

**BLANDFORD +  
NEIGHBOURHOOD PLAN**

**SUBMISSION  
ON BEHALF OF  
CLEMDELL LIMITED**

## 1.0 INTRODUCTION

- 1.1 Clemdell Limited (“Clemdell”) is a long term investor in Blandford Forum Town Centre with an extensive portfolio of High Street brands, local traders, houses and flats. Clemdell is a developer engaged in current Town Centre regeneration projects and a potential pro-active investor in future projects.
- 1.2 Clemdell is an active participant in the North Dorset Local Plan and related CIL Plan process. That has included participation in the Blandford sessions of the recent examination of the North Dorset Local Plan Part 1 (“LP1”)
- 1.3 Clemdell has submitted representations to the earlier iterations of the Blandford Plus Neighbourhood Plan (“the B+ Plan”) which remain pertinent; they are posted on the B+ website and are therefore not attached. Similarly, documents in the B+ Evidence Base (such as the MWA Reports) are not attached.

## 2.0 SUMMARY

- 2.1 The essence of Clemdell's concern is that the Blandford Plus Steering Group (“the Steering Group”) are using the B+ Plan to reverse the recent findings and outcome of the robust process of public consultation and examination of LP1. The Steering Group put forward its proposals for scrutiny and examination through the Local Plan process; its proposals were rejected in principle and in detail as, inter alia, unsustainable. With that knowledge, the Steering Group persists with its rejected strategy which constitutes the substantive content of the B+ Plan.
- 2.2 Clemdell objects to the Blandford + Neighbourhood Plan – Submission Plan July 2016, inter alia,
- it fails to comply with Basic Conditions;
  - it is not evidence based;
  - it strikes “at the heart of the Town Centre” (per the Evidence Base);
  - consultation was entirely judgemental to “bias responses” (per NDDC Comments (**App 1**)).
- 2.3 In coming to its conclusion, for the reasons set out below, Clemdell references particular policies and documents, drawing extensively upon the two responses of the local planning authority, North Dorset District Council (“NDDC”) to the Steering Group on earlier iterations of the B+ Plan. (**App 1 and 2**)

### 3.0 **PLAN POLICIES**

3.1 It is not intended to identify each and every example of Clemdell's concerns. The following are illustrative.

#### The allocation of land to the North and East of Blandford – B+ Plan Policy 1

3.2 The B+ Plan does not reference the Housing and Planning Act 2016. One likely effect of which is that allocation for housing in this plan will confer Permission in Principle ("PiP") and that the Examination of the B+ Plan will thus proceed on that assumption.

3.3 The housing allocation, on Grade 2 Agricultural land, in Policy 1 has now been recast, from previous iterations, as "enabling development" for a specific and limited range of items as set out, for example:

- in the B+ Plan para 3.17 the *"housing scheme is enabling the delivery of specified educational and economic development infrastructure"* and
- in the Basic Conditions Statement Table A point 1 *"the housing is necessary to release the adjoining land in the same ownership to deliver the social and economic infrastructure."* and *"the policy is not providing for new homes as a primary goal,"* and
- in the Sustainability Appraisal at para 7.17 the Policy *"will deliver a new primary school, employment development and green infrastructure with an enabling housing scheme."*

3.4 The "Land North East of Blandford - Infrastructure Delivery" statement by Savills , in the Evidence Base, on behalf of the Steering Group states how the delivery is proposed: *"Individual land parcels would be sold by the landowners, other than the allotments, which would be gifted to the Town Council, in return for the extinguishment of their lease on the existing allotments. Developers of the individual parcels..... would be responsible for servicing their own sites"*.

3.5 When assessing compliance of the B+ Plan with the Basic Conditions it is therefore requested that the Examiner considers the relevance, if any, of allocating *"enabling housing"* as a precondition to allocate other market-value land uses.

3.6 In making that assessment it will be material to consider the meaning of "enabling"

and “delivery” as used by the Steering Group in the B+ Plan. For the purposes of the B+ Plan “enabling” appears to mean allocating additional development sites at market value. The limited meaning of “delivery” is confirmed in terms in the Sustainability Appraisal as meaning “*by releasing the land*” (para 7.13). However, lay readers, in considering their response to a reading of the B+ Plan in its various iterations, would be justified in believing that Policy 1 means that the developer of the enabling housing will deliver (for example) a fully functioning school building at the developer’s cost.

3.7 There are three items of infrastructure which the B+ Plan links to the enabling housing development. Taking each of the items of infrastructure identified in the Sustainability Appraisal at para 7.17 in turn:

3.7.1 The need for a 2FE school on the B+ Plan Policy 1 land is based upon the assumption of the c.400 houses in this allocation having been approved in that location. That is set out in the DCC Blandford Town Pupil Place Planning Statement. Further, the funding gap for a 2FE School is identified as £7,600,000 in the LP1 Infrastructure Delivery Plan (page 35). There is no DCC commitment to or funding for a 2FE school as an alternative to the viable alternatives in the LP1 Delivery Plan. This proposal is not budgeted in the CIL setting.

3.7.2 Any need for additional employment land is in part a direct consequence of the B+ Plan proposing, contrary to the Development Plan, the allocation of Employment Land at Shaftesbury Lane (B+ Plan Policy 2) for retail development. Further, the proposed inward investment, as identified in the Appendix 1 of Exception Statement prepared for the Steering Group, is (particularly in respect of overall employment and investment in the plan’s area) de minimis.

