

Sturminster Newton Neighbourhood Plan

Responses from North Dorset District Council and Sturminster Newton Town Council to Questions from Terrence Kemmann-Lane, Examiner 24 October 2018

To: **The Examiner**

Sturminster Newton Neighbourhood Plan Policies 4, 5 and 39

Based on the matters set out in the box, please find below the responses from North Dorset District Council and Sturminster Newton Town Council to the queries you raise under item 7. For ease of presentation our responses are in blue font at the end of each question.

To: North Dorset District Council and Sturminster Newton Town Council
Copied to Southern Planning Practice on behalf of Hall & Woodhouse Ltd.

Sturminster Newton Neighbourhood Plan Policies 4, 5 and 39

1. As you will have been told, I am in the final stages of writing my report on the examination of the Sturminster Newton Neighbourhood Plan. I am extremely reluctant to raise a question at this late stage but, as I will explain, a recent document causes me to realise that, as I now think, representations have made incorrect policy references.

2. One of the last matters that I am dealing with in writing my report relates to the issues raised with regard to Policy 39 and land adjoining the Bull Tavern.

3. In the recent representations on behalf of Hall and Woodhouse Ltd (HWL), responding to the answers to my question EQ13, that were received by me just before going on my 3 week leave, the issue of revision to the allocations as Important Open or Wooded Area (IOWA) is raised. It is only since return from leave on Monday 8 October that I have been able to fully appraise its arguments. The point being made is that the 2003 Local Plan designation, relating to the land adjoining Bull Tavern as IOWA has been superseded by Policy 5 of the NP 'Other Important Open and Wooded Areas'. In fact I believe this reference to be wrong, as I will explain, but that is one of the matters that I wish to clarify.

4. In fact I believe that it is Policy 4 of the NP 'Local Green Spaces' that is intended to replace IOWA in the NP area. This can be seen in paragraph 4.2.13, referring to 'Local Green Spaces', where it is stated "The most valued spaces have been designated as Local Green Spaces and effectively replace the Important Open and Wooded Area policy areas....". I believe that it is this policy that the HWL representation should refer to. Any confusion is no doubt, in part at least, because of the similarity of title of Policy 5 'Other Important Open and Wooded Areas'.

5. This misunderstanding appears to have been shared by North Dorset District Council (NDDC) in its representation about Policy 5 that was the subject of its representation with the reference 'PDF page 31, Plan page 24, Policy 5', where it drew attention to the similarity of title with IOWA, and sought a small change in title to avoid confusion. I did not raise a question about this because I took it at face value and assumed that I was simply dealing with a policy name that might cause confusion (perhaps it has) and that a simple change would rectify the matter.

6. In its representation, HWL rely on Policy 4 (even though seeking to argue wrongly through Policy 5), and also point to the fact that NDDC raised no objection to the superseding of IOWA. The other point to which I wish to draw attention from this representation can be briefly put as follows: *A 'Landscape and Visual Appraisal' was commissioned (March 2017) and submitted at regulation 16 stage. It was also submitted as part of a planning application: whilst it is accepted that the planning application is entirely separate from the NP, it is noteworthy that the NDDC officer endorsed this document as a robust review of the IOWA designations and found no reason to object to its conclusions, or the NP's conclusions (within Policy 4). It also made the point that Historic England was consulted at the early draft stage of the NP and made no comment on this policy allocation, but did comment on the NP as a whole as "A most impressive document in its depth and scope ... that draws extensively on an understanding of the historic character of the area"; and "this is the best of its kind that we have seen in the south west".*

7. Based on the above, I wish to have answers to the following:

- i) Am I right in my understanding of Policy 4, about which I have no representations, that it supersedes IOWA in the SNNP area?

TOWN COUNCIL RESPONSE: Sturminster Newton Town Council (SNTC) confirms that the intention of Policy 4 (Local Green Spaces) in the submission version of the Sturminster Newton Neighbourhood Plan 2016-2031 is for it to supersede Important Open or Wooded Areas (IOWAs), as set out in the North Dorset Local Plan (2003)s. IOWAs and other open areas were assessed against the criteria in the National Planning Policy Framework (NPPF) relating to Local Green Spaces (LGSs) and the most valued spaces designated as LGS, and, as outlined in paragraph 4.2.13 of the neighbourhood plan, effectively replace the IOWA policy areas that were carried forward from the previous Local Plan.

SNTC advises that the NP team assessed the land adjacent to the Bull Tavern, and its importance as an open space, when they carried out the assessment of each proposed housing site. The outcome of this assessment was then considered in the public consultation events in November 2015 and February 2016.

DISTRICT COUNCIL RESPONSE: North Dorset District Council (NDDC) considers that, in terms of Policy 4 superseding the IOWA designation in the plan area, a neighbourhood plan policy cannot delete a local plan policy. Land that is already designated as an IOWA in the neighbourhood plan area will retain such a designation

until the point at which the designation is possibly deleted or replaced as part of the North Dorset Local Plan Review process.

In any event NDDC considers it should be noted that although the evidence base document reference 13C.1, Local Character Summary Report (January 2017), states that all previously designated open/wooded areas were assessed, the evidence¹ submitted alongside the neighbourhood plan indicates this not to be the case with IOWAs comprising private gardens excluded. The land adjacent to the Bull Tavern, the subject of the proposed allocation Policy 39 was also not included in the assessment.

Paragraph 185 of the NPPF (2012), against which this neighbourhood plan is being examined, sets out, amongst other things, that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Paragraph 30 of the NPPF (2018) makes the same point.

