

**For office use only**

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## North Dorset Local Plan Part 1

### Pre-submission Consultation 29 November 2013 to 24 January 2014

Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012)

## Response Form

**For each representation you wish to make a separate response form will need to be completed.**

This is a formal consultation on the legal compliance and soundness of the Local Plan before it is submitted to the Secretary of State for examination by an Inspector. For advice on how to respond to the consultation and fill in this form please see the 'Guidance Notes for Making Representations' that can be found on the Council's website at [www.dorsetforyou.com/planning/north-dorset/planning-policy](http://www.dorsetforyou.com/planning/north-dorset/planning-policy)

**Please return completed forms to:**

Email: [planningpolicy@north-dorset.gov.uk](mailto:planningpolicy@north-dorset.gov.uk)

Post: Planning Policy, North Dorset District Council, Nordon, Salisbury Road, Blandford Forum, Dorset DT11 7LL

Alternatively you can submit your comments online at: [www.surveymonkey.com/s/NorthDorsetLocalPlan](http://www.surveymonkey.com/s/NorthDorsetLocalPlan)

**Deadline: 5pm on 24 January 2014. Representations received after this time may not be accepted.**

### Part A – Personal details

This part of the form must be completed by all people making representations as **anonymous comments cannot be accepted**. Representations cannot be treated in confidence as Regulation 22 of the Town and County Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. By submitting this response form on the pre-submission North Dorset Local Plan Part 1 you consent to your information being disclosed to third parties for this purpose, but signatures, private telephone numbers and e-mail addresses or private addresses will not be visible on our web site, although they will be shown on paper copies that will be sent to the Inspector and available for inspection.

\*If an agent is appointed, please complete only the Title, Name and Organisation boxes to the personal details but complete the full contact details of the agent. All correspondence will be sent to the agent.

Personal Details (if applicable)*	Agent's Details (if applicable)*
Title	Mr
First Name	Rohan
Last Name	Torkildsen
Job Title( <i>where relevant</i> )	Historic Environment Planning Adviser
Organisation ( <i>where relevant</i> )	English Heritage
Address	29 Queen Square Bristol
Postcode	BS1 4ND
Tel. No.	0117 975 0679
Email Address	<a href="mailto:rohan.torkildsen@english-heritage.org.uk">rohan.torkildsen@english-heritage.org.uk</a>

## Part B – Representation

The North Dorset Local Plan 2011 to 2026 Part 1 and its supporting documents have been published in order for representations to be made prior to submission to the Secretary of State for examination. The purpose of the examination is to consider whether the Local Plan complies with the **legal requirements** and is **'sound'**.

If you are seeking to make a representation on the **way** in which documents have been prepared it is likely that your comments or objections will relate to a matter of **legal compliance**.

If you are seeking to make representations on the **content** of the documents it is likely that your comments or objections relate to the **soundness** of the plans and whether it is justified, effective or consistent with national policy.

Further information on the matter of legal compliance and the issue of soundness can be found in the 'Guidance Notes for Making Representations'.

If you need help completing the response form please see a member of the Planning Policy Team at one of the consultation exhibitions or call 01258 484201.

### 1. Please select which document you are commenting on:

- North Dorset Local Plan 2011 to 2026 Part 1 (please complete Questions 2 to 9)
- Final Sustainability Appraisal Report (please complete Questions 2 and 10)
- Habitats Regulations Assessment (please complete Questions 2 and 10)

### 2. Please state the part of that document you are commenting on:

Paragraph number:	Policy/site: Policy 5, 6, 16, 21	Policies map:
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### 3. Do you consider the Local Plan to be legally compliant and prepared in accordance with the Duty to Cooperate, legal and procedural requirements?

- Yes                       No

### 4. Do you consider the Local Plan to be 'sound'?

- Yes                       No

### 5. If you consider the Local Plan to be unsound please specify your reason(s) by ticking the box(es) that apply below

- It has not been positively prepared
- It is not justified
- It is not effective
- It is not consistent with national policy

**6. Please give specific details of why you consider the Local Plan has not been prepared in accordance with the Duty to Co-operate, legal or procedural requirement or why you consider the plan to be unsound.** Alternatively, if you wish to support any aspects of the plan please also use this box to set out your comments.

Policy 5: The Historic Environment

English Heritage support the clear and comprehensive commitment to the conservation of North Dorset's historic environment reflected in Policy 5 and its associated positive strategy.

Policy 6: Housing Distribution

It should be recognised however that the NPPF requires a Local Plan, as a whole, to set out a positive strategy for the conservation and enjoyment of the historic environment. This means ensuring that proposed allocations will assist in delivering such a strategy and not contradict it.

I note at paragraph 5.18/page 85 that the distribution of future housing has been informed by the need to protect and enhance the environment and in particular recognition of environmental constraints. This is a reassuring statement which appears to respond to the NPPFs policies for

**7. What change(s) do you consider are necessary to ensure that the Local Plan is legally compliant and sound?** It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To avoid unnecessary duplication it would be preferable for the local authority to consider the above statement to inform an appropriate response.

**8. If your representation is seeking a change, do you consider it necessary to participate in the oral part of the examination?**

No, I do not wish to participate in the oral examination

Yes, I would like to participate in the oral examination

9. If you wish to participate in the oral part of the examination please outline why you consider that to be necessary. Please note that the Inspector determines who is heard at the examination.

Participation would depend on how further dialogue with the local authority may be successful in resolving the above concerns.

10. Please outline your comments on the Final Sustainability Appraisal Report or Habitats Regulations Assessment. Comments are not confined to 'soundness' issues, but respondents can express their opinions on the above documents and use it as a reference point on the 'soundness' of the Local Plan.

