

QUESTIONS FROM THE EXAMINER TO WEST DORSET DISTRICT COUNCIL AND BROADWINDSOR GROUP PARISH COUNCIL

<p><b>EQ1</b></p>	<p>WDDC question the need for the reference to 0.1ha in Policy BGNP4A. In West Dorset, are Biodiversity Mitigation and Enhancement Plans routinely required on sites over 0.1ha, even if there is no good reason to suppose that there will be an adverse impact on biodiversity?</p> <p>What is the justification for this requirement?</p>
<p><b>RESP ONS E</b></p>	<p><u>Dorset Council response</u></p> <p>Within the Adopted West Dorset, Weymouth &amp; Portland Local Plan 2015, paragraph 2.2.19 of the supporting text to Policy ENV2 Wildlife and Habitats states that:</p> <p>“In order to comply with all relevant government legislation on biodiversity and Natural England advice, an appraisal scheme has been set up in Dorset by the DCC natural environment team; if required, a Biodiversity Appraisal accompanied by a Biodiversity Mitigation Plan (BMP) should be submitted alongside the planning application. This standardised process is the councils’ preferential scheme but developers can, if they so wish, demonstrate in other ways how they have met the statutory and policy requirements.”</p> <p>West Dorset, Weymouth &amp; Portland, Planning Application Requirements (February 2016) clarifies further:</p> <p>“A Biodiversity Appraisal accompanied by a standardised Biodiversity Mitigation Plan (BMP) is required for all greenfield or brownfield development sites over 0.1ha in size, where not currently used as existing residential or business premises. A BMP covers habitat as well as protected species matters.”</p> <p>Whilst we support policy BGNP4A in principle we would question the need for a Biodiversity Mitigation and Enhancement Plan for sites larger than 0.1 ha to be mentioned within the policy as it already forms part of the Councils validation checklist and on this basis would replicate a well known process.</p> <p>Planning Application Requirements (February 2016): <a href="https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/submit-planning-application/pdfs/wdwp/validation-checklist-wdwp.pdf">https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/submit-planning-application/pdfs/wdwp/validation-checklist-wdwp.pdf</a></p> <p>For further information on biodiversity appraisals in Dorset: <a href="https://www.dorsetforyou.com/article/401489/Biodiversity-Appraisal-in-Dorset">https://www.dorsetforyou.com/article/401489/Biodiversity-Appraisal-in-Dorset</a></p> <p><u>Broadwindsor Group Parish Council response</u></p> <p>We based the plan on the advice on the website (as listed above). We are also aware that a similar 0.1ha threshold has recently been made in a similar policy in the Holwell NP (also West Dorset) and in other North Dorset plans, and supported by Natural England. Although the 0.1ha requirement may be in the validation list, the validation list is not policy and it only legally applies if it is reviewed as least every two years (NPPF para 44) – so the current validation list is not legally compliant and the PC has concerns that there will be future times when the LPA does not keep it under review as it should, hence the preference to include this in the policy.</p>

<p><b>EQ2</b></p>	<p>Paragraph 5.13 of the BGNP says that the Local Plan (West Dorset, Weymouth and Portland Local Plan 2011-2031) ‘identifies Broadwindsor as the main focus for new development ... it would follow that most, if not all, new housing and employment should be located at this village’. Paragraph 5.30 of the BGNP says that the Local Plan strategy suggests that ‘at least 70% of growth [should be] within or close to Broadwindsor’.</p> <p>Where are these statements made in the Local Plan?</p> <p>Paragraph 3.3.27 of the Local Plan says: ‘This plan does not include targets for development in these [the rural] areas’. Policy SUS2 of the Local Plan says ‘Development in rural areas will be directed to the settlements with defined development boundaries, and will take place at an appropriate scale to the size of the settlement. Settlements with no defined development boundary may also have some growth to meet their local needs’.</p> <p>These statements appear to fall well short of the interpretation given in the BGNP.</p> <p>Are there any other relevant references in the Local Plan?</p>
<p><b>RESP ONS E</b></p>	<p><u>Dorset Council response</u></p> <p>In the adopted local plan, Broadwindsor has a defined development boundary (DDB) but no other settlements within the NP area do. As such, as the largest and most sustainable settlement within the area, the council would advise that it should be the focus for new development. There are no targets set for each settlement within the local plan.</p> <p><u><i>Broadwindsor Group Parish Council response</i></u></p> <p>There are no exact references to 70% in the Local Plan – the basis for this was the Parish Council’s attempt to interpret the SUS2 proposals that growth should be directed as the settlements with DDBs and working out what this might mean in terms of the ideal distribution. The current population spread (as referenced in 5.13 of the NP) is estimated to be about 40% of the population living in Broadwindsor and Hursey, 25% at Drimpton and Netherhay and the remainder at smaller settlements. The Local Plan Review is suggesting a 5% growth in the rural parishes that have settlements with a DDB and a 2% growth in those without (see below), which would at this level crudely indicate a 5:2 (71.4%) split. However as the parish populations are larger in the parishes with the larger settlements the figure would more likely higher than this. We were not sure whether the 5% or 2% target would be applied to Burstock as that parish does not include a settlement with a defined boundary in the Local Plan – but we have had the following advice from the LPA.</p> <p>We had therefore used the wording ‘would suggest’ which we felt reflected the thrust of what was being suggested at a strategic level – but it was not intended to imply that the adopted Local Plan goes as far as to say exactly what the split is. We were also mindful of the feedback we have had throughout from the LPA that more development should be at Broadwindsor – and we have tried to explain in pg 5-6 of the Basic Conditions Statement why more sites were not included which also resulted in the inclusion of Policy BGNP13</p> <p>With reference to the housing requirement the District Council have provided the following informal view of the likely indicative housing target should the Parish Council formally request such a figure (WDDC response received by email 29/3/19):</p> <p><b>Adopted and Emerging Local Plan Policy</b></p> <p>The currently adopted Local Plan is the West Dorset, Weymouth &amp; Portland Local Plan, which was adopted in October 2015. This Local Plan was produced before the 2018 NPPF and before the March 2018 draft NPPF were published. It does not therefore set out any housing requirement</p>

