

Independent Examination of the North Dorset Local Plan (Part 1)

Statement by Clemdell Limited (ID No: 1191)

**Hearing Session: ISSUE 1**

**1.0 INTRODUCTION**

1.1 Clemdell's Objections and Submissions focus upon the Primary Shopping Area of Blandford Forum's Town Centre. The issues are split across a range of Questions for examination and thus may be repeated under other Issues. The concerns also consider NDDC proposals affecting the Local Plan as a whole.

**2.0 SUSTAINABILITY APPRAISAL**

2.1 It is trite that a sustainability appraisal needs to test reasonable alternatives. LP1 is not a site-allocation plan (other than for Gillingham). Representations have had to be made on the basis that it would be Part 2 of the Local Plan that considered site selection.

2.2 A housing strategy that derives from an out-of-date SHLAA (considered in Issue 4) is not sound. The Council have been quite honest in stating that the relocation of the broad location for housing is determined by a single issue and not by a balance of the three elements of sustainability.

2.3 There is no sustainability appraisal that considers the effect of alternative housing locations on the vitality and viability of Blandford Town Centre. Indeed Focussed Change CON/16/1, introducing untested "other facilities" as being of equal importance as the town centre, was necessary to give credibility to moving housing locations out-of-town. This is considered in Issue 7.

2.4 No sustainability appraisal can be found to support the removal of the broad location for Blandford Town Centre regeneration in the Core Strategy (COD009 Figure 2.8.1) to a site specific location on the outer edge of the town. Nor has any consideration been given to the implications for sustainability of Blandford Town Centre identified by NDDC's consultants during the timeframe of the preparation of the Local Plan. (SED016)

### 3.0 THE TIME-FRAME OF THE DEVELOPMENT PLAN

- 3.1 The Development Plan (as defined in NPPF Glossary) is not simply Part 1 of the Local Plan. As set out in paragraph LP1-3.6(SUD001a) it will include a Part 2. "*Part 2 (a subsequent document) will allocate specific sites*". NPPF paragraphs 2, 11 & 14 state that it is the "development plan" that is the primary determinant for planning applications. NPPF14 further states that "*where the development plan is absent*" the presumption in favour of sustainable development will apply by reference to the NPPF.
- 3.2 The NPPF glossary defines the "Local Plan" as "(i)n law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004."
- 3.3 In the same NPPF paragraph that states that Local Plans should "preferably" have a 15 year time horizon it also states as a crucial requirement that it should "*allocate sites to promote development and flexible use of land*".(NPPF157). LP1 is stated as not allocating sites and that site allocation will only be in Part 2, e.g. LP1 paragraph 1.7 "*Part 2 (a subsequent document) will allocate specific sites*"
- 3.4 LP1 states at paragraph 1.7 that "*Work will commence on Part 2 of the Local Plan following the adoption of Part 1*". Work will include e.g. "*retail and town centre studies will be undertaken to inform Part 2 of the Local Plan and/or the neighbourhood plans for the four main towns.*" (added by SUD015-6/12/4) and sustainability appraisals, prior to consultation and a further examination.
- 3.5 It is not likely that Part 2 will adopt a different time-frame. Thus there is no reasonable prospect that the Development Plan will be effective for even nine years. A "crucial" element of the Development Plan will thus be absent, and development proposals fall to be considered by reference to the NPPF, for almost half of the Local Plan period 2011 – 2026.
- 3.6 It is material that some five years ago at an Advisory Meeting on the then "Core Strategy" (COD009) with NDDC the Planning Inspectorate minuted that, with adoption proposed for 2011, "*it would be advisable to consider planning to 2027*"

*rather than 2026, in case there are any delays to the above programme.”* (COD015)  
Further, at that time there was no proposal to divide the plan into two parts.

- 3.7 No justification has yet been found in the documents in the Examination Library for retaining the time horizon as 2026. Nor is there a direct NDDC response to PINS advice. It is not only the Local Plan that has not been kept up-to-date; this applies also to substantive parts of the evidence base such as the retail study. The retail study affects many other elements of LP1 (this is expanded at Issue 3). Thus the LP1 as a whole is rendered unsound.
- 3.8 As is clear from LP1 Policies such as Policy 11, LP1 is extremely site specific (down to about a decimal point). There is a real danger that the Examination could result in the endorsement of sites as allocations with the consequent prejudice to those who followed the correct procedure and have not put forward sites for Part 2. Questions 3.3 and 7.1 are clear in setting the groundwork for determining site allocations based upon LP1 without consideration of sites that emerge through the Part 2 process.
- 3.9 I/INT/3(SUD015) adds clarity to NDDC’s position on a Part 2 stating “*The two-part approach will see a strategic policy framework put in place in advance of specific sites being allocated*” and that the Plan at this Examination “*identifies only broad locations for development in Part 1*”
- 3.10 Whether or not a two-part approach is sound and justified it is, as a statement of fact, the basis upon which all consultation and representations have been made.

