



Independent Examination of the Buckhorn Weston & Kington Magna Neighbourhood Plan

Examination Ref: 01/DH/BWKANP

31st January, 2024

For the attention of Mr. David Hogger BA, MSc, MRTPI, MCIHT

Dear Mr. Hogger,

Further to your letter of the 15th January, please find below our responses to the questions as set out in the annex.

1. NPPF (December 2023), para 191(c), states that planning policies and decisions should:

...limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

It is therefore clear that the principle of a policy that seeks to limit light pollution is supported by both the current NPPF and previous NPPFs (the line originates from paragraph 125 of the original 2012 NPPF).

Because of national policy at the time it was produced, the North Dorset Local Plan Part 1 (January 2016) policy 25 'Amenity' includes a section on 'artificial light intrusion'.¹ It states:

Where external lighting is proposed, development will be permitted provided that:

1. the scheme is the minimum necessary to achieve its purpose; and
2. light scatter, spillage and glare are minimised through the control of light direction and intensity; and
3. the quality and intensity of the light and the daytime appearance of any light fittings and cables would not have a detrimental impact on local amenity or the character of the surrounding area.

In the case of other development, no light pollution should occur by virtue of lighting schemes incorporated into the development.

The LP policy is clear that external lighting should be limited to the minimum necessary, should be designed to limit spillage, etc., and that otherwise no light pollution should occur. In terms of setting

¹ Available from <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/adopted-local-plans/north-dorset-adopted-local-plan>

out principles, this is quite a comprehensive policy. However, many rural communities feel strongly about light pollution and its impact on the environment, and therefore many neighbourhood plans in Dorset have included their own policies on dark skies / lighting schemes. The following table lists all neighbourhood plans made in the last two year in Dorset and quotes the relevant dark skies / lighting policies. Motcombe, while being slightly older, has been added to the table because it is a village relatively near to Buckhorn Weston & Kington Magna (approximately 6km to the west), and because its neighbourhood plan also includes a technically specific dark skies policy.

Neighbourhood Plan	Dark skies policy
Chesil Bank (made 7/11/2023) ²	<p>CBNP17 ‘dark skies and lighting schemes’ - Consideration should be given to minimising light pollution.</p> <p>New external lighting should be avoided unless there is a significant safety issue, and any lighting schemes kept to the minimum necessary for safety and security reasons. Low level footpath lighting may be introduced within the villages and tourism sites if considered necessary for pedestrian safety. Where lighting schemes are necessary, they should be designed to project downwards and be turned off or dimmed when not actively needed. Light fittings such as solar cat’s-eye lighting, reflective paint and ground-based lighting are preferred; full-height lighting should be avoided. The design of new buildings in the countryside should take into account the need to minimise light projected from windows and doors, particularly from skylights and large, unshielded expanses of windows.</p>
Blandford + (made 3/10/2023)	References in various allocation policies, e.g. Policy B2: “A design and landscape scheme comprises measures to satisfactorily mitigate any adverse impacts upon the AONB and minimise harm to the Grade II listed Langbourne House by way of the details of the design, layout, landscape treatment, materials and typical details of appearance and elevation of buildings and of minimising light spill into the AONB; ”
Pimperne (made 1/11/2022)	Policy LC: Landscape Character - Street lighting and flood lights should be avoided as generally inappropriate, having due regard to the significance of the expanse of dark night skies for the AONB. Where these cannot be avoided, they should be designed in accordance with the guidance set out in the Cranborne AONB Position Statement Number 1 on Light Pollution and Good Practice Note 7 - Good External Lighting and International Dark Sky Reserve criteria
Stinsford (made 2/2/2022)	Policy SNP4: Dark Skies - Development should be designed to retain the dark skies, through minimizing exterior lighting / illuminations and including measures to control light spillage and glare, particularly in areas of open countryside and on the edge of settlements. Street lighting should not be provided in developments unless required to address site-specific safety or operational issues.
Motcombe (made 10/12/2019)	Policy MOT8: Dark Skies - Development should be designed to conserve and enhance the intrinsic quality of the dark night skies. Lighting which is proposed to be installed should meet or exceed the level of protection appropriate to Environmental Zone 1 (as defined by the Institution of Lighting Professionals), with the addition that external lighting should not exceed a correlated colour temperature (CCT) of 3000K.

