

NORTH DORSET LOCAL PLAN PART 1
EXAMINATION

CONSULTEE ID – 2961 & 3085

REPRESENTATIONS TO MID-HEARING
EXPLANATORY NOTES

ISSUE 4: MEETING HOUSING NEEDS, INCLUDING
AFFORDABLE HOUSING

MAY 2015



CONSULTEE ID – 2961 & 3085

ISSUE 4: HOUSING NEEDS

Document References MHD003, MHD008, MHD009 and MHD010

MHD003 – Housing trajectory; and MHD008 – Note: Considering the additional contribution care homes can make to housing supply and showing changes to the housing trajectory

The provision of a detailed trajectory is welcomed in order to better understand the summary provided in LP1 (Table 4.1). From a review of the trajectory and the supporting note MHD008, we have significant concerns regarding the deliverability of sites and the lack of rigor in the Council's five year housing land supply. Specifically, we wish to comment as follows:

In relation to care homes, paragraph 3.3 states such sites "*will be added to the housing supply when they have had pre-application discussions or when a site has planning permission*". Sites should only be considered to contribute to the housing land supply for the district once planning permission has been granted (or if specifically allocated for development), as set out in planning practice guidance (ref. 3-031-20140306). Sites which have been subject to pre-application discussions should not automatically be considered in the five year housing supply.

Paragraph 3.5 states that following the hearing sessions and discussions with Dorset County Council, a new care home facility is being proposed in Gillingham. The facility is expected to provide 50 units and has been included in the housing trajectory in years 2017/18 and 2018/19 – i.e. the five year supply.

Planning practice guidance (ref. 3-031-20140306) is clear that local planning authorities need to provide robust, up to date evidence to support the deliverability of sites, to ensure that their judgements on deliverability are clearly and transparently set out. No information has been provided for this site in accordance with this guidance, including its origin, whether there is funding available and a potential operator in place.

As only "*recent discussions*" have been held in relation to the site, its inclusion in the trajectory within the first five years of the plan is considered entirely unrealistic and fails to take account of time required for site acquisition and securing planning permission. This site should not be included within the first five years of the trajectory.

Paragraph 4.8 refers to the Brewery Site in Blandford, and confirms that dwelling completions are likely to be delayed until 2018/19. This

demonstrates that the Council has not effectively considered the lead in time required to commence development on site and build out rates, and further reiterates that their five year housing supply is not robust.

In the revised housing trajectory shown at section 5, a number of units are shown to be delivered in 2015/16 on sites within the Gillingham Southern Extension. Again, this is considered unrealistic and does not appear to correspond with the detailed trajectory (MHD003) which includes first delivery at Lodden Lakes in 2017/18.

It is notable that the trajectory (MHD003) appears to have disregarded the comments made by the South Gillingham Consortium in their Hearing Statement which set out their anticipated delivery rates across the plan period. From 2018, the suggested delivery levels of 100-120 dpa on four sites across the area, with four separate house builders providing 25-30dpa each. The trajectory (MHD003) suggests a delivery of circa 140 dwellings per year from the years 2020/21 to 2026/27. With only a small number of developers involved, together with other infrastructure constraints, this is very unlikely to be deliverable.

As set out in our previous representations, we have seen no evidence of an equalisation agreement between the various landowners involved in the southern extension and without which it cannot be expected that the southern extension will be delivered promptly. Even if the plan period is extended, we do not believe a single strategic site will deliver housing at the rate required to meet the stated need to 2031.

Due to the intention to not allocate other sites and the reliance on land within the settlement boundary to deliver the remaining homes, there is no suitable fall-back position should the southern extension not deliver the required number of homes. Our view remains that a better informed view is required and that a more realistic approach would be to continue to support the southern extension for longer term growth at Gillingham, but at a more realistic rate, whilst allocating other suitable sites around the boundaries of the town to meet shorter term housing needs.

In general, the proposed level of delivery in the years 2016/17 to 2020/21 is overly optimistic and is not an accurate reflection of likely annual delivery rates. For example in Shaftesbury, land adjacent to Wincombe Business Park is shown to provide 50 dpa between 2017/18 and 2019/20 and land off Littledown is proposed to deliver 60 dwellings in 2018/19 and 2019/20. It is plain that this level of delivery is unrealistic on sites which are likely to involve a single developer.

