



Milton Abbas Neighbourhood Development Plan 2019 - 2031

A report to Dorset Council

**David Kaiserman BA DipTP MRTPI
Independent Examiner**

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Executive Summary

I was appointed by Dorset Council on 16 March 2020, with the agreement of Milton Abbas Parish Council, to carry out the independent examination of the Milton Abbas Neighbourhood Development Plan.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 14 June 2020.

Milton Abbas is a small rural parish in North Dorset, with a population of 755 residents at the time of the 2011 census. The Parish Council began work on the preparation of a neighbourhood plan in the summer of 2016, and it was formally submitted to Dorset Council in December 2019.

The adopted North Dorset Local Plan (2016) designates Milton Abbas as a “larger village” which will be expected to deliver sufficient new dwellings to meet identified local and essential rural needs. The Neighbourhood Plan concludes that around 20 dwellings would be required to meet local needs over the period 2019-2031, a figure which takes account of existing planning permissions, and sites are identified in the Plan to satisfy that requirement. These allocations have an appropriately strong emphasis on affordability. Many aspects of the methodology employed to identify future housing needs are challenged by a house-builder, and I deal with these in the body of my report. The Plan also contains detailed policies designed (in particular) to conserve the special visual and heritage characteristics of the area.

Subject to a number of recommendations (principally for changes to the detailed wording of some policies), I have concluded that the Milton Abbas Neighbourhood Development Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

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Introduction

1. This report sets out the findings of my examination of the Milton Abbas Neighbourhood Development Plan (the MANP), submitted to Dorset Council by Milton Abbas Parish Council in December 2019. The Neighbourhood Area for these purposes is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and the intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012 (the current edition being dated February 2019), which continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to certain detailed recommendations, the Plan should proceed to referendum. If this results in a positive outcome, the MANP would ultimately become a part of the statutory development plan, and thus a key consideration in the determination of planning applications relating to land lying within the MANP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

Procedural matters

6. I am required to recommend that the Milton Abbas Neighbourhood Plan either
 - be submitted to a local referendum; or
 - that it should proceed to referendum, but as modified in the light of my recommendations; or
 - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
 - the submitted MANP
 - the Consultation Statement (December 2019)
 - the Basic Conditions Report (December 2019)
 - the Housing Needs Assessment Revision 6 (January 2020)
 - the Site Assessments Report (February 2019)
 - the Strategic Environmental Assessment Screening Determination Statement (July 2019)
 - the Strategic Environmental Assessment Report (June / November 2019)
 - the representations made to the MANP under Regulation 16

- selected policies of the adopted North Dorset Local Plan
 - relevant paragraphs of the National Planning Policy Framework
 - relevant paragraphs of national Planning Policy Guidance.
8. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations¹. In the present case, consultants Terence O'Rourke, acting for Gleeson Strategic Land (who have an interest in land referred to as Site 7), considered it essential that a hearing be held "to ensure adequate examination of the site allocations" in the Plan. They consider it equally important that an accompanied site visit be undertaken. However, I have concluded that neither procedure is necessary: I had no difficulty in understanding all the arguments advanced on Gleeson's behalf in the various written submissions, supplementing my appreciation of the issues by visiting the various areas of land involved, in the usual way. Moreover, I am familiar with the context for the preparation of neighbourhood plans in the former North Dorset area, having recently been the independent examiner of four of them².
9. I carried out an unaccompanied visit to the Plan area on 14 June 2020³ when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape, those areas affected by specific policies in the Plan, and the locations referred to by objectors. I refer to my visit in more detail elsewhere in this report.

A brief picture of the Neighbourhood Plan area

10. Milton Abbas is a small Dorset village set in an attractive agricultural landscape of rolling hills between Dorchester and Blandford Forum. It has a particular significance historically since, apart from its many listed buildings, its eighteenth-century Lord of the Manor retained Capability Brown to demolish the original village and create a new landscape, with two rows of almost identical model village-type cottages for the estate workers being built, in what is now known as The Street. The village of today has two distinct elements: the curved, gently-rising linear form of The Street, which occupies a wooded valley, and the more diverse modern development set on higher ground to the north. Extensive views are to be had from these more elevated and open areas. Most of the parish (and all the sites being considered for development) lie within the Dorset Area of Outstanding Natural Beauty. The area around The Street and the Abbey School, together with the landscaped lake and park, lie within a conservation area.
11. The village has a church, a surgery, a pub, a shop-cum post office and a tea-rooms, but no primary school. There are well-tended allotments and a community gardens/play area. The village website presents a picture of a small but active community.

The basic conditions

12. I am not required to come to a view about the 'soundness' of the plan (in the way which applies to the examination of local plans); instead I must principally address whether or not it is appropriate to make it, having regard to certain "basic conditions", as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065⁴ of Planning Practice Guidance. I deal with each of these conditions

¹ Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

² Gillingham (report dated April 2018), Fontmell Magna (August 2018), Hazelbury Bryan (November 2018) and Motcombe (July 2019)

³ This took place somewhat later than originally planned, due to the restrictions on travel during the Covid-19 pandemic

⁴ Reference ID: 41-065-20140306

below in the context of the MANP's policies but, in brief, all neighbourhood plans must:

- have regard to national policy and guidance (Condition a);
- contribute to the achievement of sustainable development (Condition d);
- be in general conformity with the strategic policies in the development plan for the local area (Condition e);
- not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- comply with any other prescribed matters.

13. The Basic Conditions Report (BCR), prepared by Dorset Planning Consultant Ltd on behalf of the Parish Council, is dated December 2019. It begins by summarising the statutory requirements before taking each section and policy of the MANP and assessing its relationship with the national and local planning context, adding appropriate comments on general conformity. It also includes a summary of the sustainability assessments carried out. I will refer to specific elements of this document as necessary when considering the detailed provisions of the Plan.

Other statutory requirements

14. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
 - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
 - that the plan period must be stated (which in the case of Milton Abbas is 2019 to 2031); and
 - that no "excluded development" is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).
15. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of "preserving or enhancing the character or appearance" of any conservation area.
16. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body's responsibility to undertake any necessary environmental assessments, but it is the Local Planning Authority's responsibility to engage with the statutory consultees.
17. A Strategic Environmental Assessment and Habitats Regulations Screening Report, prepared by Dorset Planning Consultant Ltd on behalf of the Parish Council, was submitted to Dorset Council in January 2019 and subsequently made available to the statutory consultation bodies (Historic England, Natural England and the Environment Agency). As a result of the responses received, and having considered the relevant Regulations, Dorset Council concluded that an SEA was required, on the grounds that the MANP was likely to allocate land for 20 new dwellings; that almost all of

the Plan area lies within the Dorset Area of Outstanding Natural Beauty; and because of the significant heritage assets which might be impacted by the proposals. I will refer to the consultees' responses shortly; suffice to say at this point that the exercise concluded that no significant adverse impacts of the Plan are anticipated, with a particular positive aspect of it being the provision of housing to meet local needs.

18. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to "the development and use of land", whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is met (subject to a recommendation in relation to Policy MA9).

National policy

19. National policy is set out primarily in the National Planning Policy Framework (NPPF), a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government. I have borne particularly in mind the advice in the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

The existing Development Plan for the area

20. The current development plan for the area includes the North Dorset Local Plan Part 1 (adopted January 2016), together with a number of policies "saved" from the North Dorset District-Wide Local Plan 2003⁵. For convenience, throughout my report I will refer to these simply as parts of the (adopted) Local Plan.
21. At 1st April 2019, the former Dorset County Council and its constituent district / borough councils were abolished, to be replaced by two unitary authorities, one of which is the new Dorset Council, incorporating the area covered by the former North Dorset District Council. The present position is that the Council is in the process of embarking on an authority-wide local plan to take the place of those covering the five pre re-organisation districts. As part of this process, the decision was taken in 2019 to abandon work earlier begun to review the North Dorset Local Plan: at the time of writing, the Council's website suggests that consultation will take place sometime this year (2020) on the issues and opportunities which are expected to emerge during the new local planning exercise. The MANP Basic Conditions Statement (December 2019) anticipates production of a draft Local Plan in September 2021.
22. Basic Condition (e) requires neighbourhood plans to be "in general conformity with the strategic policies of the development plan for the area": this clearly means the *adopted* development plan. However, I bear in mind the advice at paragraph 009⁶ of the PPG, which says: "Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested."

The consultation exercise (Regulation 14)

23. This regulation requires the Parish Council to publicise details of their proposals "in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area",

⁵ The Basic Conditions Report states that no policies from this document are now thought to be "strategic" for the purposes of neighbourhood planning

⁶ Reference ID: 41-009-20190509

and to provide details of how representations about them could be made. Regulation 15 requires the submission to the Local Planning Authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.

