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# **Final (consolidated) Report on Buckland Newton Neighbourhood Development Plan 2015-2030**

**An Examination undertaken for West Dorset District Council with the support of Buckland Newton Parish Council on the November 2015 Submission version of the Plan.**

**Independent Examiner: Derek A. Stebbing B.A. (Hons), Dip. E.P., MRTPI**

**Date of Final Report: 26 June 2017**

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## **Main Findings - Executive Summary**

From my examination of the Buckland Newton Neighbourhood Development Plan and its supporting documentation including the representations made, I have concluded that subject to the policy modifications in Annex 1 to this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Buckland Newton Parish Council;
- the Plan has been prepared for an area properly designated – the Neighbourhood Plan area, the boundary of which is coterminous with the Parish Council boundary, and is the only neighbourhood plan for that area;
- the Plan specifies the period to which it is to take effect – from 2015 to 2030;
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Background and Introduction**

### *Examination in Two Stages*

- 1.1 West Dorset District Council requested that the examination be undertaken in two stages, in order to avoid any potentially abortive costs should the initial matters I examined prove to be non-compliant with the legal requirements. I considered this a reasonable request, given the costs already incurred by the District Council as a result of the uncompleted previous examination.
- 1.2 In the first stage, I considered matters relating to the procedural compliance concerning the preparation and submission of the Plan, and provided the Stage One Report (dated 4 May 2017) to the District Council and to the qualifying body, Buckland Newton Parish Council. The Stage One Report is attached at Annex 2.
- 1.3 Following completion of stage one, the District Council instructed me to undertake the second (final) stage of the examination to consider the

Plan's compliance with the remaining legal requirements, including a full assessment of the Basic Conditions in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act').

- 1.4 Having considered the most appropriate format in which to report on the stage two examination, I have decided to produce a single, final, consolidated report that incorporates my substantive stage one findings with those of stage two. As such, this report is a final and full examination of the Buckland Newton Neighbourhood Development Plan. For the avoidance of any doubt, the Stage One Report should now, therefore, be considered as superseded by this document, the Final (consolidated) Report on the Buckland Newton Neighbourhood Development Plan 2015 – 2030, dated 26 June 2017.

### *Buckland Newton Neighbourhood Development Plan 2015 - 2030*

- 1.5 Buckland Newton is a rural parish situated in West Dorset. The parish is approximately 10 miles north of Dorchester and a similar distance to the south of Sherborne and Sturminster Newton. Much of the parish lies within the Dorset Area of Outstanding Natural Beauty (AONB), with only two areas north of the hamlet of Tiley and an area in the north-east of the parish being outside the designated AONB.
- 1.6 The Neighbourhood Plan covers the whole parish which has an area of approximately 1,700 hectares. At the 2011 Census, the parish had a population of 622 people living in 260 dwellings, but the total housing stock was 287 dwellings reflecting an additional number of second homes. The population is dispersed across the parish, with the main settlement being Buckland Newton, where the main community facilities are located, but there are a number of smaller hamlets across the parish.
- 1.7 There is a designated Conservation Area within Buckland Newton, focused on the older part of the village around the church. There are 28 listed buildings and structures within the parish, with 10 listed buildings and structures being within the Conservation Area.
- 1.8 The principal road through the parish is the B3143, which runs north-south and provides a link to Dorchester to the south and Sturminster Newton to the north. A limited bus service (4 journeys per day) provides a public transport link along the B3143 between Dorchester and Sturminster Newton.
- 1.9 The main community facilities for the parish are located in Buckland Newton which has a Grade I Listed Parish Church, a primary school, village shop, public house, village hall and a parish meeting room.
- 1.10 Initial work commenced on the preparation of the Neighbourhood Development Plan for the parish in early 2011, when a Working Group was established by the Parish Council for those people who were

interested in taking part in the project. The Parish Council also decided to prepare a non-statutory Parish Plan alongside the Neighbourhood Plan. A public consultation exercise for the Parish Plan was held during 2012, including public meetings and a questionnaire and leaflets for every household in the parish. The results of this consultation activity informed the preparation of the Parish Plan (which was subsequently agreed and adopted in October 2013), and also the first stages in the preparation of the Neighbourhood Plan.

### *The Independent Examiner*

- 1.11 I have been appointed as the examiner of the Buckland Newton Neighbourhood Development Plan by West Dorset District Council, with the agreement of the Buckland Newton Parish Council, who are the qualifying body for the purposes of this examination.
- 1.12 I am a chartered town planner, with over 40 years of experience in planning, and have worked in both the public and private sectors. I have also served on a Government working group considering measures to improve the local plan system, and have undertaken peer reviews on behalf of the Planning Advisory Service.
- 1.13 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Draft Plan. I therefore have the appropriate qualifications and experience to carry out this independent examination.
- 1.14 I have had sight of two letters addressed to West Dorset District Council, dated 27 July 2016 and 12 September 2016, written by an independent examiner who was previously appointed to examine this Plan. The examiner raised a number of concerns related to the Plan's preparation, before having to step down due to personal circumstances. As the newly (and sole) appointed examiner of this Plan, I must carry out my own full and independent examination. I am neither relying on, nor bound by any previous work of the formerly appointed examiner. I must, through the consideration of the Plan and relevant evidence, come to my own independent conclusions and recommendations.

### *The Scope of the Examination*

- 1.15 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.16 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the 1990 Act. The examiner must consider:

- Whether the plan meets the Basic Conditions;
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only Neighbourhood Plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.17 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.18 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;

- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.19 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for West Dorset District Council, not including documents relating to excluded minerals and waste development, is the adopted West Dorset, Weymouth and Portland Local Plan (2015). I note there is a Draft Local Plan Review in progress, but this is not at an advanced stage, having just undergone consultation on an 'Issues' document.
- 2.2 The planning policy for England is set out principally in the 2012 National Planning Policy Framework (NPPF). In particular, it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in local plans. It also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. As such, neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.
- 2.3 In 2014, the Government published the Planning Practice Guidance (PPG) which offers guidance on how this policy approach should be implemented in neighbourhood plans. PPG states that a policy should be clear and unambiguous to enable a decision maker to apply it consistently and with confidence when determining planning applications. It also states that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and characteristics of the area.

### *Submitted Documents*

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Buckland Newton Neighbourhood Plan – Submission Draft (2015-2030), dated November 2015;
  - the designated Neighbourhood Plan Area and accompanying designation map for Buckland Newton, which was approved by West Dorset District Council on 04 February 2013 and which identifies the whole of the Buckland Newton Parish Council area as the area to which the proposed neighbourhood development plan relates;
  - the Consultation Summary document (undated);
  - the Basic Conditions Statement, dated January 2016, explaining how the proposed neighbourhood development plan meets the Basic Conditions;
  - the Representations that have been made in accordance with the Regulation 14 consultation undertaken between 21 May and 4 July 2015, the Representations that were made during the subsequent Supplementary Consultation between 18 September and 31 October 2015 and the Regulation 16 Representations made during the consultation between 28 January and 10 March 2016; and
  - the Strategic Environmental Assessment (SEA) Screening Report issued by West Dorset District Council, dated July 2015.
- 2.5 I have also considered all the evidence base documents that have been referenced by Buckland Newton Parish Council to support the preparation of the Plan. This includes a legal opinion that was prepared on behalf of Buckland Newton Parish Council, which provides advice following the issues raised in the previous examiner's letters as referenced in paragraph 1.14 above.

### *Site Visit*

- 2.6 I have made an unaccompanied site visit to the Neighbourhood Plan Area on 7 April 2017 to familiarise myself with it and to visit relevant sites and areas affected by the policies and/or the subject of representations.

### *Written Representations or Public Hearing*

- 2.7 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses for and against the Plan's suitability articulated the objections



and comments regarding the plan, and presented arguments for and against the plan's suitability to proceed to a referendum.

### *Modifications*

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in Annex 1.

## **3. Procedural Compliance and Human Rights**

### *The Qualifying Body*

- 3.1 The Draft Plan has been prepared and submitted for examination by Buckland Newton Parish Council which is a qualifying body able to lead the preparation of a neighbourhood plan. Accordingly, this requirement is met.

