

[REDACTED]
[REDACTED]
9 October 2018

Dear Mr Kaiserman,

I have just spoken to Mr Ed Gerry and, given the unusual circumstances, he has kindly agreed to forward this to you.

During the Regulation 16 period for Hazelbury Bryan's Neighbourhood Plan, I had a one-hour meeting with Ed Gerry, Head of Planning Policy, and a telephone call with Penny O'Shea, in order to try to decide whether it was appropriate for me to submit a case against Site 2, as there have been significant procedural issues with this site for the last 10 months.

In the end it was decided not to submit, mainly on the basis that I believed you would have (understandably) dismissed my concerns as being irrelevant, as Site 2 had already been withdrawn from the Plan. I also had, and still have, absolutely no desire to get anybody "into trouble" for the sake of it, as Site 2 was already out of the Plan.

However, I have today heard from the North Dorset Planning Committee, and from Ed Gerry, that you are now in fact considering whether both Site 2 and Site 18 should be included in the Plan. This is a hugely significant change for all the developers, landowners and residents who have a stake, either for or against, these sites – and it came as a shock to most of the 20 or so people gathered at Durweston village hall this morning when the news broke at the Planning Committee meeting for The Ferns (Site 18). As such, I now believe it is essential that you are made aware of the procedural anomalies that occurred in the NP site selection process.

Over a period of many months I have been liaising with the ministry (MHCLG), and in particular their delegated NP authority "Locality", to make sure I have not misunderstood anything in the rules and guidelines about site selection, the use of which, among others, is recommended on the North Dorset NP website. I will summarize the main points below:

The emphasis in site selection should be on the Site Assessments rather than the public vote – which is the opposite of what our committee did.

Locality have a comprehensive guide entitled *Site Assessment and Allocation*. The clue is in the name – "Site Assessment and Allocation" – the 2 are inextricably linked. In the Introduction it states:

"The Site Assessment will provide the evidence that the sites selected are the most appropriate ... At the end, you will have sites that you can demonstrate have been thoroughly and objectively assessed for suitability. You can then allocate the sites in the neighbourhood plan ... [as it] will demonstrate ... the basis on which the decisions were reached." (unquote)

But it was clearly NOT "the basis on which the decisions were reached" in the case of Hazelbury Bryan. Because having completed the Site Assessments, they then held a public vote. And the 6 sites the committee chose to go forward into the draft plan were exactly the ones that had come top in the vote. The results were even openly published as being the public's "favoured" sites and as their "consensus view".

But the guidance warns against using the public vote in this way. It says: “Simple voting on different options should be avoided ... Asking people to vote for different sites would be difficult to translate into site allocations”; and also “Too much emphasis on the views of local people results in an unbalanced plan”.

The committee even admitted in their own Minutes, “We can only work with the data from the questionnaires; we cannot second guess whether people actually understood the consequences of their preferences”!

The public vote results had no fewer than fourteen sites whose average scores were closer to “neutral” than to any shade of “For” or “Against”. With such ambivalent scoring, and such a small standard deviation, it was never going to be a credible site-selection method.

The government’s Planning Practice Guidance says: “Proportionate, robust evidence must support the choices made”; and elsewhere it says: “Site allocations need to be evidence-based ... [using] clear planning-focused selection criteria” – i.e. the Site Assessments.

The committee visited and thoroughly analysed all 26 sites in the village. Site 18 was one of only 4 that met all 5 of their criteria, and yet it was not even considered for the Plan. It’s only problem? – a neutral public vote. Conversely, Site 2 failed to meet 3 of the committee’s 5 criteria, and yet it was much more highly favoured by the committee because of the public vote, despite it also being one of the 14 sites with a score closest to “neutral”.

In my view, planning rules and guidelines are there for a purpose – to ensure that outcomes are both sensible and fair to all – and I believe they should be followed.

I sincerely hope that, in the interests of fairness, you will take into consideration what I have just said. If so, you will wish to read the evidence in my comprehensive Regulation 16 submission (attached), which in the end was not submitted for the reasons I have explained.

Thank you very much for reading this. Please let me know if you have any questions.

Yours sincerely,

Nigel Smith



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Batch number: _____	Received: _____
Representor ID # _____	Ack: _____
Representation # _____	

HAZELBURY BRYAN NEIGHBOURHOOD PLAN 2018 TO 2031 Regulation 16 Consultation 10 August to 21 September 2018

Response Form

The proposed Hazelbury Bryan Neighbourhood Plan 2018 to 2031 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 21 September 2018. 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	Nigel	
Last Name	Smith	
Job Title <i>(where relevant)</i>		
Organisation <i>(where relevant)</i>		
Address	██████████ ██████████ ██████████	
Postcode	██████████	
Tel. No.	██████████	
Email Address	████████████████████	

Part B – Representation

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

	Submission Plan
	Consultation Statement /
	Basic Conditions Statement
	Other Please specify:

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

	Location of Text
Whole document	
Section	
Policy	
Pages	7, 65, 66
Appendix	

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

	Support
	Object
/	Make an observation

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

My interest is in Site 2, which was selected for the Plan in November 2017 and remained in the draft until June 2018. During those 8 months, the validity of the site selection process has been endlessly questioned by a group of villagers, and the site was finally removed from the Plan at the eleventh hour.