24. The MANP Consultation Statement is dated December 2019, with a minor update the following month. In line with the relevant Regulations, it sets out details of who was consulted about the Plan; the processes involved; the issues that were raised; and how such issues were considered and, where relevant, addressed. In Milton Abbas, the exercise began in May 2016, when residents were given the opportunity to think about what should be the guiding vision for the future of the village. Consultation on the “Issues and Options” stage was slightly delayed, eventually taking place in the summer of 2018, closely followed by a “Call for Sites” which yielded 16 areas of land to be evaluated as potential development opportunities. Consultation then took place on preferred options in terms of specific objectives and detailed policies, also informed by residents’ opinions on the importance of certain green spaces and views. Changes were made to the working draft of the Plan, culminating in a pre-submission consultation on the revised version, which ran for six weeks during July-August 2019.
25. The Consultation Statement sets out in detail how each of these exercises was handled, and I am satisfied that the work carried out by the Parish Council’s team fully meets the requirements of Regulation 14. It is clear that the process (and its outcomes) has consistently received widespread local interest and support in the village.

General observations about the Plan

26. The following points may be helpful in understanding the way I have approached my report on the Plan and the observations and recommendations which I make upon it:
- the recommendations I make concentrate on the policies themselves, since that is what the basic conditions relate to;
 - I have addressed the policies in the order that they appear in the submitted plan and have set out my views about each of them, irrespective of whether or not any modification is thought necessary;
 - my recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.
27. The document itself begins with a brief introduction to what Dorset Council, in their response to the submitted Plan, describe as “one of Dorset’s most recognisable villages”, including the “iconic scene” of its long main street of near-identical estate workers’ cottages, and what the Milton Abbas Local History Group refer to as “a small village with a big history”. After summarising the approach to plan preparation (including an account of the site-selection process), the Plan sets out a succinct Vision for the Parish, which is

“... to meet the local housing needs of Milton Abbas in a positive way that is appreciative of our unique landscape, heritage, distinctive rural features and residents”.

28. Five main objectives are then set out, which may be summarised as:
- the satisfactory integration of new housing;
 - meeting local housing needs;
 - ensuring new development is aesthetically sympathetic to its context;

- support for services and infrastructure; and
 - protection and enhancement of locally-important features.
29. This is followed by 12 policies, each of which is preceded by text explaining the reasons for its inclusion in the Plan. The remaining material consists of a helpful commentary on certain matters which it is not appropriate to include in a plan such as this, and which might be described as community aspirations. There is also a useful explanation of terms, and finally an appendix which summarises the conclusions of the site selection process.
30. The policies themselves (in coloured boxes) are clearly differentiated from the supporting text, and the document as a whole, with several tables, clear maps and a range of photographs, is very easy to navigate. It is written in plain English, which contributes to its overall user-friendly character.

Representations received (Regulation 16)

31. 15 representations were made in response to the submitted Plan. No objections were raised by Highways England, the Environment Agency or Wessex Water; Historic England and Natural England had some relatively minor observations. There was an objection by a local resident to references in the Plan to a particular viewpoint, allied to an area of land referred to as site 12: I will come back to this, and I will also comment on observations made by the Dorset AONB Partnership in respect of site 5. Dorset Council had a small number of detailed comments, and I will refer to these under the relevant policy heads.
32. Six individual letters of support were received from local residents, one of which had a comment about the relative merits of site 7 (not allocated for development in the MANP). It is this site which is the subject of the most significant objection to the Plan, made on behalf of Messrs Gleeson. The land is under their control and they have applied for outline planning permission to develop it for housing. Gleeson also object to the Plan's basic approach to determining housing need, and I respond to this below.

The Neighbourhood Plan's approach to determining housing need

33. Policy 2 of Part 1 of the adopted North Dorset Local Plan (2016) is the core spatial strategy for the area including Milton Abbas. In summary, it identifies the area's four main towns as the principal focus of future growth, with Stalbridge and 18 "larger villages" (of which Milton Abbas is one) meeting local needs. Outside these identified settlements, the remainder of the District will be subject to countryside policies where development will be strictly controlled, unless it is required to enable essential rural needs to be met.
34. Local Plan Policy 6 describes the overall housing requirements for North Dorset during the Plan period (2011-2031), reiterating that the vast majority of the growth will be in the four main towns and allocating broad minimum housing numbers to each. Elsewhere, *"the level of housing and affordable housing provision will be the cumulative number of new homes delivered to contribute towards meeting identified local and essential rural needs. At least 825 dwellings will be provided in the countryside (including Stalbridge and the villages) during the period 2011 – 2031"*. Settlements such as Milton Abbas therefore do not have specific "targets" for identifying land (either for housing or employment uses).
35. As a key part of the evidence base to support the submitted MANP, the Neighbourhood Plan Group (advised by Dorset Planning Consultant) carried out a Housing Needs Assessment (HNA),

revision 6 of which is dated January 2020. Its purpose is to establish how much and what type of housing is required in the Parish in the period 2018-2031. The methodology adopted is based on the toolkit "Housing Needs Assessment at Neighbourhood Plan Level" prepared by AECOM, and designed to apply broad advice set out in Planning Practice Guidance.

36. Section 1.2 of the HNA says that the process adopted *"gathers a wide range of relevant data and then makes balanced, reasonable judgements on the basis of that data..... carried out by reviewing existing data from a range of sources to determine a notional 'fair share' of housing development that the neighbourhood plan area can contribute within the wider context of its Local Plan housing target"*. The starting-point for calculating the projected need was therefore a combination of the policies in the adopted Local Plan; the emerging Local Plan ("Issues and Options" stage); the most recent Strategic Housing Market Assessment (August 2015); the Government's housing projections formula (September 2018); and past dwelling completion rates (2001-2011). Some of the additional factors then taken into account included completion rates from 2011; the local housing waiting list; and the results of the July 2018 local questionnaire survey.
37. The HNA notes that the population of Milton Abbas was recorded as 755 in the 2011 census⁷. It is the smallest of all the 18 "larger" villages in the former North Dorset area. On a pro-rata basis, its "fair share" of the 825 new dwellings established as the minimum requirement in the adopted Local Plan would be about 2.9%, equating to 24 dwellings from 2011 to 2031. The HNA goes on to note that the consultation document for the Local Plan review suggests a need for a total of 366 dwellings per annum in North Dorset, an average increase of 24.4% over the 285 set out in the adopted Plan. If this is applied to Milton Abbas, the target of 24 would rise to 31.
38. However, the HNA concludes that the "fair share" figure of 24 dwellings remains the appropriate starting point, since the Local Plan Review consultation document proposes a continuation of the existing spatial strategy for the area, stating: *"On this basis it is envisaged that new development at the eighteen larger villages will continue to meet local (rather than strategic) needs."* The HNA summarises the intention thus: *"....local needs will be met primarily through rural exception affordable housing schemes coming forward over the plan period. The proposal identifies neighbourhood plans as an opportunity to identify sites that could meet development needs at these villages within the District"*.
39. The Strategic Housing Market Assessment (Eastern Dorset and North Dorset Summary)⁸ [SHMA] dates from 2015 and was based on the Government's 2012 household projections. When adjusted for the 2014 - based projections, North Dorset is assumed to experience a 7.4% increase in population between 2013 and 2033 (a significantly lower projection than for Eastern Dorset as a whole), equating to a need for 206 dwellings per annum. When employment growth assumptions are taken into account, a further 105 dwellings are assumed to be needed. To this was added another 19 based upon an assessment of housing need. The conclusion of this exercise is that the "objectively-assessed need" for North Dorset (albeit not scrutinised through the Local Plan examination process) is a total of 330 dwellings per annum.
40. The HNA uses this figure to calculate a proportional uplift for Milton Abbas of 16% (rounded), resulting in a target of 28 dwellings for the Plan period. Section 2.4 notes that using the Government's latest population projections (2016-based) would result in lower level of growth in North Dorset than previously assumed.

⁷ However, the number of people living in households (ie excluding communal establishments) is calculated at 565, and it is this which is used as the base figure

⁸ GL Hearn and Partners 2015

41. Section 2.5 of the HNA includes information about eight new dwellings built in the Parish since 2011 and five residential units in existing buildings (one a change of use and the others as a result of the grant of certificates of lawfulness). Three planning permissions are noted relating to replacement dwellings.
42. The HNA then explains the effect of applying the “standard” method of assessing the minimum housing need (PPG update September 2018). This three-step process (setting the baseline, adjusting for local affordability and capping the level of any indicated increase) results in a figure of 352 for North Dorset – a 23.5% increase in the adopted Local Plan assumption of 285. When this degree of uplift is applied to Milton Abbas’ target of 24, the minimum requirement for the Parish rises to 30 dwellings over the period 2011 – 2031.
43. The HNA continues with assessments of how local factors might impact on these broader calculations – these include the area’s economic prospects, the needs of local service providers, house prices in the area, “unmet” need, in-migration (2001-2011), recent completion rates and the need for affordable housing. Section 2.8.8 records the fact that over a third of local residents who completed the questionnaires supported the provision of 20-30 new homes, with over a quarter accepting a higher figure of 30-40. Table 14 summarises all these assumptions, with each factor being given an appropriate weighting in terms of its impact on the housing need figure. The resulting target figure for 2018-2031 is 20 new dwellings.
44. Section 2.9 concludes the overall needs assessment as follows⁹:

“The projections of the starting point identify a housing need of 11 to 18 new homes for the period 2018-2031, with the upper end of this range considered a more reasonable target. The additional factors generally indicate an increased value, and given the support of local opinion for a higher value, a target of about 20 new homes is recommended.

