

# **Cranborne Chase Area of Outstanding Natural Beauty**



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Dear Ed

## **Town and Country Planning, England: Neighbourhood Planning (General) Regulations 2012 (as amended) Blandford + Neighbourhood Plan 2011 - 2033**

Thank you for consulting the AONB on this second attempt at the production of a Blandford + Neighbourhood Plan.

- 1. General comments, recommendations, and advice**
- The relevance of this nationally designated Area of Outstanding Natural Beauty to this consultation is set out in Annex 1 to this response. Annex 2 lists the organisations that make up the Cranborne Chase AONB Partnership Board.
- The Local Authority partners have formally adopted the Cranborne Chase and West Wiltshire Downs AONB Management Plan 2014 – 2019. It is accessible on our website at <http://www.ccwwdaonb.org.uk/publications/aonb-management-plan/>. The Plan is a material planning matter. The Reviewed Management Plan 2019 – 2024 has recently been adopted by the Shadow Dorset Council and will be effective from 1<sup>st</sup> April 2019.
- This consultation response has been prepared under delegated authority.
- This AONB team has met with members of the Blandford + group and some of their advisors. It does, however, seem that the advice and comments from the AONB have been ignored.
- The AONB is **very concerned** that the inaccuracy of the documents submitted may mislead consultees and the general public. For example, the Basic Conditions Statement states, on page 7, that 'Blandford is completely enclosed

by AONBs'. That is clearly incorrect but it is repeated again on page 10. In the Neighbourhood Plan itself the Foreword refers to the Examiner of the original Neighbourhood Plan indicating that two key policies should be removed, namely the one in relation to educational infrastructure in the northern part of the Town and conserving Crown Meadows. In fact the Examiner indicated that the policy to allocate substantial areas in the north and north-eastern part of the neighbourhood area for housing and community facilities, partly in this AONB and partly in the setting of this AONB, should be removed. These examples of lack of accuracy in the documents put a serious question mark over the clarity and accuracy of all of the documents and indicate that they have not been properly prepared.

7. This AONB notes that the plan area comprises Blandford Forum, Blandford St Mary, and Bryanston. The Plan Group states that it is seeking to take forward the Local Plan Review in advance of that review being completed. It does, therefore, appear that the Neighbourhood + Plan seeks to anticipate the findings and outcomes of the Local Plan Review. It appears to anticipate strategic policies in the Local Plan and to pre-empt strategic policies by proposing development allocations that are clearly of a strategic scale.
8. The inter-relationship with the Local Plan Review appears to be a clear situation of the tail wagging the dog. To contemplate strategic allocations to meet the needs of the District by only considering land availability within the restricted area of Blandford Forum, Blandford St Mary and Bryanston would obviously run up against a shortage of suitable land. In order to consider the scale of development that would meet the needs of the District wide Local Plan Review the area of search needs to be larger. Put another way, the Blandford + area is too small to consider strategic allocations. Indeed it is noticeable that the Neighbourhood Plan does not follow the guidance in the NPPF, paragraphs 68 and 69, to identify opportunities for small and medium scale development (no larger than one hectare).
9. It is also surprising that Blandford Camp, which has such a significant social and economic impact on the Town, is excluded from both the neighbourhood area and the consideration of the influences upon Blandford.
10. The AONB is fundamentally **concerned** that the Neighbourhood Plan as submitted is simply resubmitting policies that were found at the examination of the previous plan to be unsatisfactory. A proposal to provide some 400 dwellings in the north and north-east of Blandford, on the outside of the Bypass, using a perceived need for a primary school as the argument for the additional dwellings is not only a circular argument but simply a re-presentation of the policy that was found previously to be unsatisfactory. It appears that a lot of public time and money has been expended on recycling the previously rejected policies. It could be argued that the disregarding of the conclusions of the examination of the previous Neighbourhood Plan is a waste of public resources. The other, acceptable, policies could have been taken forward and put in place some time ago.
11. However, despite significant housing development being granted planning permission in the southern sector of the neighbourhood area the Neighbourhood Plan uses an assessment for a new school in the Town as the

vehicle for promoting additional development in the north and north-east sectors of the area. As I have indicated that becomes a circular argument with the potential of the 400 dwellings in the northern part of the area creating a need for more school places. The Neighbourhood Plan does not argue that an additional school should be provided in the northern sector without the additional 400 dwellings so clearly the two developments are co-dependant.

