



Cranborne Chase Area of Outstanding Natural Beauty



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Edward Gerry
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By email: [REDACTED]

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26th June 2020

Dear Ed

Consultation on the Blandford + Neighbourhood Plan 2011- 2033 Draft Decision Statement

Thank you for the opportunity to comment on the Draft Decision Statement.

I see that in addition to correcting some typographical errors the Council is proposing to

- adopt the Examiner's recommended modification [as set out in Annex A of the consultation],
- correct the error of including Areas of Search on Figure B on page 16 [by substituting an Updated Constraints Plan] because that showed land outside of the neighbourhood plan area, and
- to accept the modified Plan as meeting the 'basic conditions'.

You will be aware from earlier submissions, correspondence, and telephone conversations that this AONB Partnership believes the Examiner's Report is flawed and that the proposed decision by Dorset Council is wrong. You know that the AONB Partnership is working with Pimperne Parish Council and the CPRE to resolve the legal issues now, and so hopefully avoid, for all parties, later legal challenges. I am, therefore, grateful that you have agreed to a one week extension of the consultation to provide time to obtain the legal opinion.

For the record, AONBs, along with National Parks, comprise the nation's finest landscapes. The Cranborne Chase Area of Outstanding Natural Beauty is a working partnership (see Annex B) and Dorset Council is a major player. The purposes of designation are conserving and enhancing natural beauty. The local authority members of the partnership have a statutory duty to prepare their policies for the management of the AONB. They also have a duty to consider the impacts, on those

purposes of designation, of each and every decision they make in relation to land in the AONB or that may affect land in the AONB. The AONB team prepare the AONB Management Plan on behalf of the Partnership, involving processes similar to Local Plan preparation, and your council has adopted that management plan as its policies for this AONB.

The Neighbourhood Plan, as proposed, neither conserves nor enhances the Cranborne Chase AONB, and therefore fails to respect the national designation. This AONB's concerns, sent to Dorset Council on 26th February 2020, are still relevant and should, therefore, be regarded as part of this AONB's response to the current consultation [Annex C].

I see in the Council's Draft Decision Statement, page 6, that considerable emphasis is given to 'Circumstances have changed significantly since LPP1 was adopted'. The LPP1 horizon of 2031 is used in discussion supporting economic development, with the implication that a revised Plan, such as the Neighbourhood Plan, is needed. That is, of course, a false horizon as Dorset Council is committed to a new Dorset Local Plan by 2024. The current Neighbourhood Plan consultation does not mention that commitment, nor does it include any discussion of the adequacy of housing or employment provisions for the significantly shorter period to that much nearer horizon. There is no overt consideration of other alternative potential development areas identified by the AONB as less harmful. The AONB Partnership concludes that Dorset Council has misled itself in its considerations set out in the current consultation and, therefore, the Draft Decision is based on incomplete information and is fundamentally flawed.

Turning to the Updated Constraints Map, which is clearly a significant part of the consultation, I see that there is a major error in the AONB boundary. The whole of the Milldown is shown as outside this AONB whereas in fact it is within this AONB. The current consultation has, therefore, been undertaken on an inaccurate map. This consultation is, therefore, fundamentally flawed, and the public should not be expected to respond to a consultation that presents inaccurate information. Such inaccuracy appears to invalidate the current consultation.


Checking further with the Dorset Explorer mapping system I also see that substantial areas of the Blandford Town Centre are identified as 'Heritage at Risk' by Historic England 2018. That seems to be a significant issue for the Neighbourhood Plan to identify and address if the NP is to be relevant to local matters.

To conclude, the Cranborne Chase AONB Partnership **objects** to the Draft Decision Notice and the proposal to proceed to a local referendum.


I would, of course, be happy to discuss any of the issues with you.

Yours sincerely



Richard Burden BSc DipCons MSc FLI PPLI
Principal Landscape and Planning Officer 

For and on behalf of the CCWWD AONB Partnership



Encs: Annex A Status of this AONB
Annex B List of Cranborne Chase AONB Partnership Organisations
Annex C AONB Concerns regarding Examiner's Report

The Cranborne Chase and West Wiltshire Downs AONB is nationally important. It has been designated under the National Parks and Access to the Countryside Act 1949 to conserve and enhance the outstanding natural beauty of this area which straddles two County, two county scale Unitary, and three District councils. It is clear from the Act, subsequent government sponsored reports, and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife, scientific, and cultural heritage.

