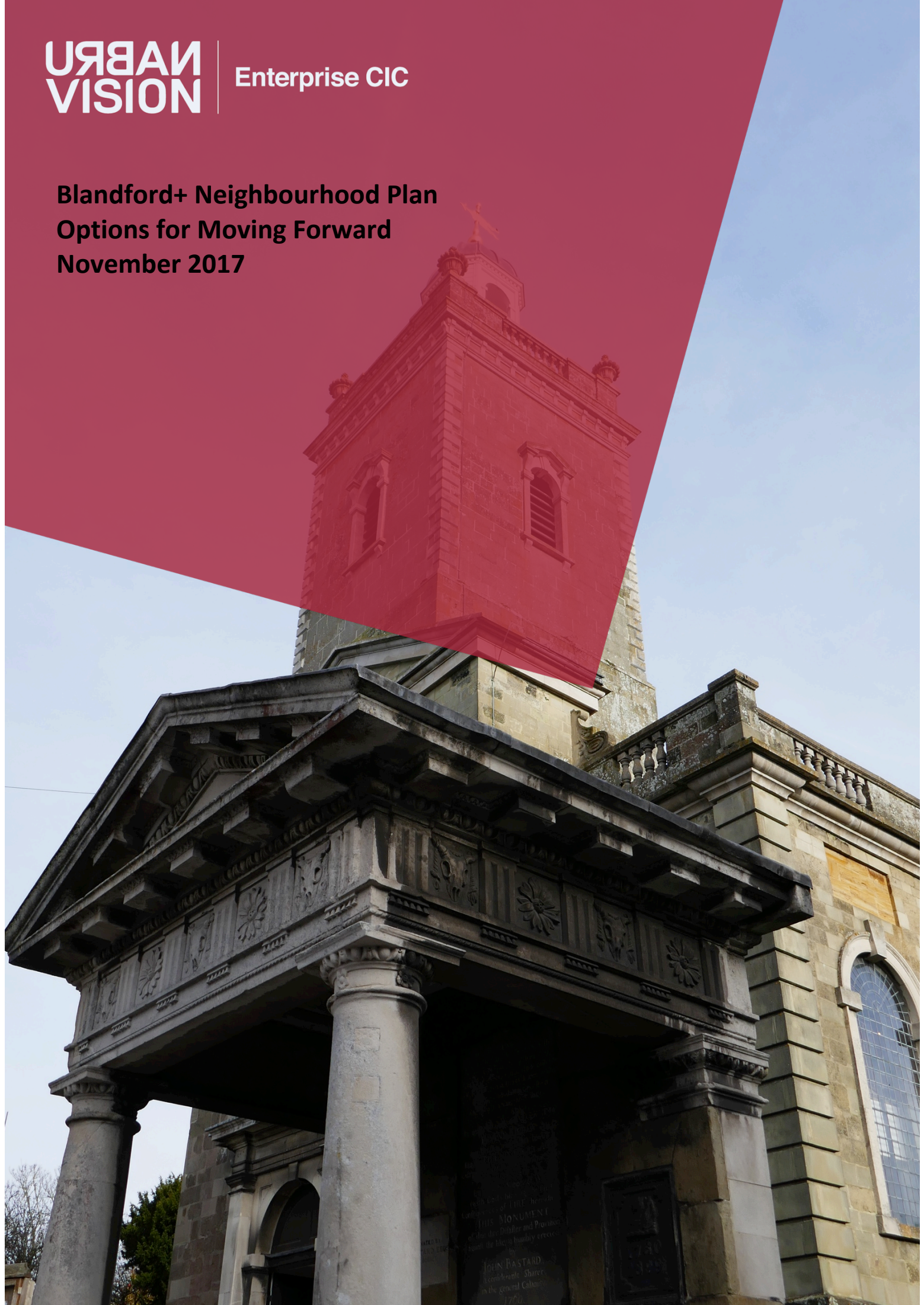


**URBAN
VISION**

Enterprise CIC

**Blandford+ Neighbourhood Plan
Options for Moving Forward
November 2017**



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1. Introduction

1.1 Purpose of the Report

Urban Vision Enterprise CIC has been appointed to consider options for moving forward with the Blandford+ Neighbourhood Plan.