MHD009 - Note on: The delivery of affordable housing

At the Examination Hearings, concern was expressed in relation to the level of affordable housing proposed in LP1, and clarification was sought from the Council as to how they had considered opportunities to deliver affordable housing in accordance with the Framework and planning practice guidance.

The note provided does not offer additional information to justify the Council's approach to the delivery of affordable housing. Rather, the Council has reiterated points made previously to justify their existing position. We therefore remain of the view that the Council has failed to place sufficient weight on meeting identified affordable housing needs.

In the Schedule of Further Proposed Changes (March 2015), the Council has suggested a reduction in the proposed number of affordable dwellings to be delivered (from 1,480 to 1,150 units across the period 2011 – 2026). MHD009 refers to the earlier figure of 1,480 affordable dwellings to be delivered across the period to 2026 (paragraph 3.5). Whilst it is therefore not made clear by the Council, we assume that the reference to 1,480 dwellings reflects the proposed extension to the plan period to 2031 as a proportion of the proposed revised housing requirement of 5,700 across this period (as set out in paragraph 3.3 of MHD006).

The Council have failed to correlate their identified need with their projections of assessed need, since the annual identified need for additional affordable housing per annum (387 dpa) exceeds the total level of housing proposed (285 dpa). This is curious, and has still not been appropriately justified by the Council.

Paragraph 3.2 of MHD009 states that the 2012 SHMA Update (MHN004) highlights the important role of the private rental sector in meeting affordable housing need, and that *"if attempts were made to provide all of the 387 affordable dwellings required per annum, there would be significant problems with the wider housing market as significant numbers of existing private tenants move to affordable housing"*. The Council should make it clear that the SHMA refers to benefit supported lettings within the private rental sector (paragraph 5.3). It is not clear why the Council consider that the private rental sector plays such an important role and that potentially freeing up some of these units would create 'significant problems' in the wider housing market.

It is notable that paragraph 5.9 of the 2012 SHMA recognises that the private rental sector is not the solution to the clear need and affordability problem in the District and that generally the private rental sector *"does not provide the same level of security of affordable housing whilst the physical condition of properties in this sector is worse"*. This reaffirms that this sector should not be relied on as a way of meeting affordable housing needs.

Paragraph 3.5 of the note recognises that the four main towns are the largest centres of population and are therefore likely to be the locations where the greatest affordable housing need will arise. Identifying additional sites at these towns will therefore help to meet affordable housing need.

Paragraph 3.6 provides some limited commentary regarding the approach to the delivery of housing in rural areas, through exception sites, neighbourhood plans or via the 'opt in' to LP2. The paragraph states that this "*may include affordable housing to meet need or to deliver community aspirations*". This does not constitute a robust approach to the delivery of affordable homes in the rural area. Paragraph 54 of the Framework is clear that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites. The Council's plainly are not taking a positive approach to delivery of affordable housing and have not clearly identified and sought to meet rural affordable housing needs in accordance paragraph 54 of the Framework.

Planning practice guidance (ref. 2a-029-20140306) states that:

"an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes".

Paragraph 3.7 of MHD009 appears to make reference to this guidance, but states that "*the latest research carried out for the Council concludes that it is clear that an increase in overall provision is not the solution to meeting affordable needs in the District*". The Council are not transparent in what this 'latest research' is, and provide no further explanation as to why an increase in overall housing provision should not be considered in order to help meet identified affordable housing need.

As recognised in the above referenced section of the guidance, the total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable developments, given the probable percentage of affordable housing to be delivered by market housing led developments.

It is therefore not considered that LP1 is sufficiently robust and does not comply with national policy and guidance. As set out in our Hearing Statement (Issue 4), it appears plain at the new homes delivery level proposed (285 dpa), affordable needs will rise not reduce, as annual need outstrips supply – 'flying in the face' of positive planning and Government policy.