Despite Site 2 not now being in the main document of the Plan, it is still mentioned 3 times in the Consultation Summary in the specific context of it being able to be reinstated at any future review. This submission therefore revolves around the following sentence at the foot of Page 7 of the Consultation Summary, and similar on pages 65 and 66:

“The main change has been the deletion of the reserve site (Site 2), given ... the ability for the Plan to undertake an early review if deemed appropriate”.

To actually mention (3 times) the possibility of a review, months before the villagers have even voted on the first version, seems very odd until you realize that this Plan has been submitted in the full knowledge that 2 of the 4 chosen sites (and over 50% of the housing) have already been refused planning permission, with absolutely no guarantee of successful appeals. It is unlikely they would have used the word “early” review unless they had already expected that some sites would soon fall by the wayside. And in all 3 places where “review” is used, it is only Site 2 that is mentioned, so the implication is that it is still the Reserve site in everything but name.

I am well aware that the primary role of the examiner is to check that the Plan meets all the statutory Basic Conditions, and I know that Site 2 is no longer in the main Plan, so this representation is submitted merely as an “observation” rather than an objection. However, this information will now be available to decision makers for the lifetime of the Plan, and it will act as existential evidence if and when there is a future review.

Please see Annexes A and B (attached) for Explanations and Evidence

Continue overleaf if necessary

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

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.*

/	Yes
	No

Signature: _____

Date: 03 September 2018

If submitting the form electronically, no signature is required.

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

ANNEX A to Regulation 16 representation

Why Hazelbury Bryan is unique – and why this is part of the problem

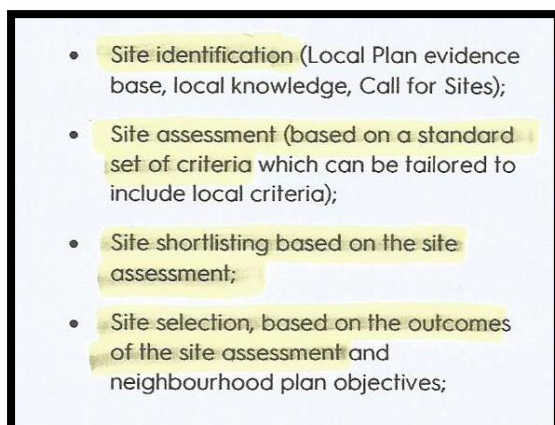
HB is not a single village but 7 different hamlets, each one surrounded by green fields. Therefore, when the “Call for Sites” went out, there were an unusually large number of landowners (26 in all) who had land that was adjacent to or within the current Settlement Boundaries, and who took the chance to put that land forward for potential development.

When the public were asked to score all the sites ('suitable/acceptable') for development, it was very likely that many would, quite understandably, vote against having it near their own hamlet. But hamlets of unequal sizes have unequal voting powers. When I raised this as a potential problem at the December 2017 NP committee, the chairman replied that NIMBY voting “was to be expected” – which was, of course, precisely my point. Unless people are required to provide the reasons for their choices, planning logic will probably be absent.

Having studied a large number of neighbourhood plans in Dorset villages, I have concluded that when a village is a single compact entity (as it normally is), the possible options for housing sites are more limited, so the selections are more obvious and the process simpler.

But with HB having so many sites to choose from, there were a number that were assessed as being well suited to housing development. Despite permitting a public vote to completely override the findings of the Site Assessments, this did not – by luck – affect the 4 sites that were finally selected for the Plan, as all 4 scored highly on both lists. However, it has seriously distorted the sequencing of some others sites (e.g. sites 2 and 18), so if there is a future review of the Plan, then some landowners and villagers will be justifiably upset.

The site selection process used by the NP committee was correct – initially

- 
- Site identification (Local Plan evidence base, local knowledge, Call for Sites);
 - Site assessment (based on a standard set of criteria which can be tailored to include local criteria);
 - Site shortlisting based on the site assessment;
 - Site selection, based on the outcomes of the site assessment and neighbourhood plan objectives;

‘Locality’, who are contracted to be central government’s delegated authority on Neighbourhood Planning issues (as explained to me by the ministry – MHCLG) have this extract [on the left] on their website about the sequence of events for site selection.

As is abundantly clear from this, the key determinant is the committee’s own Site Assessments – a process they did follow.