### Detailed Comments

12. The aims of the second Neighbourhood Plan, as set out on pages 4 and 5, are clearly contradictory as the proposals to develop areas for 400 dwellings, a school, and other community facilities will dramatically and irreparably change those parts of this AONB and the setting of this AONB from green and pleasant countryside to suburbia.
13. Whilst it is expected that the Neighbourhood Plan would seek to strike a positive tone it is disappointing that the Introduction and Background, pages 9 to 12, are less than open about the opposition to policy 1 in the original Neighbourhood Plan, and the details of the policy that the Examiner recommended should be deleted. The emphasis on 'a few, relatively minor, technical changes' in paragraph 1.12 completely ignores the concerns of both the Cranborne Chase and Dorset Areas of Outstanding Natural Beauty and the clear and robust guidance in the NPPF about giving great weight to Areas of Outstanding Natural Beauty which have the highest level of protection, along with National Parks, in relation to conserving and enhancing landscape and scenic beauty. It is noticeable that in this current Neighbourhood Plan, as well as the earlier Neighbourhood Plan, the national guidance to enhance landscape and scenic beauty is completely overlooked.
14. The description of the Neighbourhood Area, pages 13 to 15, fails to set out the national status and significance of the two Areas of Outstanding Natural Beauty. These designations are not something that has been locally determined, but is a designation that is resolved nationally by the relevant Secretary of State.
15. Chapter 3, Planning Policy Context, is clearly an important section in a Neighbourhood Plan. It is, therefore, important that such a statement is complete and unbiased. Unfortunately this Chapter has shortcomings. For example, paragraph 3.3 omits reference to the important paragraph 11 of the NPPF. Whilst paragraph 11 appears to apply a presumption in favour of sustainable development it is clear that footnote 6, relating to policies in the NPPF that protect Areas of Outstanding Natural Beauty, means that presumption does not automatically apply within AONBs. Paragraph 11b(i) indicates that for plan making (and there is no indication that neighbourhood planning would be excluded from this) being in an AONB 'provides a strong reason for restricting the overall scale, type, or distribution of development'.
16. Whilst paragraphs 170 to 172 are listed in relation to 'conserving and enhancing the natural environment' this chapter in the Neighbourhood Plan keeps the reader in the dark about the weight national guidance gives to these issues and Areas of Outstanding Natural Beauty in particular.
17. NPPF paragraph 170 states that policies and decisions should contribute to and enhance natural environment by protecting and enhancing valued landscapes,

which include AONBs, in a manner commensurate with their statutory status. Paragraph 172 is clear that AONBs have the highest status of protection in relation to landscape and scenic beauty.

18. Paragraph 171 explains that plans should distinguish between the hierarchy of international, national and local sites whilst taking a strategic approach to enhancing habits and green infrastructure and planning to enhance the natural character across local authority boundaries. Clearly AONBs, with the highest national status of landscape protection, enable the nation to comply with its international obligations under the European Landscape Convention.
19. In addition to paragraph 172 indicating that great weight should be given to enhancing landscape and scenic beauty in AONBs it is quite explicit that the scale and extent of development within these areas should be limited. That paragraph is also clear that permission should be refused for major development other than in exceptional circumstances.
20. The Neighbourhood Plan puts a lot of effort, particularly in the Basic Conditions Statement, to argue that exceptional circumstances should be allowed to apply within the very limited area of the Neighbourhood Plan area. Clearly that line of argument is fundamentally flawed because the exceptional circumstances argument is based on the very limited and restricted area that the Neighbourhood Plan is considering. This AONB has made clear in its contacts with the Neighbourhood Plan team that there could be scope for development, outside both AONBs, to the south and south-east of Blandford. However by excluding those areas from the Neighbourhood Plan area the Neighbourhood Plan artificially restricts the options. Furthermore the exclusion of any consideration of the future of Blandford Camp further weakens any 'exceptional circumstances' argument.
21. As I noted in the response to the original Neighbourhood Plan the existing North Dorset District Local Plan Part 1 Policy 16 is quite clear that development and redevelopment should be within the settlement boundary and within the line of the Bypass. The policy to move the settlement boundary is a mechanism to make acceptable a development proposal, rejected from the previous Neighbourhood Plan, comply with the Local Plan Part 1.
22. The statement in Policy 16 'The Town's natural and historic built environment will be protected and enhanced' is clearly not being complied with in the promotion of extensive development to the north and north-east of town in the Neighbourhood Plan.
23. Paragraph 3.8 helpfully quotes from Policy 4 of the Local Plan which is 'within the areas designated as AONB and their setting, development will be managed in a way that conserves and enhances natural beauty of the area'. That appears to be an absolute statement and that development has to conserve and enhance natural beauty.
24. Whilst it makes sense for the Neighbourhood Plan Group and the District Council to work collaboratively, paragraph 3.15 indicates that the Neighbourhood Plan is straying into the realms of strategic policy that are the responsibility of the Local Planning Authority. NPPF paragraph 21 is quite clear

in its final sentence that Neighbourhood Plans are not strategic policies in its statement about 'detailed matters that are more appropriately dealt with through Neighbourhood Plans or other non-strategic policies'.