figures for neighbourhood plans in its strategic policies.

The councils consulted on how housing requirement figures for neighbourhood plans might be established in paragraphs 3.6.13 to 3.6.21 and Question 3-ix (on pages 97 to 99) of the Preferred Options document for the Local Plan Review.

The proposed approach sought to reflect the overall strategy for the pattern and scale of development (set out in Policy SUS2: Spatial Strategy of the Preferred Options document) and any relevant housing or mixed use allocations (listed in Table 3.3: Housing Allocations of the Preferred Options document).

Tables 3.3 and 3.4 confirm that the full assessed local need for housing can be met in the ten locations in the top two tiers of the settlement hierarchy, which are:

- the 'main towns' of Dorchester and Weymouth (including Littlemoor and Chickerell); and
- the 'market and coastal towns' of Beaminster, Bridport, Lyme Regis and Sherborne; the settlements on Portland; and the village of Crossways.

No sites are allocated in the Preferred Options document at locations in the third and fourth tiers of the settlement hierarchy, which are:

- settlements with Defined Development Boundaries (DDBs), where growth will be directed to in rural areas; and
- settlements without DDBs in rural areas, which may have some growth to meet their local needs.

Settlements with DDBs in rural areas defined through the Local Plan and / or Local Plan Review (i.e. in the third tier of the settlement hierarchy) are typically the larger, more sustainable settlements with some facilities.

Settlements without DDBs in rural areas (i.e. in the fourth tier of the settlement hierarchy) are typically the smaller, less sustainable settlements with fewer facilities. Although not defined on the policies map, the smaller settlements where growth to meet local needs should be focused are listed in Figure 3.9 of the Preferred Options document. All of these settlements have a population of 200+.

The Preferred Options document proposes different approaches to establishing housing requirement figures for neighbourhood plans according to the level of the settlement hierarchy at which any relevant settlement sits.

In relation to settlements in the top two tiers of the settlement hierarchy, Paragraph 3.6.19 of the Preferred Options document says:

*“For any neighbourhood area containing one of the ten locations in the top two tiers of the settlement hierarchy, it is proposed that any housing requirement figure would be the sum of: completions since 2016; extant planning permissions; housing allocations; capacity on major sites within DDBs identified in SHLAA; and a windfall allowance on minor sites.”*

Paragraph 3.6.19 of the Preferred Options document confirms that *“neighbourhood plans for these settlements would not need to identify any additional land to meet the overall plan review area housing need figure”*. This paragraph also goes on to clarify that the deletion of (or proposing a different use on) a non-strategic housing site may be acceptable, provided that sufficient housing provision was made on other sites. Paragraph 3.3.8 of the Preferred Options document confirms that sites of more than 50 dwellings are 'strategic allocations', which cannot be changed through a neighbourhood plan.