Having identified possible sites (see bullet point No.1 above), and decided on their 5 criteria for judging (bullet point No.2), the committee visited them all and individually scored each one. They then met as a group, discussed each one, resolved any disagreements, came up with agreed scores, and published them (bullet point No.3) as shown on the next page.

Site assessments 2017 - why green, amber and red? - some explanations:

Following site visits all prospective sites were scored by the Neighbourhood Plan group against criteria that had been drawn up to reflect the wishes of the Village, as voiced on previous consultations. These were:

1. Would there be good access both by vehicle, not just domestic but commercial (deliveries and collections) and on foot?
2. Would development affect the surroundings in that location, would it be seen as part of one of the hamlets, without diminishing an important gap or adversely affecting local features of landscape or historic importance?
3. Might the development be detrimental to green spaces, biodiversity, etc?
4. Would any properties be likely to have a negative impact on surroundings / neighbours, or be adversely affected by flooding, local business (noise, etc.) or for instance bad odours (sewage works)?
5. Was the development likely to be supportive in the way of helping to retain community facilities, work opportunities, etc?

Each group member individually scored each site, based on the following rating:

✓✓ = strong positive, ✓ = positive, 0 = neutral, X = negative, XX = strong negative

The group then met to consider the scores (looking at the range and average of the independent scores and seeking to understand why some scores differed considerably), to agree a final score for each criteria for each site, reflecting the consensus of the group as shown in the table below. (Where a group member had declared a potential conflict of interest, they took no part in scoring or discussing the scores for that site.) The scores then formed the basis for deciding which sites should be ranked as "green", "amber" and "red". Given the subjective nature of the scoring and possible weightings that might be applied, it was not considered appropriate to 'rank' the sites within each category or publish these scores as part of the consultation, other than to explain the rejection of the "red" sites (where the overall negatives appeared to outweigh the positives). The Strategic Environmental Assessment scores were published.

Site ID (see map)	A safe and walkable village	Built form and character	Important green spaces	Possible harm to occupants	A working, active village
4	0	✓✓	✓	✓	✓
7	✓✓	✓✓	✓✓	✓	✓✓
8 or 506	✓✓	X	0	✓	✓✓
11	✓✓	✓✓	✓✓	✓	✓✓
12	X	✓✓	✓	✓✓	✓✓
13	✓✓	✓	✓	✓	✓
18	✓	✓	✓	✓	✓
20	✓	X	0	✓✓	✓✓
2	✓✓	X	X	X	✓
10	✓	✓	0	X	0
14	✓	✓	X	✓	✓
15	✓✓	X	0	XX	✓✓
16	✓✓	0	0	✓	0
21	✓	X	X	✓	✓
601	0	✓	✓	X	X
1	XX	X	0	0	X
3 or 605	X	✓	X	0	X
5	X	✓	0	0	X
6	✓✓	X	XX	XX	X
9	X	XX	X	X	X
17	X	XX	0	✓	X
19	X	X	XX	✓	XX
22	XX	X	X	✓	X
23	✓	X	X	0	0
24	✓	XX	X	X	X
602	0	X	X	X	✓

I have not heard of anyone disputing either the process or the results. There could, however, have been an improvement in the way these results were presented to the public that would have increased clarity – and arguably transparency. Although they were grouped Green/Amber/Red, the sequence within each category was by "Site No.", and thus random.

Therefore Site 2, being a low number, was shown at the top of the Amber group when in reality it should have been at the bottom, which is visually misleading, thus making relative comparisons between different sites more difficult for people to see than was necessary. Also, the table omitted the all-important "total scores" column (i.e. ticks minus crosses).

To remedy this, I re-created the table (omitting the Red sites) using the exact same information, as shown below. A copy was given to the NP committee and the PC chairman.

SITE	CRITERIA 1	CRITERIA 2	CRITERIA 3	CRITERIA 4	CRITERIA 5	TOTAL
11	//	//	//	/	//	9
7	//	//	//	/	//	9
13	//	/	/	/	/	6
12	X	//	/	//	//	6
18	/	/	/	/	/	5
4	0	//	/	/	/	5
20	/	X	0	//	//	4
8	//	X	0	/	//	4
16	//	0	0	/	0	3
14	/	/	X	/	/	3
21	/	X	X	/	/	1
15	//	X	0	XX	//	1
10	/	/	0	X	0	1
601	0	/	/	X	X	0
2	//	X	X	X	/	0

The right-hand column shows the total marks scored, which determined green/amber/red. Those marks I have highlighted in yellow show the sites that are (correctly) included in the current Neighbourhood Plan. The one highlighted in red (Site 2) is the highly contentious contender for '1st Reserve' in any review.

Leaving aside the 4 correctly selected sites, **there were 9 other sites found to be more suitable for housing than Site 2**, including 4 of their Green-rated ones.

