



# **Gillingham Neighbourhood Plan 2016-2031**

**A report to North Dorset District Council**

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Independent Examiner**

**4 April 2018**

## **Executive Summary**

I was appointed by North Dorset District Council on 29 January 2018, with the agreement of Gillingham Town Council, to carry out the independent examination of the Gillingham Neighbourhood Plan 2016-2031.

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 13 March 2018.

Gillingham is a fast-growing town, with a population expected to reach over 17,000 by 2031. The Town Council, as the appropriate qualifying body for the preparation of the Plan, state that their vision (to summarise it) is to ensure that Gillingham “becomes a place which combines the best of town and country living and creates a healthy environment for working people, young families, those in retirement and older people”. The aim is to have well-planned areas which enhance the natural environment; imaginatively-designed homes that are affordable for ordinary people; and good access to jobs and services. The Plan contains detailed policies which are designed to realise that vision, and I am satisfied that, in so doing, it accords in principle with relevant national and local planning policies, while at the same time reflecting the result of the comprehensive local consultation exercises which the Town Council carried out before settling on the final draft of the Plan.

Subject to a number of recommendations (principally for changes to the way in which certain policies are expressed), I have concluded that the Gillingham Neighbourhood 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 Gillingham Neighbourhood Plan 2016-2031 (the GNP), submitted to North Dorset District Council (NDDC) by Gillingham Town Council in July 2017. 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) in 2012, 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 the Plan should proceed to referendum. If this results in a positive outcome, the GNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determining of planning applications relating to land lying within the GNP area.
5. I am independent of the Town 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 Gillingham 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 (references are to the Neighbourhood Planning (General) Regulations 2012 (as amended)):
  - the submitted GNP
  - the GNP Consultation Statement, (Regulation 14)
  - the GNP Basic Conditions Statement (Regulation 15)
  - the GNP Strategic Environmental Assessment Screening Report (Regulation 2(4))
  - the representations made to the GNP under Regulation 16
  - selected policies of the adopted development plan for North Dorset
  - relevant paragraphs of the National Planning Policy Framework (March 2012)
  - relevant paragraphs of the national Planning Policy Guidance (March 2014 and updates).

8. I carried out an unaccompanied visit to the Plan area on 13 March 2018, when I looked at the overall character and appearance of the town (together with its wider context) and at some of those areas affected by specific policies in the Plan. I refer to my visit in more detail elsewhere in this report.
9. There is a general assumption that neighbourhood plan examinations should be carried out on the basis of written representations only. Having considered all the information before me, including the representations made to the submitted plan, I have been satisfied that the GNP could be examined without the need for a public hearing (and it should be noted that there were no representations to the contrary).

### **A brief picture of Gillingham**

10. Gillingham is an important town in north Dorset which is clearly undergoing significant change. Supporting material to the GNP draws attention to its accessibility by rail (half-hour services direct to London for much of the day, as well as good links westwards), together with its easy access to the A303 trunk road. I could see from my visit that the town is the location for a wide range of commercial activities, many of which look set to expand as a result of the planned-for growing population.
11. The town retains many important and attractive historical features, especially around its original core, and its character is strongly influenced by the stream courses which cut through the heart of the built-up areas, such as the Town Meadow, an important green space between the old town and the modern facilities around a Waitrose supermarket and the library/museum, which front the southern by-pass (Le Neubourg Way). In addition, open land is never far away, and a network of footpaths links many of the residential areas, together with the town centre itself, with these wider expanses of open countryside. The town sits in a shallow vale, and much of it is flanked to the east and north by higher land forming part of the Cranborne Chase Area of Outstanding Natural Beauty.
12. Traditional shopping is found in and close to the High Street, although there are signs of some stress here, especially in the peripheral locations (I noted, for example, a large vacant building towards the eastern end of High Street, which I understand to have been a supermarket, and a vacant prominent former bank at the Station Road corner). A particular characteristic of the town, highlighted in the GNP, is the area around the station. This consists of a wide range of commercial and light industrial uses (with housing in some places), which both the Local Plan and the Neighbourhood Plan earmark for regeneration and overall enhancement, including the opportunity to create a “transport hub” to serve the expanding needs of the town for improved access for all. This area leads southwards to industrial/trading estates which are themselves planned for enlargement.

### **The basic conditions**

13. 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 the plan, 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 065 of the Planning Practice Guidance. I deal with each of these conditions below in the context of the GNP’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 be likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site, either alone or in combination with other plans or projects; and
  - comply with any other prescribed matters.
14. The Basic Conditions Statement (BCS) prepared in connection with the GNP is dated May 2017 and sets out the background to the Plan, explaining that its preparation was led by the Gillingham Neighbourhood Plan Group, under the auspices of the Town Council. It explains clearly the various statutory requirements governing the preparation of neighbourhood plans before moving on to summarise how the submitted GNP satisfies each of the Basic Conditions.
15. This begins with a listing of the 12 “Core Principles” which planning should seek to follow (according to paragraph 17 of the NPPF), each being matched with a crisp summary of how it is addressed in the GNP. Any specific comments I have about this part of the exercise (which relates to Basic Condition (a)), will be covered under the individual policies; however, I would note at this point that a significant aspect of the Plan is that it does not include any new allocations (for example, for housing), “given the extent of development already proposed in the 2016 Local Plan”. This is a reference, in particular, to the planned major southern extension to Gillingham.
16. The BCS then goes on to set out a comprehensive analysis of the policies (and supporting paragraphs) of Part 1 of the Local Plan which are particularly relevant to the content of the GNP, helpfully also cross-referencing to key elements of the NPPF. This part of the document addresses Basic Condition (e) - again, I will reserve any specific comments I might have about compliance until later in my report.
17. The third part of the Basic Conditions Statement addresses the issue of sustainable development (Condition d), first summarising the NPPF’s view of the inter-relationship between the three elements of sustainable development - economic, social and environmental. There follows a clear ranking of each of the GNP’s policies under each of those headings, employing a colour-code (where green = a positive effect, yellow = neutral, grey = uncertain and red = negative). This is a straightforward and common-sense way of assessing the sustainability of the Plan’s policies: I found nothing in its conclusions which should lead to a questioning of its overall compliance with Basic Condition (d).
18. As I have indicated, where necessary, I make comments about any detailed matters arising from this exercise in the body of my report. Broadly, however, I consider that the BCS provides a clear and easily-accessed resource for assessing the GNP against the key statutory requirements relating to the basic conditions.

### **Other statutory requirements**

19. 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 Town 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 Gillingham is confirmed as covering the period 2016 to 2031); and
  - that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).
20. 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.
21. A screening report is required in order to determine whether the 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.
22. GTC duly carried out a screening exercise, and their report, dated January 2016 (with a minor update in March), accompanies the documents submitted for examination. The report sets down the legislative background, including the established criteria for determining whether the Plan is likely to have any significant environmental effects; summarises the focus and scope of the GNP; and then sets out the detailed policies, together with a comment on their likely impacts. Having followed Government advice on the process for carrying out the screening exercise, the Council concluded in relation to each of the criteria (to the extent that they are relevant) that the GNP would be unlikely to have any significant environmental effects, and thus that no SEA is required. The responses from the relevant statutory consultees support that conclusion, and I have no reason for taking a different view. Similar conclusions are reached in relation to the Habitats Regulations.
23. 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.

### **National policy**

24. 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<sup>1</sup>.

### **The existing Development Plan for the area**

25. 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 2003. For convenience, throughout my report I will refer to these simply as parts of the

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<sup>1</sup> At paragraph 041. ID: 41-041-20140306

(adopted) Local Plan.

