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BLANDFORD + NEIGHBOURHOOD PLAN 2011 - 2033

Regulation 16 Consultation 15 February to 29 March 2019

Response Form

The proposed Blandford + Neighbourhood Plan 2011 - 2033 has been submitted to North Dorset District Council for examination. The neighbourhood plan and all supporting documentation can be viewed on the District Council's website via: <https://www.dorsetforyou.gov.uk/planning-buildings-land/planning-policy/north-dorset-planning-policy/local-planning-policy-north-dorset.aspx>

Please return completed forms to:

Email: planningpolicy@north-dorset.gov.uk

Post: Planning Policy (North Dorset), South Walks House, South Walks Road, Dorchester, Dorset, DT1 1UZ

Deadline: 4pm on Friday 29 March 2019. Representations received after this date will 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**. By submitting this response form you consent to your information being disclosed to third parties for this purpose, personal details will not be visible on our website, although they will be shown on paper copies that will be sent to the independent examiner and available for inspection. Your information will be retained by the Council in line with its retention schedule and privacy policy (<https://www.dorsetforyou.gov.uk/privacypolicy>). Your data will be destroyed when the plan becomes redundant.

*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	Barry	
Last Name	Pliskin	
Job Title (where relevant)	Director	
Organisation (where relevant)	Clemdell Limited	
Address	████████████████████ ██████████	
Postcode	██████	
Tel. No.	██████████	
Email Address	████████████████████	

Part B – Representation

1. To which document does the comment relate? *Please tick one box only.*

X	Submission Plan
	Consultation Statement
	Basic Conditions Statement
	Other <i>Please specify:</i>

2. To which part of the document does the comment relate? *Please identify the text that you are commenting on, where appropriate.*

	<i>Location of Text</i>
Whole document	
Section	
Policy	Policy B2 & Policy B8 – Objection
Page	
Appendix	

3. Do you wish to? *Please tick one box only.*

	Support
X	Object
	Make an observation

4. Please use the box below to give reasons for your support/objection or make your observation.

Please see attached submission.

Continue overleaf if necessary

5. Please give details of any suggested modifications in the box below.

Please see attached submission.

Continue overleaf if necessary

6. Do you wish to be notified of the District Council's decision to make or refuse to make the neighbourhood plan? Please tick one box only.

X	Yes
	No

Signature: Barry Pliskin

Date: 29 March 2019

If submitting the form electronically, no signature is required.

Please use this box to continue your responses to Questions 4 & 5 if necessary

**OBJECTIONS
ON BEHALF OF
CLEMDELL LIMITED**

TO

THE BLANDFORD + NEIGHBOURHOOD PLAN

2011 – 2033

SUBMISSION PLAN

PUBLISHED JANUARY 2019

1.0 **Objection to Policy B2**

1.1 The Submission Plan affirms that the housing element of Policy B2 is not justified on its own. The Policy relies upon conflating housing with other allocations. As examples:

- (a) *Meeting Local Housing Needs 5.1 j. the development of land to the north and east of Blandford Forum to enable the delivery of a new primary school;*
- (b) *fundamentally Policy B2 is an enabling policy to ensure the critical educational needs (para 5.12);*
- (c) *is to enable the delivery of a number of vital land uses and infrastructure to meet the needs of the northern part of Blandford Forum. (para 5.13);*
- (d) *the housing scheme is enabling the delivery of specified educational development infrastructure, (para 5.25).*

1.2 The Submission Plan recognises at para 5.16 that it must show “exceptional circumstances” to justify the housing allocation: *“It is considered that the vital school benefit, and the national priority given to the provision of school places by government justifies the incursion of a major development into the AONB in accordance with paragraph 172 of the NPPF....”*

1.3 Policy B2 is effectively the same policy with the same justification as Policy 1 of the previous iteration of the Blandford+ Plan. That reasoning was rejected by the Examiner of that iteration who concluded Policy 1 failed to meet Basic Conditions.

