

**For office use only**

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 Representation # \_\_\_\_\_



# 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	Mr
First Name	Barry	Jonathan
Last Name	Pliskin	Kamm
Job Title( <i>where relevant</i> )	Director	
Organisation ( <i>where relevant</i> )	Clemdell Ltd	Jonathan Kamm Consultancy
Address	[REDACTED]	2 Marsh Court Farm Romsey Road Stockbridge, Hampshire
Postcode	[REDACTED]	SO20 6DF
Tel. No.	[REDACTED]	01264 810442
Email Address	[REDACTED]	KammJP@aol.com

## 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: 5.95; 5.99	Policy: <b>8 Affordable Housing</b>	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.

Please see the separate sheet attached

*Continue on a separate sheet if necessary*

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.

See the attached sheets Rep P8

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.

Clemdell Ltd is a local company that has various properties in Blandford Forum town centre – including national and local retailers and residential properties.  
It has a keen and active interest in seeing that national policies for supporting sustainable town centres are implemented in Blandford Forum.  
By way, inter alia, of positive investment Clemdell wishes to pro-actively participate in ensuring that town centre regeneration takes place within, and not on the edge of, the town centre.  
That will support the viability of its commercial tenants  
Clemdell's participation in the Hearing could, therefore, assist the Inspector in determining the outcome of the Examination and in drawing together the range of issues affecting the town centre, spread throughout the Plan.

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.

Not applicable

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: J Kamm

Date: 23 January 2014

*If submitting the form electronically, no signature is required.*

**CLEMDELL LIMITED REPRESENTATIONS ON  
POLICY 8 AFFORDABLE HOUSING**

**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.

It is considered that the Plan is unsound for the reasons set out below. This representation objects to elements of Policy 8 "Affordable Housing" in the North Dorset Local Plan - 2011 to 2026 Part 1 Pre-submission Document ("the Local Plan")

The Local Plan states, at paragraph 5.81, that it wishes to "avoid a situation where viability assessments become a requirement for every housing development proposal," and at paragraph 5.92 it proposes that developers should pay for "a single assessment of viability by the District Valuer". It is then proposed that, only in circumstances where the LPA is unsuccessful "(t)he Council will therefore aim to reclaim any shortfall in provision on a scheme that has been granted permission" (paragraph 5.95) by the requirement for ongoing viability assessments throughout a development.

The Local Plan will be in force for many years. There is no reason to assume that the housing market will be healthy for all or any part of that period. It is inappropriate that the LPA should be able to disregard the determination of the District Valuer. Either there should be a line drawn upon the results of the District Valuer or alternatively the developer should have the same rights as the LPA to 'claw-back' if the proportion of Affordable Housing is found to be too high.

The costs of viability studies are disproportionately high for small developments. For reasons of natural justice, in all cases the costs of the first viability assessment should be awarded by a decision of the District Valuer and against the unsuccessful party.

**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.

It is considered that the changes underlined are appropriate & necessary:

5.95 The delivery of affordable housing below the proportions set out in the policy could potentially undermine the Council's ability to deliver as much housing as possible as affordable. The Council will therefore aim to reclaim any shortfall in provision on a scheme that has been granted permission, but has not yet been completed, if financial conditions improve. In such cases, developers will be expected to enter into a legal agreement requiring further site-based viability assessments to be carried out by the District Valuer, at the Council's expense and not more than once in any two year period, prior to completion of a scheme. In the event that a more up-to-date assessment shows that a higher level of affordable housing would be viable, the developer would be expected to provide it and if it shows that only a lower level of affordable housing would be viable, the Council would be expected to adjust its requirement and re-imburse the developer and pay the costs of the assessment.

5.99 In cases where the Council considers it acceptable for an off-site financial contribution of 'broadly equivalent value' to be made, a level of contribution will be sought based on a realistic assessment of the overall cost of delivering affordable homes and the alternative use values. The Council may (at its own cost) ask the District Valuer to periodically re-calculate the costs of delivering different sizes of affordable units in North Dorset and may seek different levels of off-site contributions based on these calculations which would include appropriate re-imburement to developers.

## **POLICY 8**

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If it can be demonstrated that a level of affordable housing provision below the percentages set out above can be justified on grounds of viability (taking account of grant funding or any other subsidy) an obligation will be required:

- d to secure the maximum level of provision achievable at the time of the assessment; and

- e to enable the level of provision to be reviewed ~~increased~~ in the future, subject to a further assessment, in the event of a change ~~an improvement~~ in the relevant financial circumstances prior to or during the construction of the site.