25. The conclusion in paragraph 3.17 that allocations in this AONB are 'unavoidable' is simply because the area of search has been artificially restricted to the three parishes. The scale of proposed development clearly indicates that this is a strategic matter to be dealt with by the Local Plan Review.
26. Prior to the submission of the initial Neighbourhood Plan the Local Education Authority did seek this AONB's views on the development of a school on the northern side of the Bypass. The AONB advised that there would be a significant number of difficulties involved in developing a school in such an isolated location within the AONB. The Local Education Authority has not consulted this AONB on its revised statement or during the preparation of this second Neighbourhood Plan.
27. The matter relating to the Bournemouth, Dorset and Poole Waste Plan in paragraphs 3.20 to 3.22 is basically making an argument, conditional on the Waste Plan Allocation being realised, that land around it could be used for other employment purposes as a Neighbourhood Plan allocation. The report from the Examination of the Waste Plan is quite clear that the exceptional circumstances requirements of NPPF 172 will need to be thoroughly evaluated at the stage of an application being made for waste management facilities. The question of exceptional circumstances does, therefore, remain to be resolved and it would be inappropriate for the Neighbourhood Plan to allocate adjoining land for general employment purposes when exceptional circumstances for a strategic project remain to be fully examined.
28. Paragraph 3.23 relates to existence of the Management Plans for the Areas of Outstanding Natural Beauty but does not indicate how the Neighbourhood Plan complies with those adopted Management Plans. Having been adopted by the Local Authorities, as set out in the Countryside and Rights of Way Act 2000, the policies of the AONBs' Management Plans are the policies of Local Authorities. The final statement of that paragraph 3.23 in relation to Section 85 of the CRoW Act is incomplete; it should say 'in exercising or performing any functions in relation to, or so as to effect land in an AONB'. The guidance on the operation of that statutory duty provided by DEFRA, and elaborated by Natural England, is clear that this duty relates to each and every decision.
29. Chapter 5 is a helpful summary of the aspirations of the Neighbourhood Plan. Nevertheless, in relation to the special heritage and landscape character it is contradictory. The aspiration to protect and enhance the special landscape and historic assets is contradicted by item C regarding steps to moderate the visual intrusion of development, as that is clearly not protecting or enhancing.
30. The aspiration to provide strategic landscaping is no more than an aspiration as no strategic landscaping is shown on the plans or set out in any of the policies.
31. The aspiration to meet housing needs sees the development to the north and east of Blandford as enabling the delivery of a new primary school and, as already pointed out, this creates a circular argument. The identification of that

location is, as already stated, a consequence of limiting the Neighbourhood Plan area and excluding tracts of undesignated land from consideration.

32. Policy B1 seeks to extend the settlement boundary. The extension of the settlement boundary beyond the Bypass to the north and north-east takes in land in this AONB and within the setting of this AONB. The AONB sees such allocations in nationally designated landscapes and the setting of nationally designated landscapes as strategic matters, in conflict with the adopted Local Plan and the AONB Management Plan and **this AONB OBJECTS to that aspect of Policy B1.**
33. Policy B2 proposes extensive, strategic scale, development to the north and north-east of Blandford within this AONB and the setting of this AONB. That development would be separated from Blandford by the Bypass and consequently access to and from that development would be significantly restricted. Not only would such development urbanise sections of the AONB and the setting of the AONB, but it would also urbanise the currently predominately rural Bypass. If the development beyond the Bypass proceeds the Bypass will no longer be performing that function and will be dividing new development from the existing town. Both the NPPF and policy 4 and 16 of the Local Plan indicate the environment will be protected and enhanced; development at the scale proposed would do neither. **This AONB OBJECTS to Policy B2.**
34. Policy B3b refers to land off Shaftesbury Lane. The evidence of recent development off Shaftesbury Lane indicates that the Local Planning Authority is not always able to secure measures to satisfactorily ameliorate adverse impacts on the AONB by way of details of design, layout, landscape treatment, materials and typical details of appearance and elevation of buildings. Furthermore, regarding the Dark Night Skies of this AONB it is not simply a matter of minimising light spill into the AONB but reducing light pollution generally and preventing upwards and sideways emission of light.
35. Policy B3c relates to land adjacent to Sunrise Business Park. There is no exceptional or overriding reason for extending Sunrise Business Park into the nationally designated Area of Outstanding Natural Beauty. **The AONB OBJECTS to Policy B3c.**
36. Chapter 6 on Implementation does not provide for any developer contributions for conserving and enhancing either Area of Outstanding Natural Beauty. The Neighbourhood Plan does, however, seek to allocate significant areas for development within the Cranborne Chase AONB and its setting. Any developer contributions arising from developments within the AONB or its immediate setting should be directed to AONB purposes for conserving and enhancing the AONB. This AONB does, therefore, identify a significant shortcoming in Chapter 6 on Implementation and therefore seeks an amendment. **Without such an amendment this AONB OBJECTS to that part of the Neighbourhood Plan.**
37. The Site Selection document appears to consider only land that landowners had offered to make available. It does, therefore, appear that Site Selection has been significantly influenced by the current availability of land rather than the most appropriate long term distribution of land uses. The sections in the report

