



# **Blandford + Neighbourhood Plan 2011 – 2033**

## **A report to Dorset Council on the Examination of the Blandford + Neighbourhood Plan**

Submitted to North Dorset District Council  
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## Abbreviations

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
B+NP	Blandford + Neighbourhood Plan 2011-2033
B+NPv1	Blandford + Neighbourhood Plan 2015-2031
DC	Dorset Council
Framework	National Planning Policy Framework
HRA	Habitats Regulation Assessment
LPP1	North Dorset District Council Adopted Local Plan Part 1 (2016)
NDDC	North Dorset District Council
NDP	Neighbourhood Development Plan
NOx	Oxides of nitrogen
NP	Neighbourhood Plan
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
QB	Qualifying Body
5YHLS	Five-Year Housing Land Supply

## Non Technical Summary

This report concludes that, as submitted, the Blandford + Neighbourhood Plan does not fully meet the Basic Conditions as required by statute, but with the appropriate modification, it can be recommended to be taken forward to Referendum.

The modification needed to meet the statutory requirements can be summarised as changes to the text of policy B8 in order to secure the aims of national policy and advice, to conform with strategic Policy 16 of LPP1 and to more fully put into effect the objectives that are described in the supporting text to Policy B8.

The specified modification recommended in this report is based on matters raised in the public consultation responses and in responses from the Qualifying Body and Dorset Council to questions that I raised, together with matters discussed at the Hearing held on 12 November 2019. It does not alter the basis of the overall approach and policies of the submitted Neighbourhood Plan.

### 1 Introduction

1.1 I have been appointed by Dorset Council (DC) with the consent of the Qualifying Body (QB) (Blandford Forum Town Council, Blandford St Mary Parish Council and Bryanston Parish Council) to carry out the independent examination of the Blandford + Neighbourhood Plan (B+NP), in accordance with the relevant legislation<sup>1</sup>. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

1.2 As required by the legislation, I am independent of the QB and DC, I do not have an interest in any land that may be affected by the draft plan, and I have appropriate qualifications and experience. I am a Chartered Town Planner (Fellow of the Royal Town Planning Institute) with wide experience in local and central government and private consultancy over a period of 40 years.

1.3 This report and my reasoning and conclusions are based on the submitted written material and representations, the unaccompanied and accompanied visits to the area covered that I made, and the hearing held on 12 November 2019. Whilst I have not mentioned all matters raised in the representations, I have taken them all into account.

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<sup>1</sup> Localism Act 2011, Town and Country Planning Act 1990 as amended, Planning and Compulsory Purchase Act 2004 as amended, The Neighbourhood Planning (General) Regulations 2012 as amended, Neighbourhood Planning Act 2017.

## **2 Location and characteristics**

2.1 Blandford Forum is a unique Georgian Market Town because the centre was rebuilt after a series of disastrous fires completely destroyed the town in 1731. In more recent times it has continued to expand, particularly to the north. It is the main service centre in the south of North Dorset District Council (NDDC) area<sup>2</sup> with an extensive rural hinterland. It sits in beautiful countryside, being almost surrounded by Areas of Outstanding Natural Beauty (AONBs). To the north is the Cranborne Chase AONB and to the south the Dorset AONB. The town lies in the gap where the River Stour cuts through the chalk downland at the meeting point of the 2 AONBs. The 2011 Census showed that the town had a population of 10,325. The town centre contains many listed buildings and a good range of shops and other key town centre uses. There are a number of large employment sites within the town and many local people are also employed at Blandford Camp, a large military site located outside of the B+NP area, just to the east of the by-pass. There are three primary schools (one of which is located in Blandford St Mary) with a fourth at Blandford Camp, as well as a secondary school, two GP surgeries and a community hospital.

2.2 Blandford St Mary is a small community with a variety of old and distinguished properties dating back a century or more. There are also many relatively new residential properties, together with a busy business estate which is home to Tesco among others, and the famous Hall & Woodhouse Brewery. Blandford St Mary has an estimated population of 1,511 and is bounded to the north by the River Stour, whilst the A354 divides the village to the east, separating St Mary’s Hill, land at Ward’s Drove, Lower Blandford St Mary and the parish church from the bulk of the village.

2.3 Bryanston Parish, to the west of the River Stour, has an estimated population of 925. A small historical village, Bryanston is set in approximately 1,500 acres of mainly agricultural land, lying to the west of Blandford. The village itself is spread out amongst the rolling Dorset fields, which still bear traces of lynchets and ancient field systems. Dominating the village today is a large house and grounds, once the home of the Portman family, which is now owned by Bryanston School. ‘Old Bryanston’ village consists of picturesque and historic Portman Estate cottages, clustered below the Bryanston Club. A second area of the village, which runs along the Cliff, consists of former Council-owned housing together with some more modern detached houses. A third part of the village has historic cottages built along a short portion of Dorchester Hill, close to Blandford town.

## **3 A brief history of the Plan**

3.1 The B+NP 2011-2033 (B+NP), the subject of this examination, is the second version of this Neighbourhood Plan. The first version B+NP 2015-2031 (B+NPv1) went to examination and was reported on by the Examiner on 18 July 2017. In her report she recommended that the Plan went to referendum, but with the omission of a major policy (Policy 1), which was essentially the same as now encompassed in Policies B2 and B3c in the current proposed NP (and a second policy that need not concern us here). Within 2 weeks of the

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<sup>2</sup> At the time that B+NP was prepared, North Dorset District Council was the local planning Authority. On 1 April 2019 NDDC was abolished, and Dorset Council became the local planning authority.

receipt of the Examiner’s report, NDDC announced that its 5 Year Housing Land Supply (5YHLS) had fallen short, to 3.42 years, thus rendering certain policies in the North Dorset Local Plan 2016 ‘Out of Date’.

3.2 Having considered the examiner’s findings, the QB decided not to accept the modifications and therefore not to proceed to referendum (Section 17A(5a) of the Neighbourhood Planning (General) & Development Management Procedure (Amendment) Regulations 2016). The QB believed that the shortfall in the 5YHLS would have made a significant and material difference to the way in which Policy 1 of B+NPv1 was considered by the Examiner, had she been aware. Blandford Plus wrote to the Secretary of State on 5 September 2017 requesting intervention under the broader provisions of his planning powers<sup>3</sup>.

3.3 This request was accepted, and a report was commissioned by the Department of Communities and Local Government in November 2017. The report ‘Blandford+ Neighbourhood Plan Options for Moving Forward’ recommended that, given the importance of Policy 1 to the Neighbourhood Plan, the best way forward would be to withdraw and modify the current Neighbourhood Plan, in parallel to making representations on the Local Plan Review Issues and Options paper published by NDDC, and liaising with prospective developers.

3.4 The process of preparing the B+NP began in December 2017 with the publication of an ‘Options for Moving Forward’ report, mentioned above. The QB carried out an extensive review of the Neighbourhood Plan in January 2018 and concluded that, in the circumstances described in paragraphs 3.1 to 3.3 above, a close and joint working relationship with NDDC would be essential. Between January and April 2018 a review of the B+NPv1 and specification for B+ NP was developed with NDDC. In May the statement of withdrawal was published and evidence and information was shared with NDDC and land availability was established with landowners.

3.5 In June and July 2018 informal consultations were announced in the local press and a leaflet was delivered to households and businesses in Blandford Forum, Blandford St Mary and Bryanston. The information was launched on the B+ website, NDDC website and on the Blandford Forum Town Council Facebook page. A formal email was sent to key stakeholders, local groups, press and media. A Joint Blandford St Mary and Bryanston Informal Public Consultation Exhibition was held at the Hall and Woodhouse Centre and the same Exhibition held in Blandford Forum at the Corn Exchange. An online survey was launched as part of informal consultations. Comments were also encouraged by email, by post or in person at the Exhibition events. In August the outcome of the informal consultations was published online, and an email update was sent to key stakeholders, local groups, press and media. An Outcome of Informal Consultations 2018 article was also published in the Town Council newsletter. During September and October meetings were held with Area of Outstanding Natural Beauty Partnerships and Dorset Clinical Commissioning Groups.

3.6 During November and December 2018 the Steering Group and Town and Parish Council meetings approved the Pre-Submission Plan which was then published for consultation, ending on 19 December 2018. Throughout

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<sup>3</sup> See Blandford + NP (2015-2031) Withdrawal Statement (May 2018)

the process regular updates were provided at Town and Parish Council meetings and update meetings were held with NDDC. The B+NP was submitted for examination on 15 April 2019, having been subject to consultation between 15 February and 29 March 2019. By this time there had been a reorganisation of local government in Dorset, with NDDC and the County Council being abolished and Dorset Council becoming the local planning authority for the areas in which Blandford+ is situated.

3.7 Following my initial reading of the submitted Plan and supporting documentation, I raised certain concerns with DC and the QB because it was unclear to me why NDDC appeared to support the new Plan when it had objected to the previous version, and the 2 Plans were essentially the same in respect of the most contentious policies. In responding to me, it was suggested that I might consider holding an Exploratory Meeting so that my concerns could be fully understood: I agreed to this suggestion and the meeting was held on 22 August 2019. Whilst in Blandford Forum, I took the opportunity to make an unaccompanied visit to the area of the Plan, concentrating on the areas that had been considered for development allocation.

3.8 The notes of the Exploratory Meeting were published on 4 September 2019, detailing the matters discussed and recording that there was agreement that additional information would be provided that responded directly to the issues that I had raised. In view of the fact that there was considerable controversy over the impact of the major allocations on the Cranborne Chase Area of Outstanding Natural Beauty, I indicated that I considered that a hearing would be needed and that it would be helpful if this were to include an accompanied site visit. This, and the necessary material to be submitted prior to the hearing was agreed, including an itinerary of the site visit and list of those who would accompany me which would be provided for my agreement.

3.9 I would like to put on record at this point that I found the hearing with its accompanied site visit very helpful in allowing me to reach the conclusions and the recommendation in this report that deal with challenging issues, with very strong arguments on both sides. I wish to thank those who were responsible for making the arrangements and all those accompanying me and participating in the hearing for the very helpful and fair way in which they took part.

## **4 The basis for this examination**

### The Basic Conditions

4.1 A Neighbourhood Plan must meet the Basic Conditions as prescribed in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act, 1990. In brief, the Basic Conditions which must be met by B+NP are:

- it must have regard to national policy and advice issued by the Secretary of State;
- it must contribute to the achievement of sustainable development;
- it must be in general conformity with the strategic policies in the development plan for the local area;
- it must not breach, and must be otherwise compatible with, EU

- obligations, including human rights requirements;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017;
- it must comply with other prescribed matters.

I deal in more detail with each of the Basic Conditions below.

4.2 The examination is intended to be carried out with a fairly ‘light touch’ and I am certainly not concerned with the ‘soundness’ of the plan, as in the examination of a Local Plan<sup>4</sup>. Nevertheless, this is a neighbourhood plan that grapples with the type of issues that are more frequently met in a local plan. Therefore, in considering whether it meets the basic conditions and other prescribed matters, it has been necessary for me to vigorously question certain aspects of the plan, and that is one of the reasons that I found it necessary to hold the hearing.

## **5 Assessing the Plan against the Basic Conditions**

5.1 When considering the Plan against the Basic Conditions, it is necessary to judge the Plan as a whole. To this end, it is the ‘Basic Conditions Statement’ published by the Town and 2 Parish Councils in January 2019 that is my starting point. This document looks at each policy in the plan and provides a commentary on how the Councils see them responding to national policy and advice issued by the Secretary of State, and the Development Plan. In general I find that this document satisfactorily explains and justifies most of the policies in B+NP against these 2 elements of the Basic Conditions, and for the most part I will not need to refer to the majority of these policies again.

