

## **APP/D1265/W/23/3336518 Land south of Ringwood Road, Alderholt**

### **Dorset Council Statement on Impact of 30 July NPPF Consultation**

This statement sets out Dorset Council's views on the effects of the 30 July Written Ministerial Statement and consultation on potential changes to the NPPF.

#### **Overall**

The Written Ministerial Statement and draft NPPF are both material considerations. While the Statement applies immediately, it sets out a direction of travel that is crystallised in the draft NPPF and accompanying Consultation Document. As the draft NPPF is subject to consultation and may well change before it is finalised, it and the potential changes should only carry very limited weight.

Nevertheless, as these are material considerations, the remainder of these submissions address the impacts of the changes on the Council's case as set out in its Closing Submissions<sup>1</sup> should the Inspector be minded to consider altering the weight to be given to extant NPPF policies and / or give weight to the emerging policies.

#### **Spatial Planning**

The proposed changes to the NPPF support the Council's case.

A key component of the Council's case is that this development is of the wrong size and in the wrong place: Council's closings paragraphs 4 and 7-26. This was submitted by reference to the NPPF (2023) paragraphs 74 and 109. Those paragraphs are unchanged in the consultation NPPF (paragraphs 75 and 107).

However, much was made by the Appellant of the suggestion that the development should be considered sustainable because opportunities to promote sustainable transport have been taken up: see e.g. Mr Rand's PoE<sup>2</sup> paragraphs 2.30 and 2.42 and the Appellant's closing submissions para 28.7.<sup>3</sup> The Council has consistently maintained that is not enough, and that the development simply, in the round, is unsustainable: see e.g. the Council's closing submissions at para. 26. The proposed changes at draft NPPF para. 112a remove the reference to appropriate opportunities being taken up, and refer instead to a "vision led approach to promoting sustainable transport modes" being adopted. For the reasons set out by the Council, that has not occurred.

Moreover, the proposed change to paragraph 11d ii of the NPPF refers specifically to the need to consider the NPPF policies relating to Chapter 9 (sustainable transport) and Chapter 12 (design) when considering whether the adverse impacts of development significantly and demonstrably outweigh its benefits. Paragraph 17 of Chapter 3 of the Consultation Document makes clear that the presumption in favour of sustainable development does not offer a route to creating poor quality places, promoting low quality and unsustainable development. That is exactly what this proposal does, creating development which is simply, in the round, unsustainable in transport terms: see the Council's closing at para. 26. The increased prominence given to these adverse effects in revised paragraph 11dii supports the Council's case.

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<sup>1</sup> CD K25

<sup>2</sup> CD G10

<sup>3</sup> CD K26

## **Highways and transportation**

The additional wording “in all tested scenarios” in draft NPPF para. 113 is problematic and is highly likely to be challenged through this consultation period. It does not, for example, allow for a ‘Decide and Provide’ form of Transport Assessment. However, in the context of the appeal proposals, RfR7 was structured around the appellant’s failure to demonstrate that there would not be a severe effect. The modelling parameters, even for the sensitivity test, were not agreed by all parties so the appellant has still not demonstrated, to the satisfaction of HCC and DC, that the development would not have a severe cumulative effect on the local highway network. That is not affected by the addition of the term “in all tested scenarios” at the end of NPPF Para 113. The Council’s case, as set out in paras. 27-49 of its Closing Submissions, and the evidence on which it is based, is therefore unaffected. The appellant has still failed to demonstrate that the appeal proposals would not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

## **Harm to the Cranborne Chase and West Wiltshire Downs National Landscape / AONB**

The Council closed on the basis that there would be some harm to the AONB, in contravention of NPPF (2023) paragraph 182 and the great weight to be given to the conservation of this nationally important landscape: see Council’s closing paragraph 57. NPPF (2023) paragraph 182 remains unchanged and so there would be no change to this position.

## **Housing Land Supply**

The Council and the Appellant have submitted a joint update statement setting out the housing target under the proposed new standard method. It refers to the housing land supply across the entire Dorset Council area, rather than the East Dorset area as considered during the inquiry. The Council has considered whether an East Dorset equivalent could be calculated but does not consider it possibly to so do robustly or in a manner likely to be of any help to the Inspector.