It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage assets and environmental capital.

Local government (including planning authorities), Ministers of the Crown, individual councillors, any public body and their employees, statutory undertakers, and holders of public office also have a statutory duty in section 85 of the CRoW Act to have regard to the purposes of AONB designation, namely conserving and enhancing natural beauty, in exercising or performing any functions in relation to, or so as to affect, land in an AONB.

This [AONB's Management Plan](#) is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils. It sets out the Local Authorities' Objectives and Policies for this nationally significant area, as required by section 89 (2) of the CRoW Act. The national Planning Practice Guidance [Natural Environment paragraph 040, (21.07.2019)] confirms that the AONB and its Management Plan are material considerations in planning.

The National Planning Policy Framework (2019) is clear that the 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 11 footnote 6, due to other policies relating to AONBs elsewhere within the Framework. Paragraph 11 (b) indicates that for plan-making being in an AONB 'provides a strong reason for restricting the overall scale, type or distribution of development.' It also indicates in 11 (d) that for decision-making the application of policies in the NPPF that protect areas such as AONBs 'provides a clear reason for refusing the development proposed.'

NPPF paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, which include AONBs, in a manner commensurate with their statutory status. AONBs, along with National Parks, have the highest level of national protection.

Paragraph 171 explains that plans should distinguish between the hierarchy of international, national and local sites whilst taking a strategic approach to enhancing habitats and green infrastructure, and planning for the enhancement of natural capital across local authority boundaries.

It is explicit (paragraph 172) that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation and

enhancement of wildlife and cultural heritage are important considerations in these areas. Furthermore, the scale and extent of development within these designated areas should be limited, and planning permission should be refused for major development other than in exceptional circumstances.

The Planning Practice Guidance, updated 21.07.2019, helpfully includes landscapes, environmental gain, Areas of Outstanding Natural Beauty, and their settings in the Natural Environment section. In particular, paragraph 042 highlights the importance of settings, their contributions to natural beauty, and the harm that can be done by poorly located or designed development especially where long views from or to the AONB are identified. Paragraph 041 is clear that policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs for development, and any development in an AONB will need to be located and designed in a way that reflects its status as a landscape of the highest quality.

More detailed information in connection with AONB matters can be found on the AONB [web site](#) where there is not only the adopted AONB Management Plan but also Position Statements and Good Practice Notes ([Planning Related Publications](#)). In particular when considering construction within the AONB I would draw attention to our [Good Practice Note on Colour in the Countryside](#)

This AONB is, as I expect you know, in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB. On the 18th October 2019 this AONB was designated the 14th International Dark Sky Reserve in the world. Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified so that such impacts are eliminated. Building designs, especially those with extensive areas of glazing, may need to be amended. Any external lighting should be explicitly approved by the Local Planning Authority and comply with the [AONB's Position Statement on Light Pollution](#) and the more recent [Good Practice Note on Good External Lighting](#) and [Paper by Bob Mizon on Light Fittings](#).

Greater details of the landscape, buildings and settlement characteristics can be found in the [Landscape Character Assessment 2003](#) and the [Cranborne Chase and Chalke Valley LCA 2018](#). Those documents are available and can be viewed in [FULL](#) on our [web site](#).