### *The Plan Area*

- 3.2 The Plan area is coterminous with the Buckland Newton Parish Council administrative boundary. West Dorset District Council approved the designation of the area on 4 February 2013. The Plan relates to this area and does not relate to more than one neighbourhood area, and it therefore complies with this requirement.

### *The Plan Period*

- 3.3 A neighbourhood plan must specify the period during which it is to have effect. The Buckland Newton Neighbourhood Plan states on page 4 that the Plan period is from 2015 to 2030. However, I also consider that in the interests of clarity, and for the benefit of users of the plan, the Plan period should also be stated prominently on the front cover, and I recommend this as Proposed Modification 1 (**PM1**).

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 Public consultation must take place on the production of neighbourhood plans. Public consultation processes should be open and accessible and any information presented should be easy to understand and to comment upon. It should enable all sections of the local community to have the ability to comment on and hence shape the policies which may affect where they live, work, visit or spend their leisure time. The PPG provides advice in this regard specific to neighbourhood plans in reference ID: 41-047-20140306 to ID: 41-051-20150209.

- 3.5 In accordance with Regulation 15 of the 2012 Regulations, Buckland Newton Parish Council has submitted a Consultation Summary document (undated) to West Dorset District Council. I have considered this statement as part of this examination. It sets out the process by which the Plan has been prepared, including the Regulation 14 statutory consultation, taking into account the comments and views of residents, land owners, key stakeholders and other interested parties. Whilst I am of course aware of the preliminary concerns raised by the previous examiner with regard to public consultation, I have undertaken my own independent scrutiny of the evidence as the appointed examiner.
- 3.6 The preparation of the Plan began in 2011 when a Working Group was set up comprising Parish Councillors and other persons interested in taking part in the project. Initially, work was deferred whilst a non-statutory Parish Plan was prepared. However, the Neighbourhood Plan area was designated by West Dorset District Council in February 2013 and work commenced on a number of key evidence base studies.
- 3.7 A Draft Plan was prepared during late 2014, and, following its approval by the Parish Council, was published for public consultation between 21 May 2015 and 4 July 2015. A total of eight consultation events were held during this period and every household in the parish was notified. The consultation was also advertised on the Parish Council's website and by other publicity around the parish. Comments were received from 37 residents and from a number of statutory consultees and other bodies.
- 3.8 The Consultation Summary, together with the accompanying document entitled 'Statutory Public Consultation on Draft Plan - Comments Received by Policy' provide a comprehensive digest of the comments that were made during this pre-submission stage in the preparation of the Plan, including a record of the comments made by statutory consultees and other bodies.
- 3.9 A further Supplementary Public Consultation on the Draft Plan was undertaken between 18 September and 31 October 2015. This was a non-statutory pre-submission consultation, specifically undertaken to address proposed changes to the Draft Plan that had become necessary following the Local Plan Inspector's Report dated 14 August 2015 on the then emerging West Dorset, Weymouth and Portland Joint Local Plan and the proposed modifications to the Local Plan that were recommended by the Inspector.
- 3.10 Of key importance to the Neighbourhood Plan were modifications concerning affordable housing, and particularly smaller sites of the scale found in rural areas such as Buckland Newton. The supplementary consultation concerned consequential changes to the Neighbourhood Plan to reduce and remove any potential element of uncertainty for prospective planning applications involving, in particular, the provision of affordable housing in the Parish should the Plan have proceeded to submission and examination as previously drafted.

- 3.11 Whilst there is no express statutory provision for a Supplementary Public Consultation following the completion of the statutory Regulation 14 period of consultation, I am clear that the circumstances that were prevailing in August-October 2015 were exceptional, and were of direct importance to this Plan. There was a significant risk that the Plan would fail to meet the Basic Conditions with regard to its general conformity with the strategic policies of the development plan, with the Joint Local Plan being adopted by West Dorset District Council on 22 October 2015. It became clear in August 2015 that the Neighbourhood Plan would require some amendment to ensure its conformity with the Local Plan by the time the examination stage was reached.
- 3.12 Therefore, in my assessment, the decision to undertake a Supplementary Public Consultation specifically on certain proposed amendments to the Plan was a realistic and pragmatic decision based upon the prevailing circumstances, which could not have been envisaged prior to the commencement of the formal Regulation 14 consultation earlier in 2015.
- 3.13 I do not consider that the interests of any body or person were prejudiced by this additional consultation. Indeed, I take the view that it was carried out in the interests of providing an opportunity for further public engagement on the focused issues, in the absence of legislation or guidance in the PPG covering such circumstances arising. In any event, this supplementary consultation was not the last opportunity to make representations on the Plan, given the statutory requirement for the Regulation 16 consultation.
- 3.14 It is also notable, in the context of the preparation of local plans, that it is not uncommon for a local authority to run a non-statutory supplementary consultation on an addendum of focused changes made after the relevant pre-submission consultation on a draft local plan<sup>1</sup>, prior to submitting the local plan for examination. Whilst this is not covered by the relevant local plan regulations, the additional consultation is not considered to jeopardise regulatory compliance.
- 3.15 The Supplementary Public Consultation did not, in my view, invalidate any aspect of the earlier Regulation 14 consultation simply because the circumstances had changed markedly since the close of that consultation in July 2015. Whilst it would have been possible to formally withdraw the emerging Neighbourhood Plan, and re-commence the broader consultation work on an amended document including a further Regulation 14 consultation, I am clear that this would have significantly delayed the preparation of the Plan and would have had a negative impact upon public confidence in the Neighbourhood Planning process.

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<sup>1</sup> Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). See also paragraph 3.3 of the Planning Inspectorate publication, 'Procedural Practice in the Examination of Local Plans' (June 2016) and PPG ID: 12-020-20140306.

- 3.16 For the reasons that I have set out, I conclude that in my view the Supplementary Public Consultation does not prejudice compliance with the 2012 Regulations on the preparation of the Plan, prior to its formal submission to West Dorset District Council. As described above, I have reviewed the scale and full extent of the consultation and engagement work that was undertaken during the preparation of the Plan. I am satisfied that the general approach was extensive and inclusive, and that consultation events were organised and publicised to enable as many people as possible to attend.
- 3.17 Whilst it is not part of my examination to consider the responses that were made by the Parish Council during the preparatory stages of the Plan, I am satisfied from the documentation that I have received that the Parish Council has taken full account of the comments that were received and has amended the Plan, where necessary, to address those comments. In particular, I reference the document entitled 'Statutory Public Consultation on Draft Plan – Responses to Comments Received' in this regard.
- 3.18 Following submission of the Plan to West Dorset District Council, formal consultation under Regulation 16 was held between 28 January and 10 March 2016. A total of 21 representations were made during that period. Following my initial consideration of these for the purposes of the stage one examination, I have now had an opportunity to consider the representations in relation to the full Plan examination. I have noted that there are allegations of issues relating to a conflict of interest and misconduct arising in relation to the Working Group members preparing the Plan, which are expressed in certain Regulation 16 representations. This was a matter also highlighted by the previous examiner as being of concern. However, it is not in my view within the remit of a neighbourhood plan examination to address these allegations. Such complaints and allegations should be properly addressed through the complaints procedures of the Parish and District Councils.
- 3.19 Overall, I consider that the public consultation and community engagement work that has been undertaken throughout the preparation of the Plan has been open and transparent, and to a very thorough and comprehensive level. I consider that it has enabled all residents, stakeholders, land owners and other interested parties to be able to comment upon the Draft Plan at the key stages in its preparation, and also following its submission to West Dorset District Council. Accordingly, I conclude that the legal requirements for the preparation and consultation on the Plan (including regard to the PPG) have been met satisfactorily.

#### *Development and Use of Land*

- 3.20 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

### *Excluded Development*

- 3.21 The plan does not include provisions and policies for 'excluded development'.