In relation to the available supply, the Council’s current supply figures as set out in the joint update statement are taken from its recently submitted (29 July) Annual Position Statement of five-year housing land supply [Annual Position Statement - Five Year Housing Land Supply - Dorset Council](#). This of course was prepared against the background of current policy, rather than the proposed future policy with its changes to, for example, draft NPPF para. 152 (changes to inappropriate development in the green belt) and draft NPPF para. 152 and Appendix 1 (Grey Belt). The Council has not revisited its available supply when taking into account the new policies in the draft NPPF. A simple comparison between the Council’s submitted Annual Position Statement and the new standard method calculations is the best it can provide, but it is not particularly probative.

Finally, as set out in the Council’s closing para. 60 the degree to which the Development would contribute to the Council’s 5YHLS must be treated with a degree of circumspection. None of the proposed changes affect that point.

For the reasons set out above, the direction of travel in relation to the proposed changes to the Standard Method are not of particular assistance in this appeal, and do not detract from the Council’s case as set out in paras. 58-61 of its Closing Submissions.

Looking to need and supply beyond 5 years (as set out in the Council’s closing paras. 62-63), while there will be an increased need there is no indication at this stage the Council will both have to meet the full need and be unable to so do. It will, for example, have an increased

freedom to revisit Green Belt boundaries to release sites (draft NPPF para. 142 and 144). Bearing in mind the statement in the Ministerial Statement that “a Green Belt designed for England in the middle of the twentieth century now must be updated for an England in the middle of the twenty first”, the direction of travel set out by the Government supports the points made in para. 63b of the Council’s closing submissions.

### **Affordable Housing / Viability**

Changes proposed to paragraphs 63, 64 and 66 of the draft NPPF indicate *inter alia* the removal of First Homes and an encouragement to provide a greater proportion of Social Rent housing, and affordable housing which meets identified local needs across different tenures. As there is an agreed position with the Appellant based on viability grounds the Council does not consider the proposed changes need materially impact the Inspector’s decision.

### **Education**

The changes proposed in paragraph 97 of the draft NPPF include the addition of specific reference to early years and post-16 education. The application does not include early years provision and the s.106 has been negotiated on the basis of existing policy. As this is the agreed position, the Council does not consider that the proposed changes need materially impact the Inspector’s decision.

### **Local Centre (location and retail)**

In relation to the location of the local centre, for the reasons set out in the Council’s closing submissions at paras. 70-75 the placement and location of the local centre is not well designed, and certainly not optimised, contrary to NPPF (2023) paras. 135 and 139. Those paragraphs remain unchanged in the draft NPPF (132 and 136). However, as set out above in relation to sustainable location, the fact that increased prominence is to be given to design in the application of paragraph 11dii supports the Council’s case.

Similarly, in relation to the provision of the local centre (Council’s closing submissions at paras. 76-85), paras. 90-95 of the NPPF (2023) are not proposed for amendment (paras. 88-93 of the draft NPPF).

### **Habitats**

There are no changes in the draft NPPF that affect the outstanding habitats issues, as set out in paras. 86-87 of the Council’s closing submissions.

### **Conclusion on compliance with the plan as a whole**

Para. 90 of the Council’s closing submissions referred to the stricture in NPPF (2023) paragraph 182, in relation to particular importance (great weight) being given to the objectives of conservation and enhancement. This is unchanged in the draft NPPF.

### **Other material considerations**

We have commented at the beginning of this statement on the weight to be given to the draft NPPF, concluding that as it has been published for consultation and may change, it should be given only very limited weight.

### **Overall conclusions**

In summary, for the reasons set out above the direction of travel outlined in the Written Ministerial Statement should be given limited weight, and the draft NPPF should be given very limited weight, as it has been published for consultation and may change. To the extent they are taken into account at all, the direction of travel: supports the Council's case (Spatial Planning, Local Centre), has no impact on the matters in issue (Highways and Transportation, AONB, Affordable Housing, Education, Habitats) or the changes are such that no useful conclusions can be drawn from the evidence before this inquiry (HLS). Nothing detracts from the case the Council has made.