In its evidence to the Local Plan Examination B+ stated at ID3051 (**App 3**) paragraph 3.19 “*The consent for a major superstore development on one of the major employment locations at Shaftesbury Road in 2013 resulted in the loss of a most significant opportunity to boost higher value added business growth in the town*” It now supports that change in use by way of B+ Plan Policy 2.

3.7.3 The Green Infrastructure is principally a land swap to release additional value to the land owners by creating land for housing from existing allotments.

3.7.4 Policy 1 also references a new surgery, funding for which is included in para 4.4(viii). However the whole of Section 4 is stated (in the Conditions Statement para 1.4) to

be outside the plan examination. Therefore no weight can be attached to the viability of this proposal which is, in any event, not included in the Sustainability Assessment. At para 2.5 (w) the plan identifies that it could be *“the expansion of existing doctors’ surgeries”*.

- 3.8 At para 3.17 the B+ Plan refers to Policy 1 proceeding by way of an Outline Application, thus dismissing any impact of the Housing and Planning Act in conferring PiP upon each separate element of the land allocations.
- 3.9 Further, in para 3.17 the B+ Plan states that Policy 1 *“also requires a planning obligation to be agreed to secure all the infrastructure requirements of the policy”*, Any linkages between housing and infrastructure provision set out in the B+ Plan are broken by the assertion in the Conditions Statement that *“Section 4 does not form part of the examined ‘neighbourhood development plan’”* (para 1.4) where Section 4 deals with implementation of the B+ Plan including planning obligations (para 4.7).
- 3.10 Even if Policy 1 was viewed as a whole the outcome would be a series of independent land uses. The B+ Plan gives no indication of how that will **deliver** any social infrastructure such as the building of the 2FE School. Depending on the timing of a made B+ Plan, Policy 1 would provide PiPs that could not be linked in a Technical Details Application and would pre-empt CIL. Enabling infrastructure needs to be linked to available funding, the Savills Infrastructure Delivery statement is clear that the “enabling” housing will not be funding any operational infrastructure.
- 3.11 It should be noted that that the B+ Plan asserts that *“Blandford Forum Town Council has long sought to address social and other infrastructure weaknesses in the northern half of the town”*. (para 1.12 and repeated at para 3.13.of the Sustainability Assessment) No evidence has been produced to support this and it should be compared with the Town Council’s Response to the LP1 Focussed Changes in September 2014 (ID278 (**App 4**)) which is quite clear *“The Town Council support the Focused Changes”* – that is the Town Council rejected the Steering Group’s strategy and supported the spatial strategy of LP1.
- 3.12 To summarise:
- The “enabling” housing allocation does not add, “enable”, or “deliver” any community-wide infrastructure. The housing allocation sits alongside other full-value allocations;

(For clarity: it is accepted that the housing development will require and implement its own on-site infrastructure such as roads and green spaces.)

- The infrastructure is at best a consequence and enhancement of the housing allocation. It does nothing to address the conflict of this Policy with Basic Conditions;
- There is no assessment of the implementation of this Policy on Grade 2 agricultural land;
- The credibility of the Steering Group's assertion of "*social and other infrastructure weaknesses in the northern half of the town*" justifying the need for the housing has been assessed by NDDC: "*This is an unsubstantiated statement*". (**App 1**). To be clear: there is no evidence for scrutiny that shows such weaknesses;
- There is no explanation why any land required for the three elements of infrastructure cannot be allocated separately from the housing;
- Crucially, there is no credible assessment of the effect upon the Town Centre of this Policy.

#### Retail and Town Centre Policies

3.13 Albeit that it is Policy 8 that is headed "Town Centre", that policy can only be examined in the context of the B+ Plan and its supporting documents as a whole when considering whether the B+ Plan's strategy affecting the Town Centre satisfies the Basic Conditions.

3.14 The B+ Plan asserts:

- that there are "*social and other infrastructure weaknesses in the northern half of the town*" (para 1.12 repeated in the Basic Conditions Statement para 2.1) and
- "*The north of the town is currently poorly served by convenience shops*" (para 3.19) and
- "*Residents to the north of the town have made it very clear to the Steering Group the importance of convenience store provision currently lacking in their part of the town*" (para 3.20)

3.15 NDDC's response to these assertions is: *"This is an unsubstantiated statement"*. (**App 1**) No evidence has been released by the Steering Group that even attempts to support any of these anecdotes. It is notable that the B+ Plan makes no reference to the existing and extensive range of retail outlets in the northern part of the town including the *"pattern of mixed use clusters focused along Salisbury Road"* (referred to in the Evidence Base "Blandford Forum Framework Masterplan" supporting the B+ Plan Policy 1). The anecdotes (if any) about convenience shops are rebutted by reality and evidence.

3.16 The B+ Plan recognises that choices must be informed by "technical evidence" (para 3.3).

Objective evidence of lack of social weakness is provided, inter alia, by the Government produced Index of Multiple Deprivation ("IMD"). The Steering Group have been provided with the IMD information confirming that the Hilltop Ward (i.e. the North-East of Blandford Forum) is the least deprived in the B+ area. In contrast Old Town Ward (which includes the Town Centre) is the most deprived (and one of the most deprived in England) (**App 5**). Full details can be interrogated on the IMD website.

