

AGENDA ITEM 6**NORTH DORSET DISTRICT COUNCIL****Cabinet**

Date of Meeting: 21 July 2014

REPORT TITLE: NORTH DORSET LOCAL PLAN 2011 TO 2026 PART 1 – PRE SUBMISSION CONSULTATION ON ADDITIONAL FOCUSED CHANGES IN RELATION TO BLANDFORD

Portfolio Holder: Cllr David Walsh

Report Author: Trevor Warrick – Planning Policy Manager

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| Purpose of Report: | To inform Cabinet of concerns raised by English Heritage in relation to the proposed housing development at Crown Meadows, Blandford Forum and to seek Cabinet's agreement to consult on proposed focused changes to the Local Plan to address these concerns. |
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Statutory Authority: Town and Country Planning Act 1990
 Planning (Listed Buildings and Conservation Areas) Act 1990
 Planning and Compulsory Purchase Act 2004
 Localism Act 2011
 Town and Country Planning (Local Plans) (England) Regulations 2012

Financial Implications: Further consultation is proposed on focused changes to the Local Plan, which can be undertaken from within existing budgets. Following submission the Local Plan will move forward to examination and provision for the costs of the examination has been made from corporate budgets.

Consultations required/undertaken: The Pre-submission Local Plan was subject to public consultation from November 2013 to January 2014. Further engagement on the proposed focused changes will form part of the pre-submission consultation. Representations received both in response to the Pre-submission Local Plan and the proposed focused changes will go forward to be considered by an Inspector at examination.
 Earlier versions of the Local Plan have been the subject of extensive public consultation.
 A report on this issue has already been considered by Planning Policy Panel. Notes of the Planning Policy Panel meeting will be circulated at or before the Cabinet meeting.
 Following consideration by Cabinet, a report will also go forward to Full Council to agree the consultation material for the proposed focused changes.

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| Recommendations: | That in so far as they have power so to do Members (a) endorse, and (b) recommend to Full Council the proposed focused changes to the Local Plan and supporting documents (as set out in Item 4 of the Planning Policy Panel Agenda for 10 July 2014) for publication and public consultation. |
| Reason for Decision: | This is to enable a further round of consultation to take place on focused changes to the Pre-submission Document before it is submitted to the Secretary of State. |

BACKGROUND AND REASON DECISION NEEDED

Representations on the North Dorset Local Plan 2011 to 2026 Part 1 – Pre-submission Document

1. The North Dorset Local Plan 2011 to 2026 Part 1 – Pre-submission Document was published for public consultation in November 2013 and consultation continued until January 2014. English Heritage responded to the consultation on the Pre-submission document and whilst support was given to the overall approach to the conservation of the historic environment, concerns were raised about the extent to which it had been taken into account in the preparation of the Local Plan and the identification of locations for growth, particularly at Blandford.
2. In response to Policy 6: Housing Distribution, English Heritage questioned the housing provision figure of 960 new homes for Blandford and in response to Policy 16: Blandford (and the proposed development on Crown Meadows), English Heritage commented that the Local Plan appeared to be unsound because it was not based on adequate, up-to-date and relevant evidence about the historic environment.
3. The impact of development at Crown Meadows on the historic environment was also raised as an issue by local people: in response to consultation on the Local Plan Part 1 – Pre-submission Document; in previous consultations; and in the 5,756 signature petition submitted by the Bryanston Park Preservation Group (BPPG) in 2012.
4. Of the 2,012 representations received in response to consultation on the Local Plan Part 1 – Pre-submission Document, 1,372 were on questionnaires prepared by the BPPG. This figure includes: completed questionnaires submitted by BPPG; responses via surveymonkey submitted by BPPG; and completed questionnaires returned directly to the Council.
5. The questionnaire identified two different options for growth: ‘St Mary’s Hill, Blandford St Mary, site opposite the Tesco roundabout’; and ‘Crown Meadows site (land west of Blandford)’. Respondents were invited to indicate their preference for their favoured site. Of the 1,372 submitted questionnaires, 1,340 (98%) preferred the St Mary’s Hill site, with 27 (2%) preferring the Crown Meadows site. A further 5 questionnaires were returned with no preference expressed.