### *Human Rights*

- 3.22 West Dorset District Council has raised no concerns that the Plan would breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment of the Plan, its accompanying evidence base studies and the consultation responses made to the Plan, I am satisfied that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, and complies with the Human Rights Act 1998. Accordingly, I conclude that the Plan is compatible with Human Rights requirements.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The Neighbourhood Plan was screened for SEA by West Dorset District Council. A screening report was issued by the District Council in July 2015 confirming that a SEA was not required in accordance with EU Directive 2001/42, largely due to the characteristics and local scale of the proposals, and the environmental protection already provided by policies in the adopted West Dorset, Weymouth and Portland Local Plan. Natural England, Historic England and the Environment Agency were consulted on the SEA screening opinion, in accordance with Regulation 9(2) of the Environment Assessment of Plans and Programmes Regulations, 2004, and all parties agreed that a full SEA would not be required. I have read the SEA screening opinion and, from my own independent consideration, support this conclusion. I am therefore satisfied that the Plan is compatible with EU obligations.
- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA), and Natural England confirmed on 18 May 2015 that the Plan will not require a separate HRA. From my independent assessment of this matter, I have no reason to disagree.

### *Main Issues*

- 4.3 Having read the Buckland Newton Neighbourhood Plan submission document, the consultation responses and other evidence, and having undertaken the site visit, I have approached the assessment of the Plan's compliance with the Basic Conditions as two main matters:

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- 1) General issues of compliance of the Plan as a whole; and
- 2) Specific issues of compliance of the Plan's policies and site allocations.

#### 1) General Issues of Compliance of the Plan

##### *Regard to National Policy and Guidance and the Contribution to Sustainable Development*

- 4.4 The Plan contains policies covering four broad areas, these being Housing; Employment and Business; Transport and Traffic; and Community Facilities, Green Spaces and the Wider Environment. In assessing how the Plan has had regard to national policy and guidance, I have carefully considered the Basic Conditions Statement which sets out how each policy area takes account of national policy and guidance, as contained in the NPPF and PPG.
- 4.5 In summary, the Plan seeks to allocate sites for the provision of 40 new dwellings during the Plan period; to support existing businesses and encourage new enterprises; to retain and where possible enhance local facilities and services and to protect and enhance the natural and built environment of the Parish, including its landscape, built heritage, archaeological sites and wildlife habitats. In each of these respects the Plan is consistent with national policy and guidance, and subject to the detailed comments that I make below about individual policies, I am satisfied that the Plan has had appropriate regard to national policy.
- 4.6 However, I do consider that the Plan should make a more explicit statement that it seeks to contribute to the achievement of sustainable development, and accordingly I recommend a Proposed Modification **(PM2)** to add some appropriate text to page 4 of the Plan.

##### *General Conformity with Strategic Policies in the Development Plan*

- 4.7 The Basic Conditions Statement sets out clearly which strategic policies in the adopted West Dorset, Weymouth & Portland Local Plan it seeks to build on. It contains a conformity assessment in relation to the various strategic policies, noting that West Dorset District Council has raised concerns, inter alia, regarding the sustainability of proposed residential development at more remote sites within the Parish, and with matters regarding affordable housing policy. I have considered such concerns as part of this examination.
- 4.8 The Local Plan's strategy is that in the more rural areas of West Dorset, development will be focused primarily at the larger villages, with Buckland Newton being identified as one such village, and that development should take place at an appropriate scale to the size of the village. The Local Plan defines a development boundary for Buckland Newton, within which

new housing may be built. The Neighbourhood Plan adopts this Defined Development Boundary (DDB) and Policy H1 (Location and Amount of New Housing) states that new housing development may take place within that boundary. However, six of the sites allocated for new housing in the Plan (sites A, B, C, D, E and H) lie immediately beyond the DDB and include provision for open market housing as well as local needs affordable housing, and therefore cannot be regarded solely as rural exception sites. West Dorset District Council consider that the DDB should be extended to include those sites, and I concur with that view. I note that paragraph 3.3.27 of the adopted Local Plan includes provision for DDBs to be extended through Neighbourhood Plans, and I consider that the DDB for Buckland Newton should therefore be extended to incorporate the above-mentioned housing site allocations, together with that for site J, being made within the Plan and to give more certainty to the prospect of residential development within that extended boundary during the Plan period. Accordingly, I recommend a Proposed Modification (**PM3**) to extend the DDB in the Plan (as defined on the map on page 12) to include housing site allocations A, B, C, D, E, H and J.

- 4.9 I note that the Plan allocates housing sites for up to 40 new dwellings. Whilst the Local Plan does not set out a specific housing target for Buckland Newton, it does specify that development should take place “at an appropriate scale to the size of the village”. I consider the proposed housing site allocations in detail elsewhere in this report and conclude that the Plan should make provision for 34 new dwellings rather than 40 new dwellings (c.f. **PM27**). In my assessment, the provision of 34 new dwellings in the period up to 2030 within a Parish currently containing 287 dwellings does represent an appropriate and proportionate level of new development, and I am satisfied that the Plan is in general conformity with the strategic policies of the Local Plan on that matter.
- 4.10 However, as noted above with reference to Policy H1, I am not satisfied that the Plan can be considered to sufficiently, generally conform with the Local Plan with regard to its alignment on policies for the provision of affordable housing. The majority of housing allocation sites (comprising sites A-I) are all described as rural exception sites. Local Plan Policy HOUS2 states that on rural exception sites only affordable housing should be provided. The Plan indicates that it adopts a more flexible approach on rural exception sites, where up to 50% of housing may be provided as open market homes. Whilst I am clear that, in appropriate circumstances, the delivery of open market homes may facilitate the delivery of affordable housing on the same site, I do not consider that such sites can all be described as “rural exception sites” and that they should be outwith the DDB. In my assessment, the level of affordable housing (50%) which the Plan seeks to secure during the Plan period is likely to be only achieved by legal agreements accompanying planning permissions for both open market housing and affordable housing. Sites for this form of

development are not, in my view, rural exception sites. Accordingly, I consider that the Plan's approach to the delivery of affordable housing requires much greater clarification, and I recommend a series of Proposed Modifications (**PM4-PM8**) setting out amendments to the text of the Plan, the Policy Maps, and to Policy H3. With those modifications, and also with **PM3** above, I consider that the Plan will be in general conformity with the strategic policies of the Local Plan on this matter.

- 4.11 I have considered the other broad themes of the Plan, covering Employment and Business, Transport and Traffic and Community Facilities, Local Green Spaces and the Wider Environment, and am satisfied that there are no issues which fail to meet the requirement of general conformity with the relevant strategic policies in the adopted Local Plan. There are a number of detailed issues relating to the drafting of policies and accompanying text, which I address below. Overall, I conclude that, with the Proposed Modifications that are set out in Annex 1 to this report, the Plan is in general conformity with the strategic policies of the adopted Local Plan.

## 2) Specific Issues of Compliance of the Plan's Policies and Site Allocations

### *Housing Policies*

- 4.12 Policy H2 (Type and Size of Housing) sets out the types and sizes of new housing with space, accessibility and adaptability standards. It also contains a provision to remove permitted development rights for new homes "that would undermine the objective of retaining the stock of smaller homes ...". Having considered this policy and its specific requirements, I do not consider that there is sufficiently clear, distinct and compelling local justification, as set out in the Plan itself or in accompanying evidence, for the requirements that new dwellings should not exceed 100 square metres (1/2 bedroom properties) or 125 square metres (3 bedroom properties), that 50% of new homes should be designed to meet accessible and adaptable standards and that permitted development rights be removed for new homes. These policy provisions exceed national policy and guidance and also the local policies and standards of West Dorset District Council. I therefore consider that they would serve to impede housing delivery by placing excessive policy restrictions on developers and providers of new housing. They are matters which I considered can be addressed, if necessary, as part of the planning application process, and should not be explicit policy provisions. Accordingly, I therefore recommend four Proposed Modifications (**PM9-PM12**) to amend the Plan to remove or modify the current references in Policy H2 and its supporting text.