26. The Council have embarked upon a review of the Local Plan, and have issued an “Issues and Options” document on which local consultation ended in January 2018. 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 013 of the PPG, which says: “Neighbourhood plans are not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

#### **The consultation exercise (Regulation 14)**

27. This regulation requires the Town 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”, 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.
28. The Consultation Statement is dated July 2017. It is an extremely comprehensive record of the Working Group’s approach to involving the local community in the production of the Plan, beginning with a comment that Gillingham was ahead of the field in neighbourhood planning, since work effectively began even before the Localism Act came into force. In total, the gestation of the Plan occupied a period of nearly seven years by the time it was submitted for examination.
29. I am more than satisfied, having read the Statement, that the requirements of Regulation 14 have been fully met by the Working Group’s activities.

#### **Representations received (Regulation 16)**

30. There were 22 representations made in response to the submitted Plan<sup>2</sup>. In dealing with these, I begin with those which involve objections in principle to the GNP or to some key elements of it; continue with the response from statutory or other public bodies (including NDDC); then summarise the remaining representations – however, where these relate to specific sites, my principal response to them appears under the relevant policy reference.

#### ***Objections in principle***

31. Agents for the Allard Family (GIL01) object to the Plan (and to all of the key documents associated with it) for a range of related reasons, summarised below, together with my response to them:
32. (a) The Basic Conditions are not met because the Plan “would undermine the key objective [of] achieving sustainable development”. The reason for this conclusion is that land in the objectors’ ownership at Harding’s Lane, on the eastern edge of the town, is in their view a suitable location for mixed development, including housing and commercial uses. The Plan at present would protect the land as being within an area of search for community and leisure facilities, including formal outdoor sports provision (policies 17 and 18), but the objectors say it has been the subject of discussions in the past with NDDC officers.

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<sup>2</sup> The references are those used on the GNP website.



33. It is not part of my role to examine the development potential of land such as this. I note that the objectors made a case for it as part of the “call for sites” exercise carried out by NDDC in the autumn of 2016, and that they have also made relevant objections to the draft North Dorset Local Plan. It would therefore be for the Local Plan examination process to consider the merits of the arguments put forward.
34. (b) The GNP “would also not accord with the emerging Local Plan and wider development framework...[and] should await progress with the Local Plan before it will be possible for it to be in conformity with the changing policy framework”. Neighbourhood plans are not required to accord with *emerging* local plans. No argument based on PPG paragraph 009 (“.....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”) has been advanced. Similarly, paragraph 040 of the PPG states that where neighbourhood plans contain policies relevant to housing supply, these policies should take account of the latest and up-to-date evidence of housing need: again, I have been given no evidence to suggest that this is not the case with the GNP.
35. (c) “There is arguably no deliverable 5-year land supply: this problem applies to Gillingham”; and “The NP is not in general conformity regarding the future deliverable quantum of housing”. These objections are too vague to permit a reasoned response.
36. (d) The objectors say that the Government is still fine-tuning guidelines in relation to housing need assessments and also that the NPPF is being revised. These are given as additional reasons why the GNP should be held back, but there is no provision or justification for an examiner to prevent the progress of a neighbourhood plan on these grounds.
37. e) The strategy map is said to be unclear (fig. 5.1). I have sympathy with this point and return to it under the heading “General observations about the Plan”, below.
38. The objectors conclude by asking for the Plan to be modified by allocating the Harding’s Lane land for mixed uses, and that “all related parts of the draft GNP ....be amended, where relevant, to assimilate this change...”. ***For the reasons I have given in the preceding paragraphs, I recommend that no changes be made to the Plan in these terms. However, Figure 5.1 (Overview of the NP area strategy) should be modified to make clearer the relationship between the area of search around Harding’s Lane and the settlement boundary.*** This is in addition to my general recommendations about the map bases, which I deal with under “General observations about the plan” below.
39. Persimmon Homes South Coast (GIL14) state that they wish to make an “observation” on the Plan, but my reading of their position suggests that it is more accurately described as a series of objections.
40. The company begin by saying that “The Local Plan was found sound on the understanding that an immediate review was undertaken to plan for the revised housing need figures. This review is under way.” This leads them to conclude that the Neighbourhood Plan should not progress until the Local Plan has decided on the level of housing to be accommodated in the area.
41. As I have indicated in my comments on the Allard Family objection, a neighbourhood Plan is not under any general obligation to take into account work being carried out as part of a local plan review. Given this background, and in the absence of any other information, ***I do not see any reason to accept Persimmon’s view that the GNP should be delayed until the review of the***

***housing figures is completed.***

42. The second objection relates specifically to policy 1, which deals with custom and self-build housing. Local Plan policy 7 (“Delivering Homes”) does not directly address this issue, but supporting paragraph 5.57<sup>3</sup> says that people who wish to build their own homes “can do so either on an infill plot in a town or village or by replacing an existing dwelling in the countryside”. GNP policy 1 would add a new dimension by saying that developers should make provision for custom and self-build housing “on larger sites”.
43. Persimmon are concerned that seeking to accommodate this requirement would result in health and safety problems on such sites, and that there would also be uncertainty over the take-up of plots, which would be detrimental to the District’s task of meeting its objectively-assessed housing needs. They therefore say that policy 1 as it stands is “totally in conflict with the Local Plan” and should be deleted. This effectively amounts to a view that Basic Condition (e) is not met.
44. Local Plan policy 7 and the supporting material do not preclude some element of the demand for self-build being met on sites other than urban infill and rural replacement – the option is simply not mentioned. I do not therefore accept that GNP policy 1 leads to a failure of the Plan to be “in general conformity with the strategic policies of the development plan”. In any event, it seems to me unlikely that any strategic planning objective would be undermined were some self-build homes to be accommodated on larger sites.
45. The supporting material to policy 1 makes it clear that work has been done to assess the likely demand for self-build over the Plan period, with the comment that opportunities through infill or replacement would be “quite limited”: the conclusions of that exercise are not challenged by Persimmon<sup>4</sup>. More significantly, paragraph 6.11 demonstrates that the Plan Working Group are aware “that market conditions, demand and viability and the type of housing provided will all need to be taken into account in deciding what may be reasonably required” [on the larger sites]. The target is that only about 5% of the custom or self-build demand should be found on such sites (defined, as a guide, as those containing 20 or more homes).
46. I do not doubt that the management and marketing issues raised by Persimmon would need to be addressed if elements of self-build were required as a matter of policy to be accommodated on major construction sites, such as those within the southern expansion area of Gillingham. However, given the approach clearly set out in paragraph 6.11, the matter has been recognised – the wording states that some element of self-build should be secured on the larger sites “where practical”. This suggests an understanding that the matter will usually need to be dealt with by negotiation, on a case-by-case basis.
47. ***I recommend that policy 1 be retained, but that it should be re-worded to read: “On larger sites of 20 or more homes, developers should wherever practicable aim to allow for around 5% of plots to be made available for custom and self-build housing. Factors to be taken into account will include prevailing market conditions, demand, viability and the type of housing to be provided, together with any specific site management considerations”.***
48. The third objection relates primarily to policy 23 (Protecting important green spaces), but also to certain references within policies 18 and 20. Persimmon say that “safeguarding land for possible future open space use is flawed and prejudicial to sound planning in the future”. They say that the future use of land is something that should be dealt with as part of the Local Plan review, adding

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<sup>3</sup> not 5.56, as noted on page 10 of the GNP

<sup>4</sup> However, representations made on behalf of CG Fry & Son also deal with this issue – see below

that it is well recognised that more land will be needed for housing. They add that an area known as Windyridge is identified in NDDC's Issues and Options consultation document as having development potential, but it is included within an open space safeguarding area in the GNP<sup>5</sup>.