11. Do you wish to be notified of any of the following? Please tick all that apply. We will contact you using the details you have given above.

- That the Local Plan Part 1 has been submitted for independent examination
- The publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan Part 1
- The adoption of the Local Plan Part 1.

Signature: \_\_\_\_\_

Date: 24/01/2014

If submitting the form electronically, no signature is required.

**Submit Form**

This button should attach your form to a pre-addressed email, if it does not, please save the form and send it to [planningpolicy@north-dorset.gov.uk](mailto:planningpolicy@north-dorset.gov.uk)

## **Full text from fields (6) where some text is hidden from view in the pdf**

### Policy 5: The Historic Environment

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I note at paragraph 5.18/page 85 that the distribution of future housing has been informed by the need to protect and enhance the environment and in particular recognition of environmental constraints. This is a reassuring statement which appears to respond to the NPPF's policies for the historic environment.

Nevertheless it is not clear whether this is the case in practice. It is not apparent what evidence and assessment process has been employed relating to the need to conserve the significance of the historic environment and consequently the rationale for the housing distribution in Policy 6 has to be questioned, particularly the 960 housing figure for Blandford.

### Policy 16 Blandford – Crown Meadows

It is a concern that paragraph 8.11/page 184 states that the key spatial aspects of the towns sustainable development strategy include "accommodating growth within environmental constraints notably two AONBs; the flood plain of the River Stour; and the towns by pass."

There is no reference here to an equal consideration of Blandford as one of the finest Georgian towns in the country and the contribution of its setting to that significance; a critical matter emphasised in statute and national policy.

There appears a primary emphasis on the protection of the AONBs. The conservation of AONBs is no more important than the conservation of designated heritage assets and their settings. Can the local authority demonstrate that equal weight has been applied to both in the site selection process?

Paragraph 8.24 states that the preferred locations for development have been made on the basis of relative accessibility (centrally located) and landscape impact. No reference is made to the equal importance of the impact on designated heritage assets, as required by the NPPF.

The Market Towns: Site Selection Background Paper is referred to as providing the greater detailed explanation to which, I in turn, refer.

At page 6 the relevant national policy considerations are set out. No reference is made to the relevance of considering the protection of the historic environment in the delivery of sustainable development, a core principle in the NPPF. Paragraph 3.14 reinforces the predisposition of focussing on landscape and accessibility matters.

The selection of sites for development needs to be informed by the evidence base ensuring the Plan avoids allocating those sites which are likely to result in harm to the significance of the heritage assets of the Plan area. Where adverse impacts are unavoidable, the Plan should consider how that harm might be reduced and any residual harm mitigated. This could include measures such as a reduction of the quantum of development at a site, amending the types of development proposed, or locating the development within another part of the site allocation. Such initiatives need to be fully justified and evidenced to ensure that such measures are successful in reducing identified harm. Whilst such a reduction and mitigation appears to be proposed the justification and evidence to explain the rationale for this is not provided.

At paragraph 5.18 the Market Town Study states that should development be “limited” to the urban fringe the impact on the Crown Meadows would also be “limited”. However, there is no evidence or justification associated with this important statement in the Market Towns Study, the Local Plan, or Sustainability Appraisal.

There is no indication as to how the development site contributes to the historic significance of Crown Meadow and other heritage assets and how that significance will be affected (the degree of harm) by the quantum of 150 homes and form of development.

What does limited mean in terms of the harm that would be caused to the significance of affected heritage assets - the terms used in the NPPF and Policy 5 of the Local Plan.

The relevant tests for assessing harm are in section 12 of the NPPF (paragraphs 132- 134) and the industry standard assessment methodology is provided by The Setting of Heritage Assets (English Heritage 2011). These appear not to have been applied.

Reference is made at paragraph 5.37 to Crown Estates (Crown Meadows owner) heritage study. Unfortunately this does not form part of the Local Plan’s evidence base and is not in the public domain.

Reference is made at paragraph 5.40 to the Extensive Urban Survey of Blandford but again the Market Towns Study fails to set out the relevance of this evidence; what it says about the significance of the Crown Meadows, and when applied what this evidence says about the impact of the proposed allocation on that significance?

Likewise the Conservation Area Character Appraisal is not referred to as a key source of evidence to inform the principle of development.

Understandably the Landscape Impact Assessment (8 July 2010) of the potential housing sites does not provide a thorough technical historic environment assessment. Nevertheless it establishes that the Crown Meadows site has a ‘high value’ due to its Conservation Area designation and contribution to the historic context and setting of the town. It recommends development is limited to a small area adjacent the built up area (within a dashed blue line). This small area does not however appear to have the capacity to accommodate 150 new homes. Therefore one presumes that development is more extensive than recommended in the Landscape Impact Assessment potentially causing substantial harm to the significance of affected heritage assets.

Whilst paragraph 5.47 of the Market Towns Paper provides the assurance that “the historic environment will be protected and enhanced and development accommodated within environmental constraints” there is no justification or explanation why this is the case and how that conclusion has been reached.

In view of the above it appears that the Local Plan is UNSOUND because it is not based on adequate, up-to-date and relevant evidence about the historic environment ; does not identify the land where development would be inappropriate because of its historic significance ; and as a consequence fails to provide a positive and clear strategy for the conservation, enhancement, improvements and enjoyment of the historic environment .

Finally, on a separate matter, is the local authority able to clarify what technical historic environment evidence has been gathered and applied to inform the appropriate location of development within the setting of the Kings Court Place Scheduled Monument adjacent to the Gillingham Southern Extension (Policy 21)? See above for the relevance and justification for such an enquiry.