Given that the Local Plan Policy 6 states: “In the countryside (including Stalbridge and the villages) the level of housing and affordable housing provision will be the cumulative number of new homes delivered to contribute towards meeting identified local and essential rural needs”, care should be taken if a much higher number of dwellings is considered. More than 30 homes would risk a potential conformity issue with the adopted and emerging Local Plan and is unlikely to be supported by the majority of local residents at the referendum stage without further justification”.

45. No direct reference to these conclusions was made by Dorset Council in their response to the submitted MANP. However, the former North Dorset District Council fully supported both the approach taken and the final figure which emerged from the exercise. They specifically acknowledged the use of the AECOM “toolkit” and the fact that the methodology used is consistent with that adopted by other neighbourhood plans in North Dorset.

⁹ I have modified the punctuation in this quote, since the original contained an incomplete sentence

Objection to the approach taken

46. Consultants Terence O'Rourke Ltd, acting on behalf of Gleeson Strategic Land Ltd, raise a large number of objections to the way in which the housing need figure has been calculated. I would summarise the main points as follows:
- In finding the North Dorset Local Plan "sound" despite the housing requirement being less than the most recent SHMA, the appointed examiner noted the Council's commitment to an early review; the fact that the housing trajectory identified a significant over-supply up to 2020; and that there had been high levels of delivery in the previous plan period (1994-2011). In fact, a new plan is not now expected to be in place until 2024; there was significant under-delivery between 2015 and 2019; and thus the previous delivery rates should be discounted. The examiner also noted the degree of flexibility built into the wording of plan policies, and the scope for neighbourhood plans to add to the minimum requirement. Gleeson conclude that it is not appropriate to adopt a pro-rata approach based on settlement size.
 - Using the 2015 SHMA would result in a need for 69 dwellings, compared with the HNA calculation of 28. The Plan should allocate sites for at least 30 dwellings, and further (or reserve) land for up to 74, otherwise the basic conditions are not met.
 - Dorset Council accept that the North Dorset area does not have a 5-year land supply and will not do so for some time. Consequently, by not allocating sufficient sites the MANP does not contribute to the achievement of sustainable development and so fails to meet the basic conditions.
 - The HNA should not have made the allowance it does for completions since 2011. Four of these related to successful applications for certificates of lawful use, and so did not result in any additional dwellings. Past completions should not, in fact, be used to reduce the requirement at all, principally because the planning exercise (including public consultation) takes 2020 as the starting-point. No allowance should be made for the conversion of existing buildings (table 1 of the Plan).
 - The lack of any trajectory or deliverability information results in a further failure to comply with the basic conditions.
47. In the response form accompanying their representations, Gleeson make it clear that they object to the whole of the submitted plan. Other than their case for the allocation of the land under their control, no specific changes to the Plan are put forward. In practice, I have taken this to mean that they recommend that the Plan be withdrawn, or at least delayed until further work is carried out on the housing figures.
48. The following is an extract from the report I prepared in 2019 in relation to the Milborne St Andrew Neighbourhood Plan, also within the former North Dorset area. Similar objections were raised about the methodology (by a different developer), and I consider it equally relevant to the present case:

"Given the broader context within which neighbourhood plans are prepared, as well as in terms of the basic conditions, I consider it to be both unreasonable and unnecessary to hold up progress on the Plan in the way that is being sought. It is clear to me that national guidance cannot be interpreted in such a way as to result in neighbourhood plans effectively being in a prolonged state of uncertainty (even if there is the prospect of fluidity at the strategic level due to factors such as local government re-organisation). In my opinion, the MSANP has been prepared on the basis of a reasonable understanding of the evidence about housing need as it existed at the time, and that is as much as could be asked of it". [From paragraph 46].

49. Paragraph 040 of the PPG states that: *“there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan....”*; and also that, where neighbourhood plans contain policies relevant to housing supply, *“these policies should take account of latest and up-to-date evidence of housing need”*.
50. Gleeson themselves acknowledge that this is not an exact science, and it is clear to me that, in their own terms, the national requirements I have referred to have been satisfied so far as the MANP is concerned. The methodology for identifying housing need has been clearly laid out, and I consider it unreasonable to expect neighbourhood plans to “second guess” the results of updating exercises under way at the strategic level, if only because it is to be expected that new or refined evidence on these matters will emerge on a more or less continuous basis. I also consider it appropriate to take into account the somewhat fluid strategic planning context within which the MANP had to be prepared.
51. There is no evidence to suggest that the MANP *“would quickly be overtaken by the new Local Plan which would likely need to make additional allocations in the village”* [Gleeson representation paragraph 23], especially since it is at a very early stage; nor is it evident that *“not allocating sufficient sites would mean the Neighbourhood Plan does not contribute to the achievement of sustainable development and therefore does not meet the basic conditions”* [paragraph 16]. These assertions make assumptions about the balance between (an as-yet untested level of) housing need at a strategic level and the capacity of a specific settlement to accommodate its share: this is something which can only be properly addressed through the plan-making process. Furthermore, given the very particular location and character of the village, its small size and its low level of sustainability, there can be little reason for believing that the outcome of the exercise will include the provision of significant levels of new housing for Milton Abbas.
52. In any event, should the calculation of need for Milton Abbas be shown to be as flawed during the currency of the Plan as Gleeson suggest, it will remain the case that planning applications will fall to be determined in the light of all material considerations at the time of the decision – this would include any updating of the evidence base which may emerge from work on the Local Plan review, as well as the general presumption in favour of sustainable development set out in NPPF at paragraph 11(d). It would also need to take into account Dorset Council’s acceptance of the continuing need for flexibility in the interim¹⁰.
53. Gleeson have a specific objection to completions between 2011 and 2018 being used to count towards the supply figure. The Plan has been prepared on the basis of a 2018-2031 timescale (notwithstanding the notional “start date” of 2019), so I can see no objection to this approach. I reach a similar conclusion in relation to the small allowance made for conversions: I agree with Dorset Council’s comment on this, namely that the call for sites exercise revealed some interest in such development, which has resulted in a realistic and transparent figure being factored in to the assessment. It is also the case that the Plan does not assume that all the sites identified at that time would necessarily come forward.
54. In my opinion, therefore, none of the principled objections raised by Gleeson, either collectively or individually, amounts to a persuasive case for concluding that the Plan fails to satisfy the basic conditions a), d) and e). I would add more broadly that I have seen no evidence that the

¹⁰ See their response to my question EQ2 (Appendix 2 to this report)

Neighbourhood Plan Working Group have adopted a less-than positive approach to the provision of sustainable development in the area covered by the Plan.

55. The suggestion that the Plan fails to satisfy the basic conditions due to the lack of any trajectory or deliverability information is a reference to paragraphs 024 and 026 of the PPG on housing and economic land availability assessments, updated 22 July 2019¹¹. The absence of any detailed account of deliverability information does not, however, seem to me to be fatal in terms of the statutory requirements. Paragraph 6.16 of the Plan briefly records the difficulty of predicting actual outcomes, and clearly acknowledges the importance of monitoring the situation over time. This seems to me to be a proportionate and realistic way of responding to the relevant national guidance.