49. Persimmon say that there is therefore a clear conflict between the review of the Local Plan and the GNP, adding that there is no evidence that this land (which is in private ownership) is ever likely to be available for open space, a conclusion which they say is supported by paragraphs 11.7 and 11.13 of the Plan itself. In addition, there is no policy in the Local Plan relating to safeguarding land for new open space.
50. I do not agree with Persimmon's position on this, for two reasons. Firstly, an objection on the grounds that a neighbourhood plan policy conflicts with a reference in an "Issues and Options document" prepared in the early stages of a local plan review clearly does not fall within the scope of an examination into whether or not the plan meets the Basic Conditions. Similarly, the fact that the adopted Local Plan makes no reference to safeguarding land for open space is not of itself evidence that Basic Condition (e) is not met.
51. Secondly, and in any event, I do not accept that safeguarding land for possible future uses is prejudicial to sound planning, as the objectors appear to suggest. It is not uncommon for development plans to protect land from development in the short term, while safeguarding it in the event that it might be required for a particular purpose (housing, for example, or a major infrastructure project) in the future, if and when the evidence supports it. In these terms, open space is a land use like any other.
52. The need to plan appropriately for open space provision is referred to in the NPPF at paragraphs 58 and 73, and (somewhat less directly) in policy 15 of the Local Plan. More specifically, the GNP (at table 11.1) summarises the scale of the anticipated shortfall in provision of a range of recreation uses as compared with recommended standards. It is not within my remit to comment on the reliability of the figures set out in that table; however, it does seem to me to demonstrate that regard has been had to the need to ensure that outdoor recreation provision keeps pace with the expected growth of the town, and I note that Persimmon do not make any comment on its relevance to the objectives of the Neighbourhood Plan.
53. It is not entirely clear what changes the company would like to see to the GNP on this point, since they ask both that all references to safeguarding land for open space within the areas of search be deleted, and that minor alterations of wording to policies 18 and 20 be made (which would retain the key reference). I have taken these to be alternative positions, with a preference for the former. Given my comments on these objections, ***I recommend that no changes be made to policies 18, 20 and 23 which would remove the objective of safeguarding land for open space.*** I will come back to the more detailed alternative suggestions later in this report.
54. Persimmon also ask that those policies which refer to "areas of search" be modified in order to recognise that opportunities outside such areas would be considered on their merits. This seems to me unnecessary, partly because it is commonly understood that all proposals have to be assessed on their merits (having regard to the development plan and all other material considerations), and also because I have found no references in the Plan which suggest a negative approach to any proposals which might come forward outside the areas of search. I also note that paragraph 11.12, dealing with the shortfall in outdoor sports provision, says that this should *preferably* be met in the

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<sup>5</sup> There is no map accompanying this objection, but I have taken it to relate to an area of land south of Bay Road, to the north of Gillingham School, shown on GNP fig. 11.4. I note from an examination of Inset Map no 15 of the Local Plan that this area lies outside of the defined settlement boundary of the town.

identified areas (my emphasis).

55. For completeness, I note that Persimmon record their support for policy 12.
56. Agents for C G Fry and Son Ltd. (GIL16): This company have applied for outline planning permission for the development of land at Park Farm, Gillingham, which is within the southern extension area of the town. They support the GNP's strategy of limiting development allocations to those already established by the Local Plan. However, they are concerned that the assessment of the demand for custom and self-build housing should not be based on approaches adopted elsewhere in the country (GNP paragraph 6.11), but on a robust, local evidence base. They also take a similar view to Persimmon on the practicalities of accommodating some self-build on the larger sites, a matter I have dealt with in my response to the latter's objection.
57. I have some sympathy with the separate point about the evidence base for the demand for self-build, and note that NDDC make a similar observation. However, I have concluded that given the support in principle for this kind of housing (NPPF paragraph 50 and Local Plan policy 7) and the more nuanced wording of the policy which I am recommending, the evidence of demand used in the GNP provides a reasonable basis for the policy, which for those reasons satisfies the basic condition.
58. I deal with certain other objections or comments under policies 13 and 21. As a point of detail, the company suggest that the annotation for alternative pedestrian / cycle network shown in figure 5.1 should follow more closely that shown on the illustrative framework plan submitted with their outline planning application. I see no case for this, given the status of this document, and the fact that figure 5.1 "is not definitive, and the symbols are not to scale". ***I therefore recommend that no change be made in that respect.*** They also point to an apparent discrepancy between figures 9.4 and 9.5 relating to the proposed cycle route in the area of Park Farm, saying that it should follow the western boundary. While my observations about the status of the illustrative plan are also relevant here, ***I recommend that this difference be resolved, in the interest of clarity.***
59. Agents for Aldi Stores Ltd (GIL20): This company also have interests at Park Farm. They ask for specific revisions to policies 5 and 9, and I respond to these under the appropriate headings. However, they begin their representation by saying that because the Plan does not take into account up-to-date assessments of housing need contained in the Local Plan review, "it cannot be considered to be robust or to be appropriately and positively contributing to sustainable development in Gillingham...(and) accordingly...is contrary to the basic conditions...". This is tantamount to suggesting that the Plan be delayed, for the same reasons as those advanced by Persimmon; in general terms, my response is therefore the same as set out above.

### Responses from statutory or other public bodies

60. Natural England (GIL12): make suggestions for improving the evidence base for assessing the potential impact of development on biodiversity; welcome policies associated with the use of natural green spaces; and recommend a new policy reference in the Plan to the need for a Biodiversity Mitigation Plan in certain circumstances, a point echoed by Dorset County Council. Given the fact that no new land allocations for development are proposed in the GNP (over and above what is contained within the Local Plan), this does not seem to me to be necessary, ***and I therefore recommend that no change to the Plan be made on those grounds.*** NE also ask for minor changes of wording to policies 21, 23 and 26, which are referred to below.

61. Dorset County Council (GIL08): in addition to the biodiversity mitigation issue, DCC also ask that the Plan address potential losses of diversity or potential for enhancements in this field, plus the mention of the appraisal system in a bio-diversity policy. Again, it seems to me that these suggestions are of limited value given the scope of the Plan, **and my recommendation is also that no change be made**. DCC also draw attention to the existence of three “veteran trees” in the area, and welcome the recognition of the work being done to site an improved household recycling centre in Gillingham. A specific concern is raised with the designation of St Martins House as a Heritage Asset – see my observations under policy 28.
62. Historic England (GIL06): no observations.
63. Highways England (GIL07): offer general support, while referring to the ongoing need for the traffic implications of already-planned development in the area to be assessed.
64. Cranborne Chase West Wiltshire Downs AONB Partnership (GIL13): are generally supportive, but offer detailed comments about the impact of development on the setting of the AONB. A particular issue is the need to protect its nationally-recognised “dark skies” from light pollution: the Partnership would like the GNP to include relevant policies. Improved parking at Gillingham Station (to cater for recreational needs) is also advocated.
65. As far as the “dark skies” issue is concerned, I note that the NPPF at paragraph 125 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”. For the most part, NDCC policies will be the appropriate vehicle for addressing this issue in relation to new development, and I note that Local Plan policy 25, while not referring to the concept of “dark skies” per se or to Cranborne Chase, seeks to ensure that external lighting in development is the “minimum necessary to achieve its purpose” and that “the quality and intensity of the light....would not have a detrimental impact on...the character of the surrounding area”. Given the absence of new allocations within the GNP, I consider this mechanism to be sufficient to achieve the AONB Partnership’s objectives **and therefore make no recommendation for the inclusion of a new policy in the Plan**.
66. Network Rail (GIL18): observations about practical issues, especially access, in relation to the proposed regeneration of the Station Road area.
67. North Dorset District Council (GIL21): NDDC welcome the submission version of the GNP and note the significant amount of work which the local community have undertaken in its preparation. As general comments, they say that the maps in the Plan should be clearer: this is something with which I agree. In addition, they say that some policies overlap with the adopted Local Plan, and suggest that I (that is, the examiner) “compare the proposals to the current Proposals Map to be aware of these and determine the potential level and extent of conflict...”. Three examples of Local Plan policies are given - GH21, GH22 and GH23 (which I understand were “saved” from the 2003 version of the plan), but the Council provide no further information about the basis of their concerns. It is, however, important to note that they do not appear to have any reservations about the GNP’s compliance with Basic Condition (e).
68. Planning Practice Guidance dealing with local plans (paragraph 010) says that the local planning authority should avoid undue repetition in policy-making. There is no similar reference to neighbourhood plans. It is therefore beyond my brief (as well as being wholly impracticable) to carry out the kind of comparison exercise suggested by the Council.