Heritage Assessment for the Crown Meadows Site

6. As the principal thrust of English Heritage’s response was that the Local Plan was not based on adequate, up-to-date and relevant evidence about the historic environment, it was agreed that a more in depth ‘heritage assessment’ of the site should be undertaken in accordance with the assessment methodology advocated by English Heritage.
7. During the course of that assessment work, officers from English Heritage visited the site and expressed serious concerns about the impacts development would have on the Blandford, Blandford St. Mary and Bryanston Conservation Area, providing a steer that

development in this area would be likely to result in 'substantial harm' to the Conservation Area. English Heritage also noted that there were a number of other designated and non-designated heritage assets that could be affected by the proposed development and urged the Council to also consider the 'scale of impact' development may have on these assets.

8. The heritage assessment has now been completed by the Council and was included as Appendix 1 to Item 4 of the Planning Policy Panel Agenda for 10 July 2014. When published the assessment will include additional photographs together with some textual changes. The assessment concludes that development on the Crown Meadows will result in 'substantial harm' to:
- the Blandford, Blandford St. Mary and Bryanston Conservation Area (which includes Bryanston Deer Park and the lodge and stable range on the site); and
 - the setting of the Grade II listed World War II defence structures on the western side of Blandford Forum (incorporating an original 18th Century ha-ha); and
 - the setting of the Grade II listed Bryanston Cottage in Bryanston Street.

Heritage Assessment for the St. Mary's Hill Site (Site Opposite Tesco)

9. During the course of negotiations with English Heritage the need to identify sufficient land to meet the housing needs of the District was discussed and their officers were informed of the work that had been undertaken on alternative options through the sustainability appraisal process. They were made aware that this work had identified the next best option as being the land at the junction of the A354 / A350 junction (i.e. land opposite Tesco, outside the Blandford Bypass, also known as St. Mary's Hill).
10. English Heritage considered that it would be helpful if a similar, more detailed, heritage assessment could be undertaken for this alternative site. The Council has prepared a heritage assessment for the St. Mary's Hill site and this was included as Appendix 2 to Item 4 of the Planning Policy Panel Agenda for 10 July 2014. When published the assessment will also include additional photographs together with some textual changes. This assessment concludes that development at St Mary's Hill would not result in any harm to the Blandford, Blandford St. Mary and Bryanston Conservation Area and less than 'substantial harm' to other designated and non-designated heritage assets in the surrounding area.

English Heritage Views on the Heritage Assessments

11. The two assessments were prepared having regard to English Heritage guidance, in particular: Conservation Principles (Policies and Guidance) – April 2008; Seeing the History in the View - May 2011; and The Setting of Heritage Assets – October 2011. The two reports have enabled a comparative analysis of the impacts on designated and non-designated heritage assets to be undertaken and clearly demonstrate that the development of the St. Mary's Hill site would be less harmful to the historic environment than development on the Crown Meadows site.
12. The completed heritage assessments have been considered by English Heritage and their response was set out in Appendix 3 to Item 4 of the Planning Policy Panel Agenda for 10 July 2014. This states:

"We concur with your evidence that development of the Crown Meadows would be inappropriate because of the degree of harm to the significance of a number of heritage assets. Conversely the historic environment assessment of the St Mary's (Hill) site demonstrates a more suitable option and one that English Heritage would not challenge if promoted."

13. English Heritage is the Government's statutory advisor on the historic environment and advises on which parts of our heritage are nationally important so they can be protected by designation (including the listing of buildings). They are also identified as a 'specific consultation body' in The Town and Country Planning (Local Planning) (England) Regulations 2012 and must be consulted when local plans are prepared.
14. Given English Heritage's expertise and role in the plan preparation process, it is important for the Council to give their views weight when taking the Local Plan Part 1 forward and in the light of their endorsement of findings of the heritage assessments, it is important that the Council reconsiders its position and its approach to the future development of Blandford.

