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Report on the Blandford+ Neighbourhood Plan Review 2011 - 2033

An Examination undertaken for Dorset Council with the support of Blandford Forum Town Council, Blandford St Mary Parish Council and Bryanston Parish Council on the March 2023 submission version of the Plan.

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Main Findings - Executive Summary

I made an initial determination on 21 June 2023 that the modifications contained in the draft Blandford+ Neighbourhood Plan Review (the Plan/B+NPR) are not so significant or substantial as to change the nature of the neighbourhood plan which the draft Plan would replace.

From my examination of the B+NPR and its supporting documentation, including the representations made, I have concluded that subject to the Examiner Modifications (**EMs**) set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body: Blandford Forum Town Council; Blandford St Mary Parish Council; and Bryanston Parish Council;
- the Plan has been prepared for an area properly designated – the Designated Area as identified on Figure A of the document, on page 7;
- the Plan specifies the period to which it is to take effect – 2011 to 2033; and
- the policies relate to the development and use of land for a designated neighbourhood area.

Therefore, I recommend that Dorset Council should make the Plan with the EMs specified in the Report (there will be no statutory requirement for a referendum).

1. Introduction and Context

Blandford+ Neighbourhood Plan Review 2011 - 2033

- 1.1 The main town of Blandford Forum sits to the north of the River Stour and the town centre, which hosts a range of businesses, still retains its attractive Georgian appearance. The Parish of Blandford St Mary lies to the south of Blandford Forum and the main settlement of Blandford St Mary includes a number of attractive buildings. Bryanston Parish is mainly agricultural in character.
- 1.2 The Neighbourhood Plan Area has experienced significant housing growth in recent years, and I am aware that further growth is proposed. However, from what I saw, the layout, design and use of materials in the 'new' development has ensured that the valued characteristics of the town and the wider area have not been significantly diminished.

1.3 In March 2022, the Qualifying Body (QB)¹ decided to review the 'made' Plan.

The Independent Examiner

1.4 As the Review Plan has now reached the examination stage, I have been appointed as the examiner of the Blandford+ Neighbourhood Plan Review by Dorset Council (DC), with the agreement of the QB.

1.5 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation, examination and implementation of development plans and other planning policy documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Review Plan.

Submitted Documents

1.6 I have considered all policy, guidance and other reference documents that I consider relevant to the examination, including those submitted which include:

- the draft Blandford+ Neighbourhood Plan 2011-2033 (March 2023), as proposed to be modified;
- the summary of proposals and reasons for the modifications as set out in the Modification Proposal Statement (March 2023);
- the Modifications Statement (under Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012) from Dorset Council on the nature of the proposed modifications (June 2023);
- the Plan on page 7 of the document, which identifies the designated area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement (July 2022 – March 2023);
- the Basic Conditions Statement (March 2023);
- all the representations that have been made in accordance with the Regulation 16 consultation on the modified Plan;
- the Strategic Environmental Assessment and Habitats Regulations Assessment – Determination Statements (April 2023);
- the Sustainability Appraisal Addendum (March 2023); and
- the responses from both the QB and DC of 11 July 2023 to my questions dated 21 June 2023.

These documents can be viewed on Dorset Council's web site.²

¹ Blandford Forum Town Council; Blandford St Mary Parish Council and Bryanston Parish Council.

² View at: <https://www.dorsetcouncil.gov.uk/blandford-neighbourhood-plan> which also hosts further associated documents.

Planning Policy Context

- 1.7 The Development Plan for this part of Dorset, not including documents relating to excluded minerals and waste development, is the North Dorset Local Plan Part 1, adopted in 2016 (prepared by the former North Dorset District Council), and the saved policies from the North Dorset District-Wide Local Plan (2003) that still form part of the Development Plan for the Blandford+ Neighbourhood Area.
- 1.8 The North Dorset Local Plan Part 1 and saved policies are due to be replaced by the Dorset Local Plan, which is scheduled for adoption in Spring 2026.
- 1.9 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers advice on how this policy should be implemented. A revised NPPF was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

