

THE MODIFIED BLANDFORD + NEIGHBOURHOOD PLAN

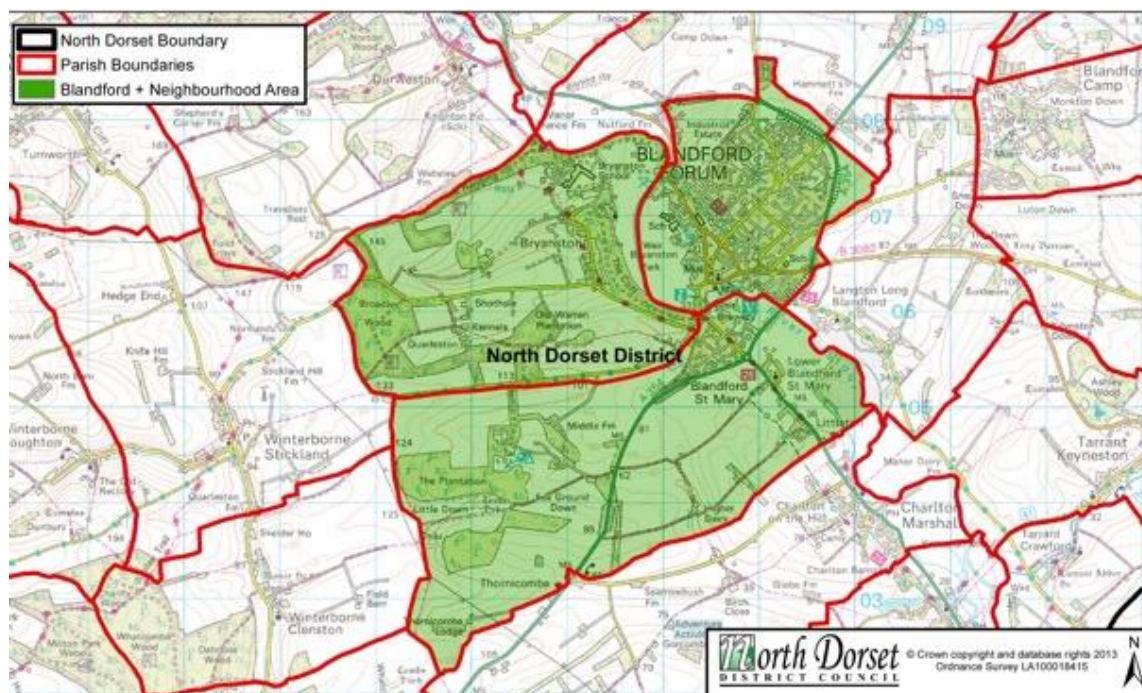
BASIC CONDITIONS STATEMENT

MARCH 2023

1.INTRODUCTION

1.1 This statement has been prepared by Blandford Forum Town Council, Blandford St Mary Parish Council and Bryanston Parish Council (“the Parish Councils”) to accompany its submission of the Modified Version of the Blandford + Neighbourhood Plan (“the Modified Plan”) to the local planning authority, Dorset Council (DC), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”).

1.2 The Modified Neighbourhood Plan has been prepared by the Parish Councils, a qualifying body, for the Neighbourhood Area, which coincides with the boundary of the three parishes and which was designated by North Dorset District Council (NDDC), now Dorset Council (see Plan A below). The Blandford + Neighbourhood Plan (“the Made Plan”) was made by DC in June 2021.



Plan A: Blandford + Designated Neighbourhood Area

1.3 The Neighbourhood Planning Act 2017 contains provisions to amend Section 38 of the Planning & Compensation Act 2004 in relation to modifying a made neighbourhood plan. As a result, the Neighbourhood Planning (General) & Development Management Procedure (Amendment) Regulations 2017, which came into force on 31 January 2018, amended the Neighbourhood Planning (General) Regulations (as amended) 2012 for this purpose.

1.4 Those amendments enable a qualifying body to propose modifications to a made neighbourhood plan that, if considered not to be so significant or substantial as to change the nature of the neighbourhood development plan, requires only an independent examination and not another referendum. The 2017 Regulations amend Regulations 14 to 20 of the 2012 Regulations so that the process for preparing, consulting on, submitting, publicising and examining such modifications matches that for neighbourhood plans in general. However, Regulation 15 has been amended to require the qualifying body to publish a statement alongside the neighbourhood plan as proposed to be modified at the Submission stage thus:

“setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion”.