Additionally County Council analysis, supplied to the Steering Group, identifies Old Town Ward as providing the greatest concentration of employment in the B+ Area. (**APP 6**)

3.17 The Draft B+ Plan referred to the "retail core" and that its Key Objective 2.6(4) was *"To maintain and enhance the economic performance of the retail core"*. That reference and objective has been deleted from the B+ Plan. That "retail core" can be assessed as Market Place and Greyhound Yard by reason of turnover, employment and footfall.

3.18 The B+ Sustainability Appraisal is clear in stating that: *"...additional retail floorspace will be provided through: n. the extension of the existing Tesco supermarket at Stour Park; and o. the provision of a new supermarket off Shaftesbury Lane"* (para 3.2). That is to say the Steering Group's vision is for no regeneration to provide additional retail floorspace in the Town Centre, notwithstanding that the Tesco additional land has been sold for high value employment.

3.19 NDDC commissioned a series of reports from MWA which forms part of the LP1 Evidence Base (LP1 SED016) (and have now been included in the B+ Plan

Evidence Base) examining the health of retail in the Town Centre. These reports are stark, not only irrefutably underlining the weakness and fragility of retail in the Town Centre but concluding that the Steering Group's vision in the Sustainability Appraisal at para 3.2 strikes "*at the heart of the Town Centre*". (LP1 SED016 page 11 paragraph 3.6) Thus the Steering Group's vision is directly opposed to NPPF 23 that the plan "*recognise town centres as the heart of their communities and pursue policies to support their viability and vitality*". The fragility of the Town Centre offer was also observed and confirmed by an Appeal Inspector in November 2014 ((APP/N1215/A/13/2205814).

- 3.20 At para 3.18 of the B+ Plan the diversion of trade out of the Town Centre as a foreseeable consequence of the B+ Plan policies is accepted. Because, the plan states, MWA did not predict the closure of Morrisons this is glossed over. Such an approach is contrary to Basic Conditions as it is, inter alia, in conflict with NPPF and PPG requiring positive policies to support the Town Centre viability and vitality. Contrary to Basic Condition (d) the B+ Plan contains no proposal to mitigate the effects of its Policies (inter alia) 1, 2 and 5.
- 3.21 MWA reported that Morrisons turnover projected for 2016 (without impact from new competitive stores such as Asda) would be c.£11.37M (LP1 SED016 page 41 Table J) and "*we are aware that Morrisons have indicated that the benchmark convenience goods turnover of the store is approximately £13.5m. This would be well below the level the store is currently achieving.*" (LP1 SED016 page 41 paragraph 2.12). MWA did not factor in the diversion of trade proposed by the alternative "town centre" uses incorporated into the B+ Plan Policy 1.
- 3.22 The B+ Plan identifies "*Creating and Supporting Jobs and Cherishing our Town Centre*" and "*The town centre will remain the focus of community activity*" as objectives (para 2.5). The B+ Sustainability Appraisal avers: "*Of importance too is the survival and success of the town centre*" but that "*the planning system is limited in how it can influence strong market forces*" (para 6.3).
- 3.23 In rebuttal of that Sustainability Appraisal paragraph the Steering Group wish to use the planning system to allocate retail sites in Policies 1 and 2 which the B+ Plan (para 3.18) accepts will draw trade away from the Town Centre.
- 3.24 Yet the B+ Plan proposes no supportive policies for the retail core. The Steering Group suggested in Q6 of its Pre-draft plan survey 2015 that the purpose of the town

centre could be changed so that it becomes more of a leisure attraction. The Sustainability Appraisal makes no attempt to evaluate or explain the effect of the Plan's Policies on the retail core of the Town Centre. Overall the B+ Plan proposals would fail any appraisal against NPPF and PPG policies and thus must fail to meet Basic Conditions.

- 3.25 Context for the B+ Plan strategy for drawing trade away from the Town Centre can be found in the "Land North East of Blandford Forum Framework Masterplan", produced for the Steering Group to support its Policy 1, at the heading "Land use strategy - Commercial/ Community gateway"

*"Commercial (potential for some office, small scale food retail) and community (potential for medical / health) uses will focus on the Salisbury Road. This location will allow a stronger visual presence and increase the prospect of viable development benefiting from the significant passing trade. This location represents the most sustainable location for these uses to encourage walking and cycling from within the new development and the adjoining existing neighbourhoods. The mixed-use development will focus around an urban square space to mark the new, welcoming gateway to Blandford and continue the historic growth pattern of mixed use clusters focused along Salisbury Road."*

- 3.26 This is combined, in the B+ Plan, with Policy 2 to reverse the Development Plan Policy BL5. The B+ Plan proposes retail development for the Shaftesbury Lane site land which is reserved in LP1 for Employment Development. The NDDC Response states *"Officers recommended that the original planning application for A1 use on the site should be refused planning permission and one of the main reasons for this recommendation was the likely detrimental impact that a retail use on this site would have on Blandford Forum Town Centre."* (**App 2**)

- 3.27 Confidence in the retail core is further undermined by Policy 5 for what the Development Plan identifies (LP1 at para 8.32) as the edge-of-centre. The B+ Plan at para 3.29 states: *"This policy allocates approximately 0.9 ha of land off East Street and Langton Road for a mixed use commercial and tourism scheme. It aims to encourage more visitors to the town as one element of a number of town centre regeneration initiatives.....3.31 The site offers good visitor access."* This should be read with Policy 5(i) *"There is no loss in the total number of existing car parking spaces"* such that (with other constraints such as the Main River) there is not 0.9ha of land (or any) for redevelopment of the land already in beneficial use. The NDDC

Response states: *"It is difficult to see how development would be able to take place without a loss in the total number of existing car parking spaces."* (**App 2**) If the Steering Group wish to regard this edge-of-centre car park as within the town centre then its comments at para 3.23 of the B+ Plan apply equally to Policy 5 with the same caveats as noted below.