Site 18, for example, received a tick for each of the committee's 5 criteria, whereas Site 2 **failed to meet 3 of the 5 criteria**, of which 2 were "Important green spaces" and "Possible harm to occupants". Both of these negative points are well demonstrated by this photo:



The Site 2 field is the central one, surrounded by fields on 3 sides.

It is the only site that is neither infill nor a ribbon development.

This photo was taken from my house. There are many houses with similar proximity, hence its negative 'X' score for its "possible harm to occupants".

Also, there is a public footpath that runs across the field (from the large tree on the right), which is well used on a daily basis. That walk would be ruined by having housing next to it.

At this point, having failed to meet 3 of their 5 criteria, Site 2 should have been dismissed. It is hopefully now very clear why having Site 2 in the Draft Plan (for the initial months) and then as the Reserve Site (until the last minute) raised serious questions and challenges.

So how did it all go wrong?

The committee presented their Site Assessments sheet (with its “out of sequence” chart), along with other information, to the villagers at an Options Consultation in Sept/Oct 2017. The committee offered 8 Green sites – ones that they had visited, analysed and carefully selected as best meeting their criteria. But they then asked the public, who invariably will have been less well informed, to score every single site, but without being required to explain their reasoning if they disagreed with any of the committee’s chosen Green sites. Therefore, at the end of it, the committee was unable to make a judgement about whether the public view had been based on sound and valid reasoning, or whether it was based on keeping housing away from their own hamlet. Indeed, the Minutes of their next meeting (Nov 2017) admitted: **“The committee can only work with the data from the questionnaires – it cannot second guess whether people actually understood the consequences of their preferences”!** That is clearly not a valid basis on which to select sites for development.

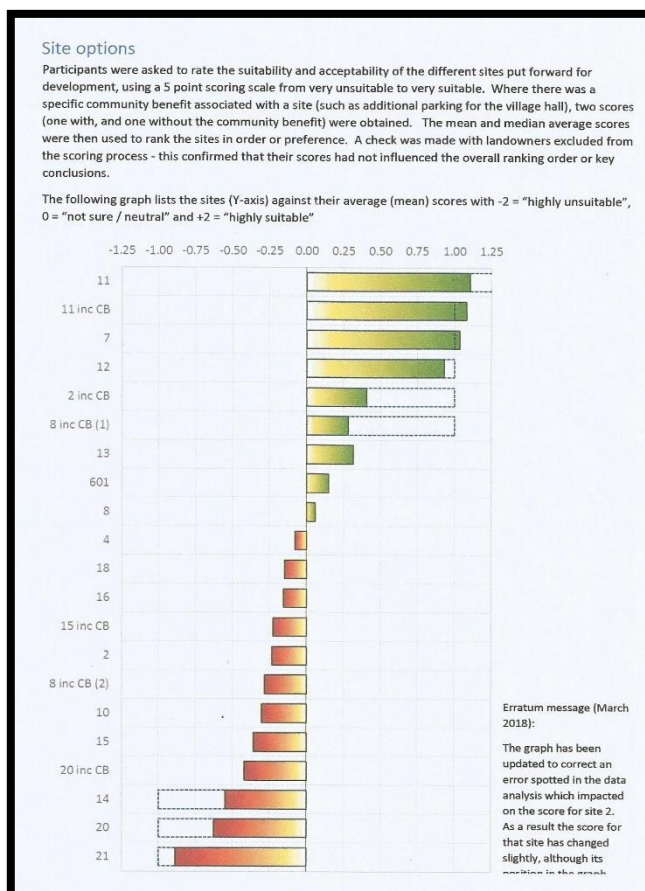
Given this lack of knowledge about why people voted the way they did, and given the large discrepancies that existed for some sites (e.g. Site 2) between the Site Assessments sheet and the Options Consultation results sheet, I believe the latter should have been treated with great caution by the NP committee. But what happened was they appeared to entirely disregard their own findings in their Site Assessments because they 100% accepted the public scores (as will be proved below), treating them as if it had been an official vote rather than a gathering of opinions from one consultation. They received a few comments, but mostly just scores about whether sites were “suitable/acceptable” (no distinction made).

The results of the Oct 2017 public vote can be seen here:

The top six sites were:

11, 7, 12, 2, 8, 13.