1.5 The Parish Councils published its Modification Proposal and Modification Proposal Statement in November 2022 for the statutory minimum six-week consultation period in accordance with Regulation 14. The representations made on those documents have been analysed to inform some minor amendments to the submitted documentation. A full record of the consultation process and outcome is provided in the separate Consultation Statement, as per Regulation 15 (1)(b).

1.6 This Basic Conditions Statement, as per Regulation 15 (1)(d), sets out how the Modified Plan meets the basic conditions requirements of how the neighbourhood development plan meets the requirements of paragraph 11 of Schedule A2 to the Planning & Compulsory Purchase Act 2004. Specifically, the Regulations state that the Modified Plan will be considered to have met the conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to modify the made Neighbourhood Development Plan,
- The modification of the made Neighbourhood Development Plan contributes to the achievement of sustainable development,
- The modification of the made Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- The modification of the made Neighbourhood Development Plan does not breach, and is otherwise compatible with retained EU obligations.

1.7 The Made Plan contains 15 policies B1 – B15. The Modified Plan proposes to make material modifications to 5 existing policies on Community Facilities, Health Provision and Design; add 1 new policy on Local Heritage Assets and delete 1 policy on Blandford St Mary Community Hall. But, in making those changes, the opportunity has been taken to make minor modifications to 6 other policies, primarily to update their content. All of the proposed changes are described and explained in the separate Modification Proposal Statement.

1.8 In which case, this Statement focuses on explaining how the materially modified and new policies meet the basic conditions. The policies continue to relate to the development and use of land in the designated Neighbourhood Area. They do not relate to ‘excluded development’, as defined by the Regulations, and they will apply for the plan period up to 2033 to align itself with the plan period of the adopted North Dorset Local Plan.

1.9 The submission documents comprise:

- The Modified Plan (incorporating the modified Policies Map)
- The Modification Proposal Statement
- The Basic Conditions Statement which includes a statement from DC on the re-screening of the Modified Plan in relation to retained EU obligations on Strategic Environmental Assessment and Habitats Regulations
- The Final SA/SEA Addendum
- The Consultation Statement

2.CONFORMITY WITH NATIONAL PLANNING POLICY

2.1 The Modified Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) of 2021. The review of the Made Plan has taken into account how that version modified the 2018 version of the NPPF, against which the Made Plan was assessed. Account has also been taken of the Planning Practice Guidance (PPG) where relevant.

2.2 NPPF changes of 2021 of relevance related mainly to placing a greater focus on beautiful and well-designed places including the publication of the National Design Guide and National Model Design Code and encouragement to neighbourhood planning groups to prepare Design Codes. In this respect the made policies which are not being materially modified continue to have full regard to the latest version of the NPPF.

2.3 Set out in Table A below is the analysis of how the materially modified policies of the Modified Plan have had regard to the NPPF:

Table A: Neighbourhood Plan & NPPF Conformity Summary			
No.	Policy Title	NPPF Ref.	Commentary
B5	Community Facilities	93	This policy is modified to seek to protect an additional popular and cherished community facility in line with §93. The policy has also been modified to reflect the amendments to the Town and Country Planning (Use Classes) Order 1987 which were implemented in 2020.
B6	Health Provision	96	The modified Health Background note (included in the evidence base) demonstrates that is a continued need to improve/extend GP facilities in the Neighbourhood Area. The modified policy identifies the steps that are needed to address the identified local health and well-being needs by requiring new development to provide or improve health and well-being facilities and supports the delivery of the local strategy of the GP services in the town by encouraging proposals to expand existing GP surgeries and resisting the loss of existing GP surgeries (§96).
B10	Blandford + Design Code	127, 128	'Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development' (§127). The policy seeks to bring 'clarity about design expectations' within the Blandford Forum, Blandford St Mary & Bryanston Conservation Area, and the wider Parishes (§128). The specific matters included in the design code 'provide a framework for creating distinctive places' to deliver a 'consistent and high quality standard of design' (§128). More generally, the policy approach

			follows that of the new National Model Design Code in identifying those key attributes of the village scape that contribute to defining the essential character of the Conservation Area.
B11	Local Heritage Assets	203, 204	This policy identifies a number of buildings in the Parish as local heritage assets due to the significant value they provide by defining the special character and appearance of the Conservation Area and its setting. As specified in §203 and §204, these heritage assets should be considered in determining applications.