² <https://www.dorsetcouncil.gov.uk/chesil-bank-neighbourhood-plan>

It is clear from the policies quoted above that while they all support the same basic principles of limiting light pollution, they take many forms. There is no obvious model policy to choose from.

Dorset Council notes the map provided in Figure 5 of the submitted Buckhorn Weston and Kington Magna neighbourhood plan, which shows the levels of light pollution across the former North Dorset district area and beyond.³ Generally, the levels of light pollution across rural parts of North Dorset are low, with the main sources being the towns (Gillingham, Shaftesbury, Blandford, Sturminster Newton, and Stalbridge), as well as Blandford Camp (MoD base) and HMP Guys Marsh just outside Shaftesbury. Some of the larger villages can be identified as areas of lower levels of light pollution. The locations of Buckhorn Weston and Kington Magna are identified on the map and the light pollution in this area is relatively low, generally the same as the surrounding countryside, although not as low as it is in more rural areas further south and further east (roughly corresponding with the Dorset AONB and the Cranborne Chase AONB areas).

While the representation in question comes from the Cranborne Chase AONB partnership, the plan area is outside of the AONB, with the nearest part of the plan area being 3.5 km south of the AONB.

With regards CC AONB's recommendations for strengthening draft policy BWKM5, Dorset Council notes that the proposed additions are quite detailed and technically specific. The point about having a maximum 'on' time for motion sensitive lights is sensible as clearly without a timer the motion sensor serves a limited purpose. It might be sensible to add this type of detail to the supporting text.

With regards to the issue of light emission from internal sources (e.g. roof lights, etc), it could be argued that the reference to "light sources" in part (c) of Policy BWKM5 is general enough to address this. Further detail confirming this could be set out in the supporting text.

The details on blinds that CC AONB recommends feels overly prescriptive. In Dorset Council's view, this level of detail is unnecessary at the policy level and could prevent other workable solutions from coming forward. Instead, it could be included in design guidance in the supporting text. Furthermore, the technical details regarding the height of ground-based and wall-mounted lighting, and the colour temperature of lights could be set out as examples of best practice in the supporting text. Again, it is felt overly prescriptive to include this level of detail in Policy BWKM5.

In addition to the above, Dorset Council has concerns about making extensive changes to Policy BWKM5 at this late stage of plan production. Dorset Council considers that extensive changes to policies are really only justified at this stage if they are required for the plan to meet the 'basic conditions'. The CC AONB representation does not suggest that the plan does not meet the 'basic conditions'. Therefore, the Council, does not consider that the changes proposed are justified at this stage.

2. The examiner will appreciate that Dorset Council has not been involved in the day-to-day production of the plan and is therefore reliant on written reports of the consultation activities from the qualifying body and third parties. The submitted Consultation Report sets out details of consultation work, both prior to Regulation 14, as well as the Regulation 14 consultation. This is a

³ An interactive version is available from: <https://www.cpre.org.uk/light-pollution-dark-skies-map/>

lengthy document (79 pages) and feels fairly detailed. In Dorset Council's view, it gives the impression that sufficient public consultation has been undertaken.

The main legal requirements for consultation for the qualifying body are set out in Regulation 14 of the NP Regulations 2012. This requires a 6-week formal consultation prior to submission. In addition to that, Paragraph 047⁴ of the Planning Practice Guidance states:

A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging neighbourhood plan or order
- is made aware of how their views have informed the draft neighbourhood plan or Order.

Dorset Council fully supports the principles set out in the PPG and would encourage all qualifying bodies to adhere to these principles. However, ultimately, they are guidance rather than legal requirements, and in any case it is the responsibility of the qualifying body to adhere to them. Dorset Council, as the LPA, can advise but it is only responsible for ensuring that the legal requirements have been met when it receives the plan at the submission stage.

In the second paragraph of Mr Talbot's representation he refers to "minimum of consultation". While he may feel that there has been inadequate consultation, Dorset Council believes that the legal requirements have been met by the qualifying body. Had we any concerns, we would have raised them with the qualifying body at the earliest opportunity.