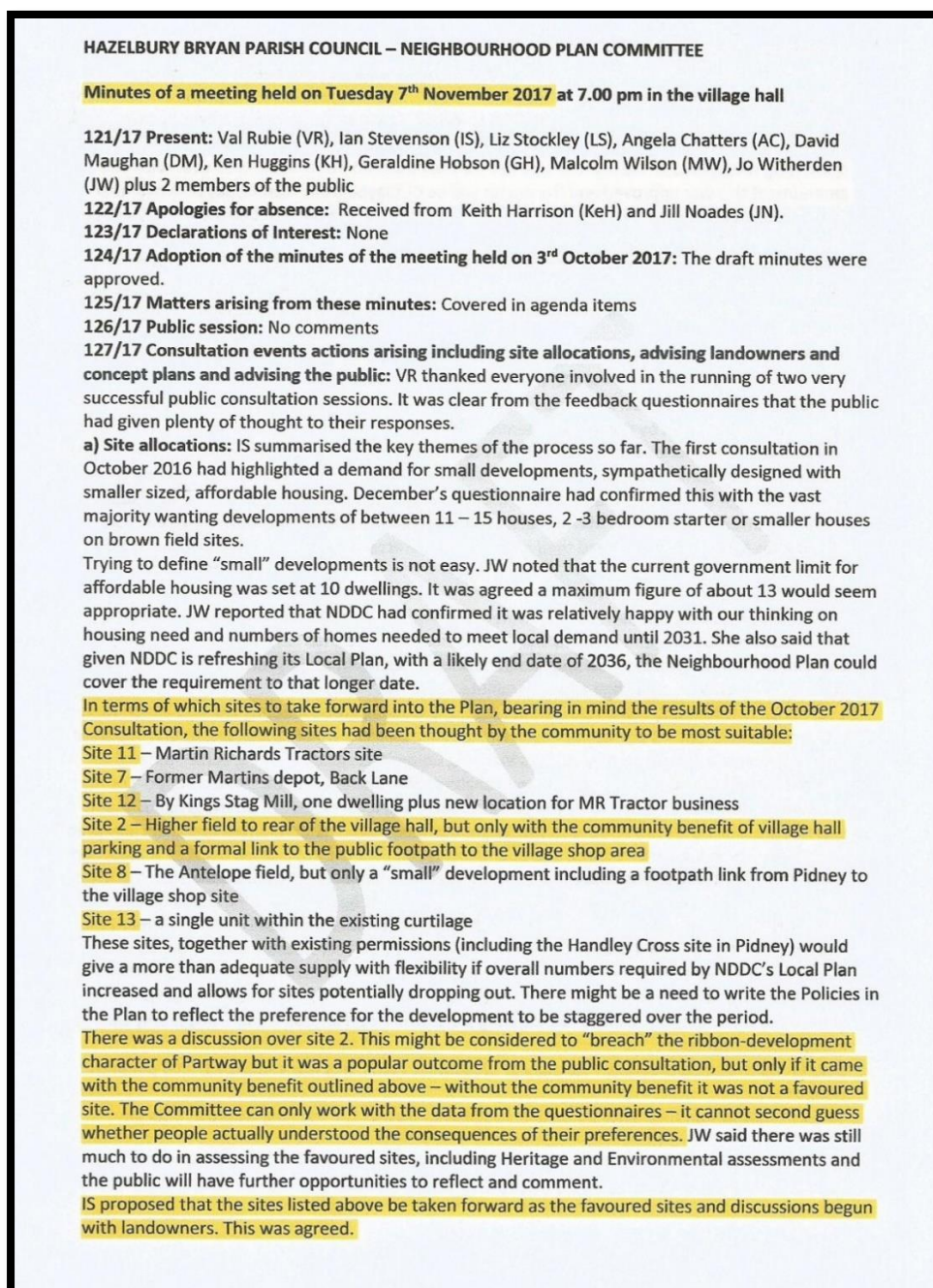
These most-voted-for sites, without any adjustments, went forward into the draft Plan, as will be proved below.



This is contrary to the Locality Neighbourhood Plans Quick Guide, Page 9, under the heading *Common Mistakes – What to Avoid*:

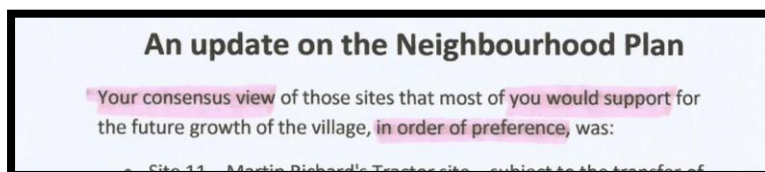
“Consultation should not be treated as a one-off tick-box exercise. Analysis of consultation responses is not about counting the numbers ...” [my emphasis]

In the Minutes of the NP committee's Nov 2017 meeting, exactly the same sites in exactly the same order (11, 7, 12, 2, 8, 13) were chosen to go forward into the draft Plan:



The parts highlighted in yellow are very instructive, and are most relevant to my case.

These Minutes were accompanied by a Public Notice to the village, listing the sites selected, at the top of which was the following statement:



I believe that the words highlighted in pink also prove

the decision was taken entirely on the public vote.