- 4.13 I have addressed the general conformity of Policy H3 (The Delivery of Affordable Housing) with the strategic policies of the Local Plan in [Intelligent Plans and Examinations \(IPE\) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT](#)

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paragraph 4.10 above, and make a number of recommended Proposed Modifications to address issues of non-conformity. West Dorset District Council have also raised a number of more detailed matters concerning this policy. I have given careful consideration to the drafting of the policy, and conclude that the Proposed Modifications **PM4-PM8** inclusive will address the principal concerns raised by the District Council. Other matters of detail can be addressed as part of the development management process and consideration of any future planning applications on specific sites.

#### *Employment and Business Policy*

- 4.14 Policy EB1 (Employment and Business) addresses the provision of employment and business premises in the Plan area. Although there is a limited demand for new employment floorspace, the policy itself only addresses applications for change of use of redundant rural buildings and the extension of existing premises. I consider that this is too narrow, and that the policy should also make provision for new premises within Use Classes B1, B2 and B8 where there is an appropriate demand for such accommodation, and to achieve general conformity with other planning policies in this rural area, such as Local Plan policies SUS2, ECON1 and ECON8. I therefore recommend a Proposed Modification **PM13** to Policy EB1 to address that point.

#### *Transport and Traffic Policy*

- 4.15 Policy TT1 (Direction Signage) seeks to establish criteria for the provision and siting of appropriate direction signs to community facilities and business parks, in those situations where specific planning consent is required. The District Council raise a number of detailed points regarding the current drafting of the policy, and I also consider that the policy should be amended to fully reflect the planning requirements of such a policy. I recommend Proposed Modification **PM14** to amend the text of the policy in order to meet those planning requirements in full and to refer to the need, in some circumstances, to obtain advertisement consent, and also to correct two typographical points in the supporting text to the policy.

#### *Community Facilities, Local Green Spaces and the Wider Environment Policies*

- 4.16 Policies C1 (Existing Community Facilities), C2 (New Community Facilities), C3 (New Recreational Space adjoining the Parish Field), C4 (Protection of Local Green Spaces) and E1 (the Wider Environment) address this policy theme. I consider that Policies C1, C2 and C4 are justified and appropriately drafted. They meet their purpose and the wider objectives of the Plan and are in accordance with the requirements of the Basic Conditions. However, I do concur with the view of the District

Council that Policy C3 should contain an appropriate reference to Policy RES4 (see also below) in order that a comprehensive planning approach can be taken to the development of new housing and the provision of new recreational space. I therefore recommend Proposed Modification **PM15** to insert an appropriate reference in the text of Policy C3. I have also noted the comments of Natural England with regard to Policy E1 and agree with their representation that this policy should include reference to a requirement for a Biodiversity Mitigation Plan to be submitted with development proposals on allocated greenfield sites greater than 0.1 hectare in size. Accordingly, I recommend Proposed Modification **PM16** to address that matter.

### *Site Allocations*

- 4.17 I have given careful consideration to each of the Site Allocations and Site Notations contained in the Plan, and to the representations that have been made regarding various matters arising from those allocations. In line with the Proposed Modifications that I recommend on matters concerning the DDB and Affordable Housing (**PM3-PM8** inclusive), the Housing Site Allocations contained and set out within pages 18-35 of the Plan also require some amendment and reclassification to reflect those modifications.
- 4.18 Furthermore, having considered each of the proposed Housing Site Allocations, and the representations that have been made during the Regulation 16 consultation period including those made by West Dorset District Council, I am not satisfied that certain allocations beyond the village of Buckland Newton can be fully justified in terms of their potential contribution to the achievement of sustainable development and their general conformity with the strategic policies in the Local Plan. I also consider that those allocations fail to take account of the requirements set out in national policy, and particularly paragraph 55 of the NPPF. I therefore recommend the deletion of two housing sites from the Plan (comprising sites K and L, and their corresponding allocation as Policies HS4 and HS5 respectively) for those reasons (see **PM20**). Both sites are in isolated locations within the Parish and remote from the services and facilities within the village of Buckland Newton, or any other settlement. Inevitably, most journeys to/from those sites will be by car, and the identification of such remote sites in the Plan could establish a precedent for other development proposals in the more remote parts of the Plan area contrary to Local Plan policies and the Management Plan of the Dorset AONB. I further note that planning permission in 2016 was granted for 4 new dwellings at Site G (which is identified as Policy RES6 in the Plan), and I therefore recommend that this site be deleted from the Plan, as the planning permission should now be regarded as a commitment (see **PM25**).

4.19 West Dorset District Council have raised a number of detailed points regarding certain housing allocation sites, for example regarding potential access, design criteria and the importance of retaining the character and setting of the Conservation Area. These are all valid considerations, but in my assessment, are matters which should properly be addressed through the development management process as part of the determination of any future planning applications. I have concluded that it is not necessary to identify any specific detailed aspects pertinent to individual sites, with the exception that I recommend a Proposed Modification to the text of Policy HS3 (to be re-numbered Policy HS2) to make reference to the need for any proposed development to safeguard the setting of the Conservation Area (see **PM27**).

4.20 Accordingly, I recommend the following amendments to the Housing Site Allocations, and which are set out in full as Proposed Modifications **PM17-PM28** inclusive.

- Identify Sites A, B, C, D, E, H and J (and corresponding allocations as Policy RES1 (a), (b) and (c), Policy RES3 (a) and (b), Policy RES4 and Policy HS3 as Housing Site Allocations within the amended DDB of Buckland Newton (deleting, in the case of Sites A, B, C, D, E and H, their classification as Rural Housing Exception Sites).
- I also note that there is no Policy RES2 contained within the Plan, and I recommend that Policies RES3-RES5 be re-numbered to Policies RES2-RES4 respectively, for future ease of reference (with Policy RES6 being deleted from the Plan as set out below).
- Delete references within the text of Policies RES1, RES3 and RES4 as being rural exception sites, and to make it clear that the sites will be developed with an appropriate mix of open market and affordable housing in accordance with Policies H1-H3.
- Include a reference within the text of Policy RES4 (to be re-numbered RES3) to the need to undertake a comprehensive planning approach to the development of this site alongside the proposed provision of a new all-weather sports pitch to the north of the site (c.f. **PM15**).
- Classify Site F (and its corresponding allocation as Policy RES5) as a Rural Housing Exception Site.
- Delete Site G (and its corresponding allocation as Policy RES6) from the Plan, including the identification and notation of the site on Policy Map East, as planning permission was granted in 2016 for 4 new dwellings at this site and it can now be regarded as a commitment.

- Classify Site I as Other Housing Site (and corresponding allocation as Policy HS2), but to be re-numbered as HS1 (see below). In the case of this site, I consider that the direct reference to the provision of one affordable housing unit be deleted, but that the preceding introductory text on page 30 be unchanged.
- In the case of Site J (and corresponding allocation as Policy HS3) but to be re-numbered as HS2 (see below), I recommend the addition of text to draw attention to the need for any new development to safeguard the setting of the Conservation Area.
- Delete Sites K and L (and corresponding allocations HS4 and HS5 respectively) from the Plan, including the identification and notation of these sites on Policy Map North.
- I also note that there is no Policy HS1 contained within the Plan, and I therefore recommend that the remaining two Housing Site Policies HS2 and HS3 be re-numbered to Policies HS1 and HS2 for future ease of reference.

4.21 The combined effect of the Proposed Modifications listed above is to reduce the potential number of new dwellings being proposed on the Housing Site Allocations in the Plan from 40 dwellings to 34 dwellings. Accordingly, I recommend a further Proposed Modification (**PM29**) to amend the reference in Policy H1 to 40 dwellings to now state 34 dwellings. I do not consider that this small reduction in potential housing numbers has any other material effect on the policies of the Plan, given the fact that H1 is permissive of housing development within the DDB as well as on the specific allocations. Also, the effective reduction is in fact only 2 dwellings as the 4 dwellings on Site G (see paragraph 4.18 above) can be considered to be a commitment. It does not in my view substantively affect the Plan's general conformity with the strategic policies of the Local Plan.