3.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

3.1 It was determined by DC that the Made Plan did have the potential for significant environmental effects and so a Strategic Environmental Assessment (SEA) was required. The Parish Councils chose to prepare a Sustainability Appraisal (SA) incorporating an SEA. DC has rescreened the Modified Plan and has determined that the modifications would not result in likely significant effects on the environment and that the Modified Plan did not require an SEA (see Section 6 below and Appendix A).

3.2 The Parish Councils chose to prepare a Draft SA/SEA Addendum to demonstrate how the modifications contributed to achieving sustainable development. A Draft SA/SEA Addendum was published at Regulation 14 and a final version alongside the suite of submission documents now. It concludes:

“5.1 The assessment indicates that the majority of the effects of the preferred modifications to the Neighbourhood Plan will be neutral, but with important positive effects in some cases. However, there remains potential for some negative effects, but such effects have been addressed through avoidance or policy mitigation measures.

5.2 Having tested the ‘no policy’ option, it does not seem likely that the alternative will lead to a better sustainability outcome than the proposed modifications.

5.3 It can therefore be concluded that the Modified Plan contributes to the achievement of sustainable development when considered against its reasonable policy alternatives and does not have the potential for significant negative effects.”

4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

4.1 The Modified Plan has been prepared to ensure its general conformity with the development plan for the District, that is the few saved policies of the District-Wide Local Plan of 2003, the strategic policies of the North Dorset Local Plan Part 1 (NDLP1), and waste and mineral plans for Dorset. There has been no changes to strategic policy. The table below therefore focusses on general conformity with the relevant NDLP1 policies of materially modified policies of the Modified Plan.

Table C: Neighbourhood Plan & NLDP1 Conformity Summary		
No.	Policy Title & Refs	Commentary
B5	Community Facilities	The policy has been modified to include the Blandford St Mary Community Hall and to reflect changes to the Use Class Order and is still consistent with NDLP1 Policies 14, 16 and 27.
B6	Health Provision	The policy has been updated to include the outcome of the merger of the GP practices in the area but it continues to seek to deliver the strategic priority in terms of health services in NDLP1 Policy 14 and the requirements set out in Policy 16.
B10	Blandford + Design Code	The policy has been modified to introduce a design code containing greater detail on design principles but does not contradict those in the made plan and is therefore still consistent with NDLP1 Policies 2 and 5.
B11	Local Heritage Assets	The policy is consistent with and refines NLDP1 Policy 5 on the historic environment by identifying buildings which have local heritage value and should be taken into account in the determination of planning applications.

5.COMPATABILITY WITH EU LEGISLATIONS

5.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. The Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

5.2 A screening opinion was issued by DC for the Made Plan, which confirmed that the Neighbourhood Plan had the potential for significant environmental effects and that an SEA would be required for the Neighbourhood Plan to be in accordance with EU Directive 2001/42. As per paragraph 3.1 above the Parish Councils chose to prepare a Sustainability Appraisal (SA) incorporating an SEA which informed and was published alongside the Made Plan. DC also determined that no Habitats Regulation Assessment was required of the Neighbourhood Plan under the EU Habitats Regulations.

5.3 DC has now undertaken a re-screening of the Modified Plan for submission, appended to this document. It concludes:

“In conclusion, having reviewed the SEA/HRA Screening Report, the consultation responses received in relation to it, and having taken into account the criteria specified in Schedule 1 to the regulations as required by Regulation 9(2)(a) of the Environmental Assessment of Plans and Programmes Regulations 2004, Dorset Council will make its final decision in light of the comments received in response to the regulation 14 consultation on the plan review”.

5.4 In respect of the Habitats Regulations, the DC re-screening concludes:

“Schedule 2, paragraph 1 of the Neighbourhood Planning (General) Regulations 2012 sets out the prescribed basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of (Habitats and Species Regulations 2012) or a European offshore marine site in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects).

In its response to be consulted on the SEA/HRA Screening Report, Natural England state:

‘I can confirm that Natural England agree with the assessment conclusions. The plans modifications are unlikely to have a significant effect on the environment and no further SEA/HRA assessment work is required.’