The main matters of contention are the Examiner's recommendations:

- To delete Policy, which allocates sites to the north of Blandford for housing, a school and other purposes;
- To delete a proposed Local Green Space designation for Crown Meadows.

1.2 Status of the Report

This report forms part of a technical support packages, commissioned by Locality. The report contains informal advice and suggests options for the Blandford + neighbourhood planning bodies, to help them in deciding how to move forward. The advice given in the report is based on the opinions of the author.

This is an informal report and it does not form part of the statutory neighbourhood planning process or have any legal status within that process.

1.3 Authorship

This report has been prepared by Dave Chetwyn, MA, MRTPI, IHBC, FInstLM
Managing Director of Urban Vision Enterprise CIC.

2. Methodology

2.1 Review of Documentation

An initial review of documentation was undertaken prior to the telephone interviews with the Town Council and local planning authority. A more detailed review was undertaken prior to the site visits and meetings with representatives of the town and parish councils and local planning authority.

The main documents reviewed were:

Blandford + Neighbourhood Plan 2015-2031 - Submission Plan
July 2016

Sustainability Appraisal Report (Incorporating Strategic Environmental Assessment)
July 2016

Blandford + Neighbourhood Plan 2015 - 2031 Basic Conditions Statement
July 2016

Independent Examiner's Report of the Blandford + Neighbourhood Development Plan
July 2017

North Dorset Local Plan Part 1, 2011 -2031
January 2016

Other supporting documents.

2.2 Telephone Interviews

Telephone contact was made on Tuesday 14th November 2017 with Leani Haim, Assistant Town Clerk of Blandford Forum Town Council.

Telephone contact made on Tuesday 14th November 2017 with Ed Gerry, Planning Policy Team Leader of the Dorset Councils Partnership, which serves North Dorset District Council.

A telephone interview was held between Dave Chetwyn and Leani Haim on Thursday 16th November 2017.

At the request of the neighbourhood plan bodies, a telephone interview was held on 17th November 2017 between Dave Chetwyn and Neil Homer, planning consultant.

A telephone interview was held on Monday 20th November between Dave Chetwyn and Deborah McCann, Independent Examiner.

2.3 Site Visit and Meetings

Visits to the Policy 1 sites were undertaken on 21st November 2017.

A meeting was held at 10.00 a.m. on 21st November 2017 with Leani Haim and elected representatives from the neighbourhood plan bodies:

Cllr Bobbie Church, Bryanston Parish Council
Cllr Doc Addison, Blandford St Mary Parish Council
Cllr Roger Carter, Blandford Forum Town Council
Cllr Haydn White, Blandford Forum Town Council

A meeting was held at midday on 21st November 2017 with Ed Gerry, representing North Dorset District Council.

2.4 Outcomes

Various options for moving forward were discussed at the two meetings on 21st November 2017.

The reappraisal of the land supply for housing to 3.42 years is clearly a significant change since the Examination took place.

The local planning authority does intend to follow the Examiner's recommendations and delete Policy 1 and the Crown Meadows Local Green Space designation.

Deletion of Policy 1 is unlikely to be palatable to the neighbourhood plan bodies. This is central to the Neighbourhood Plan's growth strategy.

Notwithstanding these clear differences, there is a commitment on both sides to working together in a constructive manner to find a way forward.

The options in question are set out in this report.

3. The Independent Examination

3.1 Proceeding to Referendum

The next step is for North Dorset District Council to determine whether or not to allow the Neighbourhood Plan to proceed to referendum, with modifications if necessary. Normally, local authorities follow the recommendations of the independent examiner's report. North Dorset District Council has indicated that it intends to follow the Examiner's recommendations.

If a neighbourhood plan's qualifying bodies are unhappy with proposed modifications to their neighbourhood plan, they have the option of withdrawing the plan.

3.2 The Examiner's Report

The Independent Examiner's Report (18th July 2017) was prepared by:

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD.

A hearing was held on 10th April 2017. Section 6 of the report deals with the site visit and hearing. The focus of the hearing was on Policy 1, Local Green Space and the referendum area.

At the hearing, the local authority argued that Policy 1 of the Neighbourhood Plan was not in general conformity with the strategic policies of the Local Plan Part 1 (LPP1) in terms of the location of the proposed development. Also, the impact of potential development had not been fully considered, e.g. landscape impact.