- 3.28 Within the Town Centre the B+ Plan proposes, in practice, to sterilise and undermine the regeneration proposed in the strategic LP1 Policy 16, and the Marsh & Ham Car Park by Policy 8. No stress test has been carried out to rebut, for example, the fall in ticket sales and no evidence is produced to support para 3.43 that *"Comments received related to the shortage of town centre car parking and it has increased dramatically in the last year"* (this comment is carried forward from previous iterations in previous years) and it does not answer the question put to the Steering Group of what proportion relates to County proposals to restrict on-street parking and how that balances against (for example) comments related to parking charges. The NDDC Response on Policy 5 applies equally to Policy 8.
- 3.29.1 The B+ Plan carries forward its statement that *"As another regeneration initiative, the Town Council is keen to address the improvement of traffic flow within the town centre."* (para 3.46). Proposals produced and publicised by groups associated with, and represented on, the Steering Group (such as DT11) are for complete or weekend pedestrianisation of the Town Centre. (e.g. DT11's proposal was put to the Town Council Planning Committee on 7 September 2015).
- 3.29.2 NDDC has already stated *"The Draft NDP should not include traffic management as an issue if there are no proposals in the document."* (**App 1**) Persistence by the Steering Group of proposals that would render the servicing of retail units impossible (and prevent Town Centre residents from accessing their parking) demonstrate the Steering Group's agenda of unsettling existing businesses and jobs and further depriving the most deprived ward of facilities and services.
- 3.30 The Blandford Brewery redevelopment, now underway, seeks to strengthen the direct Green Infrastructure Links between Blandford St Mary and the retail core by way of Mortain Bridge which is within the Marsh and Ham. The B+ Plan fails to mention Mortain Bridge and actively seeks to divert walking and cycling into the Town Centre away from the retail core by its Policy 9.

- 3.31 Similarly, the proposal for a Visitor Centre to be located in Langton Road (B+ Policy 5) has the effect of drawing people away from the retail core or using Mortain Bridge as a principal link for walking and cycling. The existing Visitor Centre in the Marsh and Ham is also not mentioned by the B+ Plan. Prima facie, undermining the tourist facility functioning as part of the retail core is contrary to B+ Plan Policy 14.
- 3.32 The B+ Plan introduces a series of inflexible Design Management Policies (Policies 11, 12 and 13) that seek to reverse the flexibility and rationality of the strategic policies in the Development Plan (LP1 Policies 22 et seq). These were the subject of public consultation and scrutiny at the LP1 Inquiry. B+ Plan Policy 11 affects the Town Centre. The Steering Group provide no substantive rationale for seeking to conflict with LP1, and national policy, particularly when it asserts in the B+ Conditions Statement that Section 4 (containing its Development Management proposals) should not be subject to examination. The Design Policies conflict with LP1 and fail to demonstrate how they contribute to sustainable development, the B+ Policies seek to conflict with NPPF policies (inter alia paras 59, 60 & 65). Thus the Design Policies fail Basic Conditions (a) (d) and (e).
- 3.33 Crucially what is missing from B+ Plan Policy 8 is any proposal to mitigate that deprivation of residents in Old Town Ward identified in the IMD. Taken in the round the B+ Plan seeks to challenge the viability of the facilities available in the most deprived part of the plan's area by seeking diversion of facilities and jobs to the least deprived part of its area.
- 3.34 Whether or not the Steering Group's vision is endorsed or implemented the harm is done. The confidence of existing retailers and of potential investors in the future of the Town Centre has to be undermined. That is particularly unfortunate for those residents and employees in the Town Centre and, additionally, for the historic buildings, all of which will be prejudiced by the Steering Group's alternative retail strategy
- 3.35 In summary the B+ Plan promotes an alternative spatial strategy to LP1 for the functions of a Town Centre. The Steering Group's vision was rejected through the public processes of the Development Plan, and is contrary to national policy. The B+ Plan proposals, as they impact upon the Town Centre, fail to meet the Basic Conditions. The B+ Sustainability Assessment does not even attempt to justify the B+ Plan in this respect.

#### 4.0 THE SUSTAINABILITY APPRAISAL

4.1 The Sustainability Appraisal confirms that the purpose of an appraisal is “*to provide an assessment of any significant social, environmental and economic effects*” (para 1) and: “*The sustainability appraisal objectives have been chosen to provide a relevant framework within which to distinguish policy attributes and to compare them with any reasonable alternative policy approaches.*” (para 13). Then it confirms that:

- “*...other policy options in relation to employment were not considered*” (para 6)
- “*...some alternatives would not be ‘realistic’ as they would be very unlikely to secure the support of the local community*” (para 5)
- “*...some objectives that are common at the district level that are not included here, for example air quality, soil quality, healthy communities.*” (para 7).