2. Procedural Considerations

Initial Determination

- 2.1 As the draft Plan has been submitted as a Review, I was required to undertake an initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act') as to whether or not the modifications contained in the draft Plan are so significant or substantial as to change the nature of the Neighbourhood Plan, which the draft Plan would replace.
- 2.2 The purpose of the determination is to establish whether the modification proposal can be examined under the streamlined process for the making of the draft Plan as set out in Schedule A2 to the 2004 Act or, in the event that the proposal contains material modifications which do change the nature of the Plan, it would be examined under the process set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended), requiring an examination and referendum.
- 2.3 To inform this determination I considered all the relevant submitted documents and representations. In particular:
 - the Consultation Statement, which demonstrates that the QB alerted interested parties to the nature of the changes being made to the Plan through the Review;
 - the Foreword to the submission draft Plan which explains the reasons for reviewing the Neighbourhood Plan;
 - the written statement provided by Dorset Council to comply with Regulation 17(e)(ii); and
 - the Modification Proposal Statement from the QB.

- 2.4 The draft Plan does not propose any significant changes. The main ones being alterations to existing policies B5 (Community Facilities) and B7 (Health Provision), and new policies B10 (Blandford+ Design Code) and B11 (Local Heritage Assets). In both the Modification Proposal Statement (submitted by the QB) and in the Dorset Council Modifications Statement (June 2023), the relevant parties both conclude that the proposed modifications are not so significant or substantial as to change the nature of the 'made' Plan and I agree.
- 2.5 I set out my determination in my procedural letter, dated 21 June 2023, to Dorset Council and the QB. I consider that the modifications proposed in the revised Plan are material but are not so significant or substantial so as to change the nature of the 'made' Neighbourhood Development Plan. Therefore, I have conducted this examination in accordance with the relevant provisions in Schedule A2 to the 2004 Act, which I set out below.

The Scope of the Examination

- 2.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the local planning authority should make the draft plan; or
 - (b) that the local planning authority should make the draft plan with the modifications specified in this report; or
 - (c) that the local planning authority should not make the draft plan.
- 2.7 The scope of the examination is set out in Paragraph 11(1) of Schedule A2 to the 2004 Act. The examiner must consider:
- Whether the plan meets the Basic Conditions;
 - Whether the plan complies with provisions under s.38A and s.38B. These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').
- 2.8 I have considered only matters that fall within Paragraph 11(1) of Schedule A2 to the 2004 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

2.9 The 'Basic Conditions' are set out in Paragraph 11(2) of Schedule A2 to the 2004 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations (under retained EU law)³; and
- Meet prescribed conditions and comply with prescribed matters.

2.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁴

Site Visit

2.11 I made an unaccompanied site inspection to Blandford Forum, Blandford St. Mary and Bryanston Parish on 29 June 2023 to familiarise myself with the town and its environs and visit relevant locations referred to in the Plan and other relevant documents.

Written Representations with or without Public Hearing

2.12 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received by me.

³ The existing body of environmental regulation is retained in UK law.

⁴ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Examiner's Modifications

- 2.13 Where necessary, I have specified Examiner Modifications to the Plan (**EMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The B+NPR has been prepared and submitted for examination by the QB. The Review includes all of the town of Blandford Forum, together with the Parishes of Blandford St Mary and Bryanston. This constitutes the area designated by North Dorset District Council (NDDC) in February 2014. NDDC was replaced by Dorset Council on 1 April 2019, and it is that body which carries over the statutory designation.
- 3.2 It is the only Neighbourhood Plan for the designated area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2011 to 2033.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement clearly explains the processes and procedures that have been followed during the preparation of the B+NPR.
- 3.5 Opportunities to contribute towards the preparation of the Plan have been available to all interested parties at the relevant stages, including at both the Regulation 14 stage (30 November 2022 to 30 January 2023) and the Regulation 16 stage (14 April 2023 to 26 May 2023). I consider that, overall, the approach taken towards the preparation of the Review Plan has been conducted in a fair, proportionate and inclusive manner. I am satisfied sufficient regard has been had to advice in the PPG on plan preparation and community engagement⁵ and the process has been procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.6 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

⁵ For example, PPG Reference ID: 61-030-20180913.