Annex B



Cranborne Chase Area of Outstanding Natural Beauty

AONB Office, Rushmore Farm, Tinkley Bottom, Tollard Royal, Salisbury SP5 5QA

The Cranborne Chase Area of Outstanding Natural Beauty Partnership Board is made up of the following Partner Organisations

Unitary, County, and District Council Membership (1 Member and 1 Officer Representative each)

- Wiltshire Council (Wef.01.04.09 incorporating Wiltshire County Council, West Wiltshire District Council, and Salisbury District Council).
- Dorset Council (Wef 01/04/19 incorporating Dorset County Council, East Dorset District Council, and North Dorset District Council),
- Hampshire County Council
- Somerset County Council
- New Forest District Council
- Mendip District Council
- South Somerset District Council

Other Organisations

- Natural England (1 Representative)
- Campaign to Protect Rural England (1 Representative)
- Cranborne Chase Landscape Trust (1 Representative)
- Forestry Commission (1 Representative)
- The Country Land and Business Association (1 Representative)
- National Farmers Union (2 Representatives)
- Community Representatives from the Wiltshire and Dorset Associations of Town & Parish Councils (ATPCs) (2 Representatives)

Annex C

Cranborne Chase Area of Outstanding Natural Beauty's concerns regarding the Blandford + Neighbourhood Plan Examiner's Report and recommendations.

Having carefully considered the Examiner's Report, and taken advice, the Cranborne Chase AONB has a number of significant concerns that it would like Dorset Council to consider before making their decision whether to proceed to a local referendum.

CCAONB believes the Examiner's Report is fundamentally flawed, largely because of omissions of national and local policy and guidance, and a lack of balance – via undue emphasis on development supporting text, rather than policies, in connection with NP Policies B2 and B3.

The AONB supports the submission of concern made by Pimperne Parish Council. I will not, therefore, repeat their concerns about strategic allocations, the undue emphasis on supporting text and greenfield sites rather than actual adopted policy, and the NPPG set out on their pages 1 and 2. The CCAONB is, however, very concerned by these perceived short-comings of the report, and asks you to consider those submissions as concerns of this AONB.

CCAONB agrees with PPC's concerns about potential confusion in the Report on its second and third pages. It does, therefore, request that DC reconsiders these matters before coming to a conclusion on the Report.

CCAONB has the following additional comments and concerns about the Examiner's Report.

It is noticeable how much reliance the examiner puts on the Aecom SA, even though he acknowledges that report only marginally favours the land north and north-east of the town [in the AONB and its setting] for development. However it seems that the examiner has failed to reconsider the SA [produced in January 2019] in the light of the NPPG which was updated in July 2019, especially Natural Environment para 041. The application of that paragraph is likely to have influenced the marginal recommendation of the SA. Para 041 clearly indicates that policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs for development.

Furthermore, the examiner continually stresses the housing need and shortage of housing land supply without referring to para 041 which clearly applies to the Blandford + area. Paras 040 [AONB Management Plans '*help set the strategic context of development*'] and 042 [development within the setting of AONBs] are also directly relevant and not mentioned by the examiner.

The examiner does not appear to actually give great weight to the nationally important AONB as required by NPPF 172.

The examiner refers to sustainable development and references NPPF 11, but he does not appear to explicitly take into consideration footnote 6 [*'unless: i. the application of policies in this Framework that protect areas or assets of particular*

importance (AONB) provides a strong reason for restricting the overall scale, type or distribution of development in the plan area], even though the AONB had clearly pointed that out in its consultation submissions on the Neighbourhood Plan, for example his paragraph 9.41. Footnote 6 clearly indicates that greater weight should be given to policies for the protection of assets, such as AONBs, in the Framework rather than policies in development plans.

Nevertheless, Policy 4 of the LPP1 appears to be precise and definitive: *'Within the areas designated as AONB and their setting, development will be managed in a way that conserves and enhances the natural beauty of the area.'* There is no suggestion that NP policies B2 and B3 will conserve or enhance the AONB therefore the NP is not in conformity with the adopted Local Plan. The Report does not appear to consider the NP policies in the context of that LP policy, and the conclusions in para 9.17 appear to be based on solely the development policies of the Local Plan.

The NP submission version was prepared before the review of the LPP1 was discontinued in favour of a Dorset Local Plan [June 2019]. In considering the NP in the context of that changed situation but not the updated NPPG the examiner has not dealt even-handedly with relevant matters.

It would appear that section 85 of CRoW Act 2000 would have applied to the examiner in the same way that it applies to planning inspectors, but the examiner makes no mention of that duty.

The plan provided by the examiner, page 24, is labelled 'Draft' and appears to exclude a significant part of this AONB north of the bypass shown as 'Option 1'. It appears, therefore, that by referring to that plan the examiner has misled himself in his discussions and conclusions.

