including those highlighted in LP1, inter alia at, Policies 12 and 16. Therefore comments are limited to that Town Centre plan.

3.3 The background is that there is a regulatory thread between the Local Plan and CIL, referenced in terms throughout the Charging Authority’s Evidence Base. NPPF para 175 recommends that Local Plans and CIL should be worked up together and “*the Community Infrastructure Levy should support and incentivise new development*”. Thus there should not be a conflict between Local Plan and CIL proposals.

3.4 North Dorset has an up-to-date Local Plan - LP1 - which is the “*relevant plan*” for CIL purposes (see PPG ID 25-011-20140612). PPG ID 25-018-20140612 states that: “*A charging authority should be able to explain how their proposed levy rate or rates will contribute towards the implementation of the relevant Plan*” The purpose of Figure 6

is stated in the Draft Schedule to be to identify the “Retail Charging Zones”

- 3.5 NPPF Annex 2 defines a Primary Shopping Area (“PSA”) as a “*Defined area where **retail development** is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage)*”. (my emphasis) There is thus a national policy linkage between PSA and retail areas.
- 3.6 The “relevant plan” for CIL, LP1, identifies that the Charging Authority has a current plan for identifying the Town Centre Retail areas. For example at para 6.49, LP1 states that: “*The North Dorset District – Wide Local Plan 2003 does not show any primary shopping areas for Blandford Forum,....*” and continues: “*In the interim, the Council will have regard to the recommended primary shopping areas, as identified in the Joint Retail Study, for development management purposes.*” That recommended PSA for Blandford Forum which is used for development management purposes is shown edged green on the plan from the Joint Retail Study attached hereto (**Appendix 1**)
- 3.7 However a different area is shown on the plan attached to the Draft Schedule as Figure 6. The Schedule contains no source or rationale for the boundary used. There is therefore a direct conflict with national policy as set out, inter alia, in NPPF and PPG.
- 3.8 Applying the present Figure 6 for development management purposes would mean that retail proposals in purely residential roads (such as River Mews) and general residential areas would be zero rated for CIL as being in the Retail Charging Zone. Figure 6 is a designation of predominantly residential areas.
- 3.9 Of greater relevance it would mean that parts of the retail area PSA in the heart of the Town Centre factually, and for national and local policy, and for development management purposes, would be treated as outside the Town Centre for CIL.
- 3.10 LP1 states at para 6.47 “*A town centre boundary should be drawn to include the town’s primary shopping area and other areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area*”. Thus the present Figure 6 is counter factual, is contrary to NPPF, is contrary to the “relevant plan” for CIL (LP1), frustrates policies including Policies 12 and 16, and contrary to the development management policy of the Charging Authority.

- 3.11 Examining the CIL Evidence Base discloses that earlier documentation, such as the Preliminary Draft Charging Schedule Consultation Document, claims a source for Figure 6. It asserts at footnote 10 that *“Proposed town centre boundaries for CIL purposes are those set out in the North Dorset District-Wide Local Plan 2003”*. However as is clear from the 2003 Plan and the text of LP1 (such as para 6.49) there is no town centre boundary in the 2003 Plan. Further, as already noted in Clemdell’s previous submissions, LP1 directly rebuts that footnote under the heading “Defining Town Centre Boundaries” para 6.47 *“The North Dorset District-Wide Local Plan 2003 does not show any town centre boundaries for Blandford Forum,....”* The Town Centre insert from the 2003 is attached (**Appendix 2**) - it clearly does not coincide with Figure 6. Thus this wording has been deleted in the Draft Schedule and the present Figure 6 is exposed as being entirely arbitrary.
- 3.12 Going forward, LP1 states at para 6.49 that PSA’s *“will be defined as part of the site allocations in the Local Plan Part 2 unless a local community decide to define a boundary for their primary shopping area in a neighbourhood plan”* The B+ Plan defines a Town Centre boundary (**Appendix 3**). This is not yet identified as the PSA - albeit it is more retail related in its boundary than the arbitrary and substantially non retail area within Figure 6.
- 3.13 The Draft Schedule states, at para 1.4, that it has determined CIL levels by reference to the Viability Study. Examination of the PBA Viability Studies confirms that PBA worked from LP1 policies and identified that the scope for charging CIL was for *“retail uses in out of centre locations”* (for example at para 7.5.3) and at para 7.6.2 PBA recommends that the CIL rate *“should be aligned to wider ambitions for town centres and retail that the District may have.”* The meaning of the Town Centre is clear in the Viability Study and is contrary to the present Figure 6.
- 3.14 In assessing the viability of zoned areas PBA have used the same retail area as used by the Charging Authority in its “relevant plan” LP1 i.e. **Appendix 1**. There is no evidence that PBA assessed the viability of retail development in the residential areas (such as River Mews) of the present Figure 6. However if this is not the case and thus PBA has used a different area to Appendix 1 to determine its CIL recommendations then the Charging Authority must publish that evidence for the Examination such that typologies for the viability of new retail development in residential areas and in PSA area can be separately determined by the Examiner in making recommendations.

- 3.15 In its Preliminary Draft Charging Schedule Consultation Responses the Charging Authority undertook that: “Town centre boundaries are incorporated into the Draft PDCS as appropriate for CIL purposes” (pages 8 and 16) and “The clarity of mapping will be addressed.” (page 10). Insofar as Figure 6 is concerned, the Draft Schedule has demonstrably not addressed the issue of mapping – indeed by deleting the (incorrect) footnote 10 the Charging Authority has demonstrated the arbitrary nature of present Figure 6.
- 3.16 Where there is such a fundamental and unexplained conflict with national policy and the “relevant plan” (particularly as the Town Centre area was examined in detail at the recent Local Plan Inquiry) it demands a public discussion at a Hearing. The present Figure 6 presents such a major policy shift that it would be disproportionate and perverse to deal with the implications for the future of retail in the Town Centre without a full public discussion.
- 3.17 The Charging Authority does not have an evidence base nor the democratic locus for the exclusion of parts of the Town Centre areas from the zero rated retail charging zone, nor for the creation of a zone that conflicts with NPPF, LP1 and the emerging Neighbourhood Plan. Whilst the use of the B+ Plan has some merit the use of the Charging Authority’s plan referred to in the “relevant plan” for CIL (LP1) and used for development management (**Appendix 1**) is recommended for the reasons outlined above.

4.0 CONCLUSION

- 4.1 Whilst Clemdell generally welcomes changes made in the Draft Schedule, the failure to address the clarity of mapping, promised in the Consultation Response, means that in the absence of a reasoned response (in the context of alignment with national and local policy) there is an absolute and fundamental issue that requires examination at a Hearing.
- 4.2 It is hoped that this outcome can be avoided by aligning the Retail Charging Zone with national and local policy and with the Viability Study and Appendix 1 substituted in the Draft Charging Schedule going forward.