Excluded Development

- 3.7 The Plan does not include provisions and policies for 'excluded development'.⁶

Human Rights

- 3.8 I have seen no evidence that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998), and it is not a matter that has been raised by any of the respondents, including DC. Based on my independent assessment, I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Determination Statements (April 2023) set out the reasons why Dorset Council, as the competent authority, considers that neither a SEA nor HRA is required with respect to the B+NPR. This follows consultation with the statutory consultation bodies in August 2022 on the screening report. The Environment Agency and Natural England did not raise any substantive points in relation to their interests, however, Historic England raised a number of points that it considered should be taken into account when deciding whether a full SEA of the Plan is required. Notwithstanding these points, Historic England deferred the decision as to whether a full SEA of the Plan is required to Dorset Council, who after further consideration determined that it was not necessary.
- 4.2 The Cranborne Chase Area of Outstanding Natural Beauty (AONB) Partnership and the Dorset AONB Partnership were also consulted on the screening report. I note that the Cranborne Chase AONB Partnership did not agree with the statements that neither a SEA nor an HRA of the Plan is required, referring to the fact that the nitrates and phosphates issues in the River Stour and Poole Harbour have changed significantly since the SEA/HRA for the initial (made) B+NPR. In contrast, Natural England did not raise any specific concerns about the review in relation to nitrates or phosphates matters and, after further consideration, Dorset Council was not persuaded that a full SEA and HRA is triggered on these grounds.
- 4.3 On the basis of the information provided, principally in the Determination Statements and the Sustainability Appraisal Addendum (March 2023) and my independent consideration of the key issues and points raised, I am in agreement with DC's determinations and am satisfied that the Plan is compatible with EU obligations under retained EU law. This further

⁶ See section 61K of the 1990 Act.

reflects, to some extent, my earlier determination that the proposed modifications do not change the nature of the 'made' Neighbourhood Plan.

Main Issues

- 4.4 Having considered whether or not the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether or not it complies with the remaining Basic Conditions. In particular, the regard it pays to national policy and guidance; the contribution it makes to the achievement of sustainable development and guidance; and whether it is in general conformity with strategic development plan policies. I consider whether or not the policies are sufficiently clear and unambiguous, having regard to the advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.⁷
- 4.5 I shall consider firstly, the new and amended policies, secondly, the unchanged policies and, lastly, the policies deleted.

Policy Modifications: New and Amended

[New Policy B10 \(Blandford+ Design Code\) \(Page 44\)](#)

- 4.6 The Blandford+ Design Guidance and Codes (March 2023) is a comprehensive and detailed document which analyses the physical, historic and contextual characteristics of the Neighbourhood Area. Nine character areas have been identified and their characteristics are recorded in Section 3.
- 4.7 Section 4 establishes the design principles to be followed with regard to layout, streets and parking, built form and environmental and energy efficiency. Section 4.3 (page 113) includes a robust check list of design issues to be considered. Section 5 summarises how the design guidelines should be used.
- 4.8 I consider the Design Guidance and Codes to be clear, sufficiently detailed and relatively easy to implement. I note that it is proposed by David Lock Associates⁸ that the extent of Character Area CA7 should include their client's site (land north of Ward's Drove) but I consider there is insufficient justification for recommending such a modification.
- 4.9 NPPF chapter 12 places significant emphasis on the need for high quality buildings and places, and confirms, in paragraph 128, that 'design guides or codes that are consistent with the principles set out in the National Design Guide and National Model Design Code', should be prepared. I am

⁷ PPG Reference ID: 41-041-20140306.

⁸ Regulation 16 submission.

confident that the implementation of the new Policy B10 will result in the creation of 'beautiful and distinctive places, with a consistent and high quality standard of design'. Policy B10 meets the Basic Conditions.

New Policy B11 (Local Heritage Assets) (Page 46)

- 4.10 Proposed Policy B11 lists the Local Heritage Assets in the area, and they will be identified on the Policies Map. In principle, the policy affords protection to these assets. DC suggests that the first paragraph of the policy could be clearer and more accurately reflect current national advice. I agree that the decision maker would benefit from greater clarity and therefore I recommend **EM1**. In this way I am satisfied that the proposed policy is consistent with the other policies in the Plan; has due regard to national advice⁹and meets all the Basic Conditions.
- 4.11 Also in the interests of clarity for the decision maker, I agree with DC that the last section of paragraph 5.75 (page 49) should be modified, and I recommend accordingly in **EM2**.
- 4.12 I note that Dorset Council also raises the issue of parks and gardens around Bryanston School. However, the QB confirms that 'it is pursuing this matter with DC separately and that the proposed identification (of the aforementioned parks and gardens) will be taken forward at a later stage, either through a fuller review of the Neighbourhood Plan or the emerging Dorset Local Plan'. In these circumstances, where the issues remain to be fully addressed, I agree with the approach taken by the QB.