#### 4.0 **NEIGHBOURHOOD PLANNING**

- 4.1 The allocation of large sites is of District-wide strategic importance and it would be inappropriate as well as unmanageable if undertaken by small local groups in the form of Neighbourhood Plans (NP). The appropriate mechanism for this is the Local Plan process and, given North Dorset's position, should be through the speedy preparation of LP2. However, NPs may well be an effective way to provide locally driven planning solutions to local issues in the medium-term.
- 4.2 Given the present fragility of Blandford’s Town Centre, for example identified by NDDC’s consultants MWA (SED016) (considered in Issue 3), a Local Development Order is the clear and necessary way forward in the short term. The details of that

LDO should inform, and be integrated with, the longer term process of the Neighbourhood Plan.

## 5.0 THE LENGTH OF THE LOCAL PLAN

5.1 The length of the Local Plan becomes an issue of soundness when it fails to provide the decision-maker with the clarity required when considering a development proposal (per NPPF154) as raised in Question 11.1.

5.2 Anticipating the size of Part 2, there will be perhaps 600+ pages to review. Internal contradictions within LP1 exist and identified e.g. under Issue 11. It is reasonable to assume contradictions will increase when Part 2 is adopted because, as presently proposed by NDDC, LP1 makes detailed site specific allocations which pre-empt the function of LP2.

5.3 LP1 paragraph 1.6 states: "*The Council may also produce other Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) to provide more detailed guidance on specific topics*". But detailed guidance already appears in LP1. It can be substantially reduced in length by removing much of the unnecessary detailed text and through making more use of separate guidance.

5.4 Some of these have already been produced by NDDC by co-operation with other nearby local planning authorities e.g. the DCC Residential Car Parking document (INF014a) and the Development Toolkit (MHN022) as well as its own Design Guide. These documents provide established technical advice to enable development management to function effectively in a way that is consistent with adjoining Authorities and the Highway Authority's best practice advice.

5.5 It is notable that when considering Shopfront Design this important Town Centre is succinctly dealt with at LP1 6.87 and 6.88 by referring to NDDC's Draft Design Guide - June 2007 (albeit this does not appear to be in the Examination Library). Much of the content of LP1 could be similarly dealt with.

5.6 It is questionable whether the Policies and supporting text need to be mutually repetitive especially when reciting matters now overtaken by events. An example would be the Brewery site at Blandford St Mary.

## 6.0 DISCUSSION

- 6.1 Consideration of LP1 proposals on the sustainability of Blandford Town Centre has not been transparent or may not have occurred at all. There is no sustainability appraisal of the effect on its vitality and viability when considering the broad locations for housing development. CON/16/1 introduced “other facilities” as an equivalent to the town centre without assessing the effect upon the Town Centre. There is no sustainability appraisal that considers the appropriate regeneration area for Blandford Town Centre (in the light of the MWA reports or otherwise) or deleting the broad location in the Core Strategy and replacing it with a specific edge-of-centre site.
- 6.2 The time horizon of the Local Plan – Parts 1 & 2 should be extended to provide a full 15 years – should be at least 2031. This extension of Part 1 should be reflected in the planned number of houses and other development. Work to produce up-to-date evidence should run in parallel with the work for site allocations for Part 2 such that:
- there should be no delay in adopting a comprehensive Local Plan
  - there can be a decision as to whether Part 1 and Part 2 should be combined.
- 6.3 The broad strategy should include, particularly in the case of Blandford, the broad locations for housing that have been identified in the iterations of the Sustainability Appraisals with detailed assessment of particular sites undertaken in the preparation of LP2. The issues surrounding, for example, the individual parcels that are collectively described as Crown Meadows and land to the South East & West of Blandford St Mary, would be addressed at that time against the three pillars of sustainable planning (NPPF 7) rather than as a broad-brush assessment against only part of one, as reflected in the Focussed Changes. Sustainability assessments for Town Centre regeneration should be transparently undertaken. The sustainability of Town Centres must be a key consideration in assessing housing locations.
- 6.4 SPD should be used as the most effective means of flexible and up-to-date development guidance, building on existing Development Control documents. Duplication of existing documents and removing contradictions in the Local Plan will reduce substantially the size of the Local Plan.
- 6.5 The combination of a concise Local Plan, which may include a Part 2 dealing with the allocation of larger sites, SPDs for key District-wide issues and the encouragement of

Neighbourhood Planning and Development Orders for localised development management in well defined communities, may be the most appropriate combination of planning solutions.

- 6.6 In any event it must be made clear throughout the Examination that LP1 does not contain, or imply, any site specific allocations – preferences in LP1 will have to be tested against the sustainability of sites generated and identified during the LP2 process.