There was some discussion of whether a neighbourhood plan could bring forward the site allocation.

In my opinion, the legitimate question is whether a neighbourhood plan is in general conformity with strategic local policy (in this case, Policy 16 of the LPP1), not whether one plan or the other is the correct vehicle for making site allocations. Both local plans and neighbourhood plans can make site allocations and some neighbourhood plans do make significant site allocations. The ability of neighbourhood plans to make site allocations was established by the Court of Appeal in *R (Larkfleet Homes Ltd) v. Rutland County Council* [2015] EWCA Civ 597.

It is crucial to note a change in circumstances, since the report was issued. In Paragraph 6.2.1 on page 9, it states:

"It was confirmed that North Dorset District Council has a five year housing land supply".

This has since been revised to a 3.42 year land supply. This is something for North Dorset District Council to take into account.

The Examiner concludes that the Neighbourhood Plan would meet the basic conditions, subject to modifications. The Examiner's summary of findings was as follows:

1. *I find the Blandford + Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions. The modifications I recommend include the deletion of Policy 1.*
2. *I am satisfied that the Referendum Area should be the same as the Plan Area, should the Blandford + Neighbourhood Development Plan go to Referendum.*
3. *I have read the Blandford+ Consultation Statement and the representations made in connection with this subject. I consider that the consultation process was robust and that the Neighbourhood Development Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
4. *I find that the Blandford + Neighbourhood Development Plan can, subject to the recommended modifications which includes the deletion of Policy 1 proceed to Referendum.*
5. *At the time of my examination the adopted local plan was the North Dorset Local Plan Part 1 (NDLP1) adopted in January 2016 including saved policies of the North Dorset District-Wide Local Plan (2003).*

3.3 Deletion of Crown Meadows

With regard to designation of Crown Meadows, the examiner states:

"Although conservation area status does not provide the same level of protection as that afforded by a Local Green Space designation it does provide a protective framework for the consideration of any development proposals".

Local Green Spaces are concerned with community value and the designation often precludes much development. Conservation Area status is covered by different legislation – The Planning (Listed Buildings and Conservation Areas) Act 1990. This is concerned with 'special architectural or historic interest'. Also, conservation areas are often a focus for development and regeneration. So the issue may be more one of the kind of protection rather than the level of protection.

The Examiner's conclusion is:

"My conclusion is that the area of the Crown Meadowss proposed, as a Local Green Space does not meet the tests set out in the NPPF for the reasons given above. In order for Policy 10 to meet the Basic Conditions proposed Local Green Space 4. Crown Meadowss must be deleted. I understand that this is likely to be disappointing to the community who has so strongly supported this proposed Local Green Space".

Whilst Local Green Space designation is unlikely to be appropriate for Crown Meadowss, it may be appropriate to consider other policies to shape development.

3.4 Deletion of Policy 1

The examiner states:

“Policy 1 does not meet the Basic Conditions for the following reasons:

- 1. It does not have regard to National Planning Policy and Guidance in that it fails to have regard for paragraphs 115 and 116 of the NPPF.*
- 2. It is not in general conformity with the Strategic Policies of the Development Plan. In addition, I consider Policy 1 to be a strategic allocation, which should be more appropriately considered in Part 2 of the Local Plan process. On the basis it does not meet the Basic Conditions and the policy should be deleted”.*

The Examiner expresses concerns over the SA/SEA. The report includes the following:

“Despite my concerns as highlighted above, subject to the recommended modifications including the deletion of Policy 1 I am satisfied that the Blandford + Neighbourhood Development Plan addresses the sustainability issues adequately.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Blandford + Neighbourhood Development Plan has done so.

I am therefore satisfied that the Blandford + Neighbourhood Development Plan subject to modification meets the basic conditions on EU obligations”.

It should be noted that the comment on sustainability is based on the deletion of Policy 1.

Regarding national policy and strategic local policy, the report states:

“On balance, having considered in great detail the relevant policy documents, the written representations received and the oral representations at the Hearing I consider that Policy 1 does not meet the Basic Conditions for the following reasons:

- 1. It does not have regard to National Planning Policy and Guidance in that it fails to have regard for paragraphs 115 and 116 of the NPPF.*
- 2. It is not in general conformity with the Strategic Policies of the Development Plan. In addition, I consider Policy 1 to be a strategic allocation, which should be more appropriately considered in Part 2 of the Local Plan process.*

On the basis it does not meet the Basic Conditions and the policy should be deleted”.