4.22 I have given consideration to the identification of the various Community Facilities on the Policy Maps, and notated as CF1-CF11. I consider that it would be a useful cross-reference for users of the Plan if the Policy Map references (e.g. CF1) could be included within the list set out in Policy C1, and I recommend a Proposed Modification (**PM30**) to that effect.

4.23 Finally, I have also considered the proposed important Local Green Spaces, listed on page 39 of the Plan and which are notated on the Policy Maps as G1-G4. I have also considered the representations concerning these allocations. I conclude that the proposed designation of the Parish Field, the Village Pound and the River Lydden Corridor are justified, in that they each clearly fulfil an important role in the Buckland Newton community for their recreational, historic, wildlife or landscape value.

However, I do not consider that the designation of the Hountwell Pump (G3) as a Local Green Space can be justified. I note that it is of some historic interest, but the site is within private ownership and has been part of a domestic garden since the 1980s. The landowners were not formally consulted regarding the prospective designation of the site as a Local Green Space in the Plan, and this in my view is a failure to have sufficient regard to national guidance contained in PPG Reference ID: 37-019-20140306. I therefore recommend that this Local Green Space notation G3 be deleted from the Plan, and I recommend a Proposed Modification (**PM31**) to that effect.

### *Other Matters*

- 4.24 The Dorset AONB Partnership has raised a number of detailed points regarding the Plan's references to the Dorset AONB in order to ensure accuracy. I concur with those points, and I recommend Proposed Modification **PM32** to address them.
- 4.25 The supporting text to Policy H3 (The delivery of Affordable Housing) in the Plan contains some material that is now largely out of date. This is within the text set out on page 15 of the Plan, and I consider that the most appropriate way of avoiding any potential future misunderstanding is to delete the 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of text on page 15. The remaining text on that page is still appropriate and accurate. Accordingly, I recommend Proposed Modification **PM33** to delete outdated material on page 15.

## **5. Conclusions**

### *Summary*

- 5.1 The Buckland Newton Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for Neighbourhood Plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Buckland

Newton Neighbourhood Plan, as modified, has no policies or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan area which is the parish boundary of Buckland Newton.

- 5.4 It is clear that the Buckland Newton Neighbourhood Plan is the product of much hard work during the past four years. The output is a Plan which should help guide the Parish's development over the Plan period, and it should also assist good decision-making on planning applications by West Dorset District Council.
- 5.5 In the interests of completeness, I should mention that the Neighbourhood Planning Act 2017 received Royal Assent on 27 April 2017 i.e. during the course of the examination. Only Sections 1 to 7 are concerned with neighbourhood planning and these provisions will not come into effect for the time being.

*Derek Stebbing*

Examiner

## Annex 1: Modifications

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM1	Front Cover	Add Plan period "2015-2030"
PM2	Page 4	Add new paragraph after "Our main objectives" as follows:  "Securing Sustainable Development  In accordance with national policy, the policies and proposals in this Plan seek to promote and achieve sustainable development."
PM3	Pages 11 and 12	Amend the map of the Defined Development Boundary (DDB) and Conservation Area for Buckland Newton on page 12 to include the sites of Housing Allocation sites RES1 (a), (b) and (c), RES3 (a) and (b), RES4 and HS3 within the DDB. (For clarification, these sites are also identified as Sites A, B, C, D, E, H and J in the Plan, and only those parts of the sites shaded red should be included within the extended DDB). As a consequence of this modification the 4 <sup>th</sup> paragraph of text on page 11 should be deleted.
PM4	Page 15	Delete definition of Sites A, B, C, D, E, H and I as "Rural Exception Sites" in the table on page 15, and replace the text in the 4 <sup>th</sup> paragraph with: "The local plan policy HOUS2 on rural exception sites is that they should only include affordable housing. Accordingly, the following site is identified as a Rural Exception Site where up to 100% affordable housing will be developed. On other sites allocated in the Plan for new housing, the provision of up to 50% affordable housing will be secured through legal agreements with the developers of those sites." (For clarification, the Rural Exception Site referred to above is Site F).

		<p>Delete Site G from the table at the foot of this page.</p> <p>Amend <b>Policy Maps North, South and East</b> to show Sites A, B, C, D, E, H and J as Housing Allocation Sites, Site F as a Rural Exception Site and Site I as an Other Housing Site, with changes to the colour coding on the Policy Maps as necessary. (Note that Sites G, K and L are recommended for deletion from the Plan and the Policy Maps by other Proposed Modifications).</p>
PM5	Page 16	<p>Delete the phrase "...restricted to people in housing need with a local connection who are unable to access open market housing (either to rent or to get onto the housing property ladder),..." in the 1<sup>st</sup> paragraph of text, and replace with "...to meet an identified, current need within the Parish that cannot otherwise be met,".</p> <p>Amend the figure "20" in the first sentence of the 1<sup>st</sup> paragraph to read "16".</p>
PM6	Page 16	<p><b>Policy H3</b></p> <p>Delete "(with at least one affordable home for every two market homes)" from the 1<sup>st</sup> paragraph of text, and replace with "(up to 50% of the total number of homes to be provided)".</p>
PM7	Page 16	<p><b>Policy H3</b></p> <p>Delete 2<sup>nd</sup> paragraph of text, and replace with "<b>On the rural exception site that is identified in this plan, up to 100% affordable housing will be developed, in accordance with the local plan policy for such sites.</b>"</p>
PM8	Page 16	<p><b>Policy H3</b></p> <p>Delete 3<sup>rd</sup> paragraph of text, and replace with "<b>Where appropriate, legal agreements will be sought with the developers and providers of affordable housing to ensure that it</b></p>



		<b>remains so in perpetuity."</b>
PM9	Page 14	<b>Policy H2</b> Delete 2 <sup>nd</sup> sentence of the 1 <sup>st</sup> paragraph of the Policy.
PM10	Page 14	<b>Policy H2</b> Delete 3 <sup>rd</sup> sentence in the 1 <sup>st</sup> paragraph of the Policy, and replace with: " <b>A proportion of all new dwellings built should be designed to be adaptable for occupation by elderly and disabled persons.</b> "
PM11	Page 14	<b>Policy H2</b> Delete 2 <sup>nd</sup> paragraph of the Policy, and replace with: " <b>Where appropriate, conditions will be attached to any planning permission granted for new dwellings to restrict future extensions and alterations to those dwellings, in order to maintain the stock of smaller, more affordable homes.</b> "
PM12	Page 13	Delete 3 <sup>rd</sup> paragraph of text in full, and the word "However" in the 1 <sup>st</sup> sentence of the 4 <sup>th</sup> paragraph of text.
PM13	Page 35	<b>Policy EB1</b> Amend 1 <sup>st</sup> sentence of Policy to read: " <b>Applications for the development of new business units, the change of use of redundant rural buildings to business use or extensions to existing small businesses (falling within Use Classes B1, B2 and B8) will be favourably considered, providing there is no harm to the rural character of the area or to the amenities of local residents.</b> "
PM14	Page 36	<b>Policy TT1</b> Amend text of Policy to read: " <b>The</b>

		<p><b>provision and siting of appropriate direction signs to community facilities, such as the village hall, pub and shop, and to business parks, will be permitted on private land, with the relevant landowners' and Parish Council's consent, where this does not cause a safety issue, the sign is of modest appearance in terms of its scale and design and there is no adverse visual impact upon the amenities of local residents or the character of the area. Such signs may require the necessary consents under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007."</b></p> <p>Amend the word "tradition" in the 3<sup>rd</sup> and 4<sup>th</sup> sentences of the 5<sup>th</sup> paragraph of text on page 36 to "traditional".</p>
PM15	Page 38	<p><b>Policy C3</b></p> <p>Add new 3<sup>rd</sup> sentence to the text of the policy to read: "<b>A comprehensive planning approach should be taken to the provision of this facility, including landscaping, access and car parking, with the proposed residential development to the south of this site (as proposed in Policy RES3).</b>" (Note that Policy RES4 should be re-numbered RES3, as stated in this Modification).</p>
PM16	Page 40	<p><b>Policy E1</b></p> <p>Add new 4<sup>th</sup> sentence to the text of the policy to read: "<b>A Biodiversity Mitigation Plan should be submitted for all development proposals on greenfield sites larger than 0.1 hectare in size, to secure biodiversity protection and enhancement.</b>"</p>
PM17	Page 18	Delete existing title "Identified Rural Housing Exception Sites" and replace with "Housing Site Allocations within the