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REPRESENTATIONS TO MID-HEARING
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ISSUE 1: DUTY TO CO-OPERATE, LEGAL
REQUIREMENTS AND THE COUNCIL'S BROAD
STRATEGY

MAY 2015



CONSULTEE ID – 2961 & 3085

ISSUE 1: DUTY TO CO-OPERATE, LEGAL REQUIREMENTS AND THE COUNCIL'S BROAD STRATEGY

Document references MHD006, MHD007 and MHD007a

Whilst we welcome the provision of further information, and suggested amendments by the Council, to address concerns expressed at the Examination Hearings, we continue to have concerns relating to the Council's overall plan approach.

In its current form, LP1 lacks the certainty required to ensure that the full, objectively assessed housing need will be delivered and it is considered that proceeding on the current basis would be ineffective.

We wish to comment on the individual documents as follows:

MHD006 – Note on: Extending the plan period, the need for early review of the LP1 and the relationship of LP1 with LP2

We support the Inspector's suggestion and Council's acceptance, that the plan period should be extended. As was discussed at the Hearing session, 2031 seems an appropriate end date for the plan, and would represent a 15 year time horizon (looking forward from the current time, assuming adoption in 2016) consistent with paragraph 157 of the Framework.

Section 3 - Housing Provision to 2031

We also support the recognition (paragraph 2.4) that LP1 should make provision for additional development over any extended period.

We have provided specific comments regarding the housing trajectory (MHD003) in our separate representations for Issue 4. However of relevance to MHD006:

Reference is made at paragraph 3.6, to the inclusion of greenfield sites proposed as 'broad locations for growth' within the trajectory. As was discussed at the Hearing session, it is considered that the 'broad locations' identified by the Council should be considered as site allocations (as referred to in paragraph 6.5). It is still unclear why the Council is not referring to the sites as allocations in LP1, yet they are relying on them as contributing to their five year housing land supply. Planning practice guidance is clear (ref. 3-031-20140306) that 'deliverable sites' include those *allocated* for housing in the development plan and those with planning permission. It does not refer to the inclusion of 'broad locations' which are included in the definition of 'developable sites', which can be

included in years 6-10 and where possible years 11-15 (ref. 3-032-20140306).

Paragraph 3.8 refers to the 'assumed capacity' of broad locations for growth, and the Council goes on to suggest adjustments to the assumed capacity of two of the identified locations in Blandford St Mary and Sturminster Newton. This highlights the current lack of certainty in relation to the quantum of development capable of being delivered at these sites and the potential risk that the full objectively assessed need for growth will not be met.

We maintain that in order for the plan to be found sound, consideration should be given to including additional site allocations, in order to provide greater certainty and clarity on the delivery of development.

Paragraph 3.7 makes reference to the level of development proposed to be delivered as part of the Gillingham Southern Extension. As set out in our separate representations to Issue 4, the projected level of delivery is considered overly ambitious and unrealistic and reiterates the need for other sites to be brought forward to meet shorter term housing needs.

Section 5 - The Need for an Early Review of LP1

It is noted that the Council acknowledge that an early review of the LP1 will be required, to take account of the new SHMA being prepared for the Bournemouth, Poole and Purbeck HMA (paragraphs 5.5 and 5.14).

The Council has provided no further clarity with regards to the future timetable for the preparation of the SHMA, aside from confirmation that the methodology and detailed tables for modelling were made available in March 2015.

As was discussed by participants at the Hearing, it is likely to be difficult for the Council to deal with review issues when they are proposing a two plan approach, with LP2 effectively a site allocations document in accordance with the strategy set in LP1. Further comments are provided on this matter in relation to Section 6 below.

Paragraph 5.2 of the note states:

"putting LP1 in place will enable broad locations for growth to be brought forward for development in accordance with an adopted development plan. This will give certainty to developers...to ensure that the (revised) housing trajectory in LP1 will be delivered"

Further commentary is provided by the Council at paragraph 6.5 where it is suggested that the LP1 is amended to refer to the use of settlement boundaries for development management policies alongside the proposals for housing and employment set out in the policies in the Plan. There is embedded conflict in this approach and the suggested wording is vague.