In relation to settlements in the third tier of the settlement hierarchy, where no allocations are identified in the Local Plan Review, Paragraph 3.6.20 of the Preferred Options document says:

*“In rural areas (i.e. excluding the settlements in the top two tiers of the settlement hierarchy), it is proposed that a housing requirement for any neighbourhood area containing a settlement with a DDB defined through the local plan or local plan review should plan for a level of housing growth which would increase the population of the neighbourhood planning area by a minimum of 5% over a 20-year period.”*

In relation to settlements in the fourth tier of the settlement hierarchy, where no allocations are identified in the Local Plan Review, Paragraph 3.6.20 of the Preferred Options document says: *“Any neighbourhood area which does not contain a settlement with a DDB defined through the local plan or local plan review, should plan for a level of housing growth which would increase the population of the neighbourhood planning area by a minimum of 2% over a 20-year period.”*

**Plans in Preparation for Settlements in Rural Areas with DDBs**

Each NP should result in an increase in population of at least 5% over 20 years. This can be calculated by:

- Establishing the current population (mid-2016 population estimates) of the parishes covered by the relevant NP;
- Dividing it by the average household size (which in West Dorset is 2.15 people per dwelling); then
- Multiplying that figure by 0.05 (i.e. 5%).

**Broadwindsor**

The results of applying this calculation to Broadwindsor NP is set out in the table below.

Neighbourhood Plan	Parishes Covered	Current Pop'n	Calculation	Minimum Homes Needed
Broadwindsor	Broadwindsor & Seaborough	1,440	1,580 / 2.15 x 0.05	37 (36.7)
	Burstock	140		
	<b>Total</b>	<b>1,580</b>		

This calculates as a housing need of 2 dwellings (1.837) per annum.

Caveats

- This is a response to an informal request for further information (i.e. not a response to a formal request to supply the neighbourhood plan group with a housing figure).
- This is a housing figure supplied from a draft local plan and not an adopted local plan. The figure is therefore only 'indicative'.
- The proposed approach is set out in a preferred options plan which is at an earlier stage of plan making, the weight determined subject to NPPF 2019 paragraph 48.
- The calculation is based on data that will regularly change and will require updating (i.e. updated population estimates).
- The Council supports neighbourhood planning groups that use locally derived data to calculating their housing need target (i.e. a local housing needs assessments) as an alternative to a local plan figure.

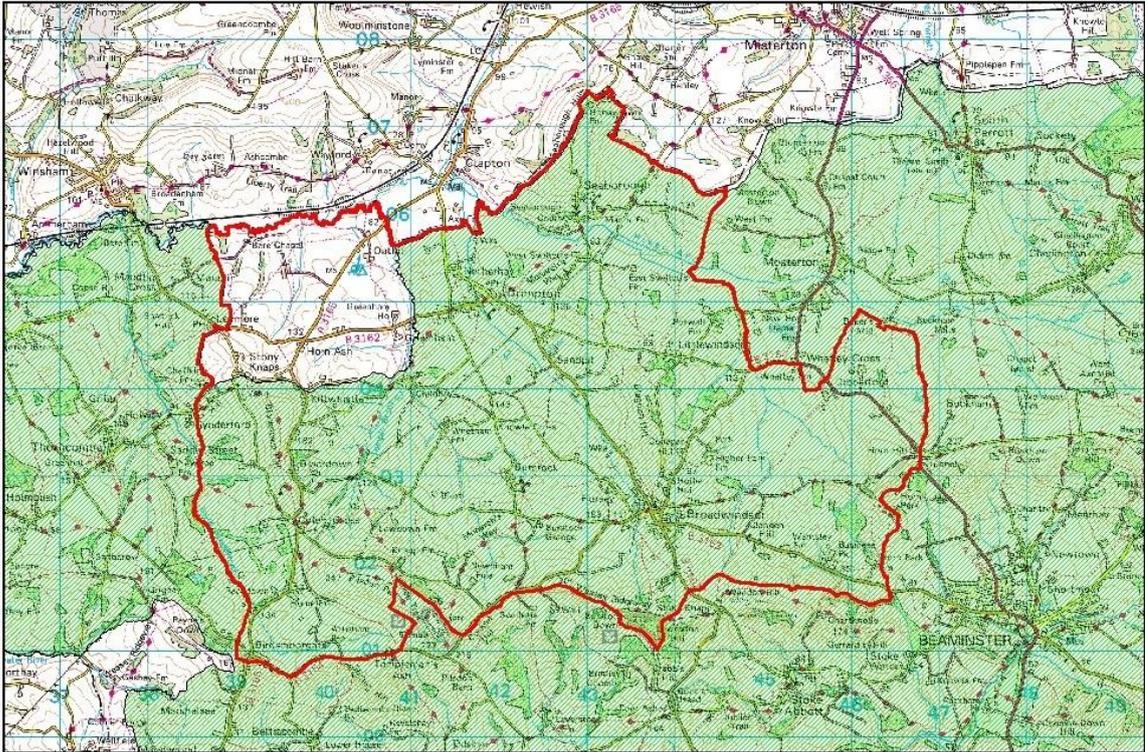
**EQ3** Paragraph 5.3 of the plan, and its accompanying footnote, purport to define the meaning of 'starter home'. There are definitions in Planning Policy Guidance and in the Housing and Planning Act 2016. There is a definition in the revised versions of NPPF (but not in the original 2012 version, which is the relevant version for this examination). There may be other definitions.