69. In the body of their representation, the Council make a considerable number of detailed observations. My response to them is guided by the limited nature of my role as examiner, and are dealt with under the relevant policies: any matters upon which I have chosen not to comment are for the Council and the Gillingham Neighbourhood Plan Group (GNPG) to resolve, if considered appropriate.

### Other representations

70. Agents for Magna Housing Ltd. (GIL17): This company have an interest in land in the vicinity of Queen Street, Gillingham. The site at present consists of a vacant former adult education centre (St Martin's House), a residential care home (The Grange), a vacant bungalow, a derelict stone barn and some undeveloped land.
71. The company are developing plans to redevelop the site for a 59-unit extra-care facility. They support the general aims of the GNP for housing to be provided which meets the changing needs of the community, although they suggest that evidence on the local demand for (for example) independent care units should be collected (as with self-build). This is not framed as an objection, and no recommendation from me is necessary. Specific comments are made about the implications of policy 17; there is an objection to policy 23 / figure 11.4 in relation to area 3 (Shreen Water); a request for greater clarity in figure 13.2; and an objection to the current wording of policy 28. I will return to each of these in my comments under the respective policies below.
72. Agent for Mr Stephen and Miss Penny Joyce. (GIL19): The objectors own an area of land on the north side of Wavering Lane West, to the north-west of the town centre. The background to the objection is said to be that the land at some point had been considered suitable for housing by NDDC (the reference is not explained): clearly, the Local Plan did not take this further, and the land is therefore not allocated for any development (I note, in fact, that it lies beyond the settlement boundary).
73. The agent sees the land as "a natural area of infilling", with many advantages over other land within Gillingham currently proposed for new building. A detailed statement amplifying these points accompanies the objection; however, there is no suggestion that the omission of the land as an area with development potential results in the plan failing to comply with any of the basic conditions, and it is clear to me that such an argument would have no merit. ***I recommend no change to the Plan in response to this objection.***
74. So far as the following representations are concerned, I have not thought it necessary to make any comments in my report, given the nature of the points raised and my role as examiner:
- Mr Christopher Wheelwright (GIL02): considers that there is scope for more housing on land to the east of the town centre
  - Cllr Roger Monksummers (GIL03): suggests that land east of the B3092 should be used for housing and sports fields<sup>6</sup>
  - Mr Terry Flynn (GTF&S Clubhouse Ltd) (GIL04): objects to not having been recognised or consulted during the plan-making process
  - Mr Raymond Pilkington (GIL05): has a concern about traffic lights
  - Mrs Yvonne Phillips (GIL09): suggests the Plan needs to be taken forward by a small committee, and opposes a waste disposal site in Gillingham<sup>7</sup>

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<sup>6</sup> Cllr Monksummers also comments on the designation of a certain area as an "important open gap" – see the relevant policy

<sup>7</sup> According to paragraph 10.14 of the GNP, this is a proposal in the 2016 Draft Bournemouth, Dorset and Poole Waste Plan

- Ms Helena Bryant (GIL10): supports the Plan, but sees the need for public toilets and free drinking water
- Mr Patrick Sweeney (GIL11): advocates the allocation of the Windyridge site for development (see my comments on the Persimmon objection above), and says there is a need for scouts and guides facilities
- Mr Geoff Longcroft (GIL15): supports the plan, but has concerns about parking, traffic and the need for community facilities to keep up with demand
- St Benedict's Catholic Church (GIL22): this representation records an aspiration for a site for a new church and hall to be found in Gillingham, with four possible locations put forward for consideration.<sup>8</sup>

### General observations about the Plan

75. The following comments 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 GNPG have spent considerable time and energy, in full consultation with the local community at large, in identifying the issues and objectives that they wish to include in the Plan, and this entirely reflects the aims of the “localism” agenda;
- the recommendations I make concentrate on the policies themselves, since that is what the basic conditions relate to;
- the Plan properly focuses on land use policies, reflecting Planning Practice Guidance;
- I have addressed the policies in the order that they appear in the submitted plan. I 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***.

76. The Plan document begins with a useful summary of the scope of the GNP, linking the various objectives to the policies themselves. There is then a brief pen-portrait of the Neighbourhood Area; an explanation of the neighbourhood planning process; and the national and local planning frameworks. A key section of the document is the “vision”:

*“Gillingham will become a place which combines the best of town and country living and creates a healthy environment for working people, young families, those in retirement and older people. Future development will consist of well-planned areas which enhance the natural environment and provide imaginatively-designed homes that are affordable for ordinary people, together with job opportunities within easy reach and good access to healthcare. The town will have strong cultural, recreational and shopping facilities at the centre of its communities, together with integrated and accessible transport systems. There will be generous green spaces (gardens, streets and open spaces) which will link to the wider natural environment, and provide opportunities for residents to grow their own food. Local people’s aspirations will be put at the heart of decision-making, and through community ownership of land and a long-term stewardship of assets.”*

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<sup>8</sup> Policy 16 gives general support for new and improved community facilities

77. This ambitious vision for the Parish, which directly addresses the three key components of sustainable development (economic, social and environmental),<sup>9</sup> is then taken forward, first with a brief picture of what the key issues are seen as being for eight identified sub-areas of the Parish, followed by a more in-depth account of each objective under the following headings:
- housing
  - economy
  - retail and town centre uses
  - transport
  - community facilities
  - green and urban spaces, and avoiding flood risk
  - design, climate change and renewable energy
  - heritage.
78. The material under each of these headings includes a helpful, plain-English summary of “What national policy says” and “What the Local Plan says”, with key references as appropriate. The policies themselves are preceded by more specific contextual information and comment; and the concluding sections explain the role of the Neighbourhood Plan in local decision-making, with some comments on implementation, and monitoring and review. Section 15 is a list of useful documents as a reference.
79. The Plan as a whole is set out in a logical manner, with a clear distinction throughout between the policies and the contextual material, which greatly aids understanding. It contains a series of maps and tables, as well as photographs. These all help to make the document user-friendly. However, I have one important reservation, and this relates to the practical utility of several of the maps. It is essential that, where these maps are intended to show the areas within which policies are meant to apply, there is as much clarity as possible – otherwise, there will be unhelpful uncertainty for land-owners, potential developers and local decision-makers.
80. Some of the information contained on the maps in the current version of the Plan is, quite properly, diagrammatic (and, indeed, Fig 5.1, for example, has clearly been prepared on that basis), but in other cases, precise areas of land are involved. As things stand, there is some significant lack of clarity here, **and I recommend that a general review of map bases be undertaken, with the aim of improving their clarity and definition, as well as the way information is displayed. This might suggest the use of larger bases in some cases, and/or a decision to display less information on any one map.**

## The policies

81. I will now turn to an examination of the policies themselves in the light, where relevant, of representations received. It is worth noting here that the Plan does not propose to change the existing defined settlement boundary for planning purposes, nor does it seek to allocate any land for housing or employment above that which is provided for in the adopted Local Plan. Frequent references are made to the strategic area of growth generally known as the southern extension to Gillingham, with the GNP including a number of provisions which are intended to deal positively with the consequences of what will clearly be a substantial expansion of the town. About 1,800 of the current Local Plan target of at least 2,200 houses to be provided over the Plan period within Gillingham are expected to be found within this part of the town, with the bulk of the remainder in the proposed regeneration area of Station Road (GNP policy 8).