Mr Talbot's representation begins by alleging that responses to documents were limited to one per household. This is a practice that Dorset Council would not generally recommend as the principle of most planning consultations is that the voices of individuals should be heard. However, it's not clear from Mr Talbot's representation which consultations he is referring to. Part 1-2 of the Consultation Report describes a residents survey undertaken in April 2022. It begins by stating "Following two NP consultation events held on 19 February 2022, BW&KM PC decided to carry out a survey of local residents." In terms of the responses received, it states: "It is not clear if there are any instances where more than one survey was completed in each household." For that consultation, it appears there was nothing to prevent multiple residents from a single household from responding. The survey form is printed in Appendix 1 (page 24 onwards), and is clearly addressed to "all residents" with no reference to responses being limited to one per household.

The next pre-Reg 14 consultation was regarding the settlement boundaries and took place in November 2022. Details are set out in Part 1-3 of the Consultation Report. The responses are provided, with each section starting with the heading "Views of people..." rather than "Views of households...."

Details of the Regulation 14 consultation are set out in Part 2 of the Consultation Report. Questions asked on the Survey Form are set out on page 40 onwards. Dorset Council downloaded a copy of the online response form on 12 June 2023, so we can confirm that the questions set out in the report

⁴ Reference ID: 41-047-20140306

are the same as those asked at the time. Nothing on the survey form suggests that responses are limited to one per household. Likewise, the summary of responses provided in Part 2-2 on page 43 onwards discusses residents' rather than households' responses.

Even if Mr Talbot's allegation is true for some of the consultation activities, no evidence has been provided that anyone has been disadvantaged by this arrangement. For example, Mr Talbot does not state that someone in his household held different views to himself, and was therefore prevented from responding at the appropriate time.

The Regulation 16 consultation that Dorset Council ran following plan submission certainly was also open to everyone, and so that would have provided residents with the opportunity to express issues with the plan or the plan making process. Despite publicity, and printed copies of the plan being provided at four public locations across the two villages, only three residents responded, and only Mr Talbot's representation raised concerns over the consultation process.

Further in his representation, Mr Talbot alleges that the submitted plan "fails to build on the aims originally set out by the residents," and "the document has failed to inspire the residents in any way." . While it is inevitable that some people will disagree with any given plan, Dorset Council advises qualifying bodies to try to carry the general support of the community through the process because ultimately, whether or not their plan meets the legal requirements and passes the examination, it has to be endorsed by the community through a referendum before it can be made.

3-6. Dorset Council will respond to these questions under separate cover.

7. Yes, the Consultation chapter can come out as suggested. Remove Chapter 3 and suggest insert of a new small section at the end of Chapter 2 (reusing the words from the start of Chapter 3 with limited amendment's) to refer solely to the Consultation Report, as follows:

"Consultation with the Community"

41. Engagement of the local community is regarded as essential in developing a vision and objectives for the future development of neighbourhoods and to provide the detailed information to support non-strategic policies that can make a difference to localities.

42. The Buckhorn Weston and Kington Magna Neighbourhood Plan has been supported by engagement and consultation in a variety of forms and at several stages as the plan has developed. These are summarised in the detailed Consultation Report which has been prepared to support the plan.

8. The Qualifying Body determined the scope of the neighbourhood plan to achieve a limited number of key objectives. Planning Practice Guidance does not set requirements as to the content (Vision, Objectives and Policies) of a neighbourhood plan which is at the discretion of the Qualifying Body. In this case, the Qualifying Body took the view that

existing policies adequately cover matters not addressed in the Neighbourhood Plan. The Made Neighbourhood Plan will become part of the Development Plan where policies are already in place to promote the objectives referred to.

9. In Policy BWKM4, the word ‘prioritised’ should be removed and in its place the word ‘supported’ should be inserted to read as follows:

POLICY BWKM4 – LOCAL HOUSING REQUIREMENTS.

Within the Settlement Boundaries of Buckhorn Weston and Kington Magna, planning applications for the development of two-bedroom and three-bedroom homes will be supported in order to meet identified local housing needs.

10. The owners of the proposed Local Green Space (Salisbury Diocese) were consulted as part of Regulation 14 and no comments were received.

11. Mr. Talbot contacted Philip Reese, Senior Planning Officer, and received a reply to his questions numbered 1, 5, 6, 7, 8, 11, 14 & 15 which we have had sight of.