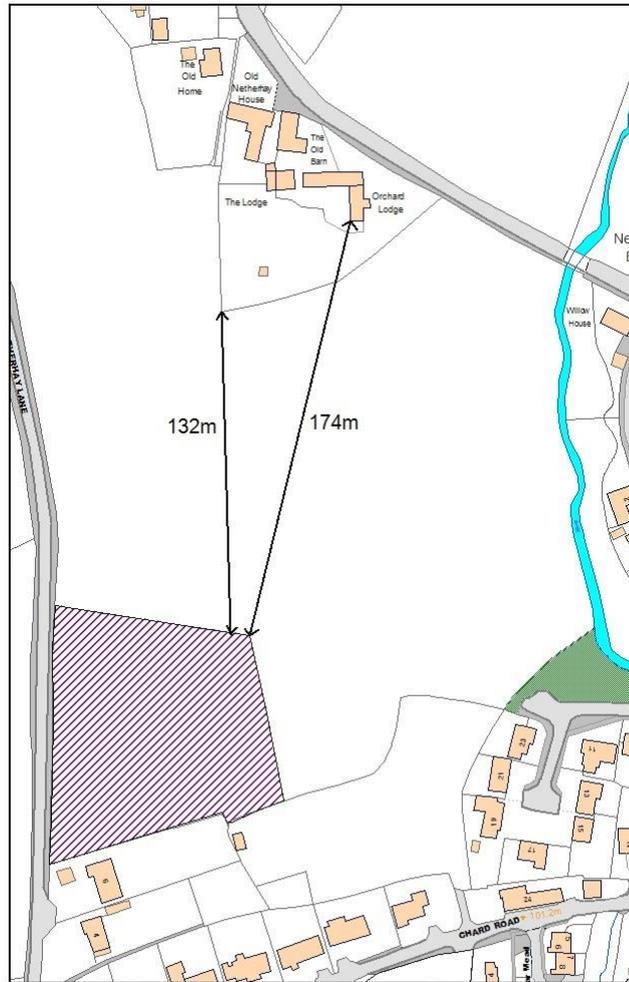
Which definition does the BGPC rely on?

	<p>Where is the reference to ‘a minimum 15 year period’ to be found?</p>
<p><b>RESPONS E</b></p>	<p><u>Dorset Council response</u></p> <p>The foreword and policy BGNP8 make reference to “Starter homes”. Starter homes have a specific definition and generally refer to homes which are available at a minimum 20% discount on market value and to first-time buyers under the age of 40. We would suggest the reference to “Starter homes” be omitted. It may be more accurate to refer to them as “homes for first time buyers” instead. There would be consequential changes to the foreword if these changes were accepted.</p> <p><u>Broadwindsor Group Parish Council response</u></p> <p>We did consider the District Council’s response and suggested alternative wording (above), alongside the wording and intent of the Housing and Planning Act 2016, and felt that using the term starter home in the context of the 2016 Act was suitably clear and appropriate.</p> <p>The reference to 15 years is based on the Government response to the technical consultation on starter homes regulations  <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/589806/Government_response_to_the_starter_homes_technical_consultation.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/589806/Government_response_to_the_starter_homes_technical_consultation.pdf</a> where they state in para 15 that “We have considered carefully the arguments for a longer period and as a result the restricted period will be 15 years. The detailed operation of the restricted period will be set out in the regulations”</p>
<p><b>EQ4</b></p>	<p>Paragraph 5.38 of the plan describes the setting of a proposed site for housing. A neighbouring building, Manor Farmhouse, is described as a ‘Locally Important Building’. WDDC express concern about ‘a Grade II Listed Building in close proximity to the site’. From the documents before me, the location of the listed building referred to by WDDC is not clear.</p> <p>Where is it in relation to the site?</p>
<p><b>RESPONS E</b></p>	<p><u>Dorset Council response</u></p> <p>The Councils conservation team can confirm that the listed-building in question is the Grade II listed Broadwindsor House, which is located 60m to the south-east of the allocation site. The scale, materials and proportions of any new buildings on the allocation site should be selected to ensure that the Listed-building maintains its primacy within its wider setting. It should be noted that Historic England state that “effects on the setting of listed-buildings are not limited to areas where the building can be viewed by the public”</p> <p>*The red star denotes the location of the Grade II listed Broadwindsor House.</p> <p><u>Broadwindsor Group Parish Council response</u></p> <p>We think there may have been some confusion on this as in their options stage response (email dated 10/10/17) WDDC refer only to the Old Manor House/Vicarage which is approx 60m west of the western end of the site. They stated “<b>There is a grade II listed building (Old Manor</b></p>