And it goes on to list again the same sites in the same sequence (11, 7, 12, 2, 8, 13):

Your consensus view of those sites that most of you would support for the future growth of the village, in order of preference, was:

- Site 11 – Martin Richard's Tractor site – subject to the transfer of the employment to site 12.
- Site 7 – Former Martin's Depot – subject to the maximum limit of dwellings and only the brownfield site being developed.
- Site 12 – Land adjoining Kings Stag Mill – subject to site 11 proceeding.
- Site 2 – Higher field to rear of Village Hall – subject to the provision of parking for the Village Hall and the maximum limit of dwellings.
- Site 8 – The Antelope site – subject to the maximum limit of dwellings, the provision of pedestrian access from the pub to the shop and road improvements for site access.
- Site 13 – Land adjoining The Retreat for 1 dwelling.

The extract below is from my very first email to the committee on 28 Dec 2017, when I asked them to correct an error in the Minutes of their meeting that month – I quote:

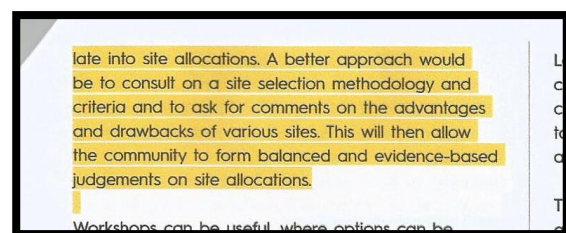
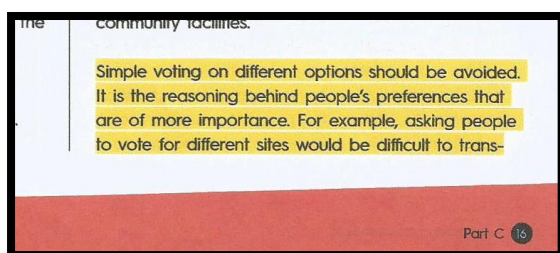
For the Minutes to be an accurate record and reflect the essence of what I said [at the December committee meeting], the following would need to be included:

“He then pointed out and explained two drawbacks in the design of the Options Consultation Questionnaire (OCQ) which have inhibited a comprehensive understanding of the results and therefore prevented fully informed conclusions.”

As a reminder, the two flaws were: (1) The OCQ asked for no distinction between ‘unsuitable’ and ‘unacceptable’ [i.e. NIMBY]; and (2) The OCQ did not require people who disagreed with the committee about Green site suitability to explain their reasons. It is of interest that out of the 15 Neighbourhood Plans on the North Dorset website I can only find one that has done it your way.

At that time I had no idea about the NP regulations, but was purely using common sense. It was only when they replied 2 days later, refusing to acknowledge the veracity of my email, that I really started to investigate the rules and safeguards. I was reassured to find that my gut instinct had been absolutely correct – I found I had hit the nail squarely on the head.

Locality’s Roadmap document makes almost exactly the same points as were in my email:



The Locality website, as recommended on the North Dorset website, says as well that “**local opinion expressed through consultation responses alone will not suffice**”. It also says that ‘consultation responses’ should be ‘qualitative’ (i.e. comments) – votes are ‘quantitative’:

issues facing your area now and also an understanding of how these may change in the future.

Evidence can be both quantitative (facts and figures) and qualitative (e.g. consultation responses). You need to ensure that you collect sufficient relevant evidence to back up the choices you make in your neighbourhood plan. Local opinion expressed through consultation responses alone will not suffice.

This note provides an idea of the different sources of quantitative data (facts and figures)

This ruling is repeated very clearly in another of their online documents – “**If you are seeking to allocate land for housing ... you cannot base your decision solely on public opinion**”:

a review of the waiting list should be sufficient to demonstrate demand and you will not need to survey all local residents. However, **if you are seeking to allocate land for housing you will need to carry out an appraisal of options and a robust assessment of individual sites against clearly identified criteria. You cannot base your decision solely on public opinion.**

As can be seen above, this extract also states that you must carry out “**a robust assessment of individual sites against clearly identified criteria**” – i.e. the compulsory Site Assessments.

And the North Dorset website’s “Sources of Advice on Neighbourhood Planning” includes www.ourneighbourhoodplanning.org.uk, where there is advice from Clive Keeble (MRTPI). He is a planning consultant with 40 years experience, who has supported 30 NP groups, and has already ‘made’ 10 plans.

In an article “*What are the most common pitfalls of neighbourhood planning?*”, he warns:

“The NP Steering Group or Parish Council may place too much emphasis on the views of local people ... This results in an unbalanced plan, which may fail at examination and/or be subject to legal challenge.”

The Introduction to Locality’s *Site Assessment and Allocation* document says:

Carrying out a site assessment will provide the evidence that the sites selected for allocation are the most appropriate - that they are in the most sustainable location, they are in conformity with the strategic policies of the Local Authority’s Local Plan and that there is a good prospect that they will be developed.

At the end of the process you will have a site or sites that you can demonstrate to an examiner has been thoroughly and objectively assessed for suitability. You can then allocate the site in the neighbourhood plan, which establishes the principle for a particular form of development in that location.