4.2 What is missing entirely is any credible and evidenced appraisal of the impact of the B+ Policies on the jobs, the retail offer, and the deprivation of the Town Centre. The Steering Group’s documents fail to mention that Policy 1 involves the loss of Grade 2 agricultural land.

4.3 The North Dorset Local Plan Review Sustainability Appraisal Scoping Report has now been through public consultation and is a material consideration for the examination of the B+ Plan. Its Objectives are clear and conflict with the B+ Plan Policies. For example:

- Objective 2. “*Protect soil quality: Protect the most productive agricultural land (‘excellent’ and ‘very good’) to provide food security and achieve sustainable agriculture*” conflicts with B+ Plan Policy 1 which seeks to use Grade 2 land for development. It would appear from para 7 of the B+ Sustainability Appraisal that the Steering Group is prepared to accept and defer to district level Objectives on this matter. If so this would, prima facie, delete Policy 1.
- Similarly with Objective 10 “*Encourage vibrant town centres and support town centre regeneration*” compared, inter alia, to Policy 1.

4.4 The B+ Sustainability Appraisal states that: “*The main sustainability issues in the neighbourhood area to which the Neighbourhood Plan responds is managing the effect of recent and future scale of housing development on the infrastructure of Blandford.*” (para 6 (sic)). However, as noted, this assessment is carried out by the

omission of any sustainability objective that would be seriously negative for the B+ Policies. It thus does not provide the public with the full knowledge of the significant effects of the B+ Plan proposals.

- 4.5 The “reasonable alternatives” are selective. For example, there is no analysis of an alternative to the B+ spatial policy of directing retail floorspace out of town against a policy of retail regeneration focussed on the Town Centre retail core.
- 4.6 As has been analysed above, Policy 1 will not *deliver* any usable infrastructure (other than housing) in the plan period. Therefore no weight should be attached to any part of the sustainability appraisal that relies upon this. The NDDC Response is more robust: *“It is considered that there is little to be gained from such an exercise given the fundamental view set out above that Policy 1 in the emerging Blandford+ Neighbourhood Plan (NP) does not conform with the strategic policies of the recently adopted North Dorset Local Plan Part 1, including Policy 16 (Blandford). As previously stated, given the NP does not conform with the strategic policies in the Local Plan Part 1, it is considered that Policy 1 in the pre-submission neighbourhood plan does not meet one of the basic conditions relating to the preparation of a neighbourhood plan.” (App 2).* For clarity, Policy 1 in the Pre Submission Plan and in the B+ Plan for the Examination is one and the same.
- 4.7 Having regard to the clear concern of NDDC regarding B+ Plan Policy 1 ( e.g. in **App 1 and 2**), it is still useful to consider in some detail the robustness of the B+ Sustainability Appraisal on this matter, having regard to the importance placed by Basic Conditions on conformity to the LP1 spatial strategy and to sustainability.
- 4.8 The Steering Group sets its Policy 1 against two very selective alternatives from the range of sustainable alternatives available to it. It is worth noting that of Option 1 it is asserted that *“The first has not yet been proposed by the District Council or the land interests in that location.”* (para 7.9) At the LP1 inquiry the land interests were competing with the Steering Group’s proposals and inspection of the B+ website identifies that a land interest (Gladman) continues its consolidation proposal.
- 4.9 For support of its Policy 1 the Steering Group asserts in the B+ Conditions Statement that it was *“successfully argued through the local plan examination”* and that its strategy is *“complementary”*. This needs to be addressed in the context of Basic Conditions.

## 5.0 THE BASIC CONDITIONS STATEMENT

- 5.1 The first point to be addressed is the robustness of the assertion that Policy 1 was successful at the LP1 examination. It is also stated that the Steering Group “*regard the provisions of Policy 1 as being complementary to the spatial strategy of Policy 16 of NDLP1.*” (para 5.3) and that “*the revised approach, as NDDC confirm (sic), does not alter the strategy overly much.*” (para 5.7) Because of its centrality to the alternative spatial strategy for housing and retail in the B+ Plan it is considered in some detail (and in repetition of Clemdell’s previous representations).
- 5.2 The numerous iterations of Sustainability Appraisals for the Local Plan considered the B+ Plan proposals in detail in the context of locating growth elsewhere in Blandford and in other North Dorset settlements, The Sustainability Appraisal was adopted on 15 January 2016 with the Local Plan. All iterations reject the B+ strategic allocation as unsustainable. B+, in a letter to Clemdell (**App 7**), asserted that “*the B+ alternative was not tested*” (which should be compared with the current assertion that the Steering Group were successful). Clemdell (**App 8**) responded, at point 3 giving the Local Plan Evidence Base references where the B+ strategy was considered “*COD010 and again in COD004 and SUD003 and SUD008*” and referred to the Basic Condition requiring “*the contribution of each policy to “the achievement of sustainable development” (PPG ID 41-065-20140306)*”
- 5.3 The wording from the Draft Plan has been changed from “*this Vision does not accord with that of the emerging North Dorset Local Plan (NDLP1), at least in respect of the spatial implications of growth*’ but the policies in the B+ Plan are the same with the same purpose and intent as the Draft Plan. (The Local Plan was adopted between the publication of the Draft Plan and the B+ Plan)
- 5.4 Therefore the NDDC Comments (**App 1**) remain pertinent and should be set against the assertion that “*In general, there is little difference between the vision and objectives of the Pre Submission Neighbourhood Plan and the newly adopted Local Plan.*” at para 3.6 of the Sustainability Appraisal. The NDDC Comments are founded in the PPG extracts and need to be restated, and examined, in full:

*“Consequently, the policies which flow from this, notably in respect of development proposals to the north and north east of Blandford do not accord with the Local Plan. The Government’s Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065- .20140306) clearly sets out the basic conditions which a Neighbourhood Development Plan must meet if it is to proceed to a referendum. These include the*

*relationship between a NDP and a Local Plan (the NDP must be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)).*

*Guidance (Paragraph: 074 Reference ID: 41-074-2014030) is very clear on the matter of conformity with the strategic policies in the development plan. In particular, 'whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy ' and 'the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*

*The Basic Conditions also refer to the need to help achieve sustainable development (Paragraph: 072 Reference ID: 41-072-20140306). Guidance says that 'In order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions'. Comment made in respect of paragraph 1.14 above is pertinent here."*

*That pertinent and overarching comment referred to is: "How can the reader understand the preferences for the options if he/she is not provided with the background to the plan?"*

- 5.5 In its letter to Clemdell (**App 7**) B+ states "*The development it proposes is in addition to that of the Local Plan as the group accepts that it has probably lost the battle for it to be accepted as an alternative strategy in the Local Plan*" and then goes on to assert that: "*The NPPF does not require evidence to justify an oversupply of housing;*", That was addressed in detail in Clemdell's response (**App 8**) at point 2. At that time Clemdell did not have the NDDC Comments (**App 1**), which were obtained in the initial Fol request, these cover similar ground. Both should be examined in full:

*"The Planning Advisory Service Neighbourhood Planning Advice Note 'Housing Needs Assessment for Neighbourhood Plans' says that 'neighbourhood plan housing policy needs to be underpinned by robust, objectively assessed data providing a picture of housing need at the level of the neighbourhood plan area'. That advice has been ignored in the Draft NDP. Does a Housing Needs Assessment (as recommended as good practice by the Planning Advisory Service) underpin the proposals? There is no reference to this if it exists.*

*National Guidance (Paragraph: 006 Reference ID: 2a-006-20140306) sets out that 'The neighbourhood plan should support the strategic development needs set out in Local Plans, including policies on housing and economic development. The level of housing and economic development is likely to be a strategic policy'. There is a clear implication that, since the housing needs underpinning LP1 are evidence based, any variation needs to be similarly evidence based.*

*Government guidance on preparing neighbourhood development plans clearly states (Paragraph: 040 Reference ID: 41-040-20140306) that 'Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention, and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.*

*It goes on to say (Paragraph: 042 Reference ID: 41-042-20140306)'A neighbourhood plan can allocate sites for development. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria'. There is no indication in the Draft NDP that this work has been done. Finally, it points out that policies should be clear and unambiguous and 'should be concise, precise and supported by appropriate evidence'."*

The B+ Plan, as with the Draft Plan, fails to address any of these points.

- 5.6 In mitigation of its strategic allocation the B+ Plan, in the context of the LP1's core Spatial Strategy and asserting (the unevidenced) weaknesses in the northern half of the town states at para 1.13:

*"Whilst the Steering Group and Councils made representations on these proposals during the examination of the Local Plan, they now accept them reluctantly as part of the future planning for this area. However, further housing demand survey work (as part of the East Dorset Strategic Housing Market Assessment – see the evidence base) has indicated that the District will need an additional 900 new homes up to 2031 to be able to meet local needs. This important evidence, and the unresolved issues in the north of the town, has helped shape the Submission Plan."*

(As a point of information, as already noted, the Blandford Town Council's representation was in support of the current LP1 allocations and thus against the Steering Group (**App 4**)).

- 5.7 The B+ Plan fails to mention that the revised SHMA for North Dorset was published

in August 2015 – six months before the earlier iteration of the B+ Plan. It was the subject of an exchange between the LPA and the Local Plan Inspector (INS025 (**App 9**)) and then fully considered in the Inspector's Report (the full Report is on the B+ Evidence Base website), inter alia:

*“32. Since the close of the hearing sessions I have been advised that the Eastern Dorset Strategic Housing Market Assessment 2015 (SHMA)<sup>21</sup> concludes that the revised objectively assessed need for North Dorset is 330 dwellings a year – as opposed to the 285 figure on which the housing policies of LP1 are based. The Council has considered the implications of this new evidence (which I have not tested and which has not been tested at any other local plan examination)*

*43. With regard to the 5 year supply of housing, it is anticipated by the Council that 2,060 dwellings will be delivered within 5 years<sup>25</sup> (412 a year). This figure needs to be compared to the proposed requirement which, using the Council's calculations would be 1,595 dwellings<sup>26</sup>. I am therefore satisfied that a deliverable 5 year supply of housing (plus 5% buffer) can be demonstrated<sup>27</sup>. I am also satisfied that sufficient land is identified to deliver housing for years 6 to 10<sup>28</sup>. In terms of the period between 2026 and 2031 the Council is proposing to increase supply by adjusting the capacity of the broad locations of growth. At south east of Blandford St Mary, additional land has been identified and the capacity would consequently increase by 150 dwellings..... On this basis I am satisfied that the current overall housing need up to 2031 (as identified in the submitted LP1) can be met and no substantive evidence was submitted that would lead me to conclude otherwise.*

*51..... The Annual Monitoring Report (AMR) will review and update the trajectory in due course but at the current time it is clear that the delivery of houses will meet or exceed the annual target up to 2023/24.”*

The review of the Local Plan has commenced and will take account of the SHMA across the competing sites in the District. Albeit that, as the Inspector notes, an additional 150 dwellings have already been allocated in Blandford, the Inspector concludes that the revised OAN will be fully met “*by adjusting the capacity of the broad locations of growth*”. The NDDC Response also disposes of the B+ Plan's justification at its reference para 1.13 of **App 2**.