As stated previously, both local plans and neighbourhood plans can make site allocations. In my opinion, the issue is one of ‘general conformity’ against adopted strategic local policy, and not a question of whether the neighbourhood plan can make such a site allocation.

3.5 Policy 1 - Issues to be addressed

There were a number of issues raised during the independent examination, by both the Examiner and the local planning authority. These are described in the report.

If the Neighbourhood Plan were to be revised and to repeat the later stages of the neighbourhood plan legal process, these issues would need to be addressed. It should be noted that certain changes have occurred since the Examination, which would also need to be addressed. These include the adjustment of the housing land supply to 3.42 years and the clearer statement from the education authority on the location for a new school to address capacity and need in the north of Blandford.

Issues raised by the examination include:

- Regarding Paragraph 116 of the NPPF, exceptional circumstances need to be demonstrated to justify the allocation of land in the AONB. It may be useful to make references to recent planning decisions in the area involving development in the AONB;
- The Examiner considered that there was insufficient detail to measure the harm to the AONB. This included consideration of agricultural land classification, air quality, and landscape impact;
- Concerns were raised over the limited site options considered by the SA/SEA. This focuses on the sites put forward by Policy 16 of the LPP1 and the sites covered by Policy 1 of the neighbourhood plan proposal. Additional sites should be considered. The sites identified in the 'Issues and Options' paper may be useful in guiding this process;
- There is a need to consider the cumulative impacts of growth relating to Policy 16 in LPP1 and Policy 1 in the neighbourhood plan. The SEA had considered the sites as alternatives rather than considering cumulative impact;
- The viability and deliverability of the school needs to be addressed.

In applying Policy 116 of the NPPF, the following would need to be addressed:

- *“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;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.*

4. The Local Plan Process

4.1 Local Plan Part 1

The 'North Dorset Local Plan Part 1, 2011 -2031' was adopted in January 2016.

Paragraph 8.6 states:

'Blandford' comprises the main town of Blandford Forum to the north of the River Stour and the smaller built-up area of Blandford St Mary to the south. Effectively, they function as a single settlement which is the main service centre for the southern part of the District.

Policy 16 deals with Blandford.

On growth, the policy includes:

"Blandford will maintain its role as the main service centre in the south of the district through:

- a development and redevelopment within the settlement boundary; and*
- b extensions, primarily of housing to the south-east and to the west of Blandford St Mary; and*
- c employment uses on land within the bypass on the northern edge of the town and the mixed-use regeneration of the Brewery site close to the town centre.*

Growth will be taken forward in ways which respect the town's environmental constraints, support its role, function and identity, and contribute to making it more self-contained. Blandford's distinctive natural and historic character will be retained and enhanced ...

... At least 1,200 homes will be provided at Blandford Forum and Blandford St Mary during the period 2011 - 2031. In addition to infilling and redevelopment within the settlement boundary, Blandford's housing needs will be met through:

- g mixed-use regeneration of the Brewery site; and*
- h the development of land to the south east of Blandford St Mary; and*
- i the development of land to the west of Blandford St Mary (at Lower Bryanston Farm and Dorchester Hill) ..."*

There is a clear preference for alternative sites to the ones proposed by Policy 1 of the Blandford Neighbourhood Plan proposal.

The recent revision of the housing land supply to 3.42 years clearly has implications which may lead to the revision of the housing figure.

This may also have implications for site allocations, given the possibility of Blandford needing to accommodate higher levels of growth. Whilst Policy 16 is strategic local policy,

additional sites may need to be allocated, rather than relying on those identified in Policy 16.

There may also be implications for development management. The adjustment of the housing land supply figure is a material consideration that may justify a departure from Policy 16 determination of planning applications. This is an important consideration.

On supporting infrastructure, the policy states:

“social infrastructure to support growth will include: ...

- v the extension of the Archbishop Wake school and either extension of the Milldown school or provision of a new 2 forms of entry primary school; and*
- w a new doctors’ surgery or the expansion or relocation of existing doctors’ surgeries ...”*

Policy 14 also deals with social infrastructure, including schools.