5.2 However, there are 2 policies of the NP that have elicited very strong representations, and I need to set out clearly what the arguments are, for and against them, and explain how I have reached conclusions and my recommendation. These are Policies B2 and B3c. For ease of reference I set out below (the gist/main provisions of) each of these policies.

### ***“Policy B2 – Land North & East of Blandford Forum***

*The Neighbourhood Plan allocates land to the North and North East of Blandford Forum, as shown on the Policies Map, for a mix of residential, education, community and allotment uses.*

*Development proposals for the land will be supported, provided:*

- The residential scheme comprises approximately 400 dwellings including a mix of open market, affordable and self-build and custom homes, primarily located on land to the north-east of Blandford Forum;*
- The education scheme comprises a new two-form entry primary school with integrated early years provision;*
- The education scheme shall be confined to land to the north of Blandford of about 3 hectares and of a regular ‘low rise’ form to enable*

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<sup>4</sup> See Planning Practice Guidance: Paragraph: 055 Reference ID: 41-055-20180222

- school expansion to three form entry and in a convenient position to facilitate the use of the existing A350 pedestrian bridge;*
- iv. The community hub scheme comprises a new health and wellbeing facility, a community centre and convenience shop to serve the locality;*
- v. The Lamperd’s Field Allotments are relocated to a single location to the west of their current position and comprise land of approximately 2.5 hectares and ancillary facilities that meet or exceed the standards of the existing site;*
- vi. The highways scheme comprises measures to satisfactorily manage its traffic effects on the road network and to encourage and enable safe and convenient walking and cycling to community facilities (including the new community hub and new school, the Blandford School, the recreation ground at Larksmead and Pimperne Brook/Black Lane) and employment areas (including the town centre, Sunrise Business Park, Glenmore Industrial Estate, and Blandford Heights Industrial Estate);*
- vii. The highways scheme includes proposals for the improvement to the existing bus services to serve the proposals and connecting to the town centre, Blandford School, the Sunrise Business Park, Glenmore Industrial Estate and Blandford Heights Industrial Estate;*
- viii. A design and landscape scheme comprises measures to satisfactorily mitigate any adverse impacts upon the AONB and minimise harm to the Grade II listed Longbourne House by way of the details of the design, layout, landscape treatment, materials and typical details of appearance and elevation of buildings and of minimising light spill into the AONB;*
- ix. The green infrastructure scheme comprises an ecology, sustainable drainage and boundary treatment strategy that demonstrates how existing environmental assets will be protected and enhanced comprising:*
- A biodiversity strategy to deliver, where possible, a net gain in biodiversity value on site; and, how biodiversity assets will be connected into the wider green infrastructure network; and*
  - A public open space strategy to integrate the built environment and connected into the wider green infrastructure network, including the delivery of public open space proposals on both the land to the North and North East including informal open spaces and natural and equipped children’s play space; and*
- x. A flood risk assessment and sustainable drainage strategy to demonstrate how the scheme will not increase surface water or fluvial flood risk on any adjoining land.*

*Proposals should be made in the form of a comprehensive planning application and should include:*

- xi. an illustrative masterplan that defines the land uses and key development principles for access, layout, design and the principles of phasing and implementation and demonstrates that the proposals would not adversely impact on the operation of a waste management centre on adjoining land;*
- xii. design features that improve energy efficiency and reduces carbon dioxide emissions; and,*
- xiii. a planning obligation to secure the release of all land necessary for the supporting infrastructure, the 2FE primary school and other community facilities following planning consent for the phase 1 scheme within the Blandford + Neighbourhood area and prior to the commencement of that scheme, with no dependency of the land release for the Phase 1 Scheme on the Phase 2 scheme which lies outside the neighbourhood plan*

*boundary within the adjacent parish of Pimperne.”*

And

**“Policy B3 – Employment”**

- (a) not of concern here
- (b) not of concern here

*“(c) Land adjacent to Sunrise Business Park Development proposals for an extension of Sunrise Business Park, as shown on the Policies Map, for business (B1 – B8) uses will be supported, provided:*

- i. they are made in the form of a comprehensive outline planning application that sets out the key land use components and the residual land available once the needs of the household waste facility (excluded development) are finalised and demonstrate that the proposed uses would not adversely impact on the operation of a waste management centre on adjoining land;*
- ii. employment uses will be compatible with educational or residential uses on adjacent land;*
- iii. any buildings are of a similar scale and height to the existing buildings in the Business Park and of a design to reduce their impact on the skyline and to reduce their visual footprint;*
- iv. along the northern boundary, employment uses will be compatible with the open landscape and AONB and structural landscaping forms a transitional edge;*
- v. they include measures to minimise light spill into the AONB; vi. a positive frontage is created with the A350 which enhances its function as a gateway to the town and minimises the loss of existing hedgerow and any unavoidable loss is made good through new hedgerow planting; and*
- vii. unencumbered access is provided through the allocated waste site to serve employment land to the rear of the site.”*

5.3 The importance of these policies for examination is that they have elicited strong objections<sup>5</sup> because of their situation either in, or within the setting of, Cranborne Chase AONB. I will therefore begin the consideration of these policies with the first Basic Condition.

**6 Have regard to national policy and advice issued by the Secretary of State**

6.1 National policy is set out in the National Planning Policy Framework (the Framework). On 24 July 2018, the Ministry of Housing, Communities and Local Government published a revised Framework, with a further revision issued on 19 February 2019. Since B+NP was submitted after 24 January 2019 (ie to North Dorset District Council [Regulation 15 stage] on 30 January and then for examination [Regulation 17 stage] on 15 April 2019), it is the 2019 Framework that must be taken into account in preparing the development plan (and Examining it)<sup>6</sup>. The Framework is supported by web-

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<sup>5</sup> There are other objections dealing with somewhat less fundamental matters that I will deal with separately.

<sup>6</sup> See Framework, Annex 1: Implementation, at paragraph 214, where it is stated that: “The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019.”

based Planning Practice Guidance (PPG), which I have also borne in mind as well as the Written Ministerial Statement on Neighbourhood Planning made on 12 December 2016.

6.2 I am going to deal with the Framework in some detail because B+NP raises issues that cut across a number of the Secretary of State’s policies and there is conflict between some of them that needs resolving. Therefore there are a number of matters dealt with by the Framework that must be considered under this Basic Condition. I now deal with the gist of those that seem to me to be most important for individual consideration in respect of the content of B+NP, and Policies B2 and B3c in particular.

6.3 Under the Framework heading 2 ‘Achieving sustainable development’, paragraph 7 sets out the purpose of the planning system, with the overall objective of achieving sustainable development: summarised as *“meeting the needs of the present without compromising the ability of future generations to meet their own needs”*. To achieve this, paragraph 8 sets out the 3 overarching objectives of the planning system: a) an economic objective; b) a social objective; and c) an environmental objective. Paragraph 9 states that these objectives should be delivered through the preparation and implementation of plans and the application of the policies of the Framework.

6.4 Framework paragraph 10 states that at the heart of this is a presumption in favour of sustainable development, which paragraph 11 sets out in some detail. In respect of plan-making this means that:

*“a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;  
b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” (emphasis added).*

6.5 Paragraph 13 makes the point that *“The application of the presumption has implications for the way communities engage in neighbourhood planning”*, and that *“Neighbourhood plans should support the delivery of strategic policies contained in local plans ... and should shape and direct development that is outside of these strategic policies.”*

6.6 Framework section 3 deals with Plan-making, and requires that the development plan must include strategic policies contained in (as relevant here) local plans (paragraph 17). Paragraph 18 states that *“policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies and/or neighbourhood plans that contain just non-strategic policies”* (emphasis added).

6.7 Paragraph 20 states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make

sufficient provision (in line with the presumption of sustainable development) for: (I select those parts that have most relevance to the issues I deal with)  
"a) *housing (including affordable housing), employment, retail, leisure and other commercial development;*  
c) *community facilities (such as health, education and cultural infrastructure);*  
and  
d) *conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation."*

6.8 Paragraph 28 deals with non-strategic policies that should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies. Paragraph 29 points out that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan.

6.9 Section 5 of the Framework deals with delivering a sufficient supply of homes. Paragraph 59 requires support for the Government’s objective of significantly boosting the supply of homes, making clear that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Paragraph 60 states that in the determination of the minimum number of homes needed, *"strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach ....."*

6.10 Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

6.11 Where it is not possible to provide a requirement figure for a neighbourhood area, paragraph 66 states that the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This may be because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted, or in instances where strategic policies for housing are out of date. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

6.12 Under the heading ‘Identifying land for homes’, paragraph 67 requires that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

*"a. specific, deliverable sites for years one to five of the plan period; and  
b. specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan."*

6.13 Paragraph 68 points out that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: (again only quoting the most relevant text)

*"a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved."* Paragraph 69 brings the requirement that Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.

6.14 Section 8 deals with promoting healthy and safe communities. Paragraph 92 requires the provision of the social, recreational and cultural facilities and services the community needs. Planning policies and decisions should:

*"b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;* Paragraph 94 points out that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

*a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and  
b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."*

6.15 Section 15 deals with conserving and enhancing the natural environment. Paragraph 170 requires that planning policies and decisions should contribute to and enhance the natural and local environment by:

*"a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);  
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; ..."*

Plans should (paragraph 171): *"distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in*

*this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”*

6.16 Paragraph 172 is of considerable importance in the context of this examination. It states that *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. (emphasis added) The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

6.17 The Basic Conditions Statement deals with a number of these paragraphs, as well as some that I have not mentioned. However, as I have stated in paragraph 6.2 above, the paragraphs that I have dealt with at some length are those that I consider are fundamental to the consideration of the principal issues that are in contention in this examination. I will set out my response to them in my conclusion section where I bring together the various strands of the first 3 Basic Conditions.

## **7 Contribute to the achievement of sustainable development**

7.1 In July 2018, NDDC confirmed that a Strategic Environmental Assessment was required for B+NP under the EU Directive 42/2001 and the 2004 Environmental Assessment of Plans and Programmes Regulations. However, the basic condition of ‘contributing to the achievement of sustainable development’ requires a broader scope of assessment to embrace social and economic, as well as environmental objectives. The Submission Plan has therefore been subject to a Sustainability Appraisal (SA) which incorporates the requirements of the SEA Directive. A firm of consultants specialising in the production of such appraisals (AECOM Infrastructure & Environment UK Ltd) was commissioned to carry out this work. In my opinion the resulting SA is a more thorough and convincing document than that prepared to accompany and justify the earlier B+NPv1.

7.2 The SA Report, dated January 2019, accompanying the submission version of B+NP is the latest document to be produced as part of the SA process. The first document was the SA Scoping Report (June 2018), which includes information about the NP area’s environment and community. The

second document was the SA Report that accompanied the Regulation 14 consultation on the NP (November 2018).

7.3 The purpose of the SA is to identify, describe and evaluate the likely significant effects of B+NP policies and alternatives, and provide an opportunity for consultees to offer views on any aspect of the SA process which has been carried out. The submission version of the SA Report contains an outline of the contents and main objectives of the B+NP and its relationship with other relevant policies, plans and programmes; relevant aspects of the current and future state of the environment and key sustainability issues; the SA Framework of objectives against which the B+NP has been assessed; the appraisal of alternative approaches for the B+NP; the likely significant environmental effects of the B+NP; and the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects as a result of the B+NP.