1.4 The Examiner’s Report sums up at page 25: *“2. The Qualifying Body has made it clear the allocation of development in Policy 1 is predicated upon the expressed need to provide a site for a 2-entry form primary school (and other community infrastructure), that this provides the “exceptional circumstances” necessary to meet the requirements of Paragraph 116 of the NPPF.”* (the wording of NPPF para 116 is now NPPF para 172)

1.5 The Examiner sets out the reasoning for rejecting the linkage made in the Plan before her conclusion at page 29 of the Report which states: *“I consider that Policy 1 does not meet the Basic Conditions for the following reasons:*

1. It does not have regard to National Planning Policy and Guidance in that it fails to have regard for paragraphs 115 and 116 of the NPPF.

2. It is not in general conformity with the Strategic Policies of the Development Plan.

In addition, I consider Policy 1 to be a strategic allocation, which should be more appropriately considered in Part 2 of the Local Plan process

On the basis it does not meet the Basic Conditions and the policy should be deleted.”

- 1.6 The rationale claimed for Policy B2 is the same rationale as for rejected Policy 1. There is no evidence of any change of circumstances that could produce a different conclusion.
- 1.7 Further, the Examiner’s Report states at page 12 that: *“NDDC commented that the school does not need to be in the neighbourhood plan to proceed and could be granted planning permission as an exception to policy.”* Again this circumstance has not changed. Thus, when funded, the educational development infrastructure could readily proceed by a stand-alone planning application without the need for an allocation in the Submission Plan and the land acquired, if not by agreement, then by compulsory purchase.
- 1.8 The Submission Plan states that: *“The land comprises two main parcels in the single ownership of a consortium of landowners, which have a development agreement in place and have made the land available for the purposes of the Neighbourhood Plan.”* This para 5.17 appears to relate to the education site. This should be contrasted and tested against the submissions of Barton Wilmore, representing the landowners and potential developers of the Policy B2 Area, which states in its Representation (December 2018) at para 2.33 that it *“would like to seek clarification regarding the provision of the school at the site”* and at para 2.23 of its Supporting Information (December 2018) stating: *“The delivery of the new primary school will be informed by discussions with the Local Education Authority having regard to when it is required to meet the needs of development coming forward. The Local Education Authority will be provided with a serviced plot to enable them to bring forward the school independently.”*
- 1.9 There seems to be no dispute that the school could proceed independently by its own planning application. There is no discussion as to why, failing agreement, the land to implement that independent planning permission could not proceed by compulsory purchase. Barton Wilmore identify that the LEA do not have immediate implementation plans that would be prejudiced by the timetable of compulsory purchase or the Local Plan Review.

- 1.10 PPG 41-005-20140306 indicates that Neighbourhood Plan policies must be deliverable; it would be unjust if the only deliverable element of the enabling Policy B2 was the housing and the delivery of the school failed or was prejudiced because of the Policy. The Examiner noted at page 26: *“Of great concern is the fact that I do not have any convincing evidence that there is any certainty that the school will be delivered on this site. I am surprised that with the level of need expressed and the urgency with which the new school is required I have not been supplied with any information regarding a program (sic) for the funding and delivery of the school.”* As noted, Barton Wilmore indicate that there remains no greater clarity, and thus the great concern remains.
- 1.11 However, what is clear is that, prima facie, by embedding the education provision within the housing allocation the alternative use value of the school land is enhanced from the value of the best & most versatile agricultural land to the value of housing land. With no indication that the serviced plot to be provided will be valued at other than housing value Policy B2 is knowingly a barrier to, and not an enabler of, the assumed critical educational needs.
- 1.12 Policy B2 fails upon the terms it acknowledges it must satisfy and should be deleted for the reason of not meeting Basic Conditions. The conclusions of the Examiner of the previous iteration should be carefully assessed and restated.
- 1.13 Rather than support the Local Plan (as would be required by the terms of NPPF and PPG) the Submission Plan identifies specifications and agreements with NDDC for example at paras 3.14 and 3.15 to justify the inclusion of novel strategic policies in a Neighbourhood Plan and to pre-empt the Local Plan Review. Whilst some elements of this asserted agreement are stated others are not. As an example the Local Plan period is 2011-2031 and the current review is for 2013-2033 whilst the Submission Plan is 2011-2033 which prima facie has an impact on the strategic policies.
- 1.14 If it transpires that NDDC have pre-empted the Local Plan review process and are applying a novel spatial strategy this indicates that interrogation by the Examiner in a public examination is just. The precise terms of the agreements and specification referred to in paras 3.14, 3.15 and 5.25 needs to be transparently examined for their legal effect and the interrelationship with Policy B2.