The site assessment process

56. A Site Assessment Report was prepared by AECOM Ltd on behalf of the Neighbourhood Plan Steering Group, the final version being dated February 2019. It is based on the working assumption that land for around 20 new dwellings would need to be allocated in the MANP. 16 sites were considered, and the exercise concluded that three of these should be selected. Five other sites (including that which is under the control of Gleeson, no.7) *“are potentially suitable.....however these sites have more significant constraints which would need to be addressed prior to allocation”*¹². A further six small sites are said to be potentially suitable as conversion or windfall opportunities, and so are not specifically allocated.
57. Part 2 of the report explains the site assessment methodology. This is based on the approach advocated by the Government¹³, a matter which is not of itself the subject of any objection. Appendix A of the Plan summarises the conclusions of the various evaluations, adding in the degree of local support for the eight sites deemed to have potential, together with separate assessments by Dorset Planning Consultant.
58. Gleeson object to the failure of the Plan to allocate the land under their control at Catherines Well. This is the subject of an application for outline planning permission for up to 30 dwellings (ref: 2/2019/0824/OUT) which is awaiting determination. They consider that the decision to exclude it as a development site was misguided, as was the choice of those sites which were selected (referenced 5, 6 and 8 under Policies MA10-MA12). These linked conclusions are in addition to their critique of the underpinning housing needs assessment process.
59. Gleeson suggest that reporting of their ambitions for the site during earlier stages of the MANP’s preparation were misleading (or, in their words, “sensationalist and incorrect”), particularly in relation to the likely scale of development proposed. In addition, they are concerned that the November 2019 addendum to the SEA justifies the exclusion of the site on the basis of comments from the AONB and conservation officers on an earlier planning application, which was for up to 58 dwellings. They also suggest that it is inconsistent of the NP Working Group to discount site 7 entirely when the allocation for site 6 was amended (not deleted) in the face of similar concerns. They point to the fact that 65% of respondents to the February / March consultation process considered site 7 suitable or highly suitable for housing in principle.
60. Paragraphs 4.53 – 4.57 of the Site Assessment Report conclude that site 7 has the potential to accommodate 38 dwellings and has other factors in its favour (as well as having some

¹¹ ID: 3-024-20190722 and 3-026-20190722

¹² taken from the executive summary

¹³ Updated PPG: Housing and Economic Land Availability Assessment July 2019,

constraints). Paragraph 4.59 includes the observation that “*development of the whole site would constitute as [sic] major development within the AONB and could also significantly change the character of the existing village-scape. However much of the site is screened from the wider landscape from the hedgerows/trees present on its boundaries, which reduces its visual prominence*”. My understanding of the overall process is that this is the balanced judgement which has fed into the final selection process, not anything deriving from work on the SEA.

61. PPG paragraph 042¹⁴ states: “*A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria*”. In principle, therefore, these are matters which it is within the discretion of the qualifying body to examine in detail. While there may be scope for disputing the judgements arrived at, it is clear to me that, overall, the Working Group’s approach is rational and clearly explained, and thus that the PPG’s expectations are fully met. It is for the neighbourhood planning process to determine the “best fit” in dealing with detailed matters of this kind, having regard to the full range of local considerations and its chosen set of criteria.
62. Gleeson consider that the development potential of sites 5, 6 and 8 has been exaggerated: I will return to each of these when dealing with Policies MA10-12. As for site 7, following my visit to the area, I have no reason to disagree with their observations about its suitability in principle for an appropriate scale and character of development, all other things being equal. The same may indeed be said of one or two other sites covered by the assessment, especially if certain identified constraints could be overcome.

The policies

Policy MA1: Spatial strategy

63. The contextual material to this opening policy sets the scene for the rest of the Plan by explaining the status of Milton Abbas as one of the larger villages identified in Policy 2 of the North Dorset Local Plan and the approach taken to establishing the housing need for the Parish up to 2031. It goes on to describe the site assessment process and the way the final selections for allocations were made.
64. The policy itself states: “Provision is made to achieve *at least* 20 additional homes....between 2019 and 2031” [my emphasis], which indicates a prudent degree of flexibility in the approach to meeting the projected need. Reference is made in the policy for account to be taken of the Nitrogen Reduction in Poole Harbour Supplementary Planning Document¹⁵.
65. Figure 2 identifies the three allocated sites and also includes a revised settlement boundary. This represents an extension of the existing boundary (which dates from the 2003 Local Plan) to encompass sites 5 and 6 (but not the third allocated parcel, site 8). Gleeson support the need for a review to the boundary, but object to the way it has been done in practice, essentially on the grounds that its rationale is unclear. I have some sympathy with this view: arguably the most distinctive (and probably densest) built-up area of the village is The Street, which is not shown as being within the settlement boundary; neither is a small northward extension between Catherines Well and site 6 (Damer Close). While I do not take the view that this is a matter which impacts to any degree on compliance with the basic conditions, these apparent inconsistencies require some explanation.

¹⁴ Reference ID: 41-042-20170728

¹⁵ jointly adopted by the previous authorities of Poole, North Dorset, Purbeck and West Dorset in 2017

66. Clearly, the drawing up of a settlement boundary is a matter of judgement, and an appropriate one for a neighbourhood plan to make. It is also of some importance, since Local Plan policy (reiterated in MANP Policy MA1) makes clear a presumption against the release of unallocated greenfield sites beyond it for open market housing. That said, it would not be appropriate for me to make any specific recommendations about where the line should be drawn (other than to agree with the comment in paragraph 6.19 to the effect that it would not make sense for the small site 8, to the east of the main part of the village, to be included within the boundary). **However, I recommend that this section of the supporting material be expanded to explain the factors which were taken into account in the review of the settlement boundary¹⁶. In addition, to reflect comments by Dorset Council, reference to figure 2 should be included in the second paragraph of the policy.** The Council also suggest the value of a larger-scale map than the one currently used: if this is something which could easily be achieved, then the idea should be supported – however, I consider the map to be reasonably clear as it is, and consequently make no formal recommendation on the matter.

Policy MA2: Low housing density

67. In order to preserve the “rural, open and green character of the village”, this policy requires the density of new development to be low. The supporting material quotes from the NPPF as support for this approach, **and I recommend that the source of this is given, which is paragraph 122(c).** I have noted that this objective is also found in Policy 7 of the Local Plan. However, MA2 goes on to suggest that a maximum average density of 15 dwellings per hectare would be appropriate: I agree with the views of both Dorset Council and Gleeson that this is too prescriptive. As the Council suggest, the requirement in Policy MA4a) that development “should have regard to the local prevailing scale, massing and spacing...” etc. should provide adequate safeguard. **I therefore recommend that wording of Policy MA2 be replaced with: “To preserve the rural, open and green character of the village, building densities should generally be low. Proposals will be required to have regard to the detailed guidance set out in Policies MA4 and MA5”** (but see my recommendation below about the numbering of these two policies). **As a consequence of this recommendation, paragraph 6.27 of the supporting text should be deleted.**

Policy MA3: Parking

68. Paragraphs 6.30-6.33 describe local concerns about parking, both from the point of view of highway safety and the detrimental visual impact it can have in sensitive locations. Reference is made to the high level of car ownership and the absence of public transport (other than the daily school service). Policy MA3 provides for a slightly higher level of on-site parking than the relevant County guideline; however, there is no issue here in terms of the basic conditions. **As a minor, purely presentational, point, I would recommend that the policy be re-positioned and re-numbered in order to follow Policy MA7, since Policies MA2 and MA4-MA7 all relate to the need to respect the physical character of the village.**

Policy MA4: The pattern of development and street-scape

Policy MA5: Building design

69. The supporting material to these policies contains a clear and succinct description of the defining physical characteristics of the village. Between them, the policies seek to ensure that due account is taken of these important features, and in my view they do this with a “common-sense” approach which avoids undue prescriptiveness (for example, by recognising the potential value of

¹⁶ This issue is addressed by the Parish Council in their response to my questions – see Appendix 2 to this report.

new and innovative design and the fact that the practical needs of individuals and families must also be given weight in the assessment of a development proposal).

70. I am satisfied that these two policies meet the basic conditions.

Policy MA6: Important views

71. Policy MA6 identifies 14 specific viewpoints (all shown in figure 4) which are identified as being of particular value, either because they reinforce the rural setting of the village or allow key views of the historic landscape. A supporting document¹⁷ sets out the methodology and reasons for including each one. The policy states that any development that would significantly harm the appreciation of these views will be resisted, such an approach being clearly supported in principle at national and local level. The basic conditions are therefore met.
72. Mr. Chris Burdett-Clark objects to the inclusion of viewpoints no. 5 (described as being “from the track near St Catherine’s House looking south across fields”), and no. 6 (“looking west from the path to Jane’s Wood across pasture...”). He does not comment on the value of the views; his objection is that neither of them satisfies an important criterion for selection set out in the assessment document, namely that they should be “public rather than private and visible from the public highway, public footpath, bridleways, public open spaces”. He states that view 5 is only possible from a permissive footpath, which is land owned by his wife, and that no public views are possible from viewpoint 6. This inaccuracy has led, in his view, to the unjustified exclusion of one of the allocation options (site 12), the eastern section of which was shown in the site assessments exercise as having some development potential.
73. It seems to me that Mr Burdett-Clark’s objection must fail in relation to view 5. While I have no details of the status of the precise “permissive” path arrangement, public access appears (on whatever basis) to be granted. This is certainly the Parish Council’s understanding. As for view 6, which is shown on figure 4 as being from the western end of Catherine’s Well, I was able to see from my visit that the appreciation of the wider landscape to the north and south is limited by the presence of mature hedgerows. However, there is a view of Melmoth’s Hill to the west, and I note that at the start of the path which leads in that direction there is a prominent notice advising that, while there is no public right of way, this too is a permissive route. I therefore come to the same conclusion about its inclusion in the list of important views as location 5.
74. Mr Burdett-Clark also refers (albeit in a low-key way) to the vulnerability of the site selection exercise to “manipulation” in order to satisfy private interests. I would simply note that any suggestions of impropriety (if that was implied) are not a matter for me to comment on.