As such, it would not provide sufficient certainty for applicants and the local community in bringing sites forward through planning applications (in advance of their allocation in LP2). It is considered that the Council should look to formally amend settlement boundaries at the main towns (to include additional sites) and should not look to defer the allocation of sites until LP2. It also places the council at risk of 'opportunistic' development proposals which may not be sustainable.

Paragraph 5.7 notes that any future consideration of the new SHMA, consideration will need to be given by all local authorities in relation to the sustainable distribution of growth, taking full consideration of constraints including AONB. This approach should have been taken in the formulating the Council's strategy in LP1. However, we have significant concerns in relation to the consideration of the AONB (as set out in our separate representations on Issue 9 – Shaftesbury).

6. The relationship between the Local Plan Part 1 and Part 2

The Council remains committed to progress with a two part plan, however they have failed to provide clear justification for this approach in accordance with planning practice guidance (ref. 12-012-20140306).

Paragraphs 6.3 and 6.4 suggest that this approach will enable flexibility, in enabling choice to local communities through the preparation of neighbourhood plans and in defining sites through LP2. However, it is considered that the deferral of identifying sites through a separate document risks the prospect of meeting the full objectively assessed housing need and the ability to maintain a deliverable five year supply.

Paragraphs 6.9 and 6.10 provide an indication as to how the Council might look to review LP1 to consider the new SHMA. As mentioned above, in a two part plan approach, such a review of the overall strategy is likely to prove challenging and potentially unwieldy and reiterates our view of the need for a single, more streamlined document.

MHD007 – Note on: Reappraising the Council’s approach to development in the countryside to promote a strong rural economy

As set out in paragraph 2.1, concern was expressed at the Hearing sessions that the Council’s approach to development in the rural area was simply the residual ‘leftover’ amount of development required in the District, outside of that proposed to be accommodated in the main towns. As such, it did not reflect the specific needs of the rural area.

We support the approach set out in MHD007 to retain settlement boundaries at a number of more sustainable villages in order to for infill development (paragraph 4.6).

As set out in our representations to Issue 9 (Shaftesbury), we do have concerns with the reactive approach taken by the Council, which has meant that their evidence base is partial. Whilst the further information at Appendix 1 (and clarification at MHD007a) in relation to the needs of rural areas, we would question whether the information is sufficient to provide an indicative strategy for growth in these areas.

Aside from the differentiation between MSVs and LSVs, no further information in terms of suggested levels of growth for individual MSVs is provided. As such, it is not considered that a sufficient framework is provided to guide the identification of sites in LP2 and in assisting communities in the preparation of neighbourhood plans.

Paragraph 4.9 of the document states that *“those villages that are less sustainable would be discouraged (but not excluded) from preparing a NDP”*. It is not the role of the local planning authority to suggest whether or not a community should, or should not, prepare a neighbourhood plan. Planning practice guidance (ref. 41-002-20140306) is clear that neighbourhood planning is right which communities can choose to use. The local authority should not therefore be discouraging communities who may wish to consider preparing such a document.

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ISSUE 9: SHAFTESBURY

MAY 2015



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ISSUE 9: SHAFTESBURY

MHD011 (Note on the weight afforded to the AONB)
MHD016 (Landscape appraisal of Land at Higher Blandford Road,
Shaftesbury)

Documents MHD011 and MHD016 provided by the Council offer no further information on the consideration given to the AONB in the identification of the broad locations for growth in LP1. As such, the documents only serve to confirm the concerns we have previously raised with the Inspector in our earlier submissions and at the Examination hearings i.e. that no proper assessment of the alternatives available to accommodate development without impacting upon the AONB was carried out and that the 'retrofit' work undertaken is unsatisfactory.

We set out our comments in relation to each of these documents below:

MHD011 – Note on: The weight afforded to the AONB in relation to sites in Blandford and Shaftesbury

At the Examination Hearing Sessions, the Inspector asked the Council to explain the consideration which had been given to Areas of Outstanding Natural Beauty (AONBs) in relation to their identification of 'broad locations for growth' at Blandford and Shaftesbury.