- 1.15 Uncoupling and deleting the housing element of Policy B2 from the separate educational allocation would enable an objective Sustainability Assessment – but only if it was considered that a Neighbourhood Plan could promote an alternative spatial strategy to the adopted Local Plan. In that event proper weight should be given to the effect of the alternative sites on the vitality and viability of the town centre.
- 1.16 A respondent to consultation would need to undertake considerable research to identify the history of Policy B2. The lack of transparency on the reasoning for the Examiner rejecting Policy 1, now reinstated as Policy B2, mitigates any weight that can safely be given to consultation summaries by the Qualifying Body.
- 1.17 Policy B2 should be deleted together with its supporting text.
- 1.18 In so far as the same rationale is relied upon in the Basic Conditions Statement to demonstrate “exceptional circumstances” the same objections apply. In particular the statement in Table A B2 that “*The release of the land for the mix of these uses, relies on the allocation for additional housing to the north-east of Blandford Forum.*” is ingenious.

2.0 **Objection to Policy B8**

- 2.1 The Submission Plan asserts it is in line with “*the need to reshape town centres*” (para 5.51) listing a range of uses it supports for the town centre. That is contradicted, inter alia, by Policy B8 which seeks to restrict changes from A1 use in the Primary Shopping Area to the other uses endorsed in para 5.51. Such a strangulating restriction is contrary to national and local policy.
- 2.2 Policy B8 states: “*The loss of established ground floor A1 Retail floorspace or of an active frontage as a result of a change of use in the Primary Shopping Area will be resisted.*”. The negative policy which is a barrier to a viable and vital town centre should be replaced by a policy supporting the introduction of innovative uses that proactively promote a vital Primary Shopping Area frontage.
- 2.3 Policy B8 states “*Outside the Primary Shopping Area but within the Town Centre Area the following ground floor uses will be supported:Residential (C3) uses on upper floors only*”.
- 2.4 The Submission Plan designates a Town Centre Area boundary at Inset B. The boundary includes a substantive amount of housing at ground floor level, including

some single storey housing, and substantial separated non-commercial uses to the rear of shop frontages.

2.5 Policy B8 should be amended to:

“The loss of established ground floor ~~A1 Retail floorspace or of an active frontage~~ as a result of a change of use in the Primary Shopping Area will be resisted.

The following ground floor uses that will be supported include:

Outside the Primary Shopping Area ~~but~~ within such part of the Town Centre Area with existing shopping commercial frontage:

- *Shops and retail outlets (A1);*
- *Professional services (A2);*
- *Food and drink (A3);*
- *Drinking establishments (A4);*
- *Hot food and takeaways (A5);*
- *Health and Public Services (D1);*
- *Entertainment and leisure (D2); and*
- *Business (B1).*

In the Town Centre Area:

and Residential (C3) use s which does not replace an existing ground floor shopping commercial frontage on upper floors only.

2.6 Albeit that para 5.4 of the Submission Plan states that for “*Land Use Policies: The Plan deliberately avoids repeating existing national or local planning policies.*” the retention of support for C3 and other uses on the upper floors in the Primary Shopping Area assists for the avoidance of doubt.

2.7 Para 5.52 states that a Neighbourhood Plan is not the correct platform for the content of that paragraph and it should therefore be deleted.