Policy MA7: Local green spaces

75. This policy takes into account NPPF paragraph 76: *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space, local communities will be able to rule out new development other than in very special circumstances”*. Paragraph 77 of the NPPF goes on to say that the Local Green Space designation will not be appropriate for most green areas or open space, and should only be used where three criteria are met, namely:

- *where the green space is in reasonably close proximity to the community it serves;*

¹⁷MANP Important Views Assessment 2019

- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

76. These criteria are set out in paragraph 6.54 of the Plan, and a Local Green Spaces Assessment was completed in 2019, which sets out the reasons behind the selection of the nine sites identified for protection in Policy MA7 and shown in figure 5. No objections have been raised to their inclusion in the list, and following my visit to the village, I have no reasons of my own to question the appropriateness of their proposed designation. The policy states that, other than in very special circumstances, no development may take place which would harm their enjoyment or undermine their importance. There is no issue from the point of view of the basic conditions.

Policy MA8: Dark skies

77. There are no streetlights anywhere in the village. The Plan explains how important dark skies are to its character and atmosphere and how much this is appreciated by local residents. The policy seeks to conserve and enhance this feature: new street-lighting is not supported, nor are external lighting schemes unless “absolutely” necessary for health and safety reasons. While there are no concerns with the policy in terms of the basic conditions, I agree with the comment made by Dorset Council about the practical implications of including the word “absolutely”, **and therefore recommend that the third sentence be amended to read: “External lighting schemes should be avoided unless required for health and safety reasons, in which case.....”**

Policy MA9: Affordable and local housing

78. In common with many such locations, Milton Abbas has a shortage of affordable housing. The supporting material for this policy notes national acceptance that the threshold for this requirement within designated rural areas can be reduced to schemes involving five or more dwellings (NPPF paragraph 63). There is also a summary of the support in the village for housing types which would reflect local characteristics and the need to maintain a mixed, balanced community. The policy itself encourages a level of affordable housing in excess of that set out in the Local Plan. It also requires housing proposals involving six or more dwellings to include housing types which are designed specifically with older people’s needs in mind, reflecting national policy as set out in NPPF paragraphs 59 and 61, as well as Local Plan Policy 7. There is similar support at a strategic level for mechanisms to ensure that priority is given (and maintained) to people with a local connection, something which is also set out in the policy.
79. However, the policy also includes a requirement that a minimum of 50% of the total number of affordable homes on each housing site should in the first instance be offered for control by a community land trust or similar body, with the subsequent lettings policy being agreed with Dorset Council. While I can appreciate the potential social benefits deriving from such a provision, I agree with the objections to its inclusion in the Plan which have been raised both by the Council and Gleeson. It is not appropriate for the development plan to specify in this way who, or what body, should implement any of its policies. **I therefore recommend that the last sentence of Policy MA9 be deleted.** Paragraph 6.71 and the following boxed (green shaded) text properly explains the opportunity which exists for establishing community land trusts, and the benefits that they might offer, and there is no reason why this material should not remain.

Policies MA10 – MA12: Land allocated for housing

80. These three policies identify the sites allocated for housing in the Plan. They go into detail about site-specific issues, including measures that would be required to mitigate any visual impact, with paragraph 6.73 including a reminder that the Plan's generic policies will also continue to apply as necessary. Site 5 is considered appropriate for six dwellings, site 6 for up to 15 dwellings and site 8 for just one. All three sites are the subject of objection by Gleeson who seek the deletion of site 5 and a reduction in the assumed capacity of site 6 to four dwellings, and give reasons why the development of site 8 would be problematical.

MA10: Site 5 – land at Langham Farm (north of the community gardens)

81. The grounds for objection are:

- The AECOM assessment (and the Plan's, at paragraph 6.74) of the screening of this land is factually incorrect. This has led to the wrong conclusion about its sensitivity in landscape terms.
- Vehicular access to the site would require the removal of an extensive length of hedgerow and would need to be heavily engineered, leading to visual harm and practical difficulties.
- Concerns raised by AONB officers about the suitability of this site have not been met.
- The policy itself does not reflect concerns about building heights set out in paragraph 6.75, including the need to protect important views (Policy MA6, especially site 12b), and contains a requirement about ridge heights which is not practically deliverable.
- No account has been taken of the Strategic Landscape and Heritage Study for the North Dorset Area, (Larger Villages Assessments), prepared in October 2019 by LUC for Dorset Council as part of the evidence base to inform the new Local Plan. This includes a recommendation that development in Milton Abbas to the north "should ideally not be permitted to extend further upslope than it already does e.g. beyond the 190m contour". Such evidence "is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested" (PPG paragraph 009).

MA11: Site 6 – land at Catherines Well (west of the community gardens)

82. Gleeson say that if development of site 6 is restricted to land lying below the 190m contour, its capacity would be reduced to around four dwellings. Irrespective of this, it is unlikely that 15 dwellings could be built at the low density required by Policy MA2. They reiterate the relevance of the LUC study.

MA12: Site 8 – land at Catherines Well (east of Hill House bungalows)

83. As for site 8, if it is to be retained, Gleeson consider that it should be within the settlement boundary. There is also a problem with access.

Examiner's response to the objections

84. In response to one of my questions¹⁸, the Parish Council have acknowledged that the description

¹⁸ See Appendix 2

of Site 5 at paragraph 6.74 of the Plan could be improved: they have proposed a re-wording of this paragraph which more accurately describes the characteristics of the land, and which also accords with what I was able to see from my visit. ***I recommend that this be substituted for the original.*** This, together with the criteria for any development which are set out in Policy MA10, would also go some way towards meeting the concerns of the AONB Partnership. The revised wording is as follows:

“6.74 This site is predominantly flat farmland located close to local services and facilities and is adjacent to an existing residential area. Milton Abbey Registered Park and Garden and a bridleway lie to the west, and like all the sites around the village, it lies within the boundaries of the Dorset AONB. It is not particularly constrained by ecological or heritage considerations. There are views across the site from the bridleway that lies to the west. The hedgerows/trees located along the eastern and southern site boundaries provide screening from the Blandford Road and properties to the south. Provided the site does not extend close to the bridleway to the west, and incorporates a new landscaped settlement edge, it is not expected that new development would significantly change the character of the surrounding landscape.”

85. Gleeson are correct in saying that there is no reference in the Plan to the LUC report, which was submitted to Dorset Council in connection with the Local Plan review only a short time before the MANP was submitted to the Council. However, whatever its formal status, it is difficult to see how the Plan could have been expected to take this work into account at such a late stage; in any event, I note that LUC advise that the only feasible area for development lies within and adjacent to the modern housing to the north of the conservation area – which includes both sites 5 and 6. The nuanced reference to the importance of the 190m contour seems to me broad enough to allow carefully-designed proposals to be considered positively, including (so far as site 5 is concerned) the value of viewpoint 12b (Policy MA6) and the general emphasis throughout the Plan on the sensitivity of the local landscape. Similarly, the question of ridge heights is something that could only properly be considered if and when a specific scheme is submitted. The same is true of the suggestion that providing a satisfactory access to site 5 might result in visual harm (something which it seems to me would also be important in relation to any proposal to develop site 7, further down the hill on the opposite side of the road into the village).
86. As for site 8, which is allocated for one dwelling, Gleeson say that all allocated sites should be included within the settlement boundary, otherwise the policy would fail to meet basic condition e). This seems to me to be far too literal an interpretation of the Local Plan’s strategic policy 20. It is quite clear that any re-drawing of the proposed settlement boundary to encompass site 8 would be artificial and would serve no obvious purpose. In any event, paragraph 6.19 makes it plain that the allocation of site 8 “should not be seen as conflicting with the general ‘countryside’ policies that would otherwise apply to this area”. (I have previously made a recommendation about general references in the Plan to the settlement boundary – see under Policy MA1).
87. I have previously made a number of general points about the site selection process, including reference to the advice at PPG paragraph 042 about the appraisal of options. It is also the case that Gleeson have no criticism of the adopted methodology per se. Given what I have said about the examiner’s role, which focuses on compliance with the basic conditions, I consider it both inappropriate and impractical for me to make my own judgements about the actual merits of each of the sites under discussion, in terms of their ability to deliver the number of homes described in the Plan. This can only be determined definitively if and when planning applications are considered, with the various planning policies (including the Plan’s own) being taken into account. Should that result in a risk that the MANP’s target would not be met without alternative

land being identified, this would of course be a material consideration for the Local Planning Authority.