MHD011 does not adequately explain the process undertaken by the Council in its consideration of the AONB. Rather, the note provides post-historic justification of the Council's position and as such does not address the Inspector's request and the concerns expressed by participants at the Examination.

Planning Policy and Guidance

Planning practice guidance is clear that one of the core principles of Framework is that planning should recognise the intrinsic character and beauty of the countryside and that Local Plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape (ref. 8-001-20140306).

The statutory purpose of AONBs is to conserve and enhance the natural beauty of their area. Section 85 of the Countryside and Rights of Way Act 2000 places a statutory duty on all relevant authorities, requiring them to have regard to the purpose of the AONB when coming to decisions or carrying out activities relating to, or affecting, land within these areas.

The Framework sets out the importance of conserving landscape and scenic beauty and that designated areas including AONBs, have the "highest status of protection" (paragraph 115). Section 3 of MHD011 makes reference to this paragraph, as well as 109 and 110. However, no reference has been made to paragraph 116 of the Framework which sets out the approach that should be taken in the consideration of major development in designated landscape areas (including AONBs).

Paragraph 116 states that:

*"Planning permission should be refused for major developments in these designated areas except in **exceptional circumstances** and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *the need for development, including in terms of any national considerations and the impact of permitting it, or refusing it upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Both paragraphs 115 and 116 therefore make it clear that development within an AONB should be restricted and that 'exceptional circumstances' need to be demonstrated and that development is in the public interest, if major development is to be allowed in such areas. No set definition of what constitutes 'major development' is provided in paragraph 116 of the Framework. Planning practice guidance (ref: 8-005-20140306) states that:

"whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable."

The Council's approach

The Council has not made it clear in LP1, nor in the supporting evidence base (including the Market Town Site Selection Background Paper – MTC001 and Sustainability Appraisal SUD003 a-d), the approach that has been taken by the Council in proposing to bring forward land in the AONB, in preference to other potentially suitable land that is not within such a sensitive landscape area.

In the case of Shaftesbury, Land off Littledown has been identified as a 'broad location for growth' and is largely within the AONB (as identified in MHD001). The Housing Trajectory (MHD003) proposes that the site will deliver 150 dwellings across the plan period. Residential development of this scale must be regarded as major development. The Council must therefore demonstrate that exceptional circumstances exist for this site to be brought forward for development, in accordance with paragraph 116. However, the Council has made no reference to, nor sought to provide any justification for development in the AONB, in accordance with paragraph 116 of the Framework.

We are aware that an outline planning application for 170 dwellings has recently been submitted on the Littledown site (Application Ref. 2/2015/0598/OUT). The Planning Statement recognises (para. 4.4 – see extract at Appendix 1) that paragraph 116 of the Framework is applicable and sets out the key tests for considering such development within the AONB. We have submitted a separate letter in respect of the application however we would make the point here that the applicants have sought to justify the development on the basis that it is in the public interest due to the identification of Shaftesbury as a focus for housing growth in the emerging Local Plan. This is not sufficient reasoning to meet with regard to the tests of paragraph 116 of the Framework.

In order to comply with this section of the Framework, the Council would need to provide clear evidence to demonstrate that there is such limited scope to provide housing on sites outside the AONB, which requires sites to be brought forward in this designation. However, there are clearly alternative sites available and suitable for development which could meet the level of housing proposed, which are not within the AONB or any other designated area of landscape importance – including land at Higher Blandford Road, Shaftesbury, nor would they have an impact upon the setting of the AONB.

The Council used the 2010 SHLAA as the basis to identify sites for potential development. Paragraph 4.2 of MHD011 confirms that the landscape impact assessments (ECC020) undertaken to inform LP1, focused only on sites included in the SHLAA, and as such did not constitute a full assessment of the potential of other land around the edge of settlements. Such a 'reactive' approach has meant that the evidence

base to the plan has not considered all options to accommodate development needs and is therefore partial.

Land at Higher Blandford Road, Shaftesbury was not originally put forward in the Council's 2010 SHLAA, but representations advocating its inclusion were made in October 2013. The site has since been assessed in the SHLAA (MHD004) as suitable and available for development. It appears that the reason the site has not been considered further by the Council as a potential broad location for development is that it was not included in the SHLAA at the time the landscape impact assessments were carried out. This is a significant shortcoming and does not constitute a robust nor sound basis in which to plan positively for the future development of the town.