		Defined Development Boundary”.
PM18	Page 27	Classify Site F (Policy RES4) under the heading of “Rural Housing Exception Site”. (Note that Policy RES5 should be re-numbered Policy RES4, as described in this Modification).
PM19	Page 30	Amend existing title to read: “Other Housing Sites”.  Delete cross-reference (to table on page 15) at foot of table on this page.
PM20	Pages 30, 33, 34 and 35, and Policy Map North	Delete references, all text and illustrations relating to Sites K ( <b>Policy HS4</b> ) and L ( <b>Policy HS5</b> ) from the Plan, and their identification and notation on <b>Policy Map North</b> .
PM21	Page 22	<b>Policy RES1</b>  Delete existing 1 <sup>st</sup> paragraph, and replace with: <b>“The combined sites will provide up to 11 new homes, with an appropriate mix of open market housing and affordable housing in accordance with Policies H1-H3.</b>  <b>Policy RES1(a)</b>  Delete 1 <sup>st</sup> sentence of 2 <sup>nd</sup> paragraph in the policy.  <b>Policy RES1(b)</b>  Delete 1 <sup>st</sup> sentence of the policy.
PM22	Page 25	<b>Policy RES2</b> (as re-numbered)  Delete existing 1 <sup>st</sup> paragraph, and replace with: <b>“The combined sites will provide up to 10 new homes, with an appropriate mix of open market housing and affordable housing in accordance with Policies H1-H3.”</b>
PM23	Page 27	<b>Policy RES3</b> (as re-numbered)  Delete existing text, and replace with: <b>“The site will provide up to 6 new homes, with an appropriate mix of</b>

		<b>open market housing and affordable housing in accordance with Policies H1-H3. A comprehensive planning approach should be taken with the proposed development of an all-weather sports pitch to the north of the site, including landscaping, access and car parking. The site layout, orientation and design of the housing should provide a positive frontage and surveillance across the existing and proposed playing fields to the east and north."</b>
PM24	Pages 25-28	Re-number Policies RES3-RES5 as Policies RES2-RES4 respectively.
PM25	Pages 28 and 29	Delete references, all text and illustrations relating to Site G ( <b>Policy RES6</b> ) from the Plan, and its identification and notation on <b>Policy Map East</b> .
PM26	Page 31	<b>Policy HS1</b> (as re-numbered)  Delete 1 <sup>st</sup> sentence of the Policy, and replace with: " <b>The site can be developed for up to 3 new dwellings in total.</b> "  Add Site Allocation and its boundary to <b>Policy Map South</b> .
PM27	Page 32	<b>Policy HS2</b> (as re-numbered)  Add new 2 <sup>nd</sup> sentence to the text of the Policy, to read: " <b>Any new development should safeguard the setting of the Conservation Area.</b> "
PM28	Pages 31-35	Re-number Policies HS2 and HS3 as Policies HS1 and HS2 respectively.
PM29	Page 11	Amend 8 <sup>th</sup> sentence of 3 <sup>rd</sup> paragraph to state "As a result 9 new sites ....etc."  <b>Policy H1</b>  Delete the figure " <b>40</b> " in the final sentence, and replace with " <b>34</b> ". Amend " <b>(an average of 2.7 per year)</b> " in the final sentence to read " <b>(an average of</b>

		<b>2.3 per year)”. </b>
PM30	Page 37	<p><b>Policy C1</b></p> <p>Insert Policy Map notations CF1-CF11 alongside the facilities listed within this policy.</p> <p>Amend 1<sup>st</sup> sentence of Policy to read:</p> <p><b>“Community facilities (as listed below and shown on the Policy Maps) should be retained where possible, and every effort should be made to work with the local community to investigate potential solutions to avoid any unnecessary loss of these valued facilities and services.”</b></p>
PM31	Page 39 and Policy Map South	<p>Delete the listing of Hountwell Pump as an important Local Green Space, and delete notation G3 from the Policy Map South and the Policy Maps Key.</p> <p>Re-number notation G4 (River Lydden Corridor) as G3, and amend Policy Map South accordingly.</p>
PM32	Page 6	<p>Insert the word “Natural” after “Outstanding” in the 1<sup>st</sup> sentence of the 3<sup>rd</sup> paragraph.</p> <p>Add new 1<sup>st</sup> paragraph under the “Dorset Area of Outstanding Natural Beauty” heading as follows: “The Dorset AONB includes a substantial part of the Plan area, and the Dorset AONB Management Plan 2014-2019 sets out the management framework for land within the AONB.”</p>
PM33	Page 15	<p>Delete 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of text on this page, together with footnote no. 3, as this material is no longer up to date and accurate.</p>



# **Stage One Report Buckland Newton Neighbourhood Development Plan 2015-2030**

**A partial, first stage Examination undertaken for West Dorset District Council with the support of Buckland Newton Parish Council on the November 2015 Submission version of the Plan.**

**Independent Examiner: Derek A. Stebbing B.A. (Hons), Dip. E.P., MRTPI**

**Date of Report: 04 May 2017**

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## **Main Findings - Executive Summary**

I agreed with West Dorset District Council to conduct a two stage examination of the Submission Plan for the Buckland Newton Neighbourhood Development Plan 2015 - 2030 and its supporting documents, including the representations made.

This Stage One Report is confined to my assessment of the following, essentially procedural, aspects of the requirements of Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). These are that:

- the Plan has been prepared and submitted for examination by a qualifying body – Buckland Newton Parish Council;
- the Plan has been prepared for an area properly designated – the Neighbourhood Plan area, the boundary of which is coterminous with the Parish Council boundary, and is the only neighbourhood plan for that area;
- the Plan specifies the period to which it is to take effect – from 2015 to 2030;
- Matters prescribed have been met (in relation to the preparation and submission of the Plan); and
- Regard has been had to national policies and advice contained in guidance issued by the Secretary of State (in so far as it relates at to procedural issues).

I consider that the above requirements have been complied with, thereby completing stage one of the examination.

The stage two, concluding examination, dealing with the remaining requirements in Paragraph 8 of Schedule 4B, including a full assessment of the Basic Conditions, will not be progressed until such time as I receive instructions from West Dorset District Council as to whether to continue.

## **1. Introduction and Background**

### *Buckland Newton Neighbourhood Development Plan 2015 - 2030*

- 1.1 Buckland Newton is a rural parish situated in West Dorset. The parish is approximately 10 miles north of Dorchester and a similar distance to the south of Sherborne and Sturminster Newton. Much of the parish lies within the Dorset Area of Outstanding Natural Beauty (AONB), with only two areas north of the hamlet of Tiley and an area in the north-east of the parish being outside the designated AONB.
- 1.2 The Neighbourhood Plan covers the whole parish which has an area of approximately 1,700 hectares. At the 2011 Census, the parish had a



population of 622 people living in 260 dwellings, but the total housing stock was 287 dwellings reflecting an additional number of second homes. The population is dispersed across the parish, with the main settlement being Buckland Newton, where the main community facilities are located, but there are a number of smaller hamlets across the parish.

- 1.3 There is a designated Conservation Area within Buckland Newton, focused on the older part of the village around the church. There are 28 listed buildings and structures within the parish, with 10 listed buildings and structures being within the Conservation Area.
- 1.4 The principal road through the parish is the B3143, which runs north-south and provides a link to Dorchester to the south and Sturminster Newton to the north. A limited bus service (4 journeys per day) provides a public transport link along the B3143 between Dorchester and Sturminster Newton.
- 1.5 The main community facilities for the parish are located in Buckland Newton which has a Grade I Listed Parish Church, a primary school, village shop, public house, village hall and a parish meeting room.
- 1.6 Initial work commenced on the preparation of the Neighbourhood Development Plan for the parish in early 2011, when a Working Group was established by the Parish Council for those people who were interested in taking part in the project. The Parish Council also decided to prepare a non-statutory Parish Plan alongside the Neighbourhood Plan. A public consultation exercise for the Parish Plan was held during 2012, including public meetings and a questionnaire and leaflets for every household in the parish. The results of this consultation activity informed the preparation of the Parish Plan (which was subsequently agreed and adopted in October 2013), and also the first stages in the preparation of the Neighbourhood Plan.