7.4 A key element of the SA process is the appraisal of ‘reasonable alternatives’ for B+NP. The Neighbourhood Plan has been prepared in conjunction with the provisions of the current Local Plan Part 1 (LPP1) for North Dorset and emerging Local Plan Review. As part of this Review process NDDC consulted on the Local Plan Review Issues and Options Document, together with its Sustainability Appraisal (SA) from 27 November 2017 to 22 January 2018. It also issued a new ‘Call for Sites’ to update the evidence on land availability. The QB and NDDC agreed a strategic land use and quantum specification for the site allocations within the NP area that requires the allocation of land for the following purposes and to ensure that these development needs are appropriately located:

- The requirement to allocate land for at least 400 homes over and above commitments and LPP1 allocations. This number is in addition to the already committed development in LPP1;
- At least a 2FE primary school with flexibility for expansion to 3FE (as confirmed by the education authority, Dorset County Council);
- At least 2 Ha of B1-B8 employment land;
- Delivery of the necessary highway and green infrastructure.

7.5 To support the delivery of the development specification, the QB was keen to consider alternative locations for delivering housing, employment and community infrastructure in the Neighbourhood Plan area. Options were refined, so that the SA process considered the following four Spatial Options with a view to exploring the sustainability implications of delivering the development specification in different broad locations in the Neighbourhood Plan area.

- Option 1: Focus growth to the north of Blandford Forum in Areas A and B to deliver the full specification;
- Option 2: Focus growth to the south west of Blandford St Mary in Areas F1 and F2 to deliver the full specification;
- Option 3: Dispersed approach: Accommodating 300 homes and a primary school in Area F1 to the south west of Blandford with employment land in Area J;
- Option 4: Dispersed approach: Accommodating 300 homes and a primary school in Area F2 to the south west of Blandford with employment land in Area J.

7.6 These four Spatial Options were appraised as ‘reasonable alternatives’ against both the specification and relatively (i.e. against each

other). These were considered through the SA Framework of objectives and assessment questions developed during scoping. Chapter 4 of the SA report presents appraisal findings in relation to the four options. These are organised by the eight SA Themes. For each SA Theme, a commentary on the likely effects is presented and summarised. Options are also ranked numerically reflecting their relative sustainability performance, with ‘1’ the most favourable ranking and ‘4’ the least favourable ranking.

7.7 Following consideration of the findings of the SA/SEA process, consultation activities, and consideration of suitability and deliverability, the QB’s preferred spatial option to deliver the agreed land use specification was to allocate land defined by Option 1 to the north and north-east of Blandford. Thus the NP allocates policies B2 (Mixed-Use Allocation) and B3 (Employment) for this purpose. This option delivers the key objective of the NP, which is to support early years and primary school provision in a location the education authority has confirmed it is most needed, having exhausted all alternative options for increasing provision to meet Blandford’s critical educational needs.

7.8 All spatial options have been assessed in the SA as having the potential for both positive and negative environmental, social and economic effects, and when taken as a whole, all options assess reasonably evenly - although in overall terms Option 1 assesses marginally better than others. The SA/SEA acknowledges growth in any direction is likely to have effects on the character of one or other AONB, although the effects on heritage assets are greatly reduced in the north of the town. In reaching this conclusion it is acknowledged that some development will be allocated within the Cranborne Chase AONB – adjacent to the proposed Waste Recycling Centre in the recently examined Dorset Waste Plan – and could only be justified where proposals for development are balanced against the policies set out in the Framework as a whole.

7.9 As the SA points out, ultimately, the decision to proceed with Option 1 is a matter of planning judgement taking a range of factors into account and described in the Site Selection Background Paper which accompanies the NP. The Paper includes an examination of the three NPPF paragraph 172 tests balancing these with the exceptional circumstances that prevail in Blandford and evidence that demonstrates that the need for school development is in the public interest. In making this judgement an assessment was also made that the critical delivery of a new school may only be secured by the comprehensive release of land and that community opinion will decide ultimately whether or not the neighbourhood plan is ‘made’.

7.10 The submission version of B+NP has 15 planning policies for guiding development in the Neighbourhood Plan area. Utilising the SA Framework of objectives and assessment questions developed during the earlier scoping stage of the SA, the SA process has assessed these policies. The SA Report presents the findings of the assessment under the following eight sustainability themes: Biodiversity, Climate change, Landscape and historic environment, Land, soil and water resources, Population and community, Health and wellbeing, Economy and enterprise, and Transportation.

7.11 The SA concludes that the current version of B+NP is likely to lead to significant positive effects in relation to the ‘population and community’, ‘health and wellbeing’ and ‘economy and enterprise’ SA themes. This is due to

the housing, employment and associated infrastructure allocated through policies B2 (Mixed-Use Allocation) and B3 (Employment) addressing the identified needs of the town and supporting sustainable growth. B+NP will improve vital infrastructure and deliver a range of housing types and tenure, enhancing the quality of life of residents and meeting local needs. It will support accessibility for residents and visitors, increasing self-containment and therefore improving the uptake of sustainable travel. This will also be facilitated through the protection and enhancement of open space and green infrastructure, leading to minor positive effects on the transportation and biodiversity SA themes. B+NP seeks to protect the surrounding landscape and local heritage; however, there is potential for significant long term negative effects on the landscape and historic environment SA theme given that the principal proposed development is within Cranborne Chase AONB and its setting. Negative effects are also anticipated in relation to the land, soil and water SA theme due to the permanent loss of best and most versatile agricultural land, and there are uncertain negative effects in terms of the climate change SA theme on account of flood risk.

7.12 I will set out my response to the finding of the SA in my conclusion section where I bring together the various strands of the first 3 Basic Conditions.

## **8 Be in general conformity with the strategic policies in the development plan for the local area**

8.1 The development plan for the area currently includes the North Dorset LPP1, adopted in January 2016. This has topic-based and place-based policies that provide the strategic policy Framework. There are also ‘saved’ policies from the earlier North Dorset District-Wide Local Plan, adopted in 2003, that need not concern me here.

8.2 In addition the Bournemouth, Poole and Dorset Waste Plan was formally adopted by Dorset Council on 31 December 2019. Also there is the Bournemouth, Christchurch Dorset and Poole Minerals Strategy Adopted 6 May 2014, and 5 remaining policies of the Minerals & Waste Local Plan, adopted in 1999. Matters of waste and minerals are excluded from the content of NPs, but it is worth mentioning that the new Waste Plan allocates land to the south east of Sunrise Business Park for a new waste management facility, and that there is no conflict with this allocation and B+NP. There are no matters in the adopted Minerals Plan which directly affect B+NP.

8.3 LPP1, at paragraph 1.10 sets out that NDDC will commence a review of that plan by the end of March 2016 with the aim of adopting the Plan by the end of November 2018. There was consultation on an Issues and Options Document as part of this review, but for a number of reasons it did not progress as anticipated prior to NDDC being dissolved on 31 March 2019. With DC coming into existence on 1 April 2019, the decision was taken to cease work on the North Dorset Local Plan Review with the work that has been done to date feeding into the production of the Dorset Council Local Plan, which will of course include coverage of the North Dorset area. The new Local Plan is intended to be adopted in 2023. Therefore it will be 3 years or so before a new set of planning policies covering the NP area are in place.

8.4 Added to the fact that it will be some time before there is a new adopted Local Plan and the fact that currently there is not a demonstrable five-year housing land supply in respect of North Dorset, this leaves the neighbourhood plan area vulnerable to speculative planning applications. Furthermore, given the potential that there may not be a 5YHLS for the foreseeable future, this vulnerability could be sustained for a long period of time. This would be contrary to the Government’s aim, as set out in paragraph 15 of the NPPF, of having a genuinely plan-led system.

8.5 Therefore DC considers that the making of B+NP, including the policies that allocate land for development, could provide the neighbourhood plan area with some additional protection against speculative planning applications for developments that are not in accordance with the adopted development plan for the area. I fully understand the rationale for this approach, which I accept provides justification for B+NP looking to allocate sites for housing, and other development, which might otherwise be expected to occur within the local plan process. Therefore, in looking at general conformity with the strategic policies of the development plan, it is the strategy as set out in LPP1 that is the starting point. In the following paragraphs I set out those elements that I consider are most important in understanding the strategic policies for Blandford in the context of the main controversies in this examination.

8.6 The LPP1’s spatial strategy, Policy 2, identifies Blandford (Forum and St Mary) as one of four ‘main towns’ which will function as the main service centres for the District and will be the main focus for growth, both for the vast majority of housing and other development. Policy 16 of LPP1 sets out the strategic policy for Blandford and states that Blandford “*will maintain its role as the main service centre in the south of the district through:*

- a. development and redevelopment within the settlement boundary; and*
  - b. extensions, primarily of housing to the south-east and to the west of Blandford St Mary; and*
  - c. employment uses on land within the bypass on the northern edge of the town and the mixed-use regeneration of the Brewery site close to the town centre.” .....*
- v the extension of the Archbishop Wake school and either extension of the Milldown school or provision of a new 2 forms of entry primary school;*

8.7 However, Policy 16 must be read against the explanatory text of the chapter. LPP1 Paragraph 8.10, under the heading Sustainable Development Strategy, states “*Blandford’s role as the main service centre in the southern part of the District will be maintained. Housing growth will be matched by employment growth and the provision of supporting infrastructure .....*” And at 8.11: “*The key spatial aspects of this strategy will be:*

- focusing housing in accessible locations, particularly locations close to the town centre and other facilities;*
- locating mainly B Class employment uses on the northern edge of the town in locations accessible to the strategic road network; .....* and
- accommodating growth within environmental constraints, notably heritage assets, two AONBs and the floodplain of the River Stour.”*

8.8 LPP1, paragraph 8.12, notes that *“the strategy for the town will see the building out of sites already allocated for development or with planning permission in the early part of the plan period, with additional greenfield sites beyond the bypass being brought forward after that date. New development will be supported by the necessary grey, social and green infrastructure, both to meet the overall needs of the town and the more local needs associated with each new development area.”* Critically, in the context of this examination, LPP1 paragraph 8.13 refers to Blandford Town Council together with Blandford St Mary and Bryanston Parish Councils having joined together to produce a single neighbourhood plan. *“This will deal with non-strategic matters to supplement the policies contained in this Local Plan, which can include additional greenfield sites beyond the bypass.”* LPP1, at paragraph 8.25, confirms that further sites may come forward through the preparation of neighbourhood plans. In relation to NPs defining settlement boundaries, elsewhere in LPP1 paragraph 8.174 makes clear that the countryside is defined as all land outside the settlement boundaries and that *“...countryside policies will apply to all other settlements unless new settlement boundaries are defined in neighbourhood plans ....”*

8.9 In considering general conformity with the strategic policies in the development plan for the local area, it is clearly the development plan as a whole that general conformity must measure against. Above I have highlighted those elements of LPP1 that I consider are most telling in terms of the matters that I must conclude upon in this examination and those that have been particularly drawn to my attention in the representations. That should not be taken to mean that I have disregarded all other elements of the development plan.

8.10 As to the requirement for the now abandoned Local Plan Review, this was largely driven by the need to take account of evidence of higher housing needs figures than those that formed the basis of the housing requirement in LPP1. I am encouraged by DC and the QB to look at the work that emerged as the beginning of that process, including the ‘Local Plan Review Issues and Options Consultation Document’ produced by NDDC, which included NDDC’s conclusions in relation to the development potential of areas of search identified surrounding Blandford.