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<sup>9</sup> NPPF paragraph 7



82. The only other site referred to is land at Bay (up to 50 houses), for which outline planning permission has been granted. The GNP lists those policies which are intended to inform consideration of the reserved matters application for this land (table 6.1).

### Policy 1: Custom and self-build housing

83. This policy, to which I have already referred in the context of the objections from Persimmon Homes South Coast and CG Fry and Son, simply states that “on larger sites, developers should make provision for custom and self-build housing”. For convenience, I reiterate my recommendation ***that policy 1 be retained, but that it should be re-worded to read: “On larger sites of 20 or more homes, developers should wherever practicable aim to allow for around 5% of plots to be made available for custom and self-build housing. Factors to be taken into account will include prevailing market conditions, demand, viability and the type of housing to be provided, together with any specific site management considerations”.***

### Policy 2: Flexible living accommodation to suit all needs

84. This policy says that where proposals can demonstrate their ability to accommodate the changing needs of occupiers over time, this “should be taken into account as a positive benefit in the assessment of the scheme”. In this, it meets the aims of NPPF paragraphs 50 and 58 and Local Plan policy 7. NDDC say that the policy provides insufficient guidance to the decision-maker, but I consider that the basic intention is clear enough to avoid any real uncertainty, ***and I recommend that no change be made to it.***

### Policy 3: Residential uses in the town centre

85. Policy 3 supports residential uses on the upper levels of town centre buildings, subject to certain criteria; encourages modest workshops or retail spaces linked with living accommodation; and seeks to retain residential uses already there. I am satisfied that this policy meets a number of wider policy objectives seeking more sustainable patterns of development.

### Policy 4: Support improvements in existing employment sites

86. The preamble to this policy explains that the Local Plan contains proposals for expanding Gillingham’s employment base, in particular via an extension of the Brickfields and Kingsmead Business Parks and the mixed-use regeneration of the Station Road area. The GNP takes all these proposals on board, but recognises the potential for conflicts between uses, especially in relation to the Station Road proposal. Policy 4 therefore gives overall support to the upgrading or redevelopment of existing employment land, so long as there is no significant adverse harm to (residential) amenity or pedestrian / cycle activity.

### Policy 5: The loss of employment sites outside of the town centre

87. This policy builds on one element of Local Plan policy 11 in that it seeks to ensure that existing and proposed employment uses are protected (whether in the town centre or not). Both policies would permit changes of use of such sites for a range of social, health-care and educational activities,

together with small-scale or ancillary retail uses. GNP policy 5 adds to this list “transport infrastructure improvements” which the preamble to the policy (paragraph 7.14) describes as being of a kind that would support the local economy. This addition raises no issues in terms of the basic conditions.

88. I have noted, however, that paragraph 7.15 states that “Where an employment site becomes vacant, the site should be actively marketed at a reasonable price for at least twelve months without restriction, to enable alternative employment uses to come forward”. This is clearly intended to be a development management tool governing the approach to be taken to applications which might involve the loss of an existing employment use: ***for this reason I recommend that the requirement be removed from paragraph 7.15 and placed within the body of the policy itself.***
89. Aldi Stores Ltd refer to a document<sup>10</sup> which they say demonstrates that the amount of employment land available in eastern Dorset, including Gillingham, exceeds the (anticipated) demand up to 2033. They refer to paragraph 22 of the NPPF, which says that planning policies should avoid long-term protection of land for employment use where there is no reasonable prospect of a site being used for that purpose; and they are concerned that “maintaining the allocation of the land at Park Farm as an employment site...could restrict the ability for the site to provide local services to support existing and future housing”. They conclude that the GNP should support additional services (beyond what is already envisaged in connection with a new local centre to serve the southern extension), including a discount food store at Park Farm, and that policy 5 needs to be amended to allow for this to happen. The company consider that without this amendment, the GNP would fail to satisfy Basic Condition (d), the need to contribute to the achievement of sustainable development.
90. As it stands at present, the policy would permit the loss of employment sites to “small-scale retail which is ancillary to a B Class Use” (among other categories). This wording mirrors that of Local Plan policy 11. I accept that a free-standing discount food store would appear not to fall within the scope of the exception: nevertheless, I would expect NDDC to determine any application for such a use on its overall merits, including those suggested by Aldi. I recognise that GNP policy 5 would be a material consideration in that respect, but given the terms of s38(6) of the Act, it would not necessarily be determinative. ***I therefore recommend that no change be made to the policy,*** other than that referred to above.

#### **Policy 6: Forestry and tourism / recreation projects**

91. This policy straightforwardly supports proposals to enhance the landscape and low-key recreational use of the countryside. There are no concerns in relation to the basic conditions.

#### **Policy 7: Development within the town centre boundary**

92. Policy 7 supports a range of high-level uses within the defined town centre area (figure 8.1). The policy includes a series of broad aspirations or guidelines, which I have no need to summarise here, all of which are designed to achieve a vibrant and attractive mixed-use area within the town centre, while attempting to minimise any potential conflict between the various activities.

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<sup>10</sup> the Bournemouth, Dorset and Poole Workplace Strategy 2016, (the status of which has not been explained to me)

93. NDDC suggest that there is a lack of clarity in the sentence: “General industrial and storage/warehouses are encouraged to relocate to more suitable employment sites outside of the town centre”, and I have some sympathy with the point: this could be said to be more of an aspiration than a firm policy whose implications would be clear to owners, occupiers and decision-makers. However, in my opinion, existing businesses falling within these categories would not be placed at any particular disadvantage by the retention of the sentence in the body of the policy, and it serves the purpose of giving a fuller picture of the overall approach to the town centre. ***I therefore recommend that no change be made to policy 7.***

#### **Policy 8: Station Road mixed use area**

94. Paragraphs 8.10 and 8.11 of the Plan describe the scope for this part of the town centre to be significantly enhanced through redevelopment and expansion, over time. Policy 8 sets out seven key aims for this regeneration, adding that the intention is for NDDC, the Town Council and major stakeholders (including the local community) to work together on a comprehensive masterplan. Between them, policies 7 and 8 sit firmly with national and local strategies for creating and maintaining sustainable communities (see, for example, NPPF at paragraphs 23 and 70 and Local Plan policies 12 and 17).