- 5.8 The NDDC concerns about B+ Policy 1 were dismissed in the Pre Submission iteration of the B+ Plan. Therefore this was repeated by NDDC: *“it is considered that Policy 1 in the emerging Blandford+ Neighbourhood Plan (NP) does not conform with the strategic policies of the recently adopted North Dorset Local Plan Part 1 including Policy 16 (Blandford). On this basis it is deemed that Policy 1 in the pre-submission neighbourhood plan does not meet one of the basic conditions relating to the preparation of a neighbourhood plan” (App 2)*. Again the current iteration of the plan fails to disclose to the reader or address NDDC’s concerns. The B+ Plan contains the non conforming strategic policies for examination and all of its proposals should be viewed in that context.
- 5.9 For completeness, in considering the second leg of the B+ Plan’s justification for its strategic direction being *“unresolved issues in the north of the town,”* the LPA Comment (**App 1**) *“This is an unsubstantiated statement”* continues to apply. There remains no evidence of pre-existing unresolved issues.
- 5.10.1 In further justification of its alternative/complementary strategy the letter from B+ to Clemdell (**App 7**) states *“NDLP1 main modifications (MM14) allows for growth beyond the bypass”* in the full knowledge that this was caveated. Therefore Clemdell’s response (**App 8**) pointed out the context, albeit it was already known to the Steering Group:

*“ 4 The LP1 potential for proposals beyond the by-pass can only be read in context. The Development Plan now reads at para 8.12 “with additional greenfield sites beyond the bypass [MM14] being brought forward **after** that date.” That date being after 2031 i.e. after the expiry of the Neighbourhood Plan period.)*

*Further para 8.13 now reads (by specific reference to the Blandford+ Plan): “This will deal with **nonstrategic** matters to supplement the policies contained in this Local Plan, .which can include additional greenfield sites beyond the bypass.[MM14]” .....*

*The Inspector has been quite careful to go further than LP1 in stressing **that any housing “proposal would accord with the agreed spatial approach;” which is “development within the ‘settlement boundary’”** (paras 33 and 76). LP1 Appendix B.1 states: “Policy 2 – Core Spatial Strategy states that the settlement boundaries around the four main towns, Stalbridge and the larger villages as shown on the Proposals Map of the North Dorset District Wide Local Plan (2003) will be retained.” The Core Spatial Strategy rejects the strategic allocations proposed in the Blandford+ Plan“.*

- 5.10.2 It is material to note that the B+ Plan fails to reference this strategic constraint such that any consultation on the B+ Plan strategy is invalidated. As the NDDC Comments (**App 2**) state: *“How can the reader understand the preferences for the options if he/she is not provided with the background to the plan?”*
- 5.11 It is in its Conditions Statement that B+ claim that *“Section 4 does not form part of the examined ‘neighbourhood development plan’”*. That Section deals with implementation including Development Management and Infrastructure including planning obligations. If only selected parts of the B+ Plan can be put forward for examination then prima facie this vitiates the B+ Plan proposals and policies to secure infrastructure “delivery” in Policy 1. Readers of the B+ Plan would formulate their view on the understanding that supporting the plan will deliver the Infrastructure.
- 5.12 Also in the B+ Conditions Statement it is said that *“The Neighbourhood Plan avoids duplicating development plan policies”* (para 3.7) and avoids *“proposing policies that may duplicate national planning guidance and/or development plan policies that are already material considerations in determining future planning applications”* (para 3.3). Prima facie this should ensure the deletion of the Design Policies even if they were not in fact in conflict with the Basic Conditions.
- 5.13.1 Reviewing the Basic Conditions against the B+ Plan it is immediately apparent that the B+ Plan is in conflict with NPPF16, as is stated in the NDDC Comments *“the policies which flow from this, notably in respect of development proposals to the north and north east of Blandford do not accord with the Local Plan”* (**App 2**). NPPF and PPG emphasise that the Neighbourhood Plan should “support” not “complement” or “refine” Local Plan Policies. Still less should the Neighbourhood Plan promote alternative strategies – the B+ Plan retains its alternative strategy and rebranding them as “complementing” or “refining” the Local Plan still breaches Basic Conditions (a) (d) and (e) in particular.
- 5.13.2 This semantic footwork is commented on in the NDDC Response, including at its consideration of Policy 1 where it reminds the Steering Group *“Nevertheless, the background document to the NP, titled ‘Blandford+ Visioning Document’, refers to the spatial approach being promoted through the NP as being alternative to the spatial strategy detailed in LP1. A previous version of the NP, which was consulted on in 2015 also referred to the spatial strategy as being an alternative strategy.”* (**App 2**). The Examination must therefore proceed on that factual basis that the B+

Plan is indeed a proposal for an alternative strategy.

