

4 September 2019

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Independent Examiner for the Blandford+ Neighbourhood Plan

Dear Sir

**Town and Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004**

I am writing to you, following on from the recent exploratory meeting in Blandford Forum. In particular, I wish to focus on the principle of making a significant site allocations for a school and housing through the Blandford+ Neighbourhood Plan.

Urban Vision Enterprise CIC provided advice for the Blandford+ Neighbourhood Plan and prepared an options report, following the independent examination for the previous version of the plan. We are currently providing support and advice, funded through the national neighbourhood planning support programme.

**Scope of the Examination**

I am aware that some representations have questioned whether the school and housing site allocations would be more appropriately made through the Local Plan process. However, there is no basis for making such judgments, especially through comparison of examinations for neighbourhood plans and local plans. The test set out in legislation is whether the neighbourhood plan, including the site allocations, meets the basic conditions.

Neighbourhood plan examinations should not be considered as a 'light touch'. Whilst that phrase may have been used when neighbourhood plans were proposed, the legislation was subject to substantial modification. Thus, the Localism Act that received royal assent included rigorous legal tests for neighbourhood plans.

In the time since, numerous neighbourhood plans have made large scale site allocations and have dealt with complex planning matters. This, together with several legal challenges, has highlighted the need to consider the examination process as a robust and rigorous exercise.

I appreciate that concerns have been raised over making site allocations within the AONBs. This is not a question of there being a 'correct' level of plan to consider such matters, but a question of whether the neighbourhood plan meets the basic conditions. Clearly, the AONB was a key issue for the SEA (which formed part of the SA) to address.

## **National Policy and Guidance**

There have been certain changes to policy and guidance since the previous examination on the previous version of the neighbourhood plan. Modified versions of the NPPF were issued in 2018 and 2019 and planning practice guidance has been subject to numerous modifications. The tendency is to address local and neighbourhood planning in a more integrated way, rather than neighbourhood planning being dealt with as an 'add-on'.

Chapters 2 and 3 of the NPPF deal with sustainable development and plan-making. Paragraph 9 refers to achieving over-arching objectives for achieving sustainable development and states:

*'These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'.*

It is clear that this relates to plans and policies at all levels.

This is also the case with Paragraph 11:

*'For **plan-making** this means that: a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid Change ...'*

Paragraph 13 of the National Planning Policy Framework 2019 (NPPF) states:

*Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.*

This makes clear that neighbourhood plans can and should help to deliver strategic policies, but also direct development outside of those policies. .

Similarly, Paragraphs 15 and 16 clearly relate to plans at all levels.

I note the examiner's comment that Paragraph 23 of the NPPF refers to strategic plan making. It should be noted also that Paragraph 25 requires strategic plan-making authorities to collaborate and engage with local community and relevant bodies. Paragraph 28 and 29 make clear that communities can set policies for neighbourhoods, including allocating sites.

Paragraph 65 requires a housing figure to be established for the whole local authority area, whilst housing requirements should also be set out for neighbourhood areas. In the case of the Blandford+ Neighbourhood Area, there is obviously a substantial housing requirement, addressing not just local

need, but also part of the need of the wider area. There is also a close correlation between housing site allocations and aspirations to make the town centre more prosperous. Importantly, the growth requirement for the area has been agreed with the local planning authority.

Paragraphs 67, 68 and 69 do imply that larger and more strategic sites would be allocated through the local plan process, whilst medium and smaller sites would be allocated through local plans or neighbourhood plans. There is nothing to suggest that local authorities and neighbourhood plan bodies cannot work in close liaison on larger sites or to prevent neighbourhood plans from allocating larger sites.

In addition, Planning Practice Guidance simply states:

*A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. (Paragraph: 042 Reference ID: 41-042-20170728).*

Paragraph 94 of the NPPF states:

*'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities'.*

This has been a key consideration for the Blandford+ Neighbourhood Plan in making school and housing site allocations.

Application of different parts of the NPPF often requires a flexible approach, as there can be, and often are, conflicts between meeting the requirements of different policies. It is clearly necessary to meet the basic condition relating to national policy and guidance. This includes meeting the level of growth agreed with the local planning authority under Paragraph 65.

### **General Conformity with Strategic Local Policy**

Policy 2 of the North Dorset Local Plan Part 1 names Blandford Forum as one of four main towns and a service centre. Policy 6 provides a growth figure for Blandford Forum of 1,200 houses.

Policy 16 deals specifically with Blandford Forum and states locations for development as including extensions primarily (not wholly) of housing to the south-east and to the west of Blandford St Mary (Policy 16 b). My understanding is that the sites to the south-east are either being developed or are at a late stage of gaining planning consents. So there is no scope for the Blandford+ Neighbourhood Plan undermining this element of Local Plan policy. The growth envisaged in the neighbourhood plan is additional.

In addition, the policy looks at options for school provision (Policy 16 v). My understanding is that recent analysis by the education authority has now confirmed the need for a new school, more specifically for the site envisaged in the neighbourhood plan. This is clearly dependent on the housing site also being developed.

The neighbourhood plan as a whole needs to be in general conformity with strategic local policy. Also, general conformity should be considered against the full range of strategic policies. The various elements of both plans should not be considered in isolation. The intention is that the neighbourhood plan taken as a whole should not undermine the spatial strategy of the local plan.

This was emphasised in *R (Crownhall Estates Ltd) v Chichester District Council* [2016] EWHC 73 (21 January 2016). Paragraph 29, ii states:

*'Where it is engaged, the basic condition in paragraph 8(2)(e) of schedule 4B to TCPA 1990 only requires that the draft neighbourhood plan as a whole be in "general conformity" with the strategic policies of the adopted development plan (in so far as it exists) as a whole. Thus, there is no need to consider whether there is a conflict or tension between one policy of a neighbourhood plan and one element of the local plan'.*

The local planning authority has worked closely with the neighbourhood plan qualifying body and supports the site allocations and level of housing growth envisaged. Council officers have confirmed that the site allocations would not undermine the spatial strategy in the North Dorset Local Plan.

## **Conclusion**

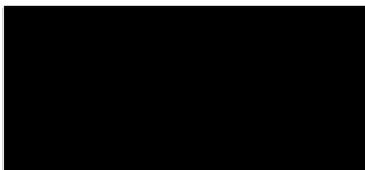
It should be noted that many neighbourhood plans have included large-scale site allocations and have been successful at examination. There is nothing in planning law that would prevent a neighbourhood plan from making larger site allocations, where local circumstances would make that a sensible approach.

Site allocations can be made in plans at different levels, including strategic plans, local plans and neighbourhood plans. Where a neighbourhood plan makes site allocations, the question is whether the plan meets the basic conditions. It is not a question of weighing up the relative merits of examination of different levels of plans or judging which plan would be the best one to use.

The neighbourhood plan bodies and the local planning authority and education authority have worked closely on the proposed school and housing site allocations. Indeed, this is a good example of collaborative and cooperative working. The local planning authority has agreed a housing growth figure and appears to be satisfied that the neighbourhood plan does not undermine the spatial strategy in the local plan.

I hope that the above comments are helpful.

Yours faithfully

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Dave Chetwyn  
Managing Director