#### **Policy 9: Town centre uses outside of the town centre**

95. This policy supports new town centre-type uses within or adjoining three named local centres as well as that planned to serve the southern extension<sup>11</sup>, so long as certain criteria are met. The policy also seeks to resist the loss of existing town centre uses in such locations (NDDC would prefer this to be worded more positively and suggest “the retention of town centre uses.....will be supported”; however, the intention to “resist” is clear, even if the means by which this is to be achieved are not, and ***I see no good reason to alter the wording on that account.***
96. Aldi Stores (GIL20) are concerned that the policy would not “facilitate retail development in a broader range of locations than those identified”, something which they say is needed in order to reflect the anticipated additional housing requirements. The company also refer to a new retail study for North Dorset, prepared jointly with West Dorset and Weymouth & Portland councils and intended to form part of evidence base for the Local Plan review. However, for the same reasons that I have given in response to the “prematurity” argument generally, I do not agree that it would be either necessary or appropriate for me to recommend altering the policy on these grounds. ***I therefore recommend that no change be made to policy 9.***

#### **Policy 10: Station Road transport hub**

#### **Policy 11: Parking provision within and adjoining the town centre area**

#### **Policy 12: The road network and alternative pedestrian and cycle links**

#### **Policy 13: Road designs in new development**

97. It is convenient to take these four policies together, since between them they take forward the approach set out in Local Plan policies 13 and 17 which seek to ensure that improvements are made to the transport infrastructure of the area in order to support its growth and the local economy. This clearly also accords with national and local planning objectives. A further aim is to improve links by all modes both within the town centre and from there to other parts of the town.

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<sup>11</sup> NDDC would prefer this to be termed a “local” rather than a “neighbourhood” centre

98. Policy 10 contains a number of detailed objectives which the proposed integrated redevelopment of the Station Road transport hub should be guided by; policy 11 supports the rationalisation and overall improvement of car parking within and adjoining the town centre; policy 12 advocates a number of specific pedestrian and cycle links, as shown on figure 9.4 and set out in table 9.3; and policy 13 gives guidance designed to ensure that roads serving new development integrate successfully into the existing hierarchy, the approach being to mirror that of Manual for Streets 2, which complements the original “Manual for Streets” (DCLG/DoT) by extending beyond residential streets to include both urban and rural contexts.
99. NDDC call attention to the frequent reference to “alternative” routes in the supporting text to policy 12 (and in the policy itself), and I agree with them that this is potentially confusing. I also agree that the policy title should delete the reference to “the road network”, since its substance is restricted to pedestrian and cycle links. ***I therefore recommend that the word “alternative” in this section (including in policy 12) not be used unless there is a clear need for it in the interests of clarity, and that policy 12 be re-named “Pedestrian and cycle links”.***
100. In addition, a suggestion made on behalf of CG Fry and Son in relation to policy 13 seems to me worthy of support, since it would provide some sensible flexibility in the way the issue of hard surfaces is handled. ***I recommend that the last sentence of policy 13 be re-worded as follows: “Large areas of hard shared surfacing and narrow winding roads with no clear visibility of pedestrian movements should be avoided unless these can be justified on urban design or place-making grounds”.***
101. With these provisos, I am satisfied that, both individually and taken as a whole, these policies support the overall objectives at both national and local level to achieve a sustainable approach to development, and so meet the basic conditions.

#### **Policy 14: New and improved health and social care services**

102. This policy supports improved health and social care facilities in the area, with specific reference to the new local centre which is planned to serve the southern extension.
103. NDDC say that the final sentence of the policy is inconsistent with policy 21(z) of the Local Plan “by introducing inflexibility to delivery methods whilst not recognizing the broad scope of the proposed provision of services”. I have difficulty in understanding the first element of this representation, since no part of the policy deals with options for its implementation. As to the second part, I note that Local Plan policy 21(z) lists a much wider range of facilities in the local centre for which the Master Plan Framework for the southern extension will need to make provision, but I do not share NDDC’s concern that GNP policy 14 as currently worded might be read as conflicting with it, since the policy does not purport to set the framework for the local centre, but instead expands a little on the health and social care elements within it which are seen to be important. The policy is clearly in line with national and local planning objectives and ***I recommend that no change be made to it.***

#### **Policy 15: New and improved education and training facilities**

#### **Policy 16: New and improved community, leisure and cultural venues**

104. The Local Plan includes a number of proposals to increase the range of education and community

facilities in Gillingham in the light of the town's expansion. These two GNP policies add more detail by identifying the preferred locations for them, and they clearly satisfy the basic conditions.

### Policy 17: Safeguarding existing community facilities

105. Policy 17 seeks to retain existing community facilities “wherever possible”. The intention is that their loss would only be supported “if, after involving the local community in assessing potential solutions to retain the facility, it is clear that their retention would be unreasonable on the grounds of viability, or the change has the community's backing.....”. Paragraph 10.15 of the Plan makes it clear that the focus of the policy includes both the educational and social facilities dealt with in the previous policies but also the town's banks, post office, local stores and pubs. Paragraph 10.16 states that the loss of such uses “will be resisted”, adding that clear evidence will be needed about the recent patterns of use of the activity, the catchment population that it has served and any spare capacity of alternative facilities in the area.
106. I consider that there are some difficulties with this policy as framed, in terms of its practical development management implications. Firstly, as NDDC point out, it is not clear whether it relates to the sites shown by symbols in figure 10.3 or to the list set out in paragraph 10.15, or to both of these. Secondly, I also agree with NDDC that it is not clear whether or not the evidence required by paragraph 10.16 would still be required if proposed changes of use had the backing of the community. There is also a lack of clarity about what “the community's backing” actually means in practice – and, indeed, how such an outcome would be determined: by referendum?
107. More generally, I have reservations about the reasonableness of the information requirements set out in paragraph 10.16 (which in any event ought more appropriately to form part of the policy itself, rather than the material which supports it). The extent of the information required, even if it were always possible to obtain it, is such that it would be a considerable burden on an applicant, especially if this were a small business. There is also the question of who would be expected to provide the information – the applicant or the existing business? It would, for example, be unlikely that someone who proposed changing the use of a bank into a restaurant would be in a position to satisfy these requirements.
108. I am entirely sympathetic to the social objectives being pursued here, which are clearly in line with sustainable development principles. Overall, however, I consider that policy 17 in its present form lacks the necessary precision to enable it to be a meaningful development management tool. ***I therefore recommend that it be deleted, along with the references to the information requirements set out in paragraph 10.16. I further recommend that, if it is thought desirable to maintain some reference to the issue in the Plan, it be addressed as a “community aspiration”, in a separate part of the document.***
109. Agents for Magna Housing Ltd are concerned that the GNP might have been drawn up on the basis that St Martins House, in which they have an interest, is an existing community facility, whereas it closed as an adult education centre in 2011. I was able to see this site for myself, and noted that all the buildings on it were vacant.
110. For the avoidance of any doubt, they suggest the reference to it in paragraph 10.7 and figure 10.3<sup>12</sup> be deleted, and ***I recommend that that be done.***

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<sup>12</sup> This is one of the maps that requires greater clarification: it is not clear whether it does, in fact, include reference to St Martins House.