The County Council has since stated a clearer preference for a new school north of Blandford.

The neighbourhood plan bodies have highlighted Policies 2 and 14 of the Local Plan and expressed concern over a possible narrow focus on Policy 16 and housing.

Policy 2 puts forward the core spatial strategy. This includes:

“The settlement boundaries defined around the four main towns, Stalbridge and the larger villages in the North Dorset District-Wide Local Plan 2003 and proposals maps are retained and, in conjunction with Policies 16, 17, 18, 19 and 21 of this document, which identify the broad locations for housing and employment growth and regeneration, will continue to be used for development management purposes until reviewed either: through site allocations in Part 2 of the Local Plan or a neighbourhood plan. The settlement boundaries defined around all other settlements in the North Dorset District-Wide Local Plan 2003 and proposals maps are removed and these settlements will be subject to countryside policies unless new settlement boundaries are defined in neighbourhood plans or in Part 2 of the Local Plan”.

This is interesting, especially with regard to the discussion at the hearing over the appropriateness of the neighbourhood plan in making a significant site allocation.

4.2 Issues and Options Consultation

Notwithstanding the recent adoption of the Local Plan Part 1, work is underway to prepare a new Local Plan, including replacement of the Part 1 plan.

As part of this process, the local planning authority has issued an ‘Issues and Options’ paper. This identifies various sites around the periphery of Blandford. Some of these are rejected in the paper. However, sites A and B are left open for consideration and these include most of the land proposed for allocation by Policy 1 of the Blandford Neighbourhood Plan proposal.

This does suggest that there is scope for developing a shared strategy through close joint working between the neighbourhood plan bodies and the local planning authority. This could be realised through the revision of the Blandford Neighbourhood Plan proposal and/or the Local Plan process.

There is also the possibility of pre-emptive action by through the submission of planning applications. This could pre-empt both the neighbourhood plan and local plan processes.

5. Options for Moving Forward

5.1 Options

This section of the report puts forward 6 options for moving forward. Four of these options relate to the Neighbourhood Plan itself, one relates to the Local Plan process, and one relates to potential planning applications.

5.2 The Neighbourhood Plan

The decision on whether the plan should proceed to referendum and the modifications necessary now lies with North Dorset District Council, as local planning authority. North Dorset District Council has given a strong indication that it will follow the Examiner's recommendations closely.

This leaves various options open to the neighbourhood plan bodies. The local planning authority is currently considering modifications to the Neighbourhood Plan, so a decision on whether to allow the plan to proceed or to withdraw the plan needs to be taken as soon as possible.

Option 1 – Negotiations with the LPA

The NP bodies could seek to make the technical case to proceed to referendum with Policy 1 in place, or slightly modified.

The Local planning authority has indicated that it would be uncomfortable with departing from the Examiner's report, not least due to the potential for legal challenge.

Therefore, this option is probably not viable.

Option 2 – Allow the Neighbourhood Plan to Proceed

The NP bodies could allow the Neighbourhood Plan to proceed to referendum, with Policy 1 deleted.

Policy 1 is at the core of the Neighbourhood Plan's growth strategy. So proceeding without this policy would fail to meet the fundamental aspirations of the plan-making bodies.

Option 3 – Withdraw the NP and Abandon

The neighbourhood planning bodies have the legal right to withdraw the Neighbourhood Plan.

The Neighborhood Plan could be abandoned. Given the work that has already gone into the plan, and the wish to take Policy 1 forward, this Option is unlikely to be attractive.

Option 4 – Withdraw and Modify the Neighbourhood Plan

The Neighbourhood Plan could be withdrawn and modified and the evidence base and consideration of options could be strengthened. This would allow Policy 1 and Crown Meadows to be revisited, taking account of the issues raised at the examination stage. The issues set out in Paragraph 3.5 of this report would need to be addressed. For Crown Meadows, alternative means of protection could be considered.

If the NP were to be modified, it would need to go through the following stages (time estimates in brackets):

- Collection of additional evidence and modification (12-16 weeks)
- Regulation 14 consultation (6 weeks)
- Consideration of responses (2-4 weeks)
- Submission of the NP, with supporting documentation (2 weeks)
- Publicity (6 weeks)
- Examination (6-8 weeks)

If successful at examination, the plan could then proceed to referendum. Overall, this would take the best part of a year. There would most likely be consultancy costs to cover. Technical support may be available through the current national support programme, for example with site appraisals and viability assessment.