Sections 4 and 5 of MHD011 provide little in terms of substantive explanation of the Council's approach to site selection and consideration of the AONB. Whilst reference has been made to the acknowledgment of the AONB within the evidence base documents, this has not been related directly to the Council's consideration of sites at Blandford and Shaftesbury.

Paragraph 5.3 refers to the selection of sites in Blandford and Gillingham, which we assume has been made in error and should relate to Shaftesbury. With reference to the Market Town Site Selection Background Paper (MTC001) paragraph 5.3 states that this paper "*shows that AONB concerns figured large in the selection of sites*". However, neither this background document nor LP1, clearly set out the general need for major development to be situated outside areas with specific landscape designations. There is no distinction between those sites which are wholly, or partly, situated in the AONB and those which are outside the designation.

With reference to the Landscape Appraisal for Land west of the A350 (opposite Wincombe Business Park) at Appendix A of the document, it is notable that no reference is made to this site being situated within, nor its potential impact on, the AONB. However, for other sites (outside the AONB), clear reference has been made to this landscape designation. Paragraph 4.3 of MHD011 states the landscape assessments sought to provide "*consistent data to help inform judgements and ... guidance mitigation was an option*". If the assessments were balanced and fair, the summaries provided should make clear those sites that are within, or in proximity to, designated landscape areas and be consistent in their reference to these sites in the sensitivity analysis.

Conclusion

North Dorset District Council has failed to reflect the national importance of protecting AONBs in LP1 and cannot show that it has fulfilled its statutory 'duty of regard' for the AONB under the Countryside and Rights of Way Act 2000.

The Council's approach at this strategic level towards sensitive areas is not sufficiently consistent with national policy. The Council has provided no robust evidence to clearly demonstrate that their proposed approach to development in the AONB at Shaftesbury is exceptionally necessary to ensure an adequate housing supply. There are clearly other sites available (Land at Higher Blandford Road), which are not within sensitive landscape areas or would have an adverse impact upon their setting, which should be considered in favour of sites within a sensitive landscape designation.

MHD016 – Note on: Landscape appraisal of land at Higher Blandford Road, Shaftesbury

As mentioned above, we have concerns with the consistency in the approach taken by the Council in the landscape assessments of sites and the document provides retrospective justification of the Council's proposed strategy and identification of sites in LP1. The appraisal of our client's site at Higher Blandford Road, Shaftesbury, only serves to reiterate the concerns we have previously raised with the Inspector in our earlier submissions and at the Examination hearings.

The Council has not specified who has undertaken the appraisal. Paragraph 1.2 states that it has been "*undertaken under the supervision of Tony Harris, Senior Landscape Officer with Dorset County Council*". It would seem therefore that the assessment has been provided by NDDC officers, not a landscape architect, and are plainly not compliant with LVIA guidelines. The landscape appraisals of the other sites at Shaftesbury (ECC020) were undertaken by the aforementioned landscape officer at DCC.

The appraisal of the site is misleading as the base plan is out-of-date and does not reflect the current context of the site. The site is effectively enclosed on three sides by existing development, with further development proposed to the east. The map (at Appendix A) pre-dates the residential development of land to the north of the A30. This development includes a number of 3 storey properties which front onto the A30. The map also fails to take into account the consented commercial/ industrial development of land to the south of the A30, which directly adjoins the site to the east. This site was recommended by the Inspector in the previous Local Plan, and outline planning consent was subsequently granted in 2011 (application ref. 2/2006/1022).

A Preliminary Landscape Review has been prepared for the site by Clifton Emery Design (a further copy is reattached for ease of reference at Appendix 2). With reference to that document, we wish to comment on each section of the appraisal (MHD016) as follows:

Key characteristics

Residential development to the west of the site cannot be considered to have a 'rural village character'. Rather, this area has more of a suburban character, comprising generally detached properties situated towards the edge of the town. With reference to the officer's report for residential development to the south of Royal Chase roundabout (application ref. 2/2011/1337/PLNG, Appendix 3) the properties at Paddock Close are described as tightly contained chalet bungalows, which can hardly be considered of rural village character.