#### *The Independent Examiner*

- 1.7 I have been appointed as the examiner of the Buckland Newton Neighbourhood Development Plan by West Dorset District Council, with the agreement of the Buckland Newton Parish Council, who are the qualifying body for the purposes of this examination.
- 1.8 I am a chartered town planner, with over 40 years of experience in planning, and have worked in both the public and private sectors. I have also served on a Government working group considering measures to improve the local plan system, and have undertaken peer reviews on behalf of the Planning Advisory Service.
- 1.9 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Draft Plan. I therefore have the appropriate qualifications and experience to carry out this independent examination.

1.10 I have had sight of two letters addressed to West Dorset District Council, dated 27 July 2016 and 12 September 2016, written by an independent examiner who was previously appointed to examine this Plan. The examiner raised a number of concerns related to the Plan's preparation, before having to step down due to personal circumstances. As the newly (and sole) appointed examiner of this Plan, I must carry out my own full and independent examination. I am neither relying on, nor bound by any previous work of the formerly appointed examiner. I must, through the consideration of the Plan and relevant evidence, come to my own independent conclusions and recommendations.

### *The Scope of the Examination*

1.11 West Dorset District Council has requested that my examination is undertaken in two stages, in order to avoid any potentially abortive costs should the initial matters I examine prove to be noncompliant with the legal requirements. I consider this a reasonable request, given the costs already incurred by the District Council as a result of the uncompleted previous examination.

1.12 Firstly, I have been asked to consider matters relating to the procedural compliance concerning the preparation and submission of the Plan, and to report thereon. Subject to the District Council's approval, the second (final) stage of the examination will proceed and will consider the Plan's compliance with the remaining legal requirements, including a full assessment of the Basic Conditions in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act').

1.13 The scope of this Stage One Report relates to the following aspects of Paragraphs 8(1) and 8(2) of Schedule 4B to the 1990 Act:

- whether the Plan complies with certain provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
  - it specifies the period during which it has effect;
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area; and
- such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations'), subject to my comments in paragraph 1.14 below; and

- That regard has been had to national policies and advice contained in guidance issued by the Secretary of State (in so far as it relates, at this stage one, to procedural issues).

1.14 I note that there appears to be a duplicated requirement in so far as 'matters as prescribed' and 'prescribed matters' are referenced respectively in Paragraph 8(1)(e) and Paragraph 8(2)(g) of Schedule 4B to the 1990 Act, the latter being part of a Basic Condition. The legal opinion submitted with this Plan (see paragraph 2.6 below) also observes the legislation is unclear, but errs toward the relevant requirement being that in Paragraph 8(2)(g). In the absence of any definitive authority, I consider it suffices to say to that an assessment of compliance with the requirements of the 2012 Regulations does appear to be required in relation to the preparation and submission of a neighbourhood plan, and in my experience, is common place in examiners' reports.

1.15 Following my Stage One Report, should I be instructed by the District Council to proceed to undertake stage two of the examination, I will consider in stage two the remaining issues in Paragraph 8 of Schedule 4B to the 1990 Act, which are:

- whether the Plan meets the Basic Conditions as set out in Paragraph (8)(2) of Schedule 4B;
- whether the Plan complies with the further requirements under s.38A and s.38B of the 2004 Act, which are:
  - it sets out policies in relation to the development and use of land;
  - it does not include provisions and policies for 'excluded development';
  - whether the Referendum boundary should be extended beyond the designated area, should the Plan proceed to Referendum; and
- whether the Plan meets the additional requirement that the Plan is compatible with the Human Rights Convention, required by virtue of Paragraph 8(6) of Schedule 4B to the 1990 Act.

1.16 On completion of my stage two assessment, I will prepare a consolidated final report i.e. incorporating my stage one and two findings. This will recommend either:

- a) that the neighbourhood plan is submitted to a referendum without changes; or

- b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

## **2 Approach to the Examination**

### *Planning Policy Context*

- 2.1 Whilst the planning policy context will be more relevant to the stage two examination, I consider it would be helpful to clarify the position at the outset. The Development Plan for West Dorset District Council, not including documents relating to excluded minerals and waste development, is the adopted West Dorset, Weymouth and Portland Local Plan (2015). I note there is a Draft Local Plan Review in progress, but this is not at an advanced stage, having just undergone consultation on an 'Issues' document.
- 2.2 The planning policy for England is set out principally in the 2012 National Planning Policy Framework (NPPF). In particular, it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in local plans. It also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. As such, neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.
- 2.3 In 2014, the Government published the Planning Practice Guidance (PPG) which offers guidance on how this policy approach should be implemented in neighbourhood plans. PPG states that a policy should be clear and unambiguous to enable a decision maker to apply it consistently and with confidence when determining planning applications. It also states that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and characteristics of the area.
- 2.4 It should be noted in relation to the stage one examination that the PPG offers guidance on the preparation; consulting on and publicising; and submission of a neighbourhood plan.

### *Submitted Documents*

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to stage one of this examination, including those submitted which comprise:

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- the Buckland Newton Neighbourhood Plan – Submission Draft (2015-2030), dated November 2015;
- the designated Neighbourhood Plan Area and accompanying designation map for Buckland Newton, which was approved by West Dorset District Council on 04 February 2013 and which identifies the whole of the Buckland Newton Parish Council area as the area to which the proposed neighbourhood development plan relates;
- the Consultation Summary document (undated);
- the Basic Conditions Statement, dated January 2016, explaining how the proposed neighbourhood development plan meets the Basic Conditions;
- the Representations that have been made in accordance with the Regulation 14 consultation undertaken between 21 May and 4 July 2015, the Representations that were made during the subsequent Supplementary Consultation between 18 September and 31 October 2015 and the Regulation 16 Representations made during the consultation between 28 January and 10 March 2016; and
- the Strategic Environmental Assessment Screening Report issued by West Dorset District Council, dated July 2015.

2.6 I have also considered all the evidence base documents that have been referenced by Buckland Newton Parish Council to support the preparation of the Plan. This includes a legal opinion that was prepared on behalf of Buckland Newton Parish Council, which provides advice following the issues raised in the previous examiner's letters as referenced in paragraph 1.10 above.

#### *Site Visit*

2.7 I have made an unaccompanied site visit to the Neighbourhood Plan Area on 7 April 2017 to familiarise myself with it and to visit relevant sites and areas affected by the policies and/or the subject of representations.

#### *Written Representations or Public Hearing*

2.8 Following my consideration of the Submission Plan and its accompanying documents, my site visit and consideration of the representations made during the Regulation 16 consultation period, I do not consider that a public Hearing will be necessary for this stage one examination. However, if it proves necessary, I reserve the option to call a public Hearing in relation to the stage two examination, should the Plan proceed.

### **3 Procedural Compliance**

- 3.1 I now consider the Plan's compliance with the procedural requirements for the preparation of neighbourhood plans, which I have set out in paragraph 1.13 above.

#### *The Qualifying Body*

- 3.2 The Draft Plan has been prepared and submitted for examination by Buckland Newton Parish Council which is a qualifying body able to lead the preparation of a neighbourhood plan. Accordingly, this requirement is met.

#### *The Plan Area*

- 3.3 The Plan area is coterminous with the Buckland Newton Parish Council administrative boundary. West Dorset District Council approved the designation of the area in February 2013. The Plan relates to this area and does not relate to more than one neighbourhood area, and it therefore complies with this requirement.

