

From:
 Terrence Kemmann-Lane JP DipTP FRTPI MCI
 The Examiner
 The Blandford + Neighbourhood Plan

3 June 2019

To: Dorset Council
 and
 The Steering Group, Blandford Forum Town Council (lead Qualifying Body)

Examiner's Question EQ1

- 1 My appraisal of the submitted Blandford + Neighbourhood Plan 2011 – 2033, January 2019 (NP19), raises concerns that I wish to put before Dorset Council and the Steering Group.
- 2 These concerns relate to Policy B2 – land North & East of Blandford Forum and Policy B3 – Employment, the justification for the policies and the extent to which regard has been had to the report of the Examiner of the Blandford + Neighbourhood Plan 2015 – 2031, July 2016 (NP16).

Comparison of Policy B2 & B3 (c) NP19 with Policy 1, NP16

Main Policy Elements	NP19	NP16
Residential scheme – open market, starter, self-build and affordable rented.	i.	i.
400 dwellings	i.	Para 3.9
New 2 form entry primary school	ii. & iii.	iii.
Community hub scheme	iv.	iv.
Relocated allotments	v.	viii.
Highways scheme – cycling, walking, bus services, etc.	vi. & vii.	v. & xiv
Planning obligation to secure land for supporting infrastructure: school and other community facilities.	xiii.	xvi.
Land adjacent to Sunrise Business Park	B3(c)	ii.

- 3 The table above identifies the main elements of the policies in terms of principal items of development. Looking at the Policy Maps of both Plans the same area is shown on NP19 as allocations under Policies B2 and B3 as were shown on NP16 under Policy 1. Furthermore, the sets of policies from the two Plans are essentially the same as is their justification. Both sets of policies propose 400 dwellings and a

Primary School (with additional provisions). Both sets of policies are justified by the need for a new school.

- 4 In relation to land north and east of Blandford Forum, in her report, the Examiner of NP16 Deborah McCann considered in particular Policy 16: 'Blandford' of the North Dorset District Council (NDDC) Local Plan Part 1 (LPP1), adopted in January 2016. She noted that the Local Plan Inspector modified Policy 16 specifically to acknowledge that there could be development beyond the bypass at some time in the future. However, this is to be later in the plan period and there is no specific reference to this site. (I note that LPP1 paragraph 8.24 states: "*The Council's preferred approach is to develop land to the south-east and to the west of Blandford St Mary. Development in these locations would be more accessible to facilities and services and would have less impact on the natural and historic environment than the other option.*").
- 5 She also points out that NDDC had made representations that Policy 1 is not in general conformity with the strategic policies of the Development Plan and she reached the same conclusion. To be brief, her conclusion was that Policy 1 does not meet the Basic Conditions because i) It does not have regard to National Planning Policy and Guidance in that it fails to have regard for paragraphs 115 and 116 of the NPPF (2012 version)¹; and ii) It is not in general conformity with the Strategic Policies of the Development Plan. In addition, she considered Policy 1 to be a strategic allocation, which should be more appropriately considered in Part 2 of the Local Plan process. And on the basis that it did not meet the Basic Conditions she recommended that the policy should be deleted.
- 6 I see from the second paragraph of the Foreword to the NP19 that the B+ Group "*agreed with NDDC in May 2018 to increase the scope of the B+NP to take forward the work from NDDC's Local Plan 'Issues and options' Consultation ahead of the Local Plan Review*". Paragraph 1.7 refers to NP16 having been taken through the examination stage, and then explains "*Due to NDDC losing its five-year housing land supply within two weeks of the examination, Blandford + considered that this information could have had a major impact on the results of the examination, and therefore engaged with the Ministry of Housing, Communities & Local Government (MHCLG) on how to proceed*".
- 7 The quote from paragraph 1.7 appears to be the only reference to the previous examination and the only explanation of the reason for taking matters forward. There is no mention of the recommendations of the previous Examiner. Furthermore, in the material sent to me there is no explanation or reasons for putting forward a plan containing almost exactly the same policies as previously found not to meet the Basic Conditions. It troubles me that I was not provided

¹ By virtue of paragraph 214 of the National Planning Policy Framework 2019, the policies contained in the latest Framework will apply to the Examination of the NP19

with the report of the previous Examiner and the earlier version of the Plan examined. I had to request these.

- 8 At this stage I have no understanding of NDDC's (and now Dorset Council's) weighing of the issue around the allocations in Policies B2 and B3(c) and how it answers the apparent conflict with Policy 16: 'Blandford' of the North Dorset District Council (NDDC) Local Plan Part 1, and why it was *"agreed with NDDC in May 2018 to increase the scope of the B+NP to take forward the work from NDDC's Local Plan 'Issues and options' Consultation ahead of the Local Plan Review"*. Whilst a NP can take account of evidence emerging in the preparation of a new LP, how can it be right that a NP actually takes on the mantle of the LPA – if that is what is meant?
- 9 Nor do I understand how the educational requirement justifies the mixed use allocation and employment allocation in such a sensitive location, for much the same reasons as those expressed by Deborah McCann.
- 10 I would like to be told how the local planning authority came to support these policies in the light of the previous Examiner's report, and have answers regarding the need for the new school, how it would be funded, the basis for the obligation required as part of the policy when the 'urgent need' already exists, and any *"convincing evidence that there is any certainty that the school will be delivered on this site"* (first full paragraph on page 26 of the previous Examination).
- 11 I hope that the above paragraphs explain my concerns clearly and that it will be possible for a full explanation of why essentially the same Plan has been resubmitted. In responding, please bear in mind the following paragraphs of the Framework (February 2019): 8 and footnote 6; 66 and footnote 31; 56 and footnote 24 (re Reg 122(2) of the CIL Regs); 68; 69; 127 c); and 172. Of course, there may be other elements of the Framework to which you wish to draw attention.
- 12 In light of the above matters I am considering the need for a hearing. Please could some thought be given to when this might be arranged, so that, if I do so decide, we can make the necessary arrangements without undue delay.
- 13 I would like a reply within 10 working days, but since I expect a substantial reply, I am open to receiving a request to extend the period.