88. Only if it were absolutely clear that significant doubts existed about the practicality of developing a particular site, such that the credibility of the proposed allocation would be undermined in principle, would it be necessary for me to recommend that it be deleted from the Plan. Even in that case, it would be unreasonable for me to specify a replacement site, for the same broad reasons I have outlined: the site assessment process clearly shows that seven parcels of land (including site 7) have some potential for development, with a suggestion that significant adverse impact can be avoided so long as certain conditions are met.
89. As I have indicated, the validity of the points made in Gleeson's objections can only properly be determined when any planning applications for the development of the three sites are considered by Dorset Council. I have already explained my reasons for concluding that the overall scale of development proposed for Milton Abbas ensures that the Plan satisfies the basic conditions in that respect. I also see no reason to suggest that it clearly fails to comply with the basic conditions on the basis of the conclusions reached about the suitability of specific sites.
90. That having been said, it seems to be that Gleeson's objection does raise some questions relating to the public understanding of certain aspects of the Plan, in particular the relationship between the physical characteristics of the allocated sites and the detailed consideration of policies designed to control the visual impact of their development. Any tensions in that regard will need to be fully explored when individual applications are determined: ***I nevertheless recommend that consideration be given to the identification of a reserve site, which could potentially be released in the event that there is a shortfall in meeting the housing requirement over the Plan period as a result of the decisions reached on applications for any of the allocated sites. The Plan should make it clear that this site should only be considered for release if evidence exists that, without it, the Plan would not be able to meet the identified need for housing.***

Matters outside the scope of the Neighbourhood Plan

91. Section 7 of the Plan properly explains that there are some community aspirations which land-use planning policies cannot directly address. Paragraphs 7.4 to 7.6 summarise the issues raised by local residents in relation, in particular, to traffic management and the quality of public transport.

Conclusions on the basic conditions

92. I am satisfied that the Milton Abbas Neighbourhood Development Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

Formal recommendation

93. I have concluded that, provided that the recommendations set out above are followed, the Milton Abbas Neighbourhood Development Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan

Area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI
Independent Examiner

14 July 2020

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
66	MA1	<ul style="list-style-type: none"> • Explain rationale behind settlement boundary • Include reference to figure 2 in second paragraph
67	MA2	<ul style="list-style-type: none"> • Include reference to paragraph 122c of the NPPF • Re-word to make less prescriptive • Delete paragraph 6.27 of the supporting text
68	MA3	<ul style="list-style-type: none"> • Minor presentational point about numbering
77	MA8	<ul style="list-style-type: none"> • Minor amendment to third sentence
79	MA9	<ul style="list-style-type: none"> • Delete last sentence
84	MA10	<ul style="list-style-type: none"> • Adopt amended description of the site (site 5)
90	MA10-12	<ul style="list-style-type: none"> • Consider the identification of a reserve site, for development in the event that there is a shortfall in meeting the housing requirement

APPENDIX 2: CLARIFYING QUESTIONS FROM THE EXAMINER AND RESPONSES TO THEM

Examiner's Questions – 20 April 2020

EQ1. Messrs Gleeson say that past completions should not be used to reduce the housing requirement, principally because the planning exercise (including public consultation) takes 2020 as the starting-point. In addition, they say that no allowance should be made for the conversion of existing buildings (table 1 of the Plan). Do you have any response to this? (Addressed to DC and MAPC)

Dorset Council response (dated 12/5/2020)

As background, the plan period of the North Dorset Local Plan Part 1 is 2011 to 2031. Policy 6 (Housing Distribution) of LPP1 sets a housing requirement of 5700 net additional dwellings for the North Dorset area over this 20 year period (or 285 dwellings per annum). Monitoring of net housing completions undertaken by Dorset Council as the local planning authority is done in this context. The implication of this is that at a District level all completions from 2011 onwards have a cumulative impact on delivering the overall target of 5700 dwellings.

Policy 6 goes on to state that “at least 825 dwellings will be provided in the countryside” during the same period. The neighbourhood plan area of Milton Abbas is included within this definition of the countryside, and therefore this is a strategic policy that the neighbourhood plan needs to be in general conformity with. However, LPP1 does not expand any further on how the 825 dwellings should be distributed across parishes of the North Dorset countryside. For this reason, the neighbourhood planning group have produced a Housing Needs Assessment (HNA) which they consulted North Dorset District Council on in December 2018. This takes as its starting point the 825 dwellings from LPP1 in order to calculate a ‘fair share’ proportion for the parish of Milton Abbas. This is calculated as 24 dwellings for the period 2011 to 2031. It then considers various uplifts that can be applied to this figure using evidence from a range of sources. These take the figure up to a maximum of 31 (see Table 8). The HNA also considers the completions in the parish between 2011 and 2018 (see tables 5 and 6), which totals 13 additional dwellings. It therefore seems entirely reasonable to subtract these from the 2011–2031 target, in order to arrive at a 2018–2031 target, which is more appropriate to inform production of the Milton Abbas neighbourhood plan. Having considered local and national planning policy, the HNA determines that the housing need for 2018–2031 is somewhere in the range of 11 to 18 new homes. It then considers a range of other factors, including employment trends, house prices, unmet need and local opinion to come to the conclusion that an even higher value of 20 new homes is the recommended target.

There are two key points to be made here. Firstly, with regards to District-wide housing need figures, the neighbourhood plan was prepared during a period of ongoing flux. A new SHMA was published at a late point during the examination of LPP1. As a stopgap, figures in LPP1 became prefixed with ‘at least’ and an early review was recommended. After adoption of LPP1 the Government consulted on and introduced a new standard methodology for calculating local housing need. Confusion was caused when ONS published new household projections which if used would reduce the overall housing requirement for many areas. Even now it should be appreciated that the Government have indicated that an updated standard methodology will be published later this year.

Secondly, even without the flux at a strategic level, there is no official methodology for calculating housing need at a neighbourhood plan level. Perhaps the nearest there is to one is ‘Housing Needs Assessment at neighbourhood plan level’ which is written by AECOM, and is referenced at the start of the HNA. The neighbourhood planning group have clearly drawn from both LPP1 (adopted January 2016) and the initial work undertaken to inform the Local Plan Review (published in late 2017) in

order to be in 'general conformity' and estimate a 'fair share' for their parish. The methodology used is similar to that used by many other neighbourhood plans that have recently been made in North Dorset. It should be noted that the preferred methodology put forward in the Gleeson representation is taken from one of the few neighbourhood plans to have effectively stalled in North Dorset, and therefore has not benefited from extensive consultation and examination.

Although Gleeson suggest the plan period is from 2020, we will make the following observations. Both the December 2018 and the January 2020 versions of the Housing Needs Assessment begin by stating that the aim of the document is to establish how much housing is required in Milton Abbas in the period 2018–2031. The plan period as stated on the front cover of the submitted neighbourhood plan is 2019–2031. But the fact that the plan was submitted December 2019/January 2020 implies that 2020 is the earliest point that the plan will come into force (i.e. forming part of the development plan). This perceived discrepancy does not come across as surprising as it typically takes a couple of years to produce a plan, from initial evidence gathering to submission.

With regards to an allowance for conversions, which has been included in Table 1 of the submitted plan, this doesn't seem unreasonable. For a number of years NDDC and Dorset Council have included a windfall allowance in the district-wide annual housing trajectory. This is based on both past trends and on the knowledge that policies in LPP1 and permitted development rights are permissive of such schemes (subject to certain criteria). The windfall allowance in the Milton Abbas neighbourhood plan is even more robust in that potential sites have been identified during the call for sites exercise. This gives a greater level of certainty that potential sites exist and that the landowners are at least interested in exploring the options for redevelopment. We cannot see a plausible reason for not including a modest 'windfall allowance' in Table 1. In our view, it gives a more realistic illustration of the number of dwellings likely to come forward over the plan period.

We also wish to point out that Table 1 of the submitted plan proposes to allocate land across 3 sites for 22 additional dwellings. This exceeds the 20 dwellings specified in the conclusion on the HNA, and this is before an allowance is made for conversions and extant consents. In total Table 1 estimates that 27 dwellings could be delivered, which in comparison to neighbourhood plans for other villages in North Dorset seems to be entirely reasonable. We see nothing in the representations submitted by Gleeson that compels us to think otherwise.

Also, we do not agree with Gleeson's general concerns that if the plan does not to allocate sufficient sites then it would fail to meet the basic condition regarding contributing towards sustainable development. While they raise valid points with regards to the low past delivery numbers in North Dorset since 2011, Milton Abbas does not seem to be the right place for correcting this. To reiterate the comments Dorset Council made to the Regulation 16 consultation:-

...the village is extremely rural in feel, being off the beaten track and located over two miles from the nearest main road (A354). None of this is to say that new development is not appropriate; the village has a number of services including a doctors' surgery and a pub, and these community facilities are part of the reason Milton Abbas is identified as one of North Dorset's 18 'larger villages'. However, it is clearly necessary to ensure that new development is done sensitively, and meets the needs of the community.

In this context, in our view Milton Abbas would be an unusual place to site a large estate in order to rectify poor housing delivery in the rest of the district. We feel confident that following a visit to the area, the examiner will agree.