#### *The Plan Period*

- 3.4 A neighbourhood plan must specify the period during which it is to have effect. The Buckland Newton Neighbourhood Plan states on page 4 that the Plan period is from 2015 to 2030. Should this examination proceed to the second stage, I intend to recommend in the interests of clarity that the Plan period should also be stated prominently on the front cover.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.5 Public consultation must take place on the production of neighbourhood plans. Public consultation processes should be open and accessible and any information presented should be easy to understand and to comment upon. It should enable all sections of the local community to have the ability to comment on and hence shape the policies which may affect where they live, work, visit or spend their leisure time. The PPG provides advice in this regard specific to neighbourhood plans in reference ID: 41-047-20140306 to ID: 41-051-20150209.
- 3.6 In accordance with Regulation 15 of the 2012 Regulations, Buckland Newton Parish Council has submitted a Consultation Summary document (undated) to West Dorset District Council. I have considered this statement as part of this examination. It sets out the process by which the Plan has been prepared, including the Regulation 14 statutory consultation, taking into account the comments and views of residents, land owners, key stakeholders and other interested parties. Whilst I am of course aware of the preliminary concerns raised by the previous examiner with regard to public consultation, I have undertaken my own independent scrutiny of the evidence as the appointed examiner.

- 3.7 The preparation of the Plan began in 2011 when a Working Group was set up comprising Parish Councillors and other persons interested in taking part in the project. Initially, work was deferred whilst a non-statutory Parish Plan was prepared. However, the Neighbourhood Plan area was designated by West Dorset District Council in February 2013 and work commenced on a number of key evidence base studies.
- 3.8 A Draft Plan was prepared during late 2014, and, following its approval by the Parish Council, was published for public consultation between 21 May 2015 and 4 July 2015. A total of eight consultation events were held during this period and every household in the parish was notified. The consultation was also advertised on the Parish Council's website and by other publicity around the parish. Comments were received from 37 residents and from a number of statutory consultees and other bodies.
- 3.9 The Consultation Summary, together with the accompanying document entitled 'Statutory Public Consultation on Draft Plan - Comments Received by Policy' provide a comprehensive digest of the comments that were made during this pre-submission stage in the preparation of the Plan, including a record of the comments made by statutory consultees and other bodies.
- 3.10 A further Supplementary Public Consultation on the Draft Plan was undertaken between 18 September and 31 October 2015. This was a non-statutory pre-submission consultation, specifically undertaken to address proposed changes to the Draft Plan that had become necessary following the Local Plan Inspector's Report dated 14 August 2015 on the then emerging West Dorset, Weymouth and Portland Joint Local Plan and the proposed modifications to the Local Plan that were recommended by the Inspector.
- 3.11 Of key importance to the Neighbourhood Plan were modifications concerning affordable housing, and particularly smaller sites of the scale found in rural areas such as Buckland Newton. The supplementary consultation concerned consequential changes to the Neighbourhood Plan to reduce and remove any potential element of uncertainty for prospective planning applications involving, in particular, the provision of affordable housing in the Parish should the Plan have proceeded to submission and examination as previously drafted.
- 3.12 Whilst there is no express statutory provision for a Supplementary Public Consultation following the completion of the statutory Regulation 14 period of consultation, I am clear that the circumstances that were prevailing in August-October 2015 were exceptional, and were of direct importance to this Plan. There was a significant risk that the Plan would fail to meet the Basic Conditions with regard to its general conformity with the strategic policies of the development plan, with the Joint Local Plan being adopted by West Dorset District Council on 22 October 2015. It became clear in August 2015 that the Neighbourhood Plan would require

some amendment to ensure its conformity with the Local Plan by the time the examination stage was reached.

- 3.13 Therefore, in my assessment, the decision to undertake a Supplementary Public Consultation specifically on certain proposed amendments to the Plan was a realistic and pragmatic decision based upon the prevailing circumstances, which could not have been envisaged prior to the commencement of the formal Regulation 14 consultation earlier in 2015.
- 3.14 I do not consider that the interests of any body or person were prejudiced by this additional consultation. Indeed, I take the view that it was carried out in the interests of providing an opportunity for further public engagement on the focused issues, in the absence of legislation or guidance in the PPG covering such circumstances arising. In any event, this supplementary consultation was not the last opportunity to make representations on the Plan, given the statutory requirement for the Regulation 16 consultation.
- 3.15 It is also notable, in the context of the preparation of local plans, that it is not uncommon for a local authority to run a non-statutory supplementary consultation on an addendum of focused changes made after the relevant pre-submission consultation on a draft local plan<sup>1</sup>, prior to submitting the local plan for examination. Whilst this is not covered by the relevant local plan regulations, the additional consultation is not considered to jeopardise regulatory compliance.
- 3.16 The Supplementary Public Consultation did not, in my view, invalidate any aspect of the earlier Regulation 14 consultation simply because the circumstances had changed markedly since the close of that consultation in July 2015. Whilst it would have been possible to formally withdraw the emerging Neighbourhood Plan, and re-commence the broader consultation work on an amended document including a further Regulation 14 consultation, I am clear that this would have significantly delayed the preparation of the Plan and would have had a negative impact upon public confidence in the Neighbourhood Planning process.
- 3.17 For the reasons that I have set out, I conclude that in my view the Supplementary Public Consultation does not prejudice compliance with the 2012 Regulations on the preparation of the Plan, prior to its formal submission to West Dorset District Council. As described above, I have reviewed the scale and full extent of the consultation and engagement work that was undertaken during the preparation of the Plan. I am satisfied that the general approach was extensive and inclusive, and that consultation events were organised and publicised to enable as many people as possible to attend.

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<sup>1</sup> Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). See also paragraph 3.3 of the Planning Inspectorate publication, 'Procedural Practice in the Examination of Local Plans' (June 2016) and PPG ID: 12-020-20140306.



- 3.18 Whilst it is not part of my examination to consider the responses that were made by the Parish Council during the preparatory stages of the Plan, I am satisfied from the documentation that I have received that the Parish Council has taken full account of the comments that were received and has amended the Plan, where necessary, to address those comments. In particular, I reference the document entitled 'Statutory Public Consultation on Draft Plan – Responses to Comments Received' in this regard.
- 3.19 Following submission of the Plan to West Dorset District Council, formal consultation under Regulation 16 was held between 28 January and 10 March 2016. A total of 21 representations were made during that period, and I have considered these representations to the extent that they apply to this first stage of the examination. I have noted that there are allegations of issues relating to a conflict of interest and misconduct arising in relation to the Working Group members preparing the Plan, which are expressed in certain Regulation 16 representations. This was a matter also highlighted by the previous examiner as being of concern. However, it is not in my view within the remit of a neighbourhood plan examination to address these allegations. Such complaints and allegations should be properly addressed through the complaints procedures of the Parish and District Councils.
- 3.20 Overall, I consider that the public consultation and community engagement work that has been undertaken throughout the preparation of the Plan has been open and transparent, and to a very thorough and comprehensive level. I consider that it has enabled all residents, stakeholders, land owners and other interested parties to be able to comment upon the Draft Plan at the key stages in its preparation, and also following its submission to West Dorset District Council. Accordingly, I conclude that the legal requirements for the preparation and consultation on the Plan (including regard to the PPG) have been met satisfactorily.

#### **4 Stage One: Conclusion**

- 4.1 At this first stage, my examination has only investigated whether the Buckland Newton Neighbourhood Plan has met the legal and procedural requirements for the preparation and submission of a neighbourhood plans as set out in paragraph 1.13<sup>2</sup> of this report.
- 4.2 I consider that the Plan has duly met those requirements and therefore recommend to West Dorset District Council that the (final) stage two examination be undertaken in order that a full report on the examination of the Plan can be prepared.

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<sup>2</sup> Subject to my comments in paragraph 1.14 above.

- 4.3 In the interests of completeness, I should mention that the Neighbourhood Planning Act 2017 received Royal Assent on 27 April i.e. during the course of this examination. Only sections 1 to 7 are concerned with neighbourhood planning and these provisions will not come into effect for the time being.

*Derek Stebbing*

Derek Stebbing  
Examiner