8.11 In this connection, it is relevant to refer to the government’s PPG that deals with the situation where there is an emerging local plan. The PPG advises that a draft neighbourhood plan is not tested against the policies in an emerging local plan, although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. It also sets out that where a neighbourhood plan is brought forward before an up-to-date local plan is in place the local planning authority should take a proactive and positive approach, working collaboratively with the qualifying body. This could include sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

8.12 I therefore place weight on the matters set out in the paper prepared for me (Matter 4.1 on the Hearing agenda) by DC that explains its support for Policies B2 and B3c of B+NP and the emerging evidence that has been assembled to enable collaborative work with the QB in the preparation of the NP. I set out briefly the elements that identify the main needs for housing, community facilities and employment that the strategic plan making body provided as guidance for the preparation of B+NP.

8.13 Given that Blandford is one of the main service centres in North Dorset and serves a sizeable rural hinterland that contains a large number of villages, it is highly likely to continue to be a focus for growth. DC considers that a spatial strategy proposing no growth at Blandford is not a realistic option. In the North Dorset Issues and Options Document, which was subject to a thorough Sustainability Appraisal, the land that is allocated for development in Policies B2 and B3c of the neighbourhood plan was identified as having possible development potential. The neighbourhood plan takes the Issues and Options work forward by refining the options based on the updated evidence base.

8.14 There is evidence of increased housing need in the North Dorset area since the LPP1 was examined, as set out in the 2015 Eastern Dorset Strategic Housing Market Assessment (SHMA) and identified by using the Government’s standard methodology for assessing housing need. The current housing requirement for the North Dorset area, as set out in the LPP1, is 285 dwellings per annum. The SHMA sets out a need for 330 dwellings per annum in North Dorset whilst the current need based on standard methodology is 355 dwellings per annum. With regard to affordable housing, in the North Dorset area there are approximately 1000 households on the housing register, with 355 of these households having a connection to the area covered by the neighbourhood plan. The evidence of increased housing need, as set out in the SHMA, was one of the main reasons that the Inspector who examined the LPP1 required NDDC to carry out an immediate review of the plan.

8.15 Analysis of housing data for the 2018/19 monitoring period indicates that the lack of a five year housing land supply is likely to persist in North Dorset for the foreseeable future. The proposed allocation set out in Policy B2 of the neighbourhood plan will help improve the housing land supply situation in the North Dorset area.

8.16 DC considers that the need for a new primary school at Blandford, which is referred to as a potential way of meeting the need for additional primary school places at Blandford in criterion v of Policy 16 (Blandford) in LPP1, is more time-critical than when NPv1 was subject to Examination. Furthermore, further work that has been carried out in terms of considering the potential for expanding the existing primary schools at Blandford confirms that such expansion is not an option. The only option for increasing primary school capacity at Blandford is by developing a new primary school. Therefore, the only way that part v of Policy 16 in LPP1 can be met is by providing a new school. The most up to date position regarding school provision at Blandford, including evidence regarding the need for a new primary school, is set out in the ‘Blandford Town Pupil Place Planning Statement’ (updated June 2019). The area of land proposed for the new school, within Policy B2

allocation, is the most appropriate location for a new primary school at Blandford.

8.17 The Issues and Options Document details how NDDC considered it important that the specific need for employment land in North Dorset continues to be met over the plan period especially at the four main towns in North Dorset including Blandford. The latest published Annual Monitoring Report for North Dorset details that in April 2018 of 28.85 hectares of land available for employment use at the four main towns, only 4.16 hectares of this was available at Blandford. The limited amount of employment land available at Blandford consists of a number of smaller parcels of land rather than being one site. This reduces its attractiveness to potential future occupiers. Other factors, including views expressed by DC’s Economic Development Team and the responses to the North Dorset Local Plan Review Issues and Options Consultation, support the proposal to allocate additional land for employment uses in Policy B3c.

## **9 Conclusions on Basic Conditions 1, 2 and 3 in respect of Policies B2 and B3c**

9.1 I begin by considering Policies B2 and B3c that I have concentrated upon above, and I take as my starting point the strategic policies of the development plan.

9.2 LPP1, at Policy 2 identifies Blandford as the main service centre for the south of the then NDDC area, whilst the supporting text of Policy 16 states that housing growth in Blandford will be matched by employment growth and the provision of supporting infrastructure and that the northern edge of the town, in locations accessible to the strategic road network, will be the location for mainly B class employment uses. Furthermore, at paragraph 8.12 of the supporting text, it is said that additional greenfield sites beyond the bypass will be brought forward after the sites allocated or with planning permission, that are expected to be built out in the early part of the plan period. Paragraph 8.13 refers to the intention to produce B+NP and makes clear that this can include the allocation of additional greenfield sites beyond the bypass.

9.3 In the context of the above, the allocations under NP Policies B2 and B3c can be considered to be fully in accord with the strategic policy and guidance in LPP1. The additional benefit of a site for a new primary school can be seen as being in accord with the requirement for supporting infrastructure – of which more below – although this facility is required to support the existing town and not just the residents of the allocated housing site.

9.4 At this point I need to deal with the contention that the allocation under Policy B2 for some 400 dwellings is a strategic matter that should be reserved for a local plan and is not appropriate to a NP. It is the case that 400 dwellings amount to major development (for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more: Framework Annex 2: Glossary). However, Framework footnote 55 states that *“For the purposes of paragraphs 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse*

*impact on the purposes for which the area has been designated or defined.” – but that footnote relates to the situation where the proposals are being considered in the context of being within an AONB etc (which I must come back to). Certainly, the definition of ‘major development’ does not, it seems to me, help to define a scale that could be defined as ‘strategic’.*

9.5 In any event, in terms of the argument about strategic development, it is necessary to consider, not just the policy and guidance in LPP1, but also the present position so far as an emerging local plan is concerned. Remembering that a current 5YHLS cannot be demonstrated for the former area of NDDC, and that it appears that this situation will continue for some considerable time, that the work on NDDC Local Plan Review has now been abandoned, but the work that began for that purpose is now to be used as input into the new Dorset Local Plan, it seems to me to be eminently sensible for currently available data and forecasts to be shared between DC and the QB, and used as part of the evidence for the production of B+NP. Therefore I consider that the liaison between DC and the QB, in these circumstances, has legitimately allowed for a forward look at the emerging housing and employment etc needs of the B+NP area.

9.6 The situation that emerges is that Blandford will inevitably remain as the main service centre for its surrounding area, and will continue to be the focus for housing, employment and community services. As a result, it appears to me that B+NP is following the strategic policy of LPP1 (main service centre, housing growth to be matched by employment growth, locations accessible to the strategic road network, additional greenfield sites beyond the bypass following the build-out of sites allocated or with planning permission, and the acknowledgment that B+NP can include the allocation of additional greenfield sites beyond the bypass) and is not in itself setting out new strategic policy. In my view DC and the QB have simply endeavoured to produce a NP that takes a pragmatic view of the situation and does its best in somewhat difficult circumstances.

9.7 I now turn to look at B+NP in terms of the government’s policies set out in the Framework.

9.8 At the heart of the Framework policies is the presumption in favour of sustainable development, with the 3 overarching objectives - economic, social and environmental. The first indicator of this (paragraph 11) is that plans should positively seek opportunities to meet the needs of the area, and be sufficiently flexible to adapt to rapid change, and that strategic policies should, as a minimum, provide for the objectively assessed needs for housing and other uses. There could be no clearer steer for development plan priorities. It is clear that meeting the needs for residential development and associated employment must be a major objective of any development plan. These needs should be provided for unless policies for the protection of assets of particular importance, or the adverse impacts of doing so, would significantly outweigh the benefits (when assessed against the Framework policies taken as a whole).

9.9 In the case of the Blandford + area, there is in addition the need to provide for a new primary school. The case for this is convincingly made out in the latest assessment by the education authority (see Blandford Town Pupil Place Planning Statement updated June 2019). In B+NPv1, the need for this school was made a major justification for the allocation of what is now Policy

B2, and to a certain extent, the publication of the current B+NP also placed reliance on this need. The Examiner of B+NPv1 found this justification to be unconvincing: but certainly in the case of B+NP before me, whilst the primary school need is well made out, the driver and justification for policy B2, and the present support of NDDC (as it was) and now DC, arises from the lack of a 5-year land supply and the abandonment of the work on the NDDC Local Plan Review. I therefore regard the requirement for a new primary school and its siting within proposed Policy B2 allocation as a normal and incidental part of development plan preparation.

9.10 Neighbourhood planning is an important part of the government’s policies to empower local communities to have a substantial say in the way in which their area develops. Neighbourhood planning gives communities the power to develop a shared vision as part of the statutory development plan, whilst not promoting less development than set out in the strategic policies for the area (Framework paragraph 29). The preparation of B+NP has involved a continuing process of community involvement, and the fact that there have been very few representations against the plan from members of the community suggests that the plan has indeed met this objective.

9.11 Section 5 of the Framework centres on the delivery of a sufficient supply of homes, and a significant boost to the supply. In instances where strategic policies for housing are out of date, as here, the local planning authority is enjoined to provide an indicative figure. Paragraph 69 requires Neighbourhood planners to consider opportunities for allocating small and medium sized sites suitable for housing. Further on the Framework emphasises the importance of a sufficient choice of school places to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to widen the choice in education. In particular they should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

9.12 I will leave aside Section 15 of the Framework, dealing with conserving and enhancing the natural environment, for a moment. Here I turn to the Sustainability Appraisal of the evidence to support Policies B2 and B3c. A new SA has been produced for B+NP that is comprehensive in its approach, taking account of the cumulative impacts of development and reasonable alternatives including in terms of considering the landscape impacts of developing the proposed allocations.

9.13 The SA supporting B+NP is far more detailed and comprehensive than the evidence that supported NPv1. It identifies, describes and evaluates the likely significant environmental effects of the B+NP policies and reasonable alternatives. I have set out in section 7 of this report a description of the process: key to my consideration of the outcome is that the provisions of LPP1 were taken into account as were the Local Plan Review Issues and Options document and the consultation thereon. NDDC had also issued a new ‘Call for Sites’ to update the evidence on land availability. The result was that the QB and NDDC were able to agree a strategic land use and quantum specification for site allocations. Alternative locations for delivery of the development specification were considered, so that the SA considered 4 spatial options, exploring the sustainability implications of delivering the development in different broad locations in the NP area.

9.14 The outcome of this process was to allocate land as defined in Option 1, to the north and north-east of Blandford. All options had potential for both positive and negative effects, and all assess reasonably evenly. The outcome being that, in overall terms, Option 1 assesses marginally better than the others. Whilst Option 1 may only be marginally better than the other 3 options, I consider that the lack of a clearly decisive ‘winner’ is the result of the highly constrained nature of the NP area. Thus, rationally, the outcome of the SA process must be to point clearly to the conclusion that the Policies of B+NP, particularly Policies B2 and B3c, are to be preferred.

9.15 At this point I need to deal with one of the representations made during the Statutory Regulation 16 consultation, on behalf of Wates Developments Ltd, that an additional area of land should be considered for inclusion in the allocation under Policy B2. I am told that the first indication that the site was available for consideration for development was only given at the Regulation 14 stage in late 2018. I have a number of comments on this representation, the first being that it was made at the point at which B+NP was about to be submitted for Examination: it had not been included in the consultation that had taken place at various stages in plan preparation, and had not been subject to the SA process. Both these points are critical because at this stage it is not possible to know what opinion in the neighbourhood plan area might have been and nor is it possible to know what effect there might have been on the weighing of development options.