Any reappraisal of the boundary of the NP area indicates that the LPA should have realised that the extent of the AONB designations would mean a larger area of search would be necessary to find developable land of the scale envisaged by the Local Plan Review.

To avoid any omission of topics raised by this AONB I include here the comments sent by email to Ed Gerry on 25th February regarding Section 14 of the Report.

You may be aware that advice is being taken about the Report.

In the meantime, turning to section 14, where the examiner indicates there have been exchanges after the Hearing [perhaps a somewhat unusual procedure], I read that changes to policies that impact on this AONB are being varied without the engagement of all consultees.

In connection with para 14.5 in relation to self-build the new clause, relating to plots that have not sold, is simply a mechanism for supporting high plot prices. It does nothing to improve housing supply or the availability of affordable housing. It appears, therefore, to be contrary to current LPA policies and hence inappropriate.

Turning to para 14.6 and the modification of policy in regard to the proposed new primary school there seem to be at least two semantic issues. The term

'visual footprint' is used in connection with impacts on the skyline which seems at odds with the 'footprint' concept which relates to things on the ground.

Secondly, the use of 'a design to reduce its impact on the skyline' begs a question, 'reduce from what?' The AONB strongly recommends the amended policy would be clearer in both its wording and objective by replacing 'reduce' by 'minimise'.

The restriction of the design to 'and of regular form' seems to restrict the design unnecessarily to an extent that an irregular form may fit more readily with the landscape and skyline. It seems the objective is both to aid integration into the landscape and allow for school expansion. Referring to the topics of height and massing directly could be clearer. The AONB recommends 'and of height and massing that facilitates integration within the landscape and enables school expansion'.

As I see the examiner is leaving such policy changes 'to be made by the QB and DC' I trust these changes can be accommodated.

Cranborne Chase Area of Outstanding Natural Beauty therefore asks Dorset Council to fully consider these comments and concerns alongside the Examiner's Report when deciding the way forward.

RB 26 2 2020



Cranborne Chase Area of Outstanding Natural Beauty



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3rd July 2020

Dear Ed

Consultation on the Blandford + Neighbourhood Plan 2011- 2033 Draft Decision Statement: Supplementary Response

Further to my consultation response dispatched to you on 26th June, the AONB Partnership has now received the legal advice on the issue. Dorset Council already has a full copy of the advice from Pimperne Parish Council so I will not duplicate that.

You will see that it concludes:

SUMMARY

32. I appreciate that North Dorset District Council found itself in a difficult position with regard to its housing land supply. However, in my view it could not, and Dorset Council cannot, seek to address this by re-writing strategic policy through the mechanism of a neighbourhood plan.

33. The First Examiner considered the allocations to be strategic and the first version of the neighbourhood plan to not be in general accordance with the Local Plan. 19

If my understanding of the position on the emerging Local Plan is correct, then I cannot see that anything material has changed in that respect and therefore I consider that the Second Examiner's approach to these matters is not in accordance with basic conditions (a) and (e) or relevant national policy and guidance.

34. I recognise the flexible approach that the courts have applied to the requirement for general conformity in this context. However, in my view, it is strongly arguable that the allocations in the BPNP take such flexibility too far so as to be unlawful. In essence, the BPNP is usurping the Local Plan process and allocating strategic development which conflicts with the strategy of the Local Plan for Blandford and the surrounding countryside.

35. This is best demonstrated by North Dorset DC's objections to the first version of the BPNP and the First Examiner's support for those concerns.

36. I also consider that the BPNP cannot lawfully or properly refer to Phase 2 of the proposed developed in Pimperne parish.

This legal advice supplements our earlier consultation response, and the AONB Partnership concludes that Dorset Council would be acting unlawfully if it were to accept the Blandford + Neighbourhood Plan 2 as being fit to progress to a local referendum.

The Cranborne Chase AONB Partnership therefore maintains its **objection** to the Draft Decision Notice and the proposal to proceed to a local referendum.

Yours sincerely



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For and on behalf of the CCWWD AONB Partnership

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