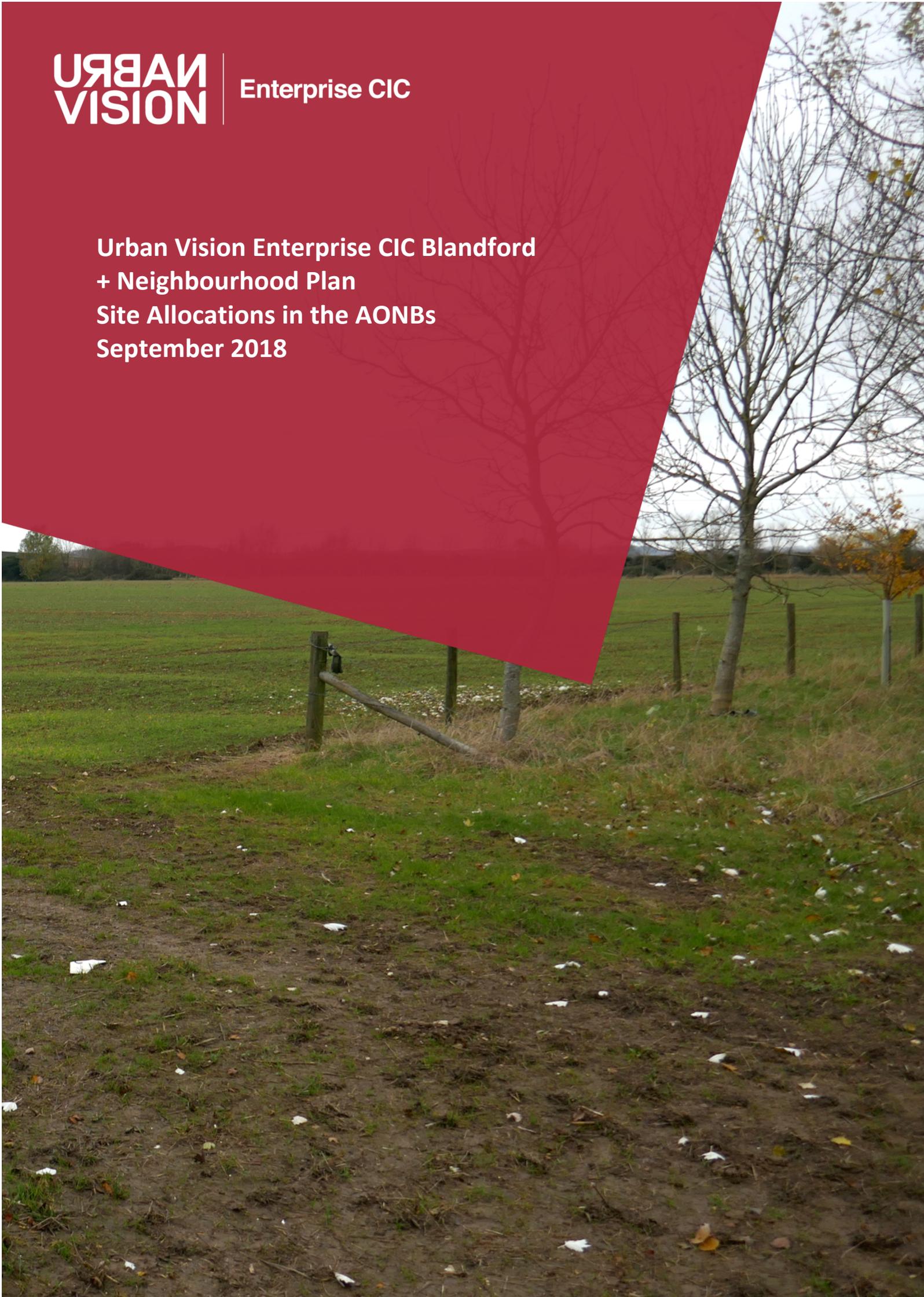


**URBAN
VISION**

Enterprise CIC

**Urban Vision Enterprise CIC Blandford
+ Neighbourhood Plan
Site Allocations in the AONBs
September 2018**



Contents

1. Introduction.....	3
2. Prematurity and Site Allocations.....	4
2.1 Site Allocations in Neighbourhood Plans	4
2.2 Meeting the Basic Conditions	4
2.3 Options for Growth.....	5
3. National Policy.....	6
3.1 Paragraph 172 of the NPP.....	6
3.2 Basis for Site Allocations	7
4. Conclusions.....	8
5. Contact	9

1. Introduction

Urban Vision Enterprise has been asked to comment on the proposed site allocations in the Blandford+ Neighbourhood Plan, involving land within the AONB.

It has been suggested that the neighbourhood plan is premature, as the North Dorset Local Plan is being reviewed and this includes considering growth options around Blandford at the same time as growth in other parts of the local plan area.

Also, the requirements of Paragraph 116 of the NPPF (now Paragraph 172 of the NPPF 2018) have been raised.

The following text examines the questions of prematurity and the requirements of the NPPF.

2. Prematurity and Site Allocations

2.1 Site Allocations in Neighbourhood Plans

There is no question over the legitimacy of a neighbourhood plan as the means to making site allocations. This is confirmed by the National Planning Policy Framework (NPPF) 2018. It was tested also in the Court of Appeal in *R (Larkfleet Homes Ltd) v. Rutland County Council* [2015] EWCA Civ 597.

The question is not whether a neighbourhood plan can make site allocations, but whether such allocations meet the Basic Conditions. Planning Practice Guidance (PPG) states that the evidence underpinning local plans can be part of the evidence base for neighbourhood plans.