9.16 I am very clear that at this stage it would be inappropriate to put B+NP back for further public consultation and for a revised SA process to be undertaken. Much work has been done in the process of plan production, considerable time has passed, and the agreed development specification has been met. Furthermore there is the fact that an identified 5-year housing land supply does not exist in this part of DC’s area and it is important to put policies in place as quickly as possible that are supported by the community. There is no justification for delaying the process of putting the NP to a referendum. Of course, that does leave it open to Wates Developments Ltd to put forward its site to DC for consideration in the preparation of the new Dorset Local Plan: in fact I understand that this has been done.

9.17 I have therefore reached the point where I have found that the current development plan for the area is generally supportive of Policies B2 and B3c, including the future need for additional greenfield sites beyond the bypass, which inevitably means within an AONB or its setting. I am satisfied that the development ‘specification’ agreed between the QB and DC, was based on and justified by the evidence of an increased housing need since the LPP1 was examined, a need for additional employment land, as demonstrated in the issues and options document produced for the then emerging NDDC Local Plan Review, the latest SHMA, and the Strategic Housing and Economic Land Availability Assessment, together with the requirement for a new school. Furthermore the SA demonstrates that the allocations under Policies B2 and B3c meet this specification and assess as better than the other options, albeit marginally so. There is therefore a justification for B+NP and these 2 policies, which is further reinforced by the government’s aim of having a genuine planned system.

9.18 I have approached these important issues in this way because it is necessary to understand what need and justification there is for proposing development of the type and scale of that under Policies B2 and B3c within

the AONB or its setting. I therefore now turn to Section 15 of the Framework, also remembering that paragraph 8.11 of LPP1 includes within the ‘key spatial aspects of the (sustainable development) strategy’ (paragraph 8.7 above) “ □ *accommodating growth within environmental constraints, notably heritage assets, two AONBs and the floodplain of the River Stour.*”

9.19 Section 15 of the Framework is of particular importance in this examination since it deals with conserving and enhancing the natural environment. Apart from recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services (Framework paragraph 170), plans should distinguish between the hierarchy of international, national and local designated sites and allocate land with the least environmental or amenity value (Framework paragraph 171).

9.20 Then comes Framework Paragraph 172, which is at the nub of my weighing and balancing the competing needs in the B+NP. It stipulates that great weight should be given to conserving and enhancing landscape and scenic beauty in, among other designations, Areas of Outstanding Natural Beauty - *“The scale and extent of development within these designated areas should be limited. Planning permission should be refused (and by implication site allocations) for major development, other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

9.21 Paragraphs 9.1 to 9.14 and 9.17 above set out my conclusions that largely deal with Framework paragraph 172 a) and b). In those paragraphs I have dealt with a) the national considerations arising from the government’s planning policies as set out in the Framework – save for the important Section 15 matters; and b) the scope for developing outside a designated area, or meeting it in some other way.

9.22 In respect of 172 a), Policies B2 and B3c of B+NP meet the national policy presumption in favour of sustainable development, and that plans should positively seek opportunities to meet the needs of the area, as a minimum providing for the objectively assessed needs for housing and other uses: meeting the needs for residential development and associated employment must be a major objective of any development plan. Further, the plan’s provision to meet the need for a new primary school is in line with the government’s emphasis on the importance of a sufficient choice of school places to meet the needs of communities with great weight to be given to the need to create, expand or alter schools through the preparation of plans. The impact of not making the allocations would be a shortage of housing land, employment opportunities, and school places, together with continued uncertainty arising from the lack of a demonstrable 5-year housing land supply, with the ‘tilted balance’ that such circumstances brings. And, Neighbourhood

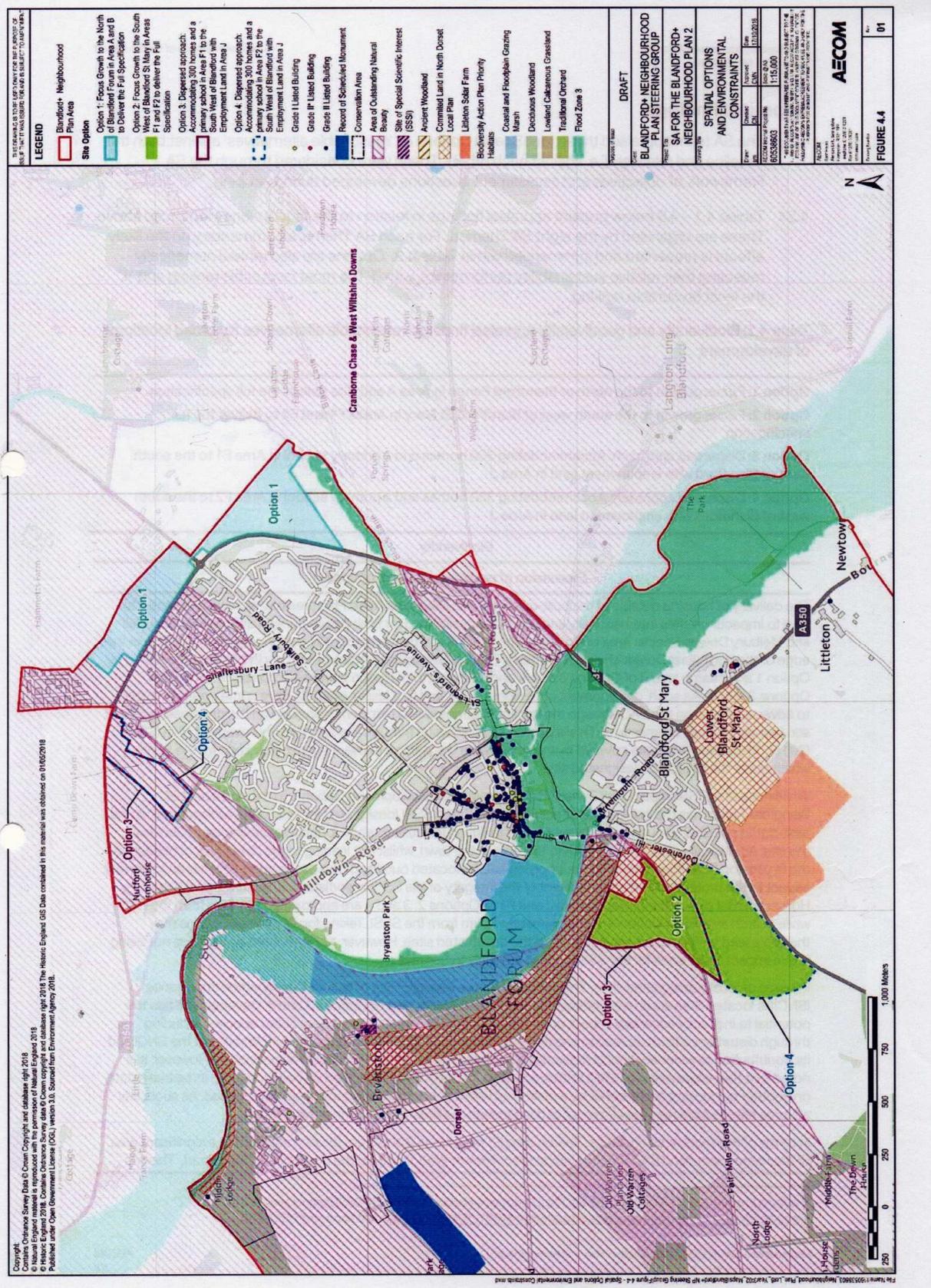
Planning is an important part of the government’s policies to empower local communities.

9.23 In respect of 172 b) there is little scope, if any, for developing outside the designated area, or meeting the need for it in some other way. This has been demonstrated by the SA produced for B+NP that is comprehensive in its approach, taking account of the cumulative impacts of development and reasonable alternatives, including considering the landscape impacts of developing the proposed allocations. In terms of alternatives to providing for more development somewhere other than in the NP area, Blandford is the main service centre for this part of Dorset. The development needs of this service centre must be viewed in the context of currently available data and forecasts, shared between DC and the QB, and used as part of the evidence for the production of B+NP, which demonstrated a greater need for housing and employment land supply than LPP1 provides for.

9.24 Framework paragraph 172 c) requires consideration of *"any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."*: this is where I place great reliance on the accompanied visit that I carried out as part of the examination hearing. As I noted at paragraph 3.8 above, the accompanied site visit went to an agreed number of viewpoints and I was accompanied by representatives of all the respondents to the Regulation 16 consultation that had made representations about the locations of the two allocations within the AONB and its setting. The site visit was carried out in the morning, immediately after I made a formal opening of the hearing, and this enabled both features to be pointed out, and comments to be made as the group progressed around the area, and for this to be followed by discussion in the afternoon session of the hearing.

9.25 My site visit tour of the area included those areas that were considered in the SA as ‘reasonable alternatives’ that arose from the 4 ‘Spatial Options’ that had been derived mainly from the Issues and Options report that had been consulted on by NDDC before its demise. For full understanding, I set out the map on the following page that shows the 4 options within the environmental constraints.

9.26 It will be seen that all 4 options are located within an AONB or its setting. As far as landscape character is concerned, Dorset Council’s interactive online mapping shows that Option 1 is located within landscape classified as Wooded Chalk Downland and Chalk Valley & Downland. Option 2 is located wholly within Open Chalk Downland, which also covers a part of Options 3 and 4. Options 3 and 4 are also located partially within Wooded Chalk Downland and Valley Pasture. The newly published (at the time of the hearing, October 2019) North Dorset Strategic Landscape and Heritage Study Final report makes assessments of the areas within which all 4 Options are situated. The overall assessment of landscape sensitivity for each of the 4 is that they have a sensitivity score of medium to high. In terms of my own assessment, following the viewing during my accompanied site tour, my judgement is clear that development of each of the options that have not been chosen in the B+NP would be no better and probably of greater impact than the chosen option in terms of impact on the landscape and on the character of the AONBs.



9.27 During the site visit tour I concentrated most on assessing the B2 and B3c allocations, from distant views, more close-up points and from within the 2 areas. Both at the site visit and at the hearing, I made a point of ensuring that I had the opinion of Mr Richard Burden, Principal Landscape and Planning Officer of Cranborne Chase Area of Outstanding Natural Beauty Partnership, he being the only person present who has a direct responsibility for managing and protecting the AONB and its setting. He made a number of points, among which were that over the past 50 years, development has gradually crept up the contours; that the north area is flatter and therefore there would be reliance on screening; hedgerows and trees will not necessarily thrive or survive; major strategic planting has an impact on the landscape and can change the character of the landscape; and the distance from the town centre meant that motor vehicles would be a major means of travel and therefore the sites were not in a sustainable location.

9.28 He was also critical of the recently published North Dorset Strategic Landscape and Heritage Study, citing that it had a number of omissions. He drew attention to the Cranborne Chase Partnership Plan 2019 – 2024 and made reference to a very recent planning appeal decision (APP/W1850/W/19/3225309) that dealt with a proposal for a similar amount of housing to the Policy B2 allocation that was dismissed, partly on the basis of the harmful effect on the setting of the AONB within which it was situated. Reading the decision, it is clear that there were substantial differences in the implications of that proposal compared to the Blandford situation. That and the fact I have no personal knowledge of the situation or circumstances means that I do not find it particularly helpful.