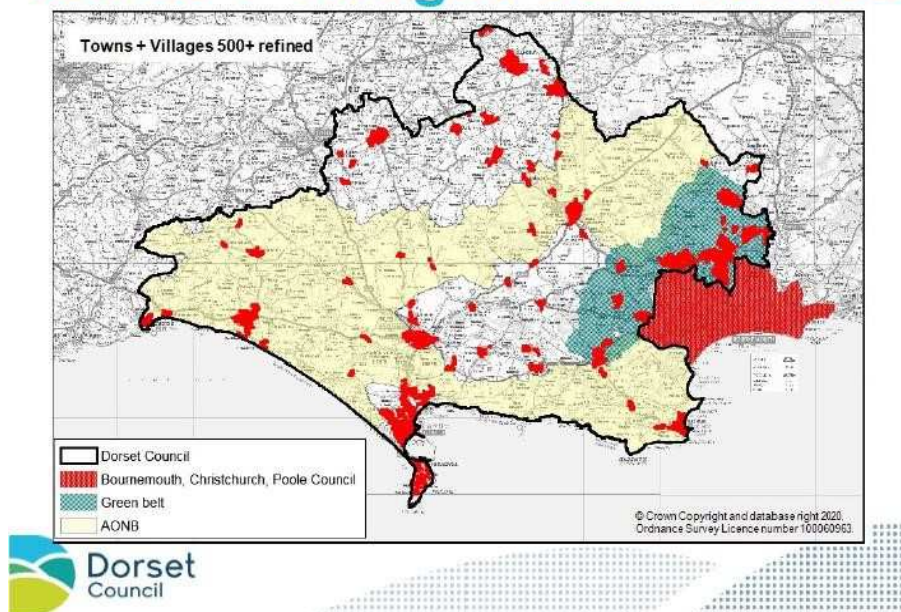
In summary, regarding the first part of the question, given the methodology adopted by the HNA, which uses the figure from LPP1 as the starting point, it seems perfectly legitimate to consider completions between 2011 and 2018 and subtract these from the overall requirement. With regards to the second part of the question, we think that an allowance for conversions is acceptable in this context.

Milton Abbas Parish Council response dated 13/5/20

The Neighbourhood Plan Group prepared the Housing Needs Assessment (HNA) with support from Jo Witherden BSc(Hons) DipTP DipUD MRTPI of Dorset Planning Consultant Limited, and (the former) North Dorset District Council. It follows the guidance produced by AECOM for Locality on Housing Needs Assessment at Neighbourhood Plan Level¹⁹. This guidance includes dwellings completions in the assessment of market factors.

The HNA takes the current 'derived' target from the adopted Local Plan as the starting point, which is based on the 20 year period 2011-2031. The assessment of housing need for a Neighbourhood Plan Area is not the same as for a Local Plan, there are no national population projections for Neighbourhood Plan areas, which by their very nature are much more limited in their extent than Local Plan areas. The spatial strategy for the area as set in the Local Plan is a key consideration. Indeed whilst Milton Abbas is identified as a 'larger village' in the adopted Local Plan, initial discussions with Town and Parish Councils (at an event held in Dorchester in February 2020) in respect of the Emerging Dorset Local Plan would suggest that due to the poor transport accessibility of the area, a 'refined' approach may downgrade Milton Abbas in the settlement hierarchy (suggesting that it would no longer be a focus for rural needs). It is anticipated that this refined approach may be subject to wider consultation later this year.

Towns + Villages 500+ refined



¹⁹ <https://neighbourhoodplanning.org/toolkits-and-guidance/undertake-housing-needsassessment-hna/>

The HNA however did look at various other factors including the appropriate uplift (for example as suggested by the now abandoned North Dorset Local Plan review, as well as that derived from applying the NPPG standard methodology). When these were applied, they were applied to 2011-2031 (and therefore would have had a greater uplift than had they been applied to the plan period).

As a number of the projections are based starting with the 20 year period 2011-2031, some adjustment is obviously necessary to refine this to the proposed plan period (from 2018). This could either be done by calculating an annual target from the 20 year period, or taking into account completions. Taking completions into account was considered to be more reflective of the reality on the ground. The same approach is reflected in a number of other Neighbourhood Plans that have been examined and made in North Dorset.

Gleeson argue that completions that are recorded as certificate of lawful use applications, have not led to an increase in dwellings, and therefore should not be used. However to take this approach would be to deviate from the approach used in the other North Dorset Neighbourhood Plans which have been supported by the Council, and in our understanding would also deviate from how the Local Planning Authority calculate its housing completions. Furthermore, to suggest an agricultural workers dwelling should not be counted because it “does not meet the general housing need of the village” appears ludicrous, as the HNA figure is for the parish (not the village alone) and is specifically to house a worker employed in a local business (part of the local economy) and therefore clearly a local need.

In any event, even if 1.2dpa (the ‘annual’ share of the 2011-2031 figure of 24 for Milton Abbas as shown in Table 2 of the HNA) had simply been multiplied by the plan period suggested by Gleeson (2020 – 2031) this would have generated a figure of $1.2 \times 11 = 13$. Applying the ‘largest’ uplift of 28.4% (from section 2.2 of the HNA) to this figure gives 16 - 17 dwellings, which is fewer than the target of 20 dwellings which the plan proposes.

The plan period is a matter for the Parish Council to specify and it is not prescribed in any guidance or legislation that this should take the date of the plan’s submission as the starting point. There is no reason for this to be changed to 2020, and the Parish Council considers that the plan was first drafted and subject to its pre-submission consultation (2019) is a sensible one.

In terms of the allowance for conversions, it is clear from past applications that this has formed a continuous source of housing, and there is evidence from the Call for Sites and Site Assessment report that additional sites are possible. There is evidence of 6 sites potentially suitable for conversions / windfall development with a potential supply of 9 dwellings on pg ii and 7 of the AECOM report. This supply was discounted to 4 dwellings – a reasonable estimate allowing for the fact that not all of the sites may come forward despite clear landowner interest. This is considered to meet the ‘compelling evidence’ requirements for windfall assessment set out in national guidance <https://www.gov.uk/guidance/housing-and-economic-land-availabilityassessment#method--stage-3-windfall-assessment-where-justified>.

The figure of “at least 30 dwellings and up to 74 dwellings” proposed by Gleeson is based on a single HNA (Okeford Fitzpaine) in North Dorset that has not been examined or ratified by the Local Planning Authority and which took no account of the spatial strategy for the area. Whereas the figure proposed by Milton Abbas Parish Council is based on an approach taken in numerous made Neighbourhood Plans in the North Dorset area which have been independently examined, and ratified by the Local Planning Authority.

EQ2. I am aware that the former North Dorset District Council at some point accepted the continuing need for flexibility in considering the housing situation, due to the absence of a 5year supply. Is that something which is also now the present position of Dorset Council? (Addressed to DC)

Dorset Council response (dated 12/5/2020)

North Dorset District Council first publicised the fact that it could not demonstrate a 5year deliverable housing land supply (DHLS) in July 2017. The 2017 Annual Monitoring Report (AMR) stated a 3.4 year DHLS. The latest position is published in the 2019 AMR, which states that North Dorset has a 4.0 year DHLS (at 1st April 2019). The significance of having a less than a 5 year DHLS is that it engages para 11(d) of NPPF in relation to making decisions on planning applications. This essentially gives less weight to the development plan. As this frequently means that the settlement boundaries and site allocations, as defined by a local plan (or neighbourhood plan), are given less weight, we conclude that this is the 'flexibility' referred to in the question.

The examiner will be aware that North Dorset District Council ceased on 31 March 2019, and Dorset Council took over as the local planning authority on 1 April 2019. Consequential orders passed prior to this ensured that the North Dorset Local Plan Part 1 (LPP1) would continue to serve as the adopted development plan for the former North Dorset area. Planning practice guidance on the topic of housing supply and delivery states:

How is 5 year housing land supply calculated in new local planning authorities which result from a local government reorganisation?

Planning policies adopted by predecessor authorities will remain part of the development plan for their area upon reorganisation, until they are replaced by adopted successor authority policies or until the fifth anniversary of reorganisation.

Where a newly formed local planning authority is covered by strategic housing requirement policies adopted by predecessor authorities, these policies can continue to be used as the housing requirement for calculating the 5 year housing land supply in the areas they apply where these are less than 5 years old, or they are older but have been reviewed within the last 5 years and found not to need updating.

Where strategic housing requirement policies, covering the predecessor authority area, are older than 5 years and require updating, local housing need should be used, where this is available. Where the data required to calculate local housing need is not available [an alternative approach](#) will have to be used.