National Policy and Recent Case Law

15. In reconsidering its position, the Council needs to have regard to recent changes in national policy and case law relating to heritage assets.
16. The NPPF, which was published in March 2012, advises local planning authorities to conserve heritage assets 'in a manner appropriate to their significance' (paragraph 126) and establishes that 'great weight' should be given to the conservation of designated heritage assets (paragraph 132). It also indicates that consent should be refused where a proposed development would lead to 'substantial harm' to or total loss of a designated heritage asset, except in certain defined circumstances (paragraph 133).
17. The NPPF also acknowledges that setting forms an integral part of a heritage asset's significance-defining 'significance (for heritage policy)' in the glossary as: *"the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*
18. Recent case law, such as the case of the Barnwell Manor Wind Farm in Northamptonshire, (considered by the Court of Appeal in February 2014) and *R. (on the application of Forge Field Society) v Sevenoaks DC* (June 2014) has also highlighted the need in decision making to recognise the 'strong presumption' against harm to conservation areas and listed buildings that derives from the relevant statutory tests in the Planning (Listed Building and Conservation Areas) Act 1990 (the Act).
19. As Mr Justice Lindblom observed in *R. (on the application of Forge Field Society) v Sevenoaks DC*, in relation to section 66 of the Act, which relates to listed buildings, and also to section 72 relating to conservation areas, when *".. an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight"*. However, whilst these judgements establish that the 'strong presumption' against harm to conservation areas and listed buildings needs to be clearly recognised in decision-making, they do not necessarily preclude permitting development that would cause harm to designated heritage assets, nor do they mean that the same weight has to be given irrespective of the degree of harm that occurs.
20. As Mr Justice Lindblom went on to observe, the statutory duties, do *"... not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But, as the Court of Appeal emphasized in Barnwell , ... a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*
21. The relevance of this revised national policy and recent case law to specific elements affecting certain future development proposals in Blandford, support an approach of the Council reviewing its current position on this particular aspect of its draft Local Plan.

Further Pre-submission 'Focused Changes' Consultation Documents

22. The Planning Inspectorate published 'Examining Local Plans Procedural Practice' in December 2013 and this recognises that a submitted plan may exceptionally include an addendum setting out 'focused changes' to the Plan, produced following publication of a pre-submission document. The practice guide makes it clear that if such focused changes alter the strategy of the Plan, they should be the subject of appropriate consultation and, if necessary subject to further sustainability appraisal work. Only if an Inspector is satisfied on these points, will any focused changes be accepted as part of the submitted Plan, which will then proceed to the examination hearing.
23. In the light of the conclusions of the two heritage assessments and English Heritage's endorsement of the findings, it is proposed to undertake a further round of consultation, reflecting Planning Inspectorate guidance on a change to the strategy for the future growth of Blandford. It is proposed to consult on deleting the Crown Meadows (land west of Blandford Forum) as a broad location for growth and identifying the land south-east of the A350 / A354 (Tesco) junction (land south-east of Blandford St Mary) as an alternative location for growth.
24. The main 'focused changes' consultation document was set out as Appendix 4 to Item 4 of the Planning Policy Panel Agenda for 10 July 2014. This identified two 'major changes' to Policy 16: Blandford in the Pre-submission Document.
- The first major change is the proposed deletion of the land west of Blandford Forum from Policy 16. As part of this major change, it is proposed to also delete the proposal to make publically available a large area of open space at Crown Meadows, which was put forward alongside the 150 homes.
 - The second major change is the proposed addition of the land to the south-east of Blandford St Mary to Policy 16. As part of this major change, it is proposed to also add a criterion to the policy requiring the identification of a safeguarded route for the Spetisbury / Charlton Marshall Bypass.
25. The supporting text to Policy 16 includes Figure 8.1 - Blandford Inset Diagram and a change to this diagram (to reflect the deletion / addition outlined above) is proposed.
26. Inset Map 2 of the currently adopted 2003 Local Plan shows 'land safeguarded for proposed bypass Policy 5.22' (in the form of a large roundabout to replace the existing roundabout) proposed for the field immediately south of the A354 / A350 junction (i.e. within the St Mary's Hill site). This shows how the adopted Local Plan envisaged the Spetisbury / Charlton Marshall / Sturminster Marshall Bypass linking into the A354.
27. The developers of the site have since negotiated with Dorset County Council, as Highways Authority, that it would be acceptable (in highways terms) to join the A354 further south with a new second roundabout, effectively making the site potentially available for other forms of development. The focussed changes propose the deletion of the 'land safeguarded for proposed bypass Policy 5.22' notation from Inset Map 2 of the 2003 Local Plan. The proposed addition of a new criterion to Policy 16 (as outlined above) will ensure that housing development will not prejudice the implementation of the bypass in the longer term.
28. A number of consequential changes are also put forward, including detailed wording changes to Policy 16 – Blandford, Policy 6 – Housing Distribution and the supporting text to both policies.
29. The land south-east of Blandford St Mary is larger than the Crown Meadows site and consequently could accommodate more new homes: about 300, rather than 150. The proposed deletion of the Crown Meadows site and the proposed addition of the land