NDDC therefore accepts that Policy 4 in the neighbourhood plan would take precedence over the relevant local plan policy, however this would only be in respect of those IOWAs that have been assessed by SNTC and identified as Local Green Space.

- ii) How does NDDC wish me to view its representation regarding Policy 5? In this regard it does seem to me that there is too close an association in terms of its submission title that may confuse it with IOWA.

DISTRICT COUNCIL RESPONSE: NDDC confirms that the Examiner was correct in his initial assumption that its representation reference 'PDF page 31, Plan page 24, Policy 5' was simply highlighting the need for a change to policy name to avoid confusion with the local plan designation title IOWA. In that representation, NDDC suggested that 'Sturminster Newton' could be added to the neighbourhood plan Policy 5 title. Bearing in mind, however, that, as outlined previously, the neighbourhood plan has not assessed all existing IOWAs at Sturminster Newton and as such neighbourhood plan Policy 4 'Local Green Space' does not take precedence in their respect, NDDC considers that a policy title 'Other Green Spaces' might be more appropriate for Policy 5.

- iii) Please will NDDC confirm that it has no objection to Policy 4?

DISTRICT COUNCIL RESPONSE: NDDC confirms that it has no objection to Policy 4. However it is of note that the land adjacent to the Bull Tavern has not been assessed in terms of LGS criteria.

- iv) Saved Policy 1.9 states "Important Open or Wooded Areas - Designated Important Open or Wooded Areas will be protected from development." SNNP Policy 4 is titled Local Green Spaces (a policy title that carries a presumption similar to Green Belt). It is not titled as Saved Policy 1.9 and therefore can it

¹ See PDFs titled '3.Open Spaces' and 'Open Spaces Assessment Final' in folder reference 5.9.1 'Images of boards x 29'

over-ride that designation and remove an area from the grip of saved Policy 1.9?

DISTRICT COUNCIL RESPONSE: Please see NDDC's comments above in respect of (i). NDDC considers that Local Plan Saved Policy 1.9 remains part of the development plan until deleted or replaced as part of the Local Plan Review process. Consequently, Policy Saved Policy 1.9 would continue to apply to each of those IOWAs that have been designated as LGS by Policy 4 in the neighbourhood plan. In respect of the land designated by Policy 39, Policy 4 would not, in any event, take precedence over the IOWA designation because it has not been assessed under LGS criteria.

v) Have other Neighbourhood Plans in the District reviewed IOWAs, and if so by what designation?

DISTRICT COUNCIL RESPONSE: Yes. NDDC advises that other neighbourhood plans in North Dorset, including plans that have been 'made' (adopted), have considered whether IOWAs should be designated as Local Green Spaces. A number of IOWAs have been designated as Local Green Spaces in other neighbourhood plans.

vi) Please will NDDC clarify its attitude to the development covered by Policy 39 in the light of its development management officer's reported endorsement: *this document* (the 'Landscape and Visual Appraisal' that was commissioned (March 2017) and submitted at regulation 16 stage) *is a robust review of the IOWA designations and (she/he) found no reason to object to the conclusions in either document*, (the Landscape and Visual Appraisal and the SNNP Local Green Space Policy)?

DISTRICT COUNCIL RESPONSE: NDDC is aware of the landscape comments made by the Specialist Services Manager, referred to by Hall & Woodhouse Ltd, in respect of the current application (2/2017/1912/OUT) relating to the land adjacent to the Bull Tavern. However NDDC wishes to reiterate that the main harm resulting from development arising from the proposed allocation would be on heritage assets including the Sturminster Newton Conservation Area. NDDC's previous comments, in terms of its response to the submission version of the neighbourhood plan and its response to the Examiner's question EQ13, provide detail regarding its concerns, outlining the contribution that the land adjacent to the Bull Tavern as an open space contributes to the character of the conservation area. Historic England shares these concerns regarding the harm to heritage assets. The reasons for refusal, set out in a recent officer report for consideration by NDDC's Planning Committee², set out these concerns in terms of heritage assets.

As a consequence of these concerns NDDC considers that Policy 39 in the plan fails to meet basic conditions relating to the production of a neighbourhood plan including: (i) the need for a plan to have regard to national policy and advice issued by the Secretary of State; and (ii) the need for the plan to be in general conformity with the strategic policies in the development plan for the local area.

² For information, at a meeting of NDDC's Planning Committee on the 11 September 2018, the decision was taken to defer the application (2/2017/1912/OUT) relating to land adjoining the Bull Tavern until receipt of the Examiner's Report in respect of the neighbourhood plan.

- vii) Any Party to which this document is sent may also let me have any other relevant comment or analysis regarding the questions that I raise.

DISTRICT COUNCIL ADDITIONAL COMMENTS: NDDC notes that the Examiner's introductory paragraph 6 to EQ18 includes H&W's reference to the response received from Historic England (HE) at the pre-submission draft stage (Reg 14). NDDC considers that it is important that HE's comments are put into context. As indicated in paragraph 6, HE's comments related to the draft plan as a whole. However, as confirmed in the HE response to the submission plan, the need was also highlighted for the evaluation of potential allocation sites to demonstrate that appropriate account had been taken into account of the significance of, and potential for impact upon, relevant heritage assets.

NDDC would like it to be noted that it is clear from the landscape comments made in respect of planning application 2/2017/1912/OUT that it had been assumed that the land adjacent to the Bull Tavern had been reviewed by SNTC as part of the assessment of potential sites for LGS designation, however as previously referred to this IOWA was not included.