9.29 However, I have paid careful attention to the Management Plan; whilst the whole document is of interest, I now highlight particular elements that I have borne in mind during the course of this Examination.

9.30 In the context of this Examination, I begin with the Statement of Significance and pick out particularly paragraph 2.1: *"Forming part of the extensive belt of chalkland that stretches across southern central England, the Cranborne Chase AONB is a landscape of national significance. Its special qualities flow from the historical interaction of humans and the land. They include its diversity, distinctiveness, sense of history and remoteness, dark night skies, tranquillity; and its overwhelming rural character. With mists slowly forming over expansive downlands, it can be a moody, evocative landscape, with sights and sounds of bygone times never far away. It is an unspoilt and aesthetically pleasing landscape"*; and paragraph 2.15: *"This AONB is a deeply rural area with widely scattered hamlets, villages and narrow roads. This mainly agricultural landscape is sparsely populated, tranquil, and has no large settlements within its boundaries. Nearby market towns such as Salisbury, Shaftesbury, Blandford, Fordingbridge, Wimborne and Warminster are growth areas."*

9.31 Paragraph 2.16 is of importance in pointing out *"The setting of an AONB is the surroundings in which the influence of the area is experienced. If the quality of the setting declines, then the appreciation and enjoyment of the AONB diminishes. The construction of high or expansive structures; or a change generating movement, noise, odour,*

*vibration or dust over a wide area will affect the setting. As our appreciation of the relationships between neighbouring landscapes grows, so our understanding of what constitutes the setting continues to evolve.”* And then, at paragraph 2.17 it is explained that *“Views are one element of setting, being associated with the visual experience and aesthetic appreciation. Views are particularly important to the AONB. This is because of the juxtaposition of high and low ground and the fact that recreational users value them. Without husbandry and management, views within, across, from and to the AONB may be lost or degraded.”* It is in the context of this advice that I made the arrangement for the site visit tour as part of the Hearing.

9.32 A further element of the Management Plan that I pick out is at paragraph 7.8: *“The appearance, and appreciation, of the AONB from areas outside relates to all landscape types, as do the qualities of the views to and from the AONB. Nevertheless, this is particularly relevant to the escarpment, hill, and downland landscapes. Their elevated positions make possible long and wide ranging views. The areas within those views contribute to the setting of the AONB, an aspect that is of increasing value for heritage assets”*. I have noted and taken account of the descriptive text in Section 8 ‘Landscape’ and the characteristics and special qualities described.

9.33 I note the following ‘Ambition’ at paragraph 13.2 *“... planning and transportation strategies, policies and decisions that affect this nationally important AONB ... both conserve and enhance its special qualities. Where development is necessary, it is located and designed to integrate fully with the landscape character and natural beauty.”* And under heading ‘Key issues’ in respect of development pressures it is noted that *“There is an inconsistent approach to replacement dwellings and ‘essential worker’ dwellings across the AONB; and a shortage of affordable housing for local people. The annual requirement on Local Planning Authorities to invite the identification housing sites, along with the current round of Core Strategy / Local Plan consultations, can encourage speculative market housing proposals from landowners or developers.”* .... and (at paragraph 13.9) *“Development proposals need to be in appropriate locations and of an appropriate form, scale, and materials .... This will enable them to integrate with landscape character both within and adjacent to the AONB. All Strategic Housing Land Availability Assessments (SHLAAs) should include Landscape and Visual Impact Assessments (LVIAs) to demonstrate that potential landscape impacts, including both location and integration within the landscape, have been taken into account.”*

9.34 Mr Burden was also critical of the fact that B+NP carries forward the same allocations as were in B+NPv1 and considers that these are strategic policies that should be left for the new local plan to consider. However, I have already dealt with these matters earlier in this report.

9.35 I now set out the observations that I made during the site visit, being careful to assess the extent to which the proposed development on the allocations would be apparent from public viewpoints.

9.36 To me, the most telling assessment that I made at the site visit was when viewing the site from distant views. It is the effect of

development within the AONB that is apparent to the public that is most important enabling them to appreciate the beauty and character of the AONB, although I do not discount those who work or live in the countryside. Therefore at my unaccompanied familiarisation tour of the area at the time of the Exploratory Meeting I sought out potential views from public roads and footpaths. These were few in number. When arranging the accompanied site visit I asked those that were participating in the hearing to make their own suggestions for viewpoints. Finally it was decided that 3 viewpoints were the only ones that would be useful in making an assessment of the extent to which the B2/B3c allocations might be seen from the distance. These were at the point on the minor road where the Jubilee Trail joins Shaftesbury Lane; a point to the east along this minor road where a public footpath runs south; and a point on a track/footpath that runs in a dog-leg from Yarden Farm, Pimperne.

9.37 These viewpoints are approximately 1 mile from the centre of the allocations. Whilst the weather was fine with reasonable visibility, I had to use binoculars to ensure that I, and those accompanying me, were identifying landmarks and were looking correctly in the direction of sites. The fact is that the contours of the land and landscape features mean that it is only when at an altitude of above about 80m to the north or east that the location of the sites can be seen. I formed the opinion that development on the allocations would be largely obscured and would not be unduly conspicuous. This would be particularly so with development up to 2 storeys in height, taking advantage of existing visually contained areas, and augmenting existing screening where required.

9.38 My visit in and in the immediate vicinity of the sites demonstrated to me that on the area to the north of the A350, the proposed allotments and playing fields would be at the highest level, circa 90m, occupying a relatively level surface with existing tree screening. The school would be well contained within the landscape at about 85m or so, and would not be obtrusive in longer views with careful orientation of the building and additional screen planting. The main residential development on this site would largely be screened by the Letton Close development. Employment development within the Policy B3c allocation would be seen against the background of Sunrise Business Park and has some existing perimeter tree screening.

9.39 The second Policy B2 area is within the setting of the AONB. The main impact of development on this area would be on outlook from the rear garden of the private residence of Greenbanks, Salisbury Road, and, to a lesser degree, on its neighbour Bolney. However, the part of the site immediately adjacent to Greenbanks is at the narrow end of its triangular form, and it falls away quite sharply from 70m down to 45m. I can fully appreciate why the residents of these 2 houses find the allocation objectionable, but this is not a damaging public harm, and is not persuasive in my determination of the issues. In other respects, this part of the site is not greatly visible from public vantage points and has a tree belt providing some existing screening.

#### Overall conclusion on Policies B2 and B3c

9.40 I have assessed the proposed allocations against the criteria in paragraph 172, which states that planning permission should be refused

(and by inference site allocations should not be made) for major development other than in exceptional circumstances and where it can be demonstrated they are in the public interest.

9.41 Given that Blandford (Forum and St Mary) is one of the main service centres in North Dorset and serves a sizeable rural hinterland that contains a large number of villages; it cannot be doubted that it will continue to be a focus for growth. A spatial strategy proposing no growth at Blandford is not a realistic option. There is clear evidence of increased housing need in the North Dorset area. The current housing requirement is of the order of 45 to 70 dwellings per annum above that planned for in LPP1. In addition there is a large need for affordable housing, with approximately 1000 households on the housing register, 355 of which have a connection to the neighbourhood plan area. This housing need arises in the context of the lack of a 5YHLS which is likely to persist in North Dorset for the foreseeable future. The proposed allocation set out in Policy B2 of the neighbourhood plan will help improve the housing land supply situation in the North Dorset area, which is in accord with Framework paragraphs 7, 8a) and b), 11a) and b), and 59 in particular.

9.42 There is a continuing specific need for employment land in North Dorset especially at the four main towns including Blandford. The latest published Annual Monitoring Report shows that in April 2018 of 28.85 hectares of land available for employment use at the four main towns, only 4.16 hectares of this was available at Blandford. This limited amount of employment land available at Blandford consists of a number of smaller parcels of land rather than being one site, and is therefore not an adequate provision to enable employment to bring the economic and social benefits needed in the town. The allocation meets the need for additional employment land.

9.43 In addition, there is an unmet and increasing need for primary school places in the area and great importance attached to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

9.44 As I mention in paragraph 2.1 above, Blandford Forum is a unique Georgian Market Town. The heritage assets that it contains are important to preserve and enhance. This is an additional reason for ensuring the development needs of the town are met so that its vitality and vibrancy help to ensure its viability and attractiveness to business, and provide employment opportunities for its population.

9.45 I recognise that any detrimental effect on the character of the AONB and visual amenity caused by the development would be permanent, albeit limited in extent – see my remarks at paragraphs 9.35 to 9.38 above. However, the allocations for housing and employment land meet the need test in paragraph 172, there is no better or alternative location or way of meeting the need that would be less harmful, and the detrimental effects can be moderated by the application of policies at the development management stage. The proposal for incorporating the new primary school within the policy B2 allocation also passes the need test. There is effectively no scope for the new school development, or meeting the need for it in some other way.

9.46 I consider that the evidence demonstrates that the disadvantages to the public interest of the proposed development within the AONB are outweighed by the significant benefits of additional housing and employment land provision and that of a site for the proposed school. For these reasons I conclude, applying paragraph 172 of the Framework, that: (i) there are exceptional circumstances and (ii) it has been demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the allocations are in the public interest.

9.47 As a result of the analysis above I conclude that Policies B2 and B3c meet the Basic Conditions.

## **10 The Basic Conditions in respect of the other polices of the plan**

10.1 I turn briefly to the other polices of the Plan. I have referred at paragraph 5.1 above to the Basic Conditions Statement; Table A refers to all 15 policies and provides a commentary on how the QB considers that each NP policy has taken account of national policies and advice, while Table B does the same in relation to conformity with the strategic policies of the development plan. There are also sections that deal with contributing to sustainable development and compatibility with EU regulations – I deal with these 2 Basic Conditions in the necessary detail in sections 11 and 12 below. I am satisfied that this document demonstrates that B+NP satisfies the Basic Conditions in respect of Policy B1, B3a) and b) and Policies B4 to B7 and B9 to B15. There is no reason for me to deal in any detail with these policies in respect of compliance with the Basic Conditions.

10.2 In respect of Policy B8 – Blandford Forum Town Centre, a representation (Clemdell Limited – Representation BLAN 02) contends that this policy does not meet the Basic Conditions, primarily on the basis that it does not have regard to national policy and advice. The national policies cited include Framework Paragraphs 13 and 29 which state that "*Neighbourhood plans should support the delivery of strategic policies contained in local plans*" and "*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies*", the contention being that Policy B8 is a strategic policy, and therefore should not be in a NP, and that it undermines the strategic policies of LPP1. In particular, it is said that Policy B8 does not contribute to the achievement of sustainable development and promotes less development than LPP1. In making this point Clemdell wishes to ensure that a variety of commercial uses are allowed for in the town centre, together with opportunities for housing development. Clemdell also gives examples of NDDC planning case officers’ reports that support changes to use classes A5 and C3, as has Blandford Forum Town Council in respect of a residential proposal, all of which would not have been in conformity with Policy B8.

10.3 Clemdell’s preference is the removal of Policy B8 altogether, but if it is to remain amendments to it are sought. The following modifications to the policy are suggested (there is a second, slightly varied suggestion with a reference to primary and secondary frontages, but I will deal with primary and secondary frontages separately):

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

*The following ground floor uses that will be supported include:*

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

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

*In the Town Centre Area:*

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

10.4 The QB and DC, in response, point out that the Framework, paragraph 85, acknowledges that diversification is key to the long-term vitality and viability of town centres. Accordingly, in town centre locations it requires planning policies to clarify the range of uses permitted in such locations, as part of a positive strategy for the future of each centre. It is considered that Policy B8 is in 'general conformity' with the Framework. The B+ Retail and Town Centre Study (September 2018) reflects the findings of the Grimsey Review 2<sup>7</sup> which highlighted that town centres should be "gathering points for the whole community .... with a mix in the (previously identified shopping areas) of 'health, entertainment, education, leisure, business, other spaces and shops at the heart of a thriving community hub.'"