south-east of Blandford St Mary would see a net increase (of 150 dwellings) in both the number of new homes proposed for North Dorset and Blandford. The figure for North Dorset would increase from 4,200 net additional homes between 2011 and 2026 to 4,350 units. For Blandford, the figure would increase from 960 to 1,110 net additional dwellings. Many of the consequential changes to Policies 6 and 16 are to reflect this overall increase in dwelling numbers.

- 30.** A supplement to the Sustainability Appraisal of the Local Plan Part 1 Pre-submission Document has also been produced. This will be published alongside the focused consultation document and was set out as Appendix 5 to Item 4 of the Planning Policy Panel Agenda for 10 July 2014. This supplement sets out the options in the light of the new information relating both to the Crown Meadows site and the land south-east of Blandford St Mary site and concludes that the deletion of the Crown Meadows site and the addition of the land south-east of Blandford St Mary site to the Plan is the most sustainable option. It also sets out a number of recommendations to ensure the impact of development on this site will be minimised.
- 31.** A wide range of issues have been raised by local people in relation to development on the Crown Meadows site, including flooding and impacts on wildlife (including Greater Horseshoe Bats). Planning Policy Officers have maintained a dialogue with the Environment Agency and Natural England as the plan has progressed and these organisations have not changed their position in relation to these issues. Consequently, the proposal to delete the Crown Meadows site from the Local Plan Part 1 is based on heritage issues and not on other issues. However, it should be noted that all comments which have already been submitted in response to consultation on the Pre-Submission Document (including comments made on other issues) will go forward for consideration at the examination by a Planning Inspector.
- 32.** It should also be borne in mind that there are planning issues associated with the St Mary's Hill site, many of which have been identified through the sustainability appraisal process. The consultation on the focused changes will give anyone with concerns about these issues the opportunity to express them and to have their concerns considered as part of the Local Plan preparation process.

Further Pre-submission 'Focused Changes' Consultation Timetable

- 33.** Following consideration by Cabinet a similar report will be taken to Full Council on 25th July. If the relevant documentation is agreed, it will then be the subject of a six week (minimum) period of public consultation, which will hopefully begin on 1st August and end on 12th September 2014. Consultation will only be undertaken on the proposed changes outlined above and not on any other aspects of the Plan.
- 34.** The responses to the 'focused changes' consultation will be entered into a database and the main issues raised by respondents will be identified. A report will then come back to Planning Policy Panel, Cabinet and Full Council setting out the main issues raised both in the focused consultation and the original pre-submission consultation, which took place between November 2013 and January 2014. At these meetings Members will be asked to agree the Local Plan Part 1 for submission to the Secretary of State. Following submission, the Local Plan Part 1 will go forward to public examination and adoption.

OPTIONS

- 35.** Cabinet have the options of:
- endorsing the consultation on the proposed focused changes;
 - not endorsing the consultation on the proposed focused changes; or
 - endorsing further consultation, but on different or amended focused changes.