Government legislation and policy imposes no requirement for neighbourhood plans to wait for local plans to be updated. This issue was tested in *DLA Delivery v Lewes District Council* [2017] EWCA Civ 58. There are hundreds of examples around the country of where neighbourhood plans are proceeding or emerging in parallel to local plans.

2.2 Meeting the Basic Conditions

From UVE's involvement with Blandford Forum over the past 18 months, it is apparent that the Blandford+ neighbourhood planning bodies are working in close liaison with the local planning authority. This is obviously good practice.

There has been a public consultation on growth options for Blandford Forum, run by the local planning authority, with the outcomes being given full consideration by the neighbourhood plan bodies.

Whilst the neighbourhood plan would be tested for general conformity against the adopted local plan, it is clear that there is also congruence between the emerging growth strategies in both local plan and the neighbourhood plan.

Importantly, the selection of sites is being based on recent evidence of local need. Our understanding is that the local planning authority is maintaining its overall spatial strategy, which concentrates development in the four main towns in the district. Paragraph 66 of the NPPF provides for local planning authorities to set an indicative housing figure for neighbourhood areas.

The neighbourhood plan requires an SEA, but an SA is currently being prepared/updated in parallel to revision of the neighbourhood plan. This includes and goes beyond the scope of SEA.

One of the basic conditions requires neighbourhood plans to help achieve sustainable development. Precluding growth around the town itself would clearly

present difficulties in terms of meeting this requirement (see part 3 of this document).

2.3 Options for Growth

The comments of the AONB bodies on the emerging local plan (which is looking at options for growth) are noted. However, the NPPF requires plans to cater for growth to meet local need. This applies to local plans and neighbourhood plans.

For Blandford Forum, no-growth or limited-growth options would not be likely to be realistic. It would fail to have regard to a range of NPPF policies and the need to help achieve sustainable development.

The Grimsey 2 Report highlights the changes that are occurring in town centres. For the historic town of Blandford Forum, no-growth or limited-growth options would cause considerable social, economic and environmental harm. A neighbourhood plan with a no-growth or limited-growth approach would run a high risk of failure at examination, potentially against all four of the basic conditions.

3. National Policy

3.1 Paragraph 172 of the NPPF

Paragraph 172 of the NPPF 2018 states”

“172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁵⁴. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.

Paragraph 172 clearly places a firm requirement in considering development of sensitive landscapes, requiring other options to be given full consideration.

At the same time, no-growth or limited-growth options would cause considerable social, economic and environmental harm to Blandford Forum town centre and its hinterland. This must be a factor in the interpretation of Paragraph 172. It is clearly not the intention of Paragraph 172 to impose stagnation on towns or to prevent growth to meet local need, if there are other realistic options.

Blandford Forum is closely enclosed by AONBs, which is an important factor in applying Paragraph 172. The economic harm of stagnation must be considered against a). In considering b), there is clearly very limited scope for meeting Blandford Forum’s growth requirements unless surrounding land is developed. In considering c), it is obviously necessary to consider impacts in allocating sites and to consider how impacts can be ameliorated. However, failing to meet growth requirements would also cause harm, including economic and environmental harm in terms of the viability and conservation of the historic town centre and its listed buildings.

An example of the application of ‘exceptional circumstances’ and public interest tests (to which the Pimperne Neighbourhood examiner has also recently commented) set out in the NPPF is the recovered appeal at Steart Farm, Bucks Cross,

Bideford, Devon (APP/W1145/A/14/2228355 and APP/W1145/E/14/2228356) 16 Feb 2016. The decision statement sets out the balancing exercise in relation to the three NPPF Paragraph 172 tests (see Paragraphs 36 - 41).

3.2 Basis for Site Allocations

The neighbourhood plan steering group has agreed that the Neighbourhood Plan will select its site allocations by applying four tests:

- Sustainability effects, using its own SA undertaken by AECOM
- Deliverability, comprising an analysis of availability and achievability
- AONB suitability, in respect of NPPF tests and CROW Act obligations
- Community opinion, comprising a series of informal and statutory consultation activities, commencing in July 2018.

The means by which a preferred option for site allocations will be reached is by applying these tests to a number of spatial development options.

4. Conclusions

There is no legal basis for holding back the neighbourhood plan or leaving site allocations to the local plan. The question is whether the neighbourhood plan, including site allocations, meets the basic conditions and this will be tested through the independent examination. In fact, the main risk here would be if the plan failed to cater adequately for growth to meet local need.

Planning is a balancing exercise. The National Planning Policy Framework must be considered in its entirety, rather than applying different parts in isolation. Paragraph 172 is a significant policy that must inform the site selection process. But other parts of the NPPF on housing, town centres, historic environments, employment, infrastructure and other relevant matters must also be considered.

Paragraph 172 should not be interpreted as an overriding policy, but as part of the wider policy context of the NPPF, including the overall objectives for sustainable development. It should not be interpreted as precluding development in the AONBs, but of considering impacts on the AONBs, considering amelioration, and balancing impacts against the social, economic and environmental impacts of precluding growth.

5. Contact



Urban Vision Enterprise CIC

www.uvns.org
info@uvns.org
01538 386221 (Leek Office)
07973 522428 (Dave Chetwyn, Liverpool Office)

Liverpool Office:

RIBA National Architecture Centre
21 Mann Island
Liverpool
L3 1BP

North Staffordshire Office:

Foxlowe Arts Centre (1st Floor)
Stockwell Street
Leek
Staffordshire
ST13 6AD