The site is described as having an '*open countryside perception*' and '*forming a large and consistent component*' of the landscape to the south east of the town. However the existing commercial development to the

east (application ref. 2/2012/0344/PLNG), comprises new green clad warehouse buildings which are not of agricultural character and have an urbanising impact on the appearance of the site. The site will become significantly more urbanised when the land consented for large scale employment use immediately to the east of the site is developed in the future.

The appraisal states that *'there are extensive views across and out of the site to the south towards the Melbury Downs'*. This is factually incorrect. The only viewpoints shown on the plan are immediate, urban views from the A30/ B3081 Higher Blandford Road. No distant viewpoints have been identified by the Council, nor could Clifton Emery Design identify any. Our assessment found that whilst the Melbury Downs are visible in the distance from a southerly view from the A30, it does not represent a pristine view of the landscape due to the appearance and impact of the A30 corridor and that these views will be further compromised when the adjoining land to the east is developed in the future.

From within the AONB, the site is seen within the context of the existing town. As set out in our landscape appraisal, views from the south are limited and are generally from higher land some distance away. The site appears relatively discrete within the scene and due to the distance involved is difficult to decipher.

Land further east of the site has consent for use as a traveller site (application ref. 2/2010/1323/PLNG). It is notable that both the planning committee report and minutes (Appendix 4) consider that the proposed development would not have a detrimental impact on the character of the AONB or on views from it. Paragraph 9.15 of the committee report states:

"The site does not fall within the Cranborne Chase and West Wilts AONB, which is some 170m to the east. But there are views into the site from vantage points within the AONB. The applicants have prepared a detailed landscape appraisal and indicated the provision of bunding and landscaping which effectively screen most of the development from view. Condition would be imposed to secure the implementation of landscaping. Consequently there would not be an adverse impact on the landscape character of the area or the AONB".

Summary of overall character

This section states *'to the north east, the agricultural character is maintained by existing commercial uses in converted agricultural buildings'*. The adjoining site, to the east, is used for commercial storage/workshop (Application Ref. 2/2012/0344/PLNG), is not of agricultural character and is likely to further urbanise following further employment development on the adjoining land.

Reference is made to the west of the site as having a '*discrete rural village character which prevails immediately south of the A30*'. As set out above, the character can, at best, best be described as suburban.

In respect of existing boundary treatment, the appraisal states that "*there are some important trees to the north of the site, and strong characteristic hedgerows bounding the site to the south*". The only trees near the northern boundary are saplings and are not subject to a tree preservation order (TPO). The existing hedgerow along the southern boundary will be retained as part of any proposed scheme.

Sensitivities/ vulnerabilities

For the reasons set out above, the proposed development would not impact negatively on the rural character of the site and surrounding landscape to the south.

The A30 does not form a "*strong boundary which distinguishes the urban form of Shaftesbury from the open countryside beyond*". The consented and existing commercial development to the east, extend south of the A30.

The appraisal refers to "*open views south towards the AONB*". However, the views towards the AONB from the A30 are distant, urban views which are not pristine but are interrupted due to the appearance of the A30 corridor, and will be compromised further when the adjoining land is further developed.

Value

The assessment of value is intended to be based, amongst others, on AONB status (including setting if AONB) and setting for the wider settlement.

The appraisal states that the site has a '*high value in terms of its contribution to the landscape setting of the town*' and also has a "*high value in the experience of (in particular views towards) the AONB*".

The Council fails to clearly indicate that the site is not within the AONB. In considering the impact (including the setting of the AONB), tellingly, they have also made no reference to views and contribution of the site to the setting of the town *from* the AONB. As set out in our Preliminary Landscape Review, from the AONB the site is seen within the context of the existing town. There are limited views of the site from the south and these are generally from higher land some distance away, however the site appears relatively discrete within the scene and due to the distance involved is difficult to decipher. This was recognised by the Inspector in the appeal decision for the residential development to the north of the A30 (The Maltings, appeal ref: APP/N125/1191202 and APP/N1215/1191206), where it was noted at paragraph 164 that:

"The proposed development whilst resulting in a noticeable extension to Shaftesbury would be closely identified with the existing built-up area and would have no material effect on the natural beauty of the AONB, its general sense of remoteness, or on views into or out of the designated area".