36. Cabinet Members also have the additional options of:

- recommending the proposed focused changes to Full Council for publication and public consultation; or
- not recommending the proposed focused changes to Full Council for publication and public consultation.

COSTS

37. Further consultation will be required on the proposed focused changes to the Local Plan and this can be undertaken from within existing budgets.

38. Following submission the Local Plan will move forward to examination and provision for the costs of the examination has been made from corporate budgets.

ECONOMIC DEVELOPMENT IMPLICATIONS

39. Undertaking consultation on the proposed focused changes to the Local Plan will delay progress on the Local Plan, taking longer for policies relating to economic development to carry weight and become adopted. The proposed focused changes will benefit the economy by increasing the total amount of housing development proposed from 4,200 to 4,350 homes.

DIVERSITY AND CUSTOMER FOCUS

40. There are no diversity and customer focus implications arising from undertaking consultation on the proposed focused changes to the Local Plan. Consultation will be undertaken in accordance with the Council's Statement of Community Involvement (SCI).

HUMAN RIGHTS IMPLICATIONS

41. There are no human rights implications arising from undertaking consultation on the proposed focused changes to the Local Plan.

CLIMATE CHANGE IMPLICATIONS

42. There are no direct climate change implications arising from undertaking consultation on the proposed focused changes to the Local Plan.

RISK MANAGEMENT

43. It was hoped to submit the Pre-submission Local Plan, together with the representations made during the consultation in late 2013 / early 2014 to the Secretary of State at the end of July or beginning of August. However, the further engagement with English Heritage and the need to undertake further consultation on focused changes prior to submission will result in delay to this timetable. Consultation will continue until mid-September and then any representations received will need to be analysed to identify the main issues. This analysis will then need to be re-considered by Members before the Plan can be submitted. It is hoped to be able to submit the Plan later in the autumn, but the date of submission will depend on the volume of responses and the time taken to process them.

44. There are risks associated with extending the timetable to submission. Once the Local Plan is submitted, greater weight can be attached to the emerging policies. Prior to submission very little weight can be given to emerging policies. The emerging Local Plan identifies several broad locations for growth and defines a strategic site allocation for Gillingham. The delay means it will take longer before these proposals become adopted policy, which may reduce developer confidence in bringing forward development on these sites.

- 45.** There are also risks associated with not undertaking further focused consultation, which could also lead to delay. Had the Council not engaged, the Local Plan would have been submitted with an outstanding, unresolved objection from English Heritage. Guidance from the Planning Inspectorate recognises that, exceptionally, consultation on focused changes may be needed. An unresolved objection from a specific consultation body, such as English Heritage, provides a reason for undertaking further consultation. In the event that further consultation was not undertaken, there would have been a risk that the Inspector could have suspended the examination and asked the Council to do more work to resolve the objection prior to the Local Plan progressing to the examination hearing.

RECOMMENDATION AND REASON

- 46. It is recommended that in so far as they have power so to do Members (a) endorse, and (b) recommend to Full Council the proposed focused changes to the Local Plan and supporting documents (as set out in Item 4 of the Planning Policy Panel Agenda for 10 July 2014) for publication and public consultation.**
- 47. This is to enable a further round of consultation to take place on focused changes to the Pre-submission Document before it is submitted to the Secretary of State.**

Author: Trevor Warrick – Planning Policy Manager

Date: 07 July 2014

Background papers:

Item 4 of the Planning Policy Panel agenda for 10 July 2014

North Dorset District-wide Local Plan: First Revision – North Dorset District Council (January 2003)

North Dorset Local Plan – 2011 to 2026 Part 1: Pre-submission Document – North Dorset District Council (November 2013)

East Northamptonshire, English Heritage and The National Trust v. Secretary of State for Communities and Local Government and Barnwell Manor Wind Energy Ltd. (CO/4231/2012) – Court of Appeal Judgement (08 March 2013)

R. (on the application of Forge Field Society and Others) v Sevenoaks DC (CO/735/2013 and CO/16932/2013 – High Court Judgement (12 June 2014)

Examining Local Plans Procedural Practice – The Planning Inspectorate (December 2013)