Policies 2-6

If the neighbourhood plan is withdrawn and modified, in addition to revisiting Policy 1 and Crown Meadows, certain other changes could be considered.

The site allocations in policies 2-6 are actually sites within the settlement boundary, which was defined by Local Plan policy. Therefore, policies 2-6 are planning policies for specific sites, rather than site allocations.

Confusingly, the settlement boundary is not included in the neighbourhood plan. This creates a lack of clarity over the status of the sites in question and whether or not the intention is to modify policy on the settlement boundary.

Paragraph 17 of the NPPF, which requires plans to:

“provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency”.

From discussion with the neighbourhood plan bodies and their consultant, it is clear that there is no intention to modify the settlement policy. Therefore, the term “site allocation” from policies 2-6 could be deleted and replaced by recognition that the sites are within the settlement boundary (a plan of which should be included in the neighbourhood plan). They may be described as site-specific development policies, rather than site allocations.

5.3 The Local Plan

As mentioned, the Local Plan process is continuing, including proposals to replace the Part 1 document.

An Issues and Options consultation was issued on 27th November 2017, to gain views to inform the spatial strategy of the Local Plan. This includes consideration of various sites around Blandford, including the sites that are the subject of Policy 1 of the neighbourhood plan.

Obviously, the adjustment of the housing land supply to 3.42 years has significant implications for site selection. The review of the Local Plan will need to take this into account.

The neighbourhood plan bodies could make constructive representations on the consultation document, drawing on the work done for the Neighbourhood Plan. This could emphasise the problem of single use housing development in the north of the area and the need for supporting community infrastructure.

Also, the Bypass is an expensive piece of transport infrastructure, already in place. This clearly helps with viability in terms of bringing forward adjacent sites for development.

The Country Council's clearer preference for the site to the north of the area is a further factor.

The AONB is still a key factor. However, Blandford is constrained by the Cranborne Chase and West Wiltshire Downs AONBs and other constraints. Some incursions into the AONB are almost inevitable, and this is illustrated by the local planning authority's granting of planning permissions in the AONB, including for housing and retail facilities.

Option 5 – Respond to the Issues and Options Consultation

The NP bodies could make robust representations on the Issues and Options consultation, making the case for sites A and B identified in the document (or part thereof) to be allocated as proposed by Policy 1 of the NP.

The consultation was launched on 27th November 2017 and the closing date for responses is 22nd January.

5.4 Planning Applications

Developers may submit planning applications for some or all of the Policy 1 sites. The lack of 5-year land supply would clearly be a factor. Developers would need to provide supporting information to address the same kind of issues raised through the neighbourhood plan independent examination with regard to Policy 1.

Option 6 – Liaise with Potential Developers

Close liaison with prospective developers may help to ensure that any planning application shares the aspirations of the neighbourhood plan bodies, as far as possible. There is no way of knowing when and if such an application would be submitted, so early engagement with the land owner would be required.

If a planning application is submitted, representations could be prepared and submitted within the publicity period.

6. Conclusions and Recommendations

6.1 Conclusions

There are various options open to the neighbourhood planning bodies, with regard to the neighbourhood plan, making representations through the local plan process and seeking to influence the landowners and potential developers.

There have been some changes since the independent examination, including the adjustment of the housing land supply to 3.42 years and clearer support for the school site. In addition, the local planning authority's Issues and Options consultation appears to indicate that other sites are being considered, beyond those covered by Policy 16 of the part 1 Local Plan.

Through the various discussions and meetings, it has become apparent that there have been tensions between the neighbourhood planning bodies the local planning authority. Such tensions are common and understandable; planning involves choices and is often an emotive subject. Securing the best outcomes for the community is more likely to be achieved if a shared strategy can be developed through close, cooperative working between the neighbourhood plan bodies and the local planning authority, representing the two tiers of policy making.

6.2 Recommendations

Given the importance of Policy 1 to the neighbourhood plan bodies, Option 4 appears to be the best way forward, but this will need careful consideration. Options 5 and/or 6 could be pursued in parallel.

If Option 4 is chosen, modifications and additional evidence will need to address the concerns set out in the Examiner's report.

7. Contact



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