Paragraph: 025 Reference ID: 68-025-20190722

Revision date: 22 July 2019

As LPP1 is currently less than 5 years old, it is in accordance with Planning Practice Guidance that we continue to monitor housing supply and completions against the requirements set within it. As our latest published data demonstrates that North Dorset does not have a 5-year DHLS, then for the purposes of decision making on residential planning applications, NPPF para 11(d) should be engaged.

The examiner will also be aware of NPPF para 14. This gives greater protection to areas with a 'made' neighbourhood plan that is less than two years old, and the said neighbourhood plan contains policies and allocations to meet its identified housing requirement. As outlined in our response to EQ1, we believe that the submitted neighbourhood plan contains such policies and allocations, and

therefore paragraph 14 could be applied to this parish for a period of two years after the plan is made.

EQ3. Gleeson say that the original proposals for site 6 were modified in response to concerns by the AONB team, rather than dropped entirely, and they consider it inconsistent that the same approach was not adopted in relation to site 7, which had attracted similar objections. May I have a comment? (Addressed to MAPC)

Milton Abbas Parish Council response dated 13/5/20

Site 7 was first assessed by AECOM in its entirety (3.45ha as reflected in the Site Assessment report pg 37). The AECOM assessment suggested that “the western section of the site is considered potentially suitable due to its proximity to the road network and to residential properties within the settlement” and that promoting the entire site was “unlikely to be appropriate given the scale of the site, its location within the AONB and potential impacts on villagescape”.

As such, the site was modified in response to these concerns, and only the western section of the site was put forward as an option in the February 2019 consultation and subsequently assessed in the SEA Environmental Report. For example, on pg 22 of the SEA under landscape impacts, the appraisal makes clear that “The development of the entire area of site 7 would constitute major development in the AONB and could also significantly change the character of the existing village, and therefore only part of the site fronting onto the road should be considered for development in order to avoid significant harm (and has been assessed on this basis), although some minor harm is still considered likely.”

Whilst the AONB team did not comment specifically on the omission sites (ie the western area of the site), they did object to planning application 2/2019/0824/OUT in July 2019 which at that time was for up to 58 dwellings but has now been amended to up to 30 dwellings. This raised strong objections not limited to the area to the east of the site as report in the SEA addendum.

Whilst the AONB’s response to the amended scheme for 30 dwellings has yet to be published, as recorded in the SEA addendum (para 8.6) “The AONB representative indicated at the site meeting that they would be unlikely to support a reduced scheme in this location.”

The Conservation Officer (who also raised objections) has responded to the 30 dwelling scheme as follows:

“CONSERVATION OFFICER Further COMMENTS

COMMENTS

- There have been some amendments to the scheme in terms of the form of some of the dwellings, now stated as bungalows, also the number of proposed dwellings reduced and the “pulling back “ of the boundary closest to the access drive to Milton Manor, to try and mitigate the encroachment on the access drive to the listed Milton Manor, which is such a threat to the existing separation of the village from the Grade II heritage asset and route to the SAM.

However, the following points raised in the previous comments still stand:

- The importance of the existing dense, uninterrupted eastern hedgeline, which contributes a strong feature within the streetcene and qualities of this AONB.
- Despite C20 development having been introduced, it has remained characteristically to the western side of the lane wrapping around behind the main settlement within the angle formed by the two main valleys in which the village sits. This retains this “through” route as a relatively undeveloped defining perimeter between village and countryside.
- Development within this area of the village has primarily occurred in a phased manner with a varied design approach over the decades. However it has managed to maintain a relative low density appearance that has predominantly been arranged along linear (and established) routes, set back behind front gardens, which is contrary to the far denser and more organic “estate” with its associated new infrastructure.
- The AONB, which covers this paddock site is the highest level of landscape protection and aims to conserve the undeveloped character, relative remoteness and dark skies of the village context. This will be substantially eroded by a scheme that is unsympathetic to this historic landscape and edge of village setting.
- The approach on this lane provides the transition between rural and semi-rural and with it defines the experience of the gateway into the Conservation Area. The access road scheme will introduce a far more engineered suburban appearance to this relatively narrow semi-rural lane. As such, further objections to the proposed scheme still stand, as it is considered that the revisions still do not overcome the principle issues in regard to the less-than-substantial harm that will be contributed to the setting of the designated heritage assets due to layout, location, scale and design. Therefore officer support cannot be forthcoming.”

EQ4. It would be helpful to have a response to Gleeson’s critique of the approach to the review of the settlement boundary (paragraphs 26-28 of their representation). (Addressed to MAPC)

Milton Abbas Parish Council response dated 13/5/20

Para 26 of Gleeson’s report quotes directly from the Neighbourhood Plan, which includes the explanation of the changes made to the settlement boundary. Their main criticisms of this approach are dealt with in turn below:

- *Two allocations are proposed for inclusion in the settlement boundary, one is not*

The difference in the approach is explained in the text that Gleeson quote – ie that Site 8 did not adjoin the existing boundary and it would not make sense to extend the settlement boundary arbitrarily to link to it, but its omission from the boundary is not considered to be an impediment to its allocation.

- *The more recent completed development at Damers Close is not included in the settlement boundary, which is odd and illogical*

The reason for this is that the completed development at Damers Close was as a rural exception site for affordable housing. Our understanding is that this should continue to remain outside the settlement boundary in order that the reason for the site remaining affordable in perpetuity can be sustained. To include it in the settlement boundary could inadvertently

encourage the owners / occupants to apply for the affordable housing restriction to be lifted as this could be interpreted as being no longer necessary in policy terms.

- *We question why the houses around and including New Close Cottages in the north of the village are not proposed for inclusion, or the Street itself.*

The settlement boundaries in these locations (or lack of them) have been previously tested under the 2003 Local Plan when they were last examined (they were not examined closed in 2015 as at that time the LP had suggested removing all settlement boundaries). Whilst the Parish Council do not have access to the records from the 2003 examination, it is clear that, in respect of The Street, this is a highly sensitive area in which infill development would be likely to be deemed inappropriate, as clearly evidenced by the 2014 Article 4 direction removing permitted development rights under Part 1 Class A, E and F and Part 2 Class A and C <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/planningconstraints/conservation-areas/north-dorset/pdfs/article-4-direction-and-plan-miltonabbas.pdf>.

The dwellings at New Close Cottages were existence at the time of the 2003 plan, and none of the landowners responding to the call for sites suggested that they were looking to undertake infill development. As noted in the consultation statement (pg17), in response to the presubmission consultation there was a late submission of a small plot of land in this location for consideration, but given the late stage in the plan's preparation it was not considered appropriate to include this site without further assessment and consultation, which would considerably delay the plan's adoption. It could, however, be considered through a future review of the plan, or brought forward in the meantime as an affordable housing rural exception site. This similarly applies to a settlement boundary revision in this location.

EQ5. I would like a comment on Mr Burdett-Clark's objection to the inclusion of protection for viewpoint 6, which he says is not accessible to the public. (Addressed to MAPC)

Milton Abbas Parish Council response dated 13/5/20

Mr Burdett-Clark made this same point in the pre-submission consultation and a response is made in the consultation statement on this matter (pg 22). There is a permissive footpath to Jane's Wood and the Parish Council have confirmed that it is their understanding of the deeds that all villagers have access to the path from which View 6 is shown. This has been detailed in the views assessment (as supporting evidence).

EQ6. Gleeson say that the AECOM assessment of the screening of site 5 is based on a factual inaccuracy. May I have a comment? (Addressed to MAPC)

Milton Abbas Parish Council response dated 13/5/20

This appears to be in respect of para 6.74 of the Neighbourhood Plan. It is accepted that the description is not as accurate as it could be, in that the hedgerow boundaries only existing to the south and east sides. However it is clear from the assessment material that the Parish Council did take into consideration the site's visibility from the north and east sides – indeed the following para 6.75 makes clear that "A landscape scheme will also be needed to provide a soft edge to the new

settlement boundary, that reflects the character provided by the hedgerows and woodland areas within the area” and the policy itself reads that “A soft landscape planting scheme will be required along the northern and western sides to soften the visual impact of development from the bridleway (E15/1) and provide an overall biodiversity enhancement.” Similarly the SEA assessment considered the visual impact of site 5 in terms of the locally important view (i.e. 12b).

Having reviewed the entire text of 6.74, and in order to avoid any confusion, the Parish Council would like to suggest that the para 6.74 is amended to read as follows:

“6.74 This site is predominantly flat farmland located close to local services and facilities and is adjacent to an existing residential area. Milton Abbey Registered Park and Garden and a bridleway lie to the west, and like all the sites around the village, it lies within the boundaries of the Dorset AONB. It is not particularly constrained by ecological or heritage considerations. There are views across the site from the bridleway that lies to the west. The hedgerows/trees located along the eastern and southern site boundaries provide screening from the Blandford Road and properties to the south. Provided the site does not extend close to the bridleway to the west, and incorporates a new landscaped settlement edge, it is not expected that new development would significantly change the character of the surrounding landscape.”