Amended Policies (policies B5 (Community Facilities) and B7 (Health Provision))

- 4.13 Policy B5 of the 'made' Plan (page 39) identifies 12 community facilities. In the interests of accuracy, it is proposed firstly to include a 'new' facility in the list – namely Blandford St Mary Village Hall; and secondly, to update the name of the former Bryanston Estate Club, which has changed to The Old Powerhouse. It is also intended to update the supporting text to reflect changes to the use classes order.
- 4.14 The Village Hall is clearly a community facility which should be added to the list and in the interests of accuracy (which is particularly important for the decision maker) the correct name should be given to the former Estate Club. Amended Policy B5 meets the Basic Conditions.
- 4.15 Policy B7 (page 41 of the 'made' Plan) supports improvement to healthcare provision, which bearing in mind the population growth in the area, is a justified approach. However, GP practices in the area have merged and the Blandford Clinic has been established. These changes are reflected in policy B6 (which is the 'new' number in the Modified Plan) and I agree that they are necessary in order that decision makers have the most up-to-date information. The Basic Conditions are met.

⁹ E.g. Chapter 16 of the NPPF.

Unchanged Policies

4.16 Policies B1, B2, B3, B4, B8, B9, B10, B14 and B15, remain unchanged from the 'made' Neighbourhood Plan. I am satisfied that, with one exception, they all have regard to national guidance, generally conform with the strategic policies of the North Dorset Local Plan Part 1 and would contribute to the achievement of sustainable development. In particular, I note that Dorset Council (see Regulation 16 response) concludes that the Plan is making sufficient provision for housing to meet the housing requirement up to 2033. The exception noted above relates to Policy B9 – Local Green Spaces. I observe that in the light of the 2020 Court of Appeal judgment in *R on the Application of Lochailort Investments Limited v Mendip District Council*¹⁰, the wording of the Policy should be revised to ensure that it has sufficient regard to NPPF paragraph 103 and, therefore, recommend **EM3**. With this modification, these policies all meet the Basic Conditions.

Policy Deletions from the 'made' Neighbourhood Plan (policies B6, B11, B12 and B13)

4.17 Existing policy B6 relates to the provision of a new community hall in Blandford St Mary. This facility now has the benefit of planning permission and therefore the policy has become redundant, and I agree that it should be deleted together with its supporting text.

4.18 Existing policies B11 (Managing Design in the Conservation Area: Blandford), B12 (Managing Design in the Conservation Area: Blandford St Mary) and B13 (Managing Design in the Conservation Area: Bryanston) relate to issues of design in the three Conservation Areas. I am satisfied that proposed policy B10 (Blandford+ Design Code) provides all the necessary design guidance for all of the Plan area, including in relation to Conservation Areas. Hence, there is no justification for the retention of these three policies.

Alterations to the Text and Policies Map

4.19 In the Modifications Statement under Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012; and in the Regulation 16 response from Dorset Council, there is confirmation that there are a number of factual up-dates which should be made to the Plan (for example with regard to current housing figures), and to the Design Guidance and Codes Document; as well as improvements to the clarity of some of the Maps in the document. I am satisfied that these are appropriate minor non-material updates or clarifications (see PPG Ref ID:41-106-20190509) and that they can be dealt with accordingly. Additionally, the Plan should be checked to ensure that all references to NPPF paragraphs (for example in paragraph 5.56 of the Plan) are to the

¹⁰ Case Number: C1/2020/0812.

July 2021 version. I note that the QB and DC¹¹ intend to work together to improve the quality of the Maps in the document and this is to be supported.