## Policies relating to open spaces (18-23) [Section 11 of the Plan]

111. Before proceeding to comment on these policies individually, it is necessary to make some general observations about section 11. I should emphasise there is nothing in the substance of any of the policies relating to organised sport, equipped play or more informal open spaces which raises concerns about compliance with the basic conditions. However, taken as a whole, I do find them somewhat confusing in places, for a combination of reasons:

- a wide range of terms is used. In some cases, these reflect a genuine difference of character or use of the land (existing and proposed), but in others seem to be simply an alternative wording for the same concept: thus there are references variously to “green infrastructure”, “green spaces”, “accessible natural green spaces”, “informal recreation/amenity spaces”, “areas of important local green space” and “important green space”. This variety of expression is potentially confusing for those who need to understand clearly what the impact of the individual policies is intended to be: greater consistency of the terminology use is required;
- the interrelationship between references in the supporting text, the policies, the tables and the maps (and their keys) is often unclear, a problem that is exacerbated to some extent by the difficulties with the map bases to which I have previously drawn attention. A contributing factor is the order in which the various elements are presented in the Plan – for example, table 11.3 appears to relate directly to the reference in the second sentence of paragraph 11.14 to “the following table....”, but is divorced from it by three pages (and not cross-referenced to it);
- there is some duplication of material (both in the policies and the supporting text), due largely to the inclusion of some over-arching or generic references. This applies in particular to paragraph 11.24 which says that “all the various spaces described above and shown on the various maps.....are essential green infrastructure”, and the related element of policy 23, which seeks to protect “the existing areas of green space as shown in figure 11.4” (although I note there is no such designation shown on that map),<sup>13</sup> and which appears to cover the same ground as elements of policies 18 and 19;
- furthermore, paragraph 11.25 refers to the wish to give certain sites “additional protection” as Local Green Spaces<sup>14</sup>: three such areas are identified in table 11.6, and figure 11.5 shows their rough location, along with three “important open gaps” (set out in table 11.7) and a “visually sensitive area” around Bowridge Hill. There is a need for a more rigorous explanation of the distinctions between the various designations, together with their development management implications;
- figure 11.4 bears the heading “Green spaces”, but this is an inadequate term for what it is trying to show, since it includes both existing facilities to be protected, those where better access is sought, and areas of search for further provision. This makes it difficult to interpret and to relate to the body of the Plan with confidence.

112. ***In addition to the more specific recommendations which follow, I recommend that steps be taken to simplify and clarify Section 11 of the Plan to take into account these observations.***

<sup>13</sup> Close examination suggests that the key uses a pecked line around those symbols depicting additions to the existing green spaces, but this needs to be made explicit.

<sup>14</sup> (reflecting the three criteria for such designations as set out at NPPF paragraph 77).

## Policy 18: Formal outdoor sports provision

113. The supporting text to Local Plan policy 15 (Green Infrastructure), at paragraph 7.138, states that the provision of outdoor sports and play space within North Dorset will be required in line with the Fields in Trust standards. GNP table 11.1 summarises the existing shortfalls in relation to formal sports provision, equipped play areas, informal recreation areas and allotments based on that guidance. Policy 18 aims to rectify the first of these by re-stating the target for overall provision and by seeking to protect existing facilities. The policy builds on the Local Plan by noting that at least 7ha of outdoor sports land will come forward through the southern extension and identifying certain areas of search as the preferred locations for the remainder. These areas are specified in paragraph 11.12 and are shown in figure 11.2: **for clarity, I recommend that, in addition to any broad improvements to this map made as a result of my general recommendation about map bases, paragraph 11.12 and figure 11.2 be cross-referenced by an appropriate numbering.**

## Policy 19: Equipped play areas and informal recreation / amenity space

114. As with the previous policy, the target standards of provision are reiterated, this time for informal play and recreation areas, and allotments. However, those set out in policy 19 are somewhat difficult to understand – the problem probably arising from three different aspects of demand being described in one sentence. **I recommend that the first sentence of policy 19 be re-drafted in order that the appropriate standards are more clearly described.**

115. The policy goes on to require an area of public open space equivalent to at least 30 sq m per dwelling on all housing sites of over 0.4ha, although exceptions to this are set out. Specific additions to the overall resource are expected through the southern extension and the Station Road regeneration scheme, together with areas to be dealt with under policy 21. The policy says that existing equipped play facilities and informal recreation / amenity spaces “will be protected as an important community resource”: I have made the assumption that this significant intention relates to areas of land listed at table 11.3 – **if that is the case, I recommend that the table be given an explanatory title. In addition, the overall relationship between figure 11.4, table 11.3 and paragraph 11.20 (which lists seven main areas where additional public access to green space may be sought) should be made much clearer. This includes the need to differentiate between existing provision and proposed additions or enhancements.**

116. NDDC say that some of the allocations in figure 11.4 overlap with policies from the 2003 version of the Local Plan, and they say that I (that is, the Examiner) “should be aware of the Local Plan allocations in order to determine whether any potential conflicts are likely to arise”. There is no suggestion by the Council of any conflict, significant or otherwise, in this respect, and so I have no reason to conclude that Basic Condition (e) might not be met for this reason. I reach that view irrespective of the practicalities of such an exercise.

## Policy 20: Allotments

117. This policy follows a similar approach to policy 19.

## Policy 21: Accessible natural green space and river corridors

118. Policy 21 supports development which enhances public access to the river corridors, improves their biodiversity and landscape value and includes measures to improve flood management. The first of these objectives relates in particular to seven areas which are listed in paragraph 11.20 and shown on figure 11.4. The seven locations are described on the key as “natural green space,” and given a yellow hatching, although the key does not state that this is intended to signify that the plan intends to enhance public access to these areas. The policy itself says that hatched areas are to be “safeguarded”, which I take to mean “protected from development”. There are some uncertainties here, since there is at least one area hatched green (at Colesbrook) which is not numbered, and the boundaries of the numbered areas themselves are not shown. It is important for users of the Plan to understand clearly the intended status of identified areas of land. ***I recommend that these uncertainties are removed either by changes to the wording of policy 21 or to figure 11.4, or both.***
119. Agents for Magna Housing Ltd object to the inclusion of Shreen Water (area no. 3 named in paragraph 11.20 and shown on figure 11.4), part of which their clients control. They support the broad intention of the Town Council to work with landowners to increase public access (paragraph 11.20), but say that areas such as this cannot be “safeguarded as an important green infrastructure resource for local residents” (policy 21) where no public access currently exists. They say that “policy cannot be used to force landowners to make their land publicly accessible”, and ask for the reference to be deleted and replaced with a more nuanced approach.
120. The agents make similar comments in relation to area no.7 in paragraph 11.20 / figure 11.4, on behalf of CG Fry and Son Ltd. This area is also not accessible to the public at present, but it (and an addition to it) are said to be very broadly contiguous with the open space / recreation strategy outlined in an illustrative plan accompanying an outline planning application for Park Farm. The objectors accept that public access to these broad areas may eventually result, but given the fact that detailed layout plans are currently illustrative, they ask for the same alteration to the policy as is the case for Magna.
121. If I am correct in my assumption that the word “safeguarded” in this policy means “protected from development”, then I see no reason (given my limited role) to remove the reference to area 3 (Shreen Water) from the policy. I do not consider that the policy as worded would have the coercive effect that the objectors envisage, and in any event note that the first part of it, together with the supporting text, effectively recognises that public access to open spaces such as this will need to be a matter of negotiation. This would not preclude, as Magna put it when commenting on policy 23, “(the) opportunity to explore redevelopment opportunities which would contribute to green space adjacent to Shreen Water”. ***I recommend that no change be made to policy 21 in order to reflect these objections.***
122. Natural England ask that any new development related to this policy should be required to secure the management of the areas concerned in perpetuity, but such a recommendation would be beyond my brief.

## Policy 22: New cemetery provision at Stour Meadows

123. This policy is self-explanatory. The location is shown on figure 11.4.



## Policy 23: Protecting important green spaces

124. This is a compendium policy which seeks to:

- protect certain existing areas of green space shown in figure 11.4: any development which might harm their value will not be permitted unless equal or better provision is made elsewhere. (Natural England ask that ecological, as well as recreational, value be taken into account here. This seems a reasonable requirement, given the overall objectives of the policy, and *I recommend that that change be made*);
- safeguard areas of search for new formal sports and informal recreation / amenity space (these are also shown in figure 11.4);
- protect the proposed Local Green Spaces (figure 11.5) from development that would detract from the reasons for their designation;
- prevent any development which would reduce the openness of the important gaps, also shown in figure 11.5; and
- ensure that any development in the area of Bowridge Hill be carefully considered for its visual impact.