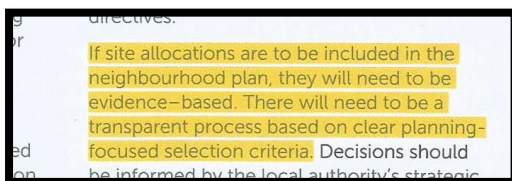
This process will also allow you to ‘tell the story’ of how the sites that are chosen for allocation were selected, and why others were not. This will help to demonstrate to the community and to landowners and developers who may be promoting other sites that are not chosen to be allocated, the basis on which the decisions were reached.

Site 2 was “thoroughly and objectively assessed”, and it was found less than suitable.

The Site Assessment results table (on Page 2 of this document) shows that Site 2 failed to meet 3 of the 5 criteria that were used by the committee to judge the suitability of a site for housing. And, using my table (on Page 3), which shows the sites in the correct sequence, it can be seen that **it only came 15th in the committee’s view on its suitability for housing** – so it should never have even been considered as being a possible site for development.

Everything became distorted and disproportionate because of an offer by the landowner of Site 2 to provide a few parking spaces for the village hall if his site was selected for housing. This ‘community benefit’ was included as an option on the voting form, so people were asked to vote twice for Site 2 – once for the housing alone, and once for the housing with village hall parking. **When voting solely for its suitability for housing, it only came 11th**. But when they added the car park it moved up to 4th. Given the committee’s own evidence from the Site Assessments, I believe they should have recognized that a small car park can only enhance the desirability of an already suitable site – it cannot possibly change a known ‘unsuitable’ site into a ‘suitable’ one. This vote should have been severely moderated.

The Locality Roadmap Guide states:



If site allocations are to be included in the neighbourhood plan, they will need to be evidence-based. There will need to be a transparent process based on clear planning-focused selection criteria. Decisions should be informed by the local authority's strategic

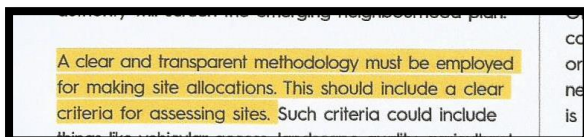
And both the Government Advice (para 040) and the Locality websites also state that:

“proportionate, robust evidence should support the choices made”.

There is nothing ‘proportionate’ about putting permanent houses on a site everyone agrees is unsuitable, just to allow a handful of people to park on tarmac for a few hours a week. The committee seemed to lose sight of the guidance in the Locality Roadmap, Page 17, that:

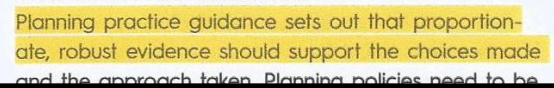
“it is for those preparing the plan to make rational decisions and exercise judgements ... decisions must be based on a clear planning rationale and evidence”.

These extracts from the 2018 Locality Roadmap Guide, pages 8 and 25, are very relevant:



A clear and transparent methodology must be employed for making site allocations. This should include a clear criteria for assessing sites. Such criteria could include

The need for evidence



Planning practice guidance sets out that proportionate, robust evidence should support the choices made and the approach taken. Planning policies need to be

I had an hour-long meeting with the chairman of the Parish Council, when he viewed most of the evidence and could clearly see that there were issues that needed to be addressed. He thus asked the NP chairman for a meeting with the key players to try to resolve the impasse. This was initially refused, but he reluctantly agreed to it just 3 hours before the Parish Council had been due to vote on the draft Pre-Submission Plan. I ran through my evidence at the meeting, and nothing was disputed. They produced not a page of counter-evidence, despite it being requested on the agenda, and so no meaningful outcome was possible. The committee’s response was, once

again, that they didn't 'only' use the public vote – but they have never attempted to prove it, whereas I have proved the opposite.

They said they had used the Site Assessments [which is implausible, as I have demonstrated] and the Strategic Environmental Assessment (SEA) [which is not applicable to site selection].

A screenshot of a document with a yellow highlight. The text reads: "or a flood risk assessment). SEA does not make decisions on plan content but assists neighbourhood planners to understand the environmental impacts of their proposals and tailor a plan's content accordingly. SEA".

This is what the Locality website says about the role of the SEA: “SEA does not make decisions on plan content”. Rather, it is an environmental safety check on those sites selected. The

rules are unequivocal: sites cannot be selected by public opinion alone, nor by the SEA.

What I believe are deviations from the regulations is provided by the committee's own words, as published in their Nov 2017 Minutes and their Public Notice, both displayed on Page 5 of this document – please note in particular the highlighted words, all of which explain how Site 2 erroneously reached such unexpected prominence.