10.5 The QB and DC do not consider the Clemdell suggested modification would undermine the positive strategy for Blandford Town Centre or the primary shopping area as defined by Policy B8. They proposed that the relevant part of Policy B8 is modified a little differently, as follows:

*"Outside the Primary Shopping Area but within the Town Centre Area the following ground floor uses will be supported:*

- *Shops and retail outlets (A1);*
- *Professional services (A2);*
- *Food and drink (A3)*
- *Drinking establishments (A4);*
- *Hot food and takeaways (A5);*
- *Health and public services (D1);*
- *Entertainment and leisure (D2); ~~and~~*
- *Business (B1); and*
- *Residential (C3) uses on upper floors only which does not replace an existing retail or commercial ground floor frontage."*

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<sup>7</sup> See <http://www.vanishinghighstreet.com/wp-content/uploads/2018/07/GrimseyReview2.pdf>

10.6 With regard to a demarcation of primary and secondary frontages suggested in the Clemdell representation, it should be noted that the Framework (2019) which post-dated the adoption of the LPP1 (including Policy 12 (Retail, Leisure and Other Commercial Developments)) and the publication of the Joint Retail and Commercial Leisure Study, does not require plans to identify primary shopping or secondary retail frontages. Part (b) of paragraph 85 of the NPPF details that: “*Planning policies should: .... (b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;...*”

10.7 The neighbourhood plan, by defining the extent of the town centre and primary shopping area, and making clear the range of uses permitted in such locations, meets the requirements of part (b) of Policy 85 of the Framework. It is acknowledged that the Government’s Planning Practice Guidance does allow for primary and secondary retail frontages to be defined in instances where their use can be justified. However, the Qualifying Body has taken the decision not to identify primary and secondary retail frontages on the basis that it considers that they are not specifically required to support the vitality and viability of the town centre. On the basis of the above the Councils consider that no further changes are needed to Policy B8 beyond the modification suggested at paragraph 10.5 above.

10.8 My conclusions on this matter begin with the Policy Map at Inset B of B+NP, in so far as it sets out the B8 Town Centre Boundary and the Primary Shopping Area. In my view this Inset is entirely inadequate for the purpose of understanding the detail of the Town Centre. For that reason I support the point made in NDDC representation BLAN 12 that there needs to be a more detailed plan showing the Town Centre, as set out in Appendix A of that representation (see also paragraph 14.1 below). This additional Plan of the Town Centre consequentially requires that the Policies Map be amended to delete the details of the Town Centre.

10.9 The NDDC Appendix A Town Centre Policy B8 Plan referred to above shows the boundary of the Town Centre and an area coloured yellow which is the ‘Primary Shopping Area’ – it does not show a ‘Primary Frontage’ or ‘Secondary Frontage’ as shown on the plan in the Carter Jonas Retail Study 2018 that is sought in the Clemdell post hearing document. I support the absence of the primary and secondary frontages for the following reasons: i) the Framework at paragraph 85 b) now does not advocate identifying such frontages, although the government’s Planning Practice Guidance does allow for the definition of such frontages when justified; ii) there is no sufficient justification put forward in this case; iii) I agree that diversification is key to the long-term vitality and viability of town centres; iv) to include an identification of these frontages would add to the complexity of the policy and would not necessarily assist in diversification; v) the initial suggested modification to this policy (with which I have some sympathy) suggested by Clemdell (see paragraph 10.3 above) does not include any reference to primary and secondary frontages; vi) the wishes of the QB in deciding not to identify these frontages needs to be accorded some weight.

10.10 To summarise, bearing in mind the Framework paragraph 80 statement that “*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt*”, I agree that there is “*the need to reshape town centres...*” so that they incorporate a multiplicity of uses including “*health, housing, arts, education, entertainment, leisure, business/office space, as well as some shops, while developing a unique selling proposition*” (paragraph 5.51 of B+NP), and therefore a policy dealing with the way in which the town centre develops requires a less restrictive policy than has previously been the case. I am therefore in favour of a modification to Policy B8 in the submitted NP to enable it to provide a more flexible and adaptive approach to the consideration of development proposals in future. In my view there are 2 important elements to this: firstly there should be no restriction on housing in the town centre, providing that there is no loss of shopping frontage and that specific town centre uses are not thereby impeded; and secondly that uses other than pure shopping are given encouragement.

10.11 I have the following comments on a number of elements of the existing policy and the suggested changes. The present first paragraph is too restrictive in the forms of development that it mentions: “*and other commercial developments*” should be changed to “*commercial, housing and other forms of development.*” The purpose of the policy is to manage all development proposals, including resisting some, although it is reasonable to mention those forms of development which will be supported where appropriate. In the Clemdell suggestions, I see no reason to remove specific mention of A1 Retail floorspace, leaving only change of use of active frontage to be resisted. Nor do I see a reason, outside the Primary Shopping Area, to restrict the supported uses to “such parts of the Town Centre Area with existing shopping commercial frontage”. Whilst all these uses may be stated to be ‘supported’, that does not mean that there may not be perfectly proper reasons to refuse permission for bad neighbour reasons, etc. Also for clarity, I have clearly divided the elements of the policy into those that apply in the Primary Shopping Area and those that apply in the rest of the Town Centre.

10.12 Taking these factors into account, and having considered the proposed modifications put before me, I conclude that Policy B8 should be modified; and I set out below the full text of the policy that I will recommend. This recommendation is necessary in order to ensure that Policy B8 has regard to national policy and advice, to conform with the strategic Policy 16 in LPP1, and to more fully put into effect the objectives that are described in the supporting text to the policy.

**Policy B8 – Blandford Forum Town Centre**

***The Neighbourhood Plan defines the Town Centre Area and the Primary Shopping Area, as shown on the Town Centre Policies Map, for the purpose of managing proposals for retail, leisure, commercial<sup>8</sup>, housing and other forms of development.***

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<sup>8</sup> The word ‘commercial’ is not a standard ‘use class’ nor is it defined in the NPPF glossary. I therefore suggest that the QB/DC work together to define the word ‘commercial’ for inclusion as a minor modification (within the scope of Section 4B Paragraph 10(3)e of the Town and Country Planning Act 1990 as amended) in the supporting text of the referendum version of the B+NP.

***Within the Primary Shopping Area, proposals for new Retail floorspace will be supported. Proposals for new A2 Financial Services, B1 Offices, C3 Residential and D1 Community Uses on the upper floors of buildings that contribute to the vibrancy and vitality of the town will be supported. Loss of established ground floor A1 Retail floorspace or of an active frontage as a result of a change of use will be resisted.***

***Outside the Primary Shopping Area but within the Town Centre Area the following will be supported:***

- ***Shops and retail outlets (A1);***
- ***Professional services (A2);***
- ***Food and drink (A3)***
- ***Drinking establishments (A4);***
- ***Hot food and takeaways (A5);***
- ***Health and public services (D1);***
- ***Entertainment and leisure (D2);***
- ***Business (B1); and***
- ***Residential (C3) which does not replace an existing retail or commercial ground floor frontage.***

***All proposals in the Town Centre should retain or create, where appropriate to the use, an active street frontage and should seek to enhance the public realm through street planting and other measures intended to enhance the vitality of the Town Centre and to increase the footfall.***

***All proposals for development, including a change of use, must preserve or enhance the character or appearance of the Conservation Area.***

## **11 Must not breach, and must otherwise be compatible with EU obligations, including human rights requirements**

11.1 There is nothing in the representations or my reading of the B+NP and the background documentation to suggest to me that there is any breach of EU obligations or that it is not otherwise compatible with those obligations including human rights requirements.

## **12 Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017**

12.1 Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 refers to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an Appropriate Assessment (AA). Paragraphs 2 to 5 of Schedule 2 amend the Conservation of Habitats and Species Regulations 2010 so that its provisions apply to Neighbourhood Development Orders and NPs. The Regulations state that NPs are not likely to have a significant effect on a site designated at European level for its biodiversity; however, this needs to be ascertained through a Habitat Regulations Assessment’s screening process.

12.2 To this end, DC produced in April 2019 a Habitats Regulation Assessment (HRA) of B+NP. The QB is required by the Neighbourhood

Planning (General) Regulations (2012) to provide such information as the competent authority may reasonably require to undertake the HRA. The QB submitted a report (dated January 2019) commissioned from AECOM Infrastructure & Environment UK Ltd to meet these requirements, and the HRA is based upon the information provided in that document.

12.3 The AA screening identified a likely significant effect of policies B2 and B3 of B+NP as a result of air pollution due to additional traffic affecting the Fontmell and Melbury Downs SAC, the Rooksmoor SAC and the Dorset Heath SAC. As a result, an AA is required to explore the issue further and determine whether B+NP would result in adverse effects on the integrity of a European Site. The main pollutant of concern for European sites so far as relevant to the NP policies is oxides of nitrogen (NO<sub>x</sub>). NO<sub>x</sub> can have a directly toxic effect upon vegetation, and greater concentrations within the atmosphere will lead to greater rates of nitrogen deposition to soils causing an increase in soil fertility, which can adversely affect the quality of seminatural, nitrogen-limited terrestrial habitats. NO<sub>x</sub> emissions are dominated by the output of vehicle exhausts. The HRA therefore focused on vehicle exhaust emissions, as this is the only potentially significant source of emissions from the type of development allocated in the NP.

12.4 The AA was undertaken using the predicted changes in the annual average daily traffic as a result of the proposals in the neighbourhood plan to predict the resulting nitrogen deposition. The predicted changes in annual average daily traffic were very small, to the extent that they were comfortably within the normal daily variation in traffic and too small to model accurately. Therefore, it was concluded that policies B2 and B3 of B+NP would not have an adverse effect on the integrity of the Fontmell and Melbury Downs SAC, the Rooksmoor SAC and the Dorset Heath SAC as a result of air pollution.

12.5 I accept the results of the AA, and the AECOM report on which it was based, and consider that the policies of B+NP are unlikely to have a significant effect on the European sites that have been identified.

### **13 Must comply with any other prescribed matters.**

13.1 When submitted to the local planning authority, a Neighbourhood Development Plan (NDP) should be accompanied by a map or statement identifying the area to which the plan relates, a ‘basic conditions statement’ explaining how the basic conditions are met, and a ‘consultation statement’ containing details of those consulted, how they were consulted, their main issues and concerns and how these have been considered and, where relevant, addressed in the plan.

- The NP contains a map of the area to which the plan relates.
- A basic conditions statement was submitted with the NP.
- A consultation statement was submitted with the NP.

13.2 The NP must meet other legal requirements, including:

- that it is being submitted by a qualifying body (as defined by the legislation)

- that what is being proposed is a NDP as defined in the legislation
- that the NP states the period for which it is to have effect
- that the policies do not relate to ‘excluded development’
- that the proposed NP does not relate to more than one neighbourhood area
- that there are no other NDPs in place within the neighbourhood area.