Given the findings of the SEA/HRA Screening Report, and Natural England’s response to the consultation on the report, Dorset Council currently considers that a HRA of the plan review is not required. Dorset Council will make its final decision in light of the comments received in our response to the regulation 14 consultation on the plan review.”

APPENDIX A – DORSET COUNCIL INFORMAL SCREENING OPINION

Blandford + Neighbourhood Plan Review

Strategic Environmental Assessment (SEA) - Draft Determination Statement

This draft determination statement has been produced to assist in complying with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

The Regulations implement European Directive 2001/42/EC. This requires that the effect on the environment of certain plans and programmes should be assessed, including plans prepared for town and country planning or land use. An exception is made for plans that determine the use of a small area at a local level, if the responsible authority has determined that the plan is unlikely to have significant environmental effects.

This draft determination statement sets out the reasons why Dorset Council (the responsible authority) currently considers that a Strategic Environmental Assessment (SEA) is not required with respect to the Blandford + Neighbourhood Plan Review.

Oneill Homer (planning consultants) has prepared a Strategic Environmental Assessment and Habitats Regulations Assessment (HRA) Screening Report on behalf of Blandford Forum Town Council (the Qualifying Body). In August 2022, the statutory consultation bodies (the Environment Agency, Historic England and Natural England) were consulted, as required by the regulations, on the screening report. The Cranborne Chase Area of Outstanding Natural Beauty (AONB) Partnership and the Dorset AONB Partnership were also consulted on the report.

All three statutory bodies responded to the consultation. The Environment Agency and Natural England both set out that they consider that, in terms of their strategic environmental interests, the proposed plan review is unlikely to result in any significant environmental effects.

Historic England, in its response, raise a number of points that it considers should be taken into account when deciding whether a full SEA of the plan review is required but it defers whether a full SEA of the plan review is required to Dorset Council. The Council has considered the points raised by Historic England and is satisfied that a full SEA is not required.

The Cranborne Chase AONB Partnership states that it does not agree with the statements that neither a SEA or an HRA of the plan review is required. Reference is made to the fact that the nitrates and phosphates issues in the River Stour and

Poole Harbour have changed significantly since the SEA/HRA for the initial Blandford + NP. However, as set out above, Natural England considers that the plan review is unlikely to result in any significant environmental effects. Furthermore, Natural England has not raised any specific concerns about the review in relation to nitrates or phosphates matters. Consequently, Dorset Council does not consider that a full SEA and HRA is required on these grounds.

In conclusion, having reviewed the SEA/HRA Screening Report, the consultation responses received in relation to it, and having taken into account the criteria specified in Schedule 1 to the regulations as required by Regulation 9(2)(a) of the Environmental Assessment of Plans and Programmes Regulations 2004, Dorset Council currently considers that a SEA of the Blandford + Neighbourhood Plan Review is not required. Dorset Council will make its final decision in light of the comments received in response to the regulation 14 consultation on the plan review.

NOTE: The draft statement is based on the information provided. If the proposed content of the plan is revised and/or there is a material change in the environmental characteristics in the locality (e.g. the designation of any additional nature conservation or other environmental sites), then the comments contained in this statement would need to be reconsidered in order to take account of the changes.

Habitats Regulations Assessment (HRA) – Draft Determination Statement

Schedule 2, paragraph 1 of the Neighbourhood Planning (General) Regulations 2012 sets out the prescribed basic condition that the making of a neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

In its response to being consulted on the SEA/HRA Screening Report, Natural England state:

'I can confirm that Natural England agree with the assessment conclusions. The plans modifications are unlikely to have a significant effect on the environment and no further SEA/HRA assessment work is required.'

Given the findings of the SEA/HRA Screening Report, and Natural's England's response to the consultation on the report, Dorset Council currently considers that a HRA of the plan review is not required. Dorset Council will make its final decision in light of the comments received in response to the regulation 14 consultation on the plan review.

NOTE: The draft statement is based on the information provided. If the proposed content of the plan is revised and/or there is a material change in the environmental characteristics in the locality (e.g. the designation of any additional nature conservation or other environmental sites), then the comments contained in this statement would need to be reconsidered in order to take account of the changes.