It was the offer of a small parking area for the Village Hall that caught the attention of some villagers, and this (albeit quite unintentionally) almost derailed the whole plan. When a 'community benefit' is offered free, many will just tick the 'Yes' box. But in the 2016 Household Questionnaire (with a non-leading question): “What village amenities would you like to see improved?”, only 4 out of 213 responses (1.87%) thought to mention village hall parking! Thus car parking was never a big issue. If you look at the graph of the OCQ results, and the bar length of 'Site 2 with CB', it reads 0.41, which is relative to 0.0 (neutral), 1.0 ('acceptable' or 'suitable' – not sure which) and 2.0 (very acceptable). So the average public opinion, even with the car park, was “less than half-way acceptable”.

Planning decisions in this country have never been made using popularity polls, and for very good reason. Public opinion is only permitted to 'shape' or 'inform' a plan, not to 'decide'. E.g. Site 18 came 5th in the Site Assessments, so that is the one that should now be the first 'reserve' site, but it was knocked down by the public vote. Site 2, on the other hand, came 15th in Site Assessment but was promoted up to 4th place, based purely on the public vote. The public's site scoring, whose sole use for decision making is contrary to the regulations, produced results for some sites that were completely at odds with planning evidence.

Conclusion

It is a matter of regret for everybody concerned that when I raised all these issues with the NP committee last December and January, they were not open to the possibility that they may have unwittingly made a mistake; they could have shown more eagerness to sit and study the documentary evidence from both sides. The ongoing lack of resolution caused by persistent denial of the validity of my evidence has finally forced the use of Regulation 16.

This was always a last resort option for me, despite receiving an email way back in December 2017 that said: “you have your views on how some data has been used, the committee takes a different view” and “[you can] make representations to the examiner at the appropriate time”. I had wanted it resolved early and in private, not on a public website.

The same email told me that when neighbourhood planning was introduced, “a standard methodology was not imposed, far from it. Communities can use any route they like to produce a plan ...” I believe I have shown that the official Locality guidelines, as sanctioned by the Ministry of Housing, Communities and Local Government, and as recommended for use on the North Dorset website, are not “any route”. Ultimately, all the published rules and guidelines are there to ensure that planning outcomes are both sensible and fair to all.

There are plenty of other sites available in Hazelbury Bryan that are not only much more suitable as reserve sites, but also, as I strongly believe to be the case, much more legitimate.

ANNEX B to Regulation 16 Representation

The document below was produced jointly by myself and the senior NP expert at Locality, from whom I have had extensive advice (but I have always withheld the name of the village).

The initial draft was by me, based on the issues being faced in Hazelbury Bryan. He made significant revisions, but said this final version would be very useful for all NP/PC chairmen. Copies of it were given to our NP chairman, PC chairman and the consultant on 13 March.

NEIGHBOURHOOD PLANNING (NP) – SOME KEY POINTS TO REMEMBER

Neighbourhood Planning. The essence of NP is that it offers the community a chance to form their own committee to produce land use/development policy for the local area, while remaining in conformity with plans produced by the local planning authority. NP also enables input from the public, both in terms of opinions and ideas, and at the end of the process the community can vote – uniquely – in a referendum on whether or not they wish to accept the NP that has been produced by the committee.

Site Assessments. When the NP includes allocating sites for housing, this can be one of the most powerful but controversial aspects of the process and it will often lead to some challenges, either from sections of the community who might be adversely affected or from landowners. In both cases, you will need to be able to justify your decisions. The Site Assessment process, judging whether or not land is suitable, will enable you to do this, which is why your criteria-led and evidence-based judgements are so vital. If you subsequently allow a public vote to overrule the key findings of your Site Assessments, you will find it difficult to defend your position in public meetings, in front of an examiner, and in any subsequent legal challenges.

Site Allocations. While being a consultative process, site allocations must still always be based on sound planning principles. Remember that it is the Site Assessments, using carefully thought through criteria and based on robust evidence, that must be the main determinant of the committee's site selection decisions.

Consultation Questionnaires. These are a blunt tool if they are primarily just a public opinion poll that allows choices based on 'acceptability'. To provide useful feedback for the committee, the public need to be asked to specify their reasons for any disagreements with any of the committee's recommended sites from their Site Assessments. Public opinion on which sites should go forward into the draft plan is important as long as it only makes up part of an evidence base that includes a robust assessment of individual sites against clearly identified criteria, undertaken within a robust planning framework. You cannot base your decision solely on public opinion.

Community Benefits. If there is a potential "community benefit" spin-off (e.g. a new facility) from selecting a particular site, then the degree of benefit must be proportionate when weighed against the degree of suitability of the site for new housing.

Consultants. If you decide to employ a consultant, remember that they are only there to advise. Ultimately the committee itself is responsible for all decisions. While it would be unreasonable to expect every member of the committee to read through all the NP regulations and guidelines, the chairperson must be familiar with them. Without that detailed knowledge you will find it hard to defend your actions and decisions if challenged by members of the public or landowners.