5.14 For the avoidance of doubt, NPPF para 112 should be complied with: *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*

5.15 Again for clarity, the fundamental conflict with Basic Conditions is well covered by NDDC, but Clemdell wish to emphasise that the NDDC Comments and Response apply equally to the B+ Plan alternative retail spatial strategy and draw attention to NPPF and PPG on Town Centres:

- In the NPPF section headed “Ensuring the vitality of town centres“, para 23 says policies should *“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality”*.
- In the section headed “ Promoting healthy communities“, para 70 says planning policies and decisions should ensure *“that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community”*.

To briefly recap the Town Centre PPG includes, at Paragraph: 003 Reference ID: 2b-003-20140306 :

In the section headed “What should a town centre strategy contain?”: *“Any strategy should be based on evidence of the current state of town centres*

- *can the town centre accommodate the scale of assessed need for main town centre uses? This should include considering expanding centres, or development opportunities to enable new development or redevelop existing under-utilised space....*
- *how can parking provision be enhanced and both parking charges and enforcement be made proportionate, in order to encourage town centre vitality?*

*Strategies should identify changes in the hierarchy of town centres, including where a town centre is in decline.”*

5.16 The Steering Group have not considered the effect of the B+ Plan on Blandford Forum Town Centre in its Sustainability Assessment and plainly failed to apply each element of the PPG assessment. Whilst NPPF states that policies should recognise town centres as the heart of their communities with positive policies, MWA (for NDDC) has clearly identified that similar proposals to the B+ Plan strike at the heart of the town centre. Such policies and proposals as found in the B+ Plan conflict with Basic Conditions (a) (d) and (e) in particular.

5.17 It should not be forgotten that sustainability contains a “social conditions” component. To comply with Basic Condition (d) the B+ Plan needs to evidence how the plan contributes to the social conditions for residents in the most deprived ward in its area.

## 6.0 PROCEDURAL ISSUES

6.1 The Steering Group was established as a Working Group of Blandford Forum Town Council in May 2012. Following, inter alia, the Possibilities and Opportunities Document (April 2014) and other work the Town Council responded (**App 4**) to the LP1 Focussed Changes in September 2014. That submission supported growth to the south and rejected growth in the North and East.

6.2 Two surveys were carried out in 2015, both formulate questions in a way that NDDC identify as “*judgmental and could bias responses*”. (**App 1**) The Draft Plan Consultation 2015 in particular conflated two diametrically opposed proposals thusly “Do you agree that the Plan should focus future growth on the northern and eastern edges of Blandford Forum and on the Town Centre?” (Q11). No opportunity to consider these as separate and alternative options was allowed. It went on to ask about the mix of uses on ‘this site’ without identifying which site (north-east, town centre, both or somewhere else?). Therefore no weight can be placed upon these results as support for the B+ alternative spatial strategy.

6.3 The Steering Group promoted the pre-conceived agendas of its individual members. Consultation avoided major stakeholders who were not in agreement with its views, or where it did occur it was simply to blank alternative views. (**App 8** refers)

6.4 The B+ website confirms (**App 10**) that “*Meeting Structures and Meeting Notes have been removed from the website*” so that stakeholders have not had ready access to

a transparent record of the evolution of the B+ Plan. Information to make reasoned responses had to be obtained by Fol. The Regulation 14 Report (at para 49) considers this is acceptable. It asserts that *“all statutory representations are available on the B+ website.”*

However the point is that this information was not available or on the website when it was needed and necessary to inform stakeholder opinions and responses. It goes to the NDDC Comment. *“How can the reader understand the preferences for the options if he/she is not provided with the background to the plan?”* (**App 1**). NDDC also pressed for the release of the full background (**App 2**)

- 6.6 To comply with PPG, and thus Basic Conditions, the evolution of the B+ Plan and its consultation process should have been undertaken openly, impartially and in a manner that ensures that local people and organisations are properly informed. Again, in this respect, the Steering Group has failed. It is clear that not only is the Plan poorly evidenced, and in many instances based only on anecdote and assertion, it is as a result also misleading and fails to comply with Basic Conditions.

## 7.0 **CONCLUSION**

- 7.1 Fundamental to the proposed Neighbourhood Plan being properly made is the necessity for it to meet Basic Conditions. As shown above, this Plan fails the test on many levels.
- 7.2 As has been identified by NDDC in its comments, the Steering Group has proceeded by way of biased consultation and unevidenced assertion with a set of proposals that have not been informed by Basic Conditions.
- 7.3 The various iterations of the B+ Plan have not changed substantively in response to NDDC advice and stakeholder consultation. It is substantively the same proposals as were examined and put to public consultation through the many iterations of the Local Plan. The Steering Group's proposals were consistently rejected.
- 7.4 That culminated in the scrutiny in detail of each one of the majority of the Steering Group's current proposals at a public inquiry which was reported on less than a year ago. The Inspector's Report rejected comprehensively the alternative strategy and the detailed policies carried forward in the B+ Plan. The Steering Group's proposals were found to be in conflict with national policy and not contributing to the

achievement of the three limbs of sustainable development.

- 7.5 There has been no change in circumstances since the Inspector's Report that could lead to a rational conclusion that the B+ Plan to be examined now meets Basic Conditions.