Answers to the remaining questions are given below:

(2) From the people who responded by returning the completed questionnaire there was a significant degree of support for a limited amount of new housing as evidenced in the Consultation Report.

(3) There was no restriction on the number of comments that could be made by residents on the questionnaire form that was delivered. The survey delivered to each property was based on the address not per person.

(4) The guidelines to ensure that new development meets the needs of parish residents are stated in Policy BWKM4 and are supported by data from the HNA and as quoted on pages 31-32 of the plan under ‘The need for different types and size of housing’.

(9) The policy quoted deals with the design and form of new development as outlined in Table 5 pages 28 & 29 and Table 4 pages 26 & 27. The stated aim for 2-3 bedroom properties, either houses or bungalows, for downsizing has not been removed. The HNA suggests that during the plan period 54.6% of new properties would be of this size to meet potential demand.

(10) By establishing a Neighbourhood Plan with a settlement boundary, there will be some opportunities for new development to meet the needs of local residents by allowing development of 2-3 bed properties.

(12) When an application is put forward it will be assessed using the policies in the Neighbourhood Plan.

(13) The evidence was supplied by the HNA and the desire to downsize locally came as a result of the village surveys as evidenced in the Consultation Report.

12. There was an offer by a local land owner to build a village hall and 5 houses on this area of land. This offer was not accepted as the land was protected under IOWA, was also a Site of Archaeological Importance and the majority of the community did not wish to see the land developed. This has now been designated an Important Gap in the Neighbourhood Plan to protect this piece of land from development. Mr. Hannam did write to Philip Reese (Senior Planning Officer) and received a comprehensive reply confirming the intention of the Parish Council to protect this land.

13.. Para 30 – We will amend the date to show the current version of the NPPF as published 19 December 2023. This happened during the Reg 16 Consultation.

Table 3 – We will amend the NPPF paragraph numbers and text where necessary due to the revision.

Para 70 – The once a week bus service was axed some years ago due to funding and lack of demand. We are able to access the Ring & Ride service as outlined in para 21 and reference could be added to this at para 70.

Para 84 – The Parish Council is in full support of the development of this Brownfield site. The initial planning application was refused and dismissed on appeal. A further application was prepared (P/FUL/2021/02758) to take into account Dorset Council concerns. The design and materials stipulated on the second application were more in keeping with the rural location and would have enhanced the villages character. A further compromise has been offered by the applicant in respect of changing the one 4 bed detached property into two 2 bed semi-detached properties to meet the need for 2 and 3 bed properties as discussed. One of the reasons given in the Inspector’s report was that “a small cul-de-sac would have a suburban character” which disregards the fact that we have similar cul-de-sac developments in Buckhorn Weston (Hope Cross) and two further cul-de-sacs in Kington Magna (Pill Meadow & Broad Close) and we feel that these have not created a “suburban character”. The design layout purely makes best use of the land available. Throughout the Neighbourhood Plan process, the need for 2 and 3 bedroom properties was high to help existing residents to downsize and remain in the village, whilst providing an opportunity for young families to move into the village.

However, this application was refused despite the Parish Council and local councillors requesting that it should go to the full planning committee.

With regard to the concerns over contaminated land, if approved the scheme would carry strict conditions from Dorset Council over contaminated land in accordance with the NPPF (Dec 2023) paras 189 & 190 and saved LP policy 1.20 from the 2003 LP.

Section 5 & policies BWKM1 & BWKM2 – We agree to the suggestion to add reference/summarise in Section 5 that more information is available in Section 6 and also add that “restrictive countryside policies do not apply within the SB but development proposals should meet the requirements of policy BWKM3”

Paras 127-130 & Policy BWKM6 – We agree to add reference to the Sustainability Checklist as this will become a requirement this year.

Paras 134-136 – This was an omission and will be corrected in accordance with policy BWKM7 Important Gaps.

Para 136 – This was an omission and will be corrected by adding “(north)” after West Street to read “At land east of West Street (north), Kington Magna” as shown on Policy BWKM7 item c) and also on Table 6 item 6.

We can confirm that a copy of this letter detailing our responses will be posted onto the Parish Council website.

Yours sincerely,

Linda J Munster

Mrs. Linda J Munster
Parish Councillor &
Chair of BWKM NP Steering Group