125. I have already drawn attention to the need to clarify the relationship between policy 23 and other policies which appear (at least in part) to cover the same ground.

126. Cllr Monksummers considers that there is no “important gap” south of Milton-on-Stour to protect, and therefore that the reference should be deleted. It is not part of my brief to come to judgments on matters such as this, and I therefore make no recommendation about it. For the record, however, I made a point of visiting this area and it did seem to me that there remains a considerable amount of more or less open land which serves to maintain a clear distinction between Milton and Gillingham itself, the broad case for which is set out in the Basic Conditions Statement.

## Policy 24: The pattern and shape of development

### Policy 25: Plots and buildings

### Policy 26: Hard and soft landscaping

127. Between them, these three policies provide clear guidance about the Plan’s expectations of the quality of new development, ensuring in particular that respect is paid to the individual characteristics of the nine “character areas” identified in the Plan. These areas are described in some detail in the preamble to the policies, and I note that they are taken from the Gillingham Town Design Statement, published by the Town Council in 2012. Policy 24 seeks to protect evidence of historic street patterns, and the sensitive transition between town and country; policy 25 provides more detailed guidance about the importance of the physical context of new developments, including the successful integration of parking and recycling facilities etc; and policy 26 emphasises the importance of trees and plot boundaries.

128. These policies all give effect to national objectives (for example at NPPF paragraphs 57, 59 and 60),

as well as Local Plan policies 7 and 24. Natural England recommend that policy 26 should require all soft landscaping to be of native species, and that new developments should incorporate trees into their design within the public realms, in preference to trees within private gardens. These suggestions go beyond what it would be appropriate for me to comment on in my role as Examiner.

### Policy 27: Conservation Enhancement Area

129. This policy simply states that proposals within the Gillingham Town Conservation Area should support heritage enhancements and in so doing to have regard to the Conservation Area Enhancement Plan, a document prepared by a wide range of local interests in response to the conservation area at one stage having been placed on the “At Risk Register” by English Heritage (now Historic England). The objectives of this policy clearly meet national and local planning objectives.
130. NDDC ask that the title of figure 13.1, which depicts the boundary of the Conservation Enhancement Area, should refer to its origins in the Enhancement Plan, and that the Plan itself should be added to the list of “useful documents” set out in section 15 of the Plan. These are sensible suggestions and ***I recommend that they be adopted.***

### Policy 28: Protection of locally important heritage assets

131. The first sentence of Policy 28 reads: “Locally listed buildings and locally important buildings, conservation areas, scheduled monuments and the locally important Wyke Hall are heritage assets of the plan area and must be protected.....”. In broad terms, this is clearly in line with national and local planning guidance and policy; however, I agree with the objection to it raised by agents on behalf of Magna Housing that, as drafted, it does not distinguish between the approaches to be taken with non-designated and designated assets. As they point out, the regimes governing the latter are set out both in Acts of Parliament and in policy and guidance contained in the NPPF and PPG; the approach to be taken to non-designated heritage assets is somewhat different. As Historic England point out in their guidance on the issue<sup>15</sup>, locally-important assets are only capable of being offered “some level of protection”, rather than benefiting from an additional strand of control: being on a local list, such as those set out in the nine character-area boxes on pages 73-75 of the GNP, is restricted to meaning that their conservation as a heritage asset is a material consideration in determining the outcome of planning applications (NPPF paragraph 135), and they would have to be dealt with much more on a case-by-case basis.
132. Magna suggest a re-wording of policy 28. This would, firstly, remove reference to conservation areas and scheduled monuments: this is appropriate, given the title of the policy. The second element of Magna’s proposed alternative stresses the need for an evidence-based approach to the assessment of an asset’s significance, with references to be made to the various strands of national and local policy and guidance. While I accept the point in principle, in my opinion, a simpler re-wording of the policy would suffice, since these other material considerations would need to be taken into account in any event.
133. Paragraph 13.18 of the Plan states that “locally-important non-designated heritage assets have been identified below” (ie on pages 73-75): it would make the Plan easier to interpret were the

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<sup>15</sup> Heritage Protection Guide 2018

listed buildings to be removed from the information shown here and placed elsewhere, if thought desirable, for information. Also, figure 13.2 (“Heritage assets including local listings”), one of the maps whose base is difficult to interpret, purports to show the location of “listed” buildings, but does not differentiate between designated ones and those on the local list. ***I recommend that this be made clearer, and cross-referenced to policy 28 and to the lists of non-designated heritage assets currently shown on pages 73-75.***

134. With these considerations in mind, ***I recommend that policy 28 be re-worded as follows:***

***“Support will be given wherever practicable to the protection and enhancement of the locally-listed buildings and other local heritage assets shown in figure 13.2 and set out in table....(ie the recommended re-working of the information shown on pages 73-75).***

135. I have noted Dorset County Council’s concern about the inclusion of St Martins House in the list of non-designated heritage assets, which they say prejudices the effective redevelopment of the site. It would not be appropriate for me to comment on this assertion (which does not appear to question the heritage value of the building per se), beyond saying that my recommended re-wording of policy 28 would allow all relevant planning arguments to be considered on their merits if and when a development proposal comes forward.

### **Conclusions on the basic conditions**

136. I am satisfied that the Gillingham Neighbourhood 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**

137. I have concluded that, provided that the recommendations set out above are followed, the Gillingham Neighbourhood 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

4 April 2018

## APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	NP reference	Recommendation
38	Fig.5.1	<ul style="list-style-type: none"> <li>clarify area of search</li> </ul>
47 (and 83)	Policy 1	<ul style="list-style-type: none"> <li>re-wording</li> </ul>
58	Figs 9.4 and 9.5	<ul style="list-style-type: none"> <li>resolve apparent discrepancy</li> </ul>
80	general	<ul style="list-style-type: none"> <li>need to review clarity of maps</li> </ul>
88	Policy 5	<ul style="list-style-type: none"> <li>put text from para 7.15 into the policy</li> </ul>
99	Policy 12 etc	<ul style="list-style-type: none"> <li>re-wording and re-naming of policy</li> </ul>
100	Policy 13	<ul style="list-style-type: none"> <li>re-wording</li> </ul>
108	Policy 17	<ul style="list-style-type: none"> <li>delete or re-locate as a "community aspiration"</li> </ul>
110	Para 10.7 and fig 10.3	<ul style="list-style-type: none"> <li>delete references to St Martins House</li> </ul>
111-112	Section 11	<ul style="list-style-type: none"> <li>substantial re-working recommended</li> </ul>
113	Para 11.12 and fig 11.2	<ul style="list-style-type: none"> <li>cross-refer</li> </ul>
114-115	Policy 19 etc	<ul style="list-style-type: none"> <li>reword first sentence</li> <li>clarify relationship between fig 11.4, table 11.3 and para 11.20</li> <li>clarify applicability of the policy within Parish</li> </ul>
118	Policy 21	<ul style="list-style-type: none"> <li>resolve uncertainty between the policy and fig 11.4</li> </ul>
124	Policy 23	<ul style="list-style-type: none"> <li>add reference to ecological value</li> </ul>
130	Policy 27	<ul style="list-style-type: none"> <li>refer to origins of fig 13.1 and add it to list of "useful documents"</li> </ul>
133-134	Policy 28 etc	<ul style="list-style-type: none"> <li>cross-refer to para 13.18, fig 13.2 and pages 73-75</li> </ul>