13.3 The requirements listed in paragraphs 13.1 and 13.2 have all been met.

## **14 Matters raised in representations that do not amount to Basic Conditions requirements**

14.1 There are a number of matters raised in consultation responses to which I need to refer. Among these are matters raised by NDDC in its Regulation 16 response. These are all concerned with minor corrections and updating to the text of the plan. In a response to me (B+NP Qualifying Body’s Response to Matters raised by the Examiner as part of the Agenda for the Blandford+ Neighbourhood Plan 2011– 2033 Hearing: Matter 4.8), the QB has stated that it accepts all the NDDC’s suggested minor modifications in representation reference BLAN 12. I agree that these modifications are desirable and should be made. However I do not consider that it is necessary for me to make a formal recommendation since they do not address the Basic Conditions, and I can leave to the QB and DC to ensure that these and any other minor correction/updates are put into effect (this includes an update on the Waste Plan that has now been adopted). This can be done under Schedule 4B Paragraph 12(6)(e) of the Town and Country Planning Act 1990, as amended.

14.2 I must now return to Policy B2 since there was some controversy over the wording of parts of the policy, which I do not regard as amounting to Basic Conditions matters. These issues arise from the representation by Barton Willmore on behalf of Wyatt Homes and landowners of the site. They concern criterion i. of Policy B2 in respect of the reference to self-build and custom homes, and criterion iii. concerning the reference to ‘low rise’ in relation to the new primary school.

14.3 At the hearing I requested that the QB, DC and the representor should produce an agreed statement relating to these matters. This has been produced as ‘Matter 1’ within the post-hearing document which provided a response to matters raised at the public hearing. Reference should be made to this document, since I will not report in detail on its contents. The outcome of the discussion that led to the agreed statement is that there should be minor changes to each of these elements of the Policy. In respect of criterion i. the agreed form of words is: *“i. The residential scheme comprises approximately 400 dwellings including a mix of open market, ~~affordable and~~ homes, of which 5% should be self-build and/or custom build housing, and affordable homes for rent and other affordable routes to home ownership, primarily located on land to the north-east of Blandford Forum.”*

14.4 I am satisfied that this does not depart from the intentions of this element of the policy, that it meets the duties on local authorities provided by the Self-Build and Custom Housebuilding Act 2015 as amended by the

Housing and Planning Act 2016, that it takes account of the evidence of local need, and that scheme viability is not compromised since the cost of serviced plots may be reflected in plot value.

14.5 In addition a new clause xiv is proposed, as follows: “*xiv. Where serviced plots have been made available and marketed appropriately for at least 12 months and have not sold, the plot(s) may either remain on the open market for self-build/custom build or be built out by the developer.*” Again I am satisfied that this is a reasonable addition to the policy justified by the need to safeguard the viability of the development and that plots do not remain vacant should there be no demand.

14.6 In respect of criterion iii., and the descriptor ‘low rise’ for the new primary school, the representors make the point that it is important that the new school is suitably integrated with the remainder of the development given its location within the AONB. The design of the school, particularly its bulk, scale and mass, should be informed by the existing ground levels to ensure that the appropriate relationship can be achieved. Agreement has now been reached between the parties who propose an amendment to criterion iii., to replace the term ‘low rise’ used to describe a building of only a few storeys with the following which is felt better reflects the need for the design of the new primary school to be sensitive to height and massing, and reflects a similar requirement in Policy B3(c)iii. The following change is proposed: “*B2 iii. The education scheme shall be confined to land to the north of Blandford of about 3 hectares and of a design to reduce its impact on the skyline to minimise its visual footprint and of its regular ~~low-rise~~ form to enable school expansion to three form entry ....*”

14.7 I find this proposal a more satisfactory text than this existing element of the policy because the important point is that the new school should fit within the surroundings, respect the character and appearance of the AONB, and relate well to the rest of the development.

14.8 Since the modifications to the text of the policy do not relate to the requirement to meet the test of the Basic Conditions, the matters dealt with in paragraphs 14.3 - 14.7 are not properly subjects for my formal recommendations. I am content to leave the modifications to be made by the QB and DC.

14.9 Savills, on behalf of the Davis Family, the owners of the land, made representations with regard to Policy B3(c) Land adjacent to Sunrise Business Park. A number of detailed modifications to Policy B3(c) are proposed, intended to provide greater clarity. It is proposed that B2 use is inserted in the employment uses in the opening paragraph of the policy. The QB and DC have no objection to the policy being modified as follows: ‘*Development proposals for an extension of Sunrise Business Park, as shown on the Policies Map, for business (B1, B2, B8) uses will be supported, provided ....*’ Whilst the existing text “(B1 – B8)” implies this mix, I agree that the modification provides clarity as to the meaning of the policy.

14.10 Savills also propose to modify references throughout the policy from ‘employment uses’ to ‘employment proposals’. The QB and DC do not agree that the term ‘employment proposals’ should be introduced into the

policy as this may introduce ambiguity which currently does not exist. As paragraph 5.34 of the B+NP Submission Plan makes clear, while a more flexible approach to the range of non B class uses has been accepted previously on employment sites throughout North Dorset when employment land supply was in excess of demand, this is no longer the case. Given the continued shortage of employment land for B class uses in Blandford, I agree with the reasoning of the QB and DC.

14.11 Savills remaining suggested modification relates to the relationship between the land allocated for the new Blandford Waste Centre in the Dorset Waste Plan and the land remaining for employment use once the waste allocation is satisfied, as set out in B3c vii. The point is made that access may not be to the rear and that only the employment proposals can be controlled by this policy, not the Waste Centre itself.

14.12 The QB and DC consider that this relationship is adequately addressed in paragraphs 5.28 – 5.30 of the B+NP, and Policy B3(c) has been drafted to offer sufficient flexibility to address this relationship as requested by the Minerals and Waste Planning Authority in its Regulation 14 comments, to ensure the allocation of the residual employment land in Policy B3(c) does not prejudice the operation of the Waste Centre. The drafting of Policy B3(c) is based on the land identified for allocation in the Dorset Waste Plan as set out in Fig C on page 23 of the B+NP. The Minerals and Waste Authority have adopted the new Bournemouth, Christchurch, Poole and Dorset Waste Plan on the 31 December 2019 and the allocation boundary denoted by Inset 2 of the new Plan remains unaltered from that identified in Fig C and hence clause (vii) continues to reflect the current position.

14.13 I see no justification for a change in the wording suggested in the representation.

## **15 Other Matters**

15.1 As part of my Hearing Agenda, I drew attention to the duty under Section 19(1A) of the Planning and Compulsory Purchase Act 2004, inserted by the Planning Act 2008 which requires: *"Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change."* The response acknowledged that this duty includes neighbourhood plans within its compass and notes that most such plans to date have not included policy on climate change mitigation. My attention was drawn to Section 14 of the Framework, and paragraph 150 in particular that requires new development to avoid increased vulnerability to the range of impacts arising from climate change and helping to reduce greenhouse gas emissions. In this connection I was directed to the SA wherein, at paragraph 3.15, under the heading SA Framework, there is a section on Climate Change and the assessment questions that require an answer, against which the 'reasonable alternatives' were assessed. Table 4.2 of the SA discusses the potential effects of the options on climate change, and Table 4.9 discusses the potential effects and relative merits of the options and provides a ranking.

15.2 I note that option 1 has a ranking in this theme marginally below the other 3 options (4 as compared to 3 for the other 3 options). However, as stated at paragraph 9.14, overall Option 1 assesses marginally better than the others. So far as the Basic Conditions are concerned I am satisfied that account has been taken of Section 14 of the Framework. Since the duty under Section 19(1A) of the Planning and Compulsory Purchase Act 2004 is not covered by the Basis Conditions, I have no further comment on the matter.

15.3 I now refer to a number of matters in B+NP, where I consider that changes would be beneficial. First, on page 16 of the Plan is Fig B ‘Constraints Plan’. Among other things this shows ‘Area of Search’: with regard to areas marked A and B, the areas depicted go beyond the boundary of the Plan area. The parts of these areas that are beyond the plan area cannot be part of the area of search for sites to be included in the Plan. I understand that these areas of search are taken from NDDC Issues and Options document and the areas of search were part of the input to the intended review of LPP1. To remedy the situation that appears to indicate a site search beyond the Plan area, I suggest that one way would be to retitle the Figure as “B+ NP Constraints Plan and Areas of Search in the Local Plan Issues and Options Document”, or something similar to meet my point.

15.4 On B+NP page 33, within item xiii. of Policy B2, part of the final sentence states “with no dependency of the land for release for phase 1 scheme on the phase 2 scheme which lies outside the neighbourhood plan boundary within the adjacent parish of Pimperne”. I suggest that the part just quoted of item xiii. be deleted, since it appears to give some legitimate expectation of a phase 2 scheme outside of this Plan area. I suggest that this could be dealt with by a footnote with text such as “the planning obligation relates solely to the allocation in this plan and is not connected with any development proposal that may come forward on land beyond the boundary of B+ Neighbourhood Plan”. This matter is effectively repeated in paragraph 5.25 on page 36. In my view the text beginning “In addition the policy acknowledges that part of the housing land ....” to the end of the paragraph should be deleted.

15.5 Not picked up elsewhere, so far as I have seen, is that there is a second paragraph 5.25 on page 38; this and the following paragraphs should be re-numbered.

15.6 There may be consequential changes throughout the document arising from matters dealt with in this report, so that a careful proof-read through the document will be required to ensure a high quality plan after all the hard work that has been put into it.

## **16 Overall Conclusions and Formal Recommendation**

16.1 I have concluded that, provided that the recommendation that I refer to above is followed, as detailed in Appendix A, the B+NP meets the basic conditions. I have also concluded that the B+NP meets other prescribed matters and other legal requirements that I have dealt with in paragraphs 13.1 to 13.3 above.

16.2 I therefore recommend that the B+NP, as modified, should proceed to a referendum.

16.3 There is no evidence to suggest that the area of the referendum should be anything other than the Neighbourhood Plan Area, as defined by the map on page 4 of the B+NP.

*Terrence Kemmann-Lane*

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28 January 2020

## **Appendix A**

### **The Examiner’s recommended Modification**

Delete the text of Policy B8 and replace it with the following text:

#### **Policy B8 – Blandford Forum Town Centre**

***The Neighbourhood Plan defines the Town Centre Area and the Primary Shopping Area, as shown on the Town Centre Policies Map, for the purpose of managing proposals for retail, leisure, commercial, housing and other forms of development.***

***Within the Primary Shopping Area, proposals for new Retail floorspace will be supported. Proposals for new A2 Financial Services, B1 Offices, C3 Residential and D1 Community Uses on the upper floors of buildings that contribute to the vibrancy and vitality of the town will be supported. Loss of established ground floor A1 Retail floorspace or of an active frontage as a result of a change of use will be resisted.***

***Outside the Primary Shopping Area but within the Town Centre Area the following will be supported:***

- ***Shops and retail outlets (A1);***
- ***Professional services (A2);***
- ***Food and drink (A3)***
- ***Drinking establishments (A4);***
- ***Hot food and takeaways (A5);***
- ***Health and public services (D1);***
- ***Entertainment and leisure (D2);***
- ***Business (B1); and***
- ***Residential (C3) which does not replace an existing retail or commercial ground floor frontage.***

***All proposals in the Town Centre should retain or create, where appropriate to the use, an active street frontage and should seek to enhance the public realm through street planting and other measures intended to enhance the vitality of the Town Centre and to increase the footfall.***

***All proposals for development, including a change of use, must preserve or enhance the character or appearance of the Conservation Area.***