No evidence has been provided by the Council to substantiate the 'high value' they consider the site has to the setting of Shaftesbury and views towards the AONB. The comment that the site '*forms a large and consistent component of the landscape*' fails to account of the proposed development to the east which will make the built up setting of the site even more pronounced than currently exists.

Sensitivity analysis

The comments provided in this section appear to make a judgement about the suitability of the site for development, which is not in accordance with the purpose of the documents, as summarised in paragraph 4.3 of the MHD011.

The Council has not provided sufficient evidence to conclude that the site is "*too sensitive from a landscape and visual perspective for mitigation to be effective*" and that "*even with this design mitigation in place, the open countryside character and open views towards the AONB would be damaged*".

The topography of the site is the same as the adjoining land to the east, which is proposed for employment development. It is notable that the previous Local Plan Inspector, when recommending that the Council look at allocating additional land to the south and west of the A30, did not suggest that our client's site was any more or less significant in landscape terms than the adjoining land to the east which is allocated for employment purposes. No comment was made by the Inspector on views towards the Melbury Downs. The inter-relationship of this site with the Melbury Downs was also not discussed in the case officer report for the outline application (application ref. 2/2006/1022 – Appendix 5).

The Council's appraisal notes that to the north of the A30, new residential development at The Maltings has created a hard urban edge. There are a number of 3 storey properties within this development, which front onto the A30 and are situated on higher ground than this site. However, development has been consented which extends south of the A30, including the above mentioned residential development at Royal Chase roundabout, existing and proposed commercial developments and the traveller site to the east. As stated in the Preliminary Landscape Review, the character of the northern part of the site is very much dominated by the A30 and the view towards Melbury Downs is compromised by the proximity of surrounding development.

It is considered that the site presents an opportunity, through a careful design approach, to provide an uninterrupted view towards the Downs.

The development of the site would also introduce improvements to the structure and appearance of the public realm through the introduction of tree planting.

Conclusion

The Council has been grossly inconsistent in their approach to the consideration of the AONB. The designation 'melts away' when considering their proposed allocations in LP1, but is then raised as a constraint when considering the site at Higher Blandford Road, Shaftesbury. However, on analysis, there is no strong visual interrelationship between this site and the AONB.

The Council has used this exercise to justify their current position and their suggested locations for development in LP1.

The appraisal is misleading and fails to properly take into account commercial/ industrial development already proposed to the south of the A30, and directly adjoins the site to the east.

The Council has not provided any clear reasoning for a number of points made in the appraisal, in particular the 'value' of the site to the landscape setting of the town and experience of the AONB.

The site has not been considered by either the previous Local Plan Inspector, or the Inspector for adjoining land to the north, to be any more or less significant in landscape terms than adjoining land, and no comments were made on the views towards or the inter-relationship of the site with the Melbury Downs.

We remain of the view that an appropriate, detailed, landscape assessment to fully consider alternative development options and their associated impact, has not been undertaken by the Council. The reactive approach taken has meant that the evidence base to LP1 is partial, and the site has not been suitably considered by the Council in their consideration of locations for development.

Appendix 1

Application Ref. 2/2015/0598/OUT - Planning Statement extract

Land at Littledown

Outline application for 170 dwellings, vehicle access from A350, public open space and play areas

Appendix 2

Preliminary Landscape Review (Clifton Emery Design)

Appendix 3

Application Ref. 2/2011/1337/PLNG - Officer Report

Land to the south of Royal Chase roundabout
Erection of 2 dwellings and detached garages

Appendix 4

Application Ref. 2/2010/1323/PLNG - Committee Report and Minutes

Land to the south and east of A30
Traveller Site

Appendix 5

Application Ref. 2/2006/1022 - Officer Report

Land to the south of the A30 and east of Shaftesbury

Employment development of B1 and B2 with ancillary B8 use