

INDEPENDENT EXAMINATION OF THE BLANDFORD + NEIGHBOURHOOD PLAN REVIEW

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Mrs Julie Wigg
Committee Clerk at Blandford Forum Town Council

Ed Gerry
Dorset Council

Examination Ref: 01/DH/B+NPR

Via email

21 June 2023

Dear Mrs Wigg and Mr Gerry

THE BLANDFORD + NEIGHBOURHOOD PLAN REVIEW EXAMINATION

Following the submission of the Blandford + Neighbourhood Plan Review (B+NPR) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for 'the Councils'¹ as Qualifying Body (QB) and a smaller number for Dorset Council (DC). These are attached as an Annex to this letter, and I would like to receive the responses by **Wednesday 12 July 2023**.

1. Examination Documentation

I can confirm that I have received a complete submission of the Review Plan and accompanying documentation, including the Modified Plan and accompanying maps; the Basic Conditions Statement; the Consultation Statement; the Sustainability Appraisal Addendum; the SEA/HRA² Determination Statement and the Regulation 16 representations. I have also received the Modification Statements prepared by the QB and DC in relation to whether or not the modifications contained in the draft Plan Review are so significant or substantial as to change the nature of the Neighbourhood Development Plan which the draft Plan Review would replace (giving reasons why).

I am satisfied that I have enough relevant evidence to enable me to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

Subject to my detailed assessment of the B+NPR, I have not identified any significant and obvious flaws that might lead me to advise that the examination should not proceed.

2. Determination under paragraph 10(1) of Schedule A2 of the Planning and Compulsory Purchase Act 2004 (as amended)

I am required to determine whether or not the modifications contained in the draft Plan Review are so significant or substantial as to change the nature of the neighbourhood development plan that the draft Plan Review would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan Review. This will affect, amongst other things, whether or not the B+NPR will need to be the subject of a referendum if it is to be made.

The QB states in its Modification Proposal Statement dated March 2023 (table after paragraph 3) that the Plan has been modified by changes to policies B5, B6, B10; and B11. My understanding is that existing policies B11, B12 and B13 would be deleted, to be replaced by a new policy B10 (Design

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

² Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA).

Code). Policies B5 (Community Facilities) and B7 (Health Provision) would be modified; and a new policy would be inserted – B11 on Local Heritage Assets.

The Modification Statement (paragraph 5) states that the QB considers that the modifications ‘follow not just the spirit of the Made Plan but also maintain, and does not change, the nature of its spatial or design principles’.

DC has also concluded, in its Modifications Statement, that the modified document ‘consists of minor (non-material) modifications and material modifications which do not change the nature of the Plan’. Consequently, the Council considers that the modified Plan requires an examination but not a referendum.

Having assessed all the submitted documentation, including the representations and relevant statements, I am also able to conclude that the principal modifications proposed in the submitted B+NPR are, in my view, material but do not change the nature of the made Plan.

Therefore, the Examination can proceed under the terms of Schedule A2 and, as a consequence, should I recommend that the draft Plan Review be made (with or without examiner modifications), a referendum stage will not be a necessary part of the statutory process.

3. Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing 26 June 2023. This will assist in my assessment of the draft Plan Review, including the issues identified in the representations.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan Review or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

4. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should I consider there are exceptional reasons to do so.

5. Further Clarification

I have a number of initial questions seeking further information and clarification from both the QB and DC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided by **Wednesday 12 July 2023**.

6. Examination Timetable

As you will be aware, the intention is to examine the B+NPR (including conduct of the site visit) with a view to providing a draft report (for ‘fact checking’) within around 6 weeks of submission of the draft Plan Review. However, I have raised a number of questions to which I must provide the opportunity for the preparation of a full and considered response. Consequently, the examination timetable will be extended but please be assured that I will seek to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent responses, are placed on the websites of the QB and DC.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft of the Blandford + Neighbourhood Plan Review and the supporting evidence, I have 2 questions to which I require a joint response from both DC and the QB and a further 4 questions just for the QB. I have requested the submission of a response by **Wednesday 12 July 2023**.

Questions for both DC and the QB (2)

I would prefer a joint response to these questions but if that cannot be successfully achieved then independent responses should be submitted by the two parties.

1. Cranbourne Chase AONB³ Partnership raise a number of issues in its submission, including in relation to light pollution (paragraph 21); lack of engagement (paragraph 33); and lack of compliance with national guidance (paragraph 23). Can both DC and the QB provide a brief joint response addressing the concerns raised by the AONB Partnership?
2. Wates Development suggest that the Review of the Plan should be delayed until there is greater clarity regarding national policy and the emerging Dorset Council Local Plan (under section 4: Conclusion). Can both DC and the QB provide a brief joint response addressing this issue?

Questions for the QB (4)

3. DC makes a number of suggested changes to the Neighbourhood Plan in its Regulation 16 response. Could the QB comment on those suggestions?
4. Could the QB comment on the issues set out in the submission from the Environment Agency?
5. David Locke Associates have submitted comments in relation to Policy B.10, regarding the Blandford + Design Code. Could the QB respond to the main issues that are addressed; namely:
 - Conflict and Misalignment;
 - Duplication; and
 - Consistency?
6. In its Regulation 16 submission, Pimperne Parish Council identify several matters of concern. Could the QB briefly address the issues raised?

³ Area of Outstanding Natural Beauty (AONB).