Other Matters

- 4.20 Although I have focussed on the differences in the policies between the 'made' Neighbourhood Plan and the Review Plan, I have given consideration to the whole of the submitted Review Plan. I have reviewed each policy in terms of its consistency with national policy and guidance and their general conformity with the strategic policies in the Development Plan. Other than the issues discussed above, I am satisfied that there are no outstanding matters with regard to meeting the Basic Conditions.
- 4.21 Cranborne Chase AONB¹² Partnership raises a number of concerns in its Regulation 16 response, for example in relation to light pollution; lack of engagement; and lack of compliance with national guidance. However, I am satisfied with the response from the QB to my Question 1 and do not consider that any further modifications (other than those recommended in this Report) are required to ensure that the Basic Conditions are met. Similarly, I consider that there is no justification for delaying progress on the Review Plan as suggested by Wates Development in its Regulation 16 response.
- 4.22 The Environment Agency suggests a small number of changes with regard to climate change, biodiversity, water provision and water quality. However, I consider that these issues should be addressed primarily as part of the current Local Plan Review, and in any event, they are addressed in other national and local documentation.
- 4.23 Pimperne Parish Council makes several suggestions for changes to the Plan, including to policy B2 (land north and east of Blandford Forum). I have considered the issues raised by the Parish Council, including the suggested modifications, but consider that none of them are necessary to ensure that the Basic Conditions are met. If at the time this Plan is 'made' there are factual updates required, then these can be undertaken without the need for further consultation (see paragraph 4.19 above).

¹¹ See answer to my Question 5 to the QB.

¹² Area of Outstanding Natural Beauty.

5. Conclusions

Summary

- 5.1 The Blandford+ Neighbourhood Plan Review has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 With the exception of the three modifications required, I am satisfied that the Modified Plan, as submitted, meets the Basic Conditions and other legal requirements.

Recommendation

- 5.3 I recommend that Dorset Council should make the draft Plan with the three Examiner Modifications set out in the Appendix to this report.

Overview

- 5.4 The QB have prepared the revision of the Blandford+ Neighbourhood Plan with appropriate speed and clarity and I am confident that the implementation of the new/revised policies will enable decisions to be made based on an up-to-date local policy framework. The value of citing the Design Guidance and Codes within the Plan itself should be measurable.

David Hogger

Examiner

Appendix: Examiner Modifications (EMs)

Notes:

- Additions are show in bold and deletions denoted with ~~strikethrough~~; and
- Page references are those in the submitted Modified Plan (March 2023).

Examiner Modification number	Page no./ other reference	Modification
EM1	Page 46 Policy B11	<p>Delete the first paragraph of Policy B11 and replace it as follows:</p> <p>The Neighbourhood plan identifies Local Heritage Assets, as listed below and shown on the main Policies Map and Local Heritage Assets inset Maps, by way of their local architectural and historic value. Proposals that will result in harm to, or unnecessary loss of, a Local Heritage Asset will be resisted unless it can be demonstrated that there is a public benefit that outweighs the harm of loss.</p> <p>The following are considered to be locally important heritage assets which have a degree of significance meriting consideration in planning decisions. Proposals that will result in harm to their significance, or their total loss, will be resisted unless it can be justified as part of a balanced judgement in a planning decision. Proposals affecting these assets should be accompanied by a comprehensive Heritage Statement, providing an assessment of their significance (including any contribution made by their setting) and any potential impacts arising from the proposed development. It should be noted that this list is not exhaustive, and it is possible that</p>

		other heritage assets will be identified through future planning applications or local research, in which case they would be considered under the provisions of this policy.
EM2	Page 48 Paragraph 5.75	<p>Delete last 3 sentences of paragraph 5.75 and replace them as follows:</p> <p>Dorset Council has its own Local Heritage List project, which shares the same evaluation criteria. It is expected that the assets identified in this policy will be added to the Dorset Local Heritage List in due course. In the meantime. The policy provides certainty to applicants and the local community.</p> <p>Dorset Council has its own emerging Local Heritage List (The Dorset Local Heritage List Project), which has a consistent set of heritage values, criteria and standards broadly based on those in Historic England’s advice note on Local Heritage Listing. It is expected that the assets identified in this policy will be added to the Local Heritage List in due course. In the meantime, the policy provides certainty to applicants and the local community.</p>
EM3	Page 43 Policy B9	<p>Revise the sentence comprising the second paragraph of Policy B9 as follows:</p> <p>Proposals for development in a Local Green Space will only be supported in exceptional circumstances will be managed in accordance with national policy for Green Belts.</p>