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	<p><b>House/Vicarage) that is in close proximity to the proposed site and its setting may be affected if the existing buildings on-site are replaced or increased in height.”</b> However Broadwindsor House is about the same distance as the crow flies (approx 60 me to the SE) and we have been fully aware of this in our deliberations. In both cases there is intervening development.</p>
EQ5	<p>What are the boundaries of the AONB?</p> <p>Are the settlements in the NP area ‘washed over’ by the AONB?</p>
RESP ONS E	<p><u>Dorset Council response (agreed by Broadwindsor Group Parish Council)</u></p> <p>In the map below, the green wash denotes the extent of the Dorset AONB and red line the extent of the neighbourhood plan area. The settlements of Broadwindsor, Netherhay, Drimpton, Burton &amp; Seabrough are ‘washed over’ by the AONB.</p>  <p>© Crown Copyright and database right (2019). Ordnance Survey Licence number 100060963</p>
EQ6	<p>In Table 2 (‘Proposed Local Green Spaces’), does ‘DWT’ stand for ‘Dorset Wildlife Trust’?</p>
RESP ONS E	<p><u>Dorset Council response (agreed by Broadwindsor Group Parish Council)</u></p> <p>Yes</p>
EQ7	<p>What is the straight line distance between the northern edge of Housing Site 7a and (a) the nearest building and (b) the nearest curtilage in Netherhay?</p>
RESP ONS E	<p><u>Dorset Council response</u></p> <p>The straight line distance between the northern edge of housing site 7a and Orchard Lodge (the nearest building) is approximately 174 meters and to the nearest curtilage approximately 132meters.</p>



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The Councils conservation team would also like to take this opportunity to clarify their earlier objection to site 7a made during the regulation 16 consultation. The Conservation Officer has commented that: *“My response to site 7a was based upon the earlier allocation of the whole of this site for development and the impact of development within a small corner of the site will not have the same effect of filling in the gap between Drimpton and Netherhay. I am happy with the much reduced area of allocation.”*

Broadwindsor Group Parish Council response

Our measurements from the mapping system on which the plans are plotted are much the same - The Lodge is the closest building at 179m distance – the edge of its curtilage (which is closest) is 127m (which is larger than the gap along the Crewkerne Road between Orchard Lodge and the first house in Orchard Close which is 72m)

<p><b>EQ8</b></p>	<p>Paragraph 5.25 refers to a planning application expected to be submitted in Spring/early Summer 2018.</p> <p>Has such an application been made?</p> <p>If so, what was the outcome?</p>
<p><b>RESP ONS E</b></p>	<p><u>Dorset Council response</u></p> <p>As at 1 April 2019 no planning application has been submitted on site 7a Land east of Netherhay</p>

Lane.

*Broadwindsor Group Parish Council response*

There has been a delay in progressing this application as it has taken over a year to sort the legal agreement between the CLT, Yarlington Homes (a Housing Association) and the landowner. The signing of this agreement is very imminent in which case it is hoped that a planning application can be submitted shortly.

We were surprised at the Reg16 consultation response by the District Council (referred to above) given that the whole field is identified in the SHLAA as having potential for a rural affordable housing site of up to 15 homes, and the CLT have had a pre-application discussion meeting with a senior officer of the development management team as well as numerous meetings with the housing enabling team and no concerns about the site selection have been raised. The CLT have also received over £35K from the Council to cover legal costs (April 2016); initial surveys (July 2017) and most recently the planning fees (May 2018). The CLT did get in touch with the case officer based on Reg 16 response who felt this potential deletion of the allocation could be seen as a negative sign in any future planning decision, which is why we hoped to clear up any misunderstanding that may have arisen from WDDC's earlier response. We are therefore happy to see the Conservation Team's clarification on their (presumably withdrawn) concerns about this site in their response to EQ7.

**Date:** 1 April 2019

**Examiner:** Brian Dodd

**Sent to:** WDDC and BGPC (for reply)