on the Areas of Outstanding Natural Beauty do not mention the crucial element within paragraph 172 of the NPPF that states 'the scale and extent of development within these designated areas (AONBs and National Parks) should be limited'. That important aspect of Government guidance is not considered.

38. There is, on page 14, paragraph 5.2, the somewhat confusing statement that 'parts of the existing built up area of Blandford lie within both AONBs'. The Dorset and Cranborne Chase AONBs are separate designations and do not overlap, although there are areas where they abut to the west of Blandford.
39. The test 3, on pages 22 and 23, in relation to 'any detrimental effect on the environment, landscape and recreational opportunities, and the extent to which that could be moderated' is not based on any assessment of the effects of the development on the environment, the landscape, or recreational opportunities. Without the identification of those effects and subsequent work to assess the extent to which those effects could be moderated the conclusion that 'such effects can be effectively moderated' is unsubstantiated, and hence **unsound**.
40. Paragraph 6.31 commenting on the AONB Management Plan is wrongly transposing a role of the Local Planning Authority, namely identifying how development pressures on the AONB would be managed, to the AONB which is not the Planning Authority. The authors of the report do not seem to have done a huge amount of research on AONB matters because whilst they mention the Position Statement on Setting by the North Wessex Downs AONB they omit the Cranborne Chase Position Statement on Setting endorsed by the AONB Partnership in December 2008. That Position Statement encouraged all authorities to adopt policies and practices which recognise, conserve and enhance the settings of this AONB, to involve the AONB staff, and to take into account and use the professional opinions and judgements of the AONB Team.
41. The Basic Conditions Statement is clearly at pains to demonstrate that issues in relation to the NPPF and Local Plan have been complied with. Nevertheless, there are some serious shortcomings. Starting on page 4, Conformity with National Planning Policy has stated that there are six NPPF paragraphs that are relevant. However there is no mention of paragraphs 170, 171 and 172 which all relate to the environment and AONBs. These are clearly relevant as proposed policies of the Neighbourhood Plan impact on the AONBs.
42. The discussion on Paragraph 11 of the NPPF, the presumption in favour of sustainable development, fails to mention footnote 6 which is particularly relevant in relation to the AONB. Despite the Neighbourhood Plan seeking to make major allocations for development of a strategic scale it seeks to suggest that the application of NPPF 11b(i) and footnote 6 do not apply to Neighbourhood Plans.
43. Paragraph 2.6 on page 5 seems to be a little behind the times as there are significant housing approvals in Shaftesbury and Gillingham as well as Blandford in recent months.
44. Table A is superficially helpful but to be genuinely so it needs to be clear and precise. For example, on page 6 it seeks to balance the great weight given in

NPPF 172 to the great weight to create schools in NPPF 94. It does, however, overlook the fact that paragraph 94 relates to Local Planning Authorities and NOT Neighbourhood Plan Groups.

45. As I have already mentioned it is wrong to state on page 7 that Blandford is enclosed by AONBs. The scope for land for development has been artificially restrained by the size of the Neighbourhood Plan area. The discussion on page 7 in relation to test C paragraph 172 of the NPPF confuses locations associated with the town within the Bypass and the additional proposed developments separated from the town by the Bypass. The proposals in the Neighbourhood Plan are outside of the Bypass and therefore there are significant transport and social linkage issues to overcome. The external location, separated from the town, indicates that the proposed development uses that would rely on simple and easy access to the town are unable to achieve that readily and are, therefore, fundamentally unsustainable. The AONB Partnership is misquoted (page 9) in connection with mitigation measures. The AONB has not been able to negotiate acceptable mitigation measures but it has identified 'criteria for development that could minimise impacts on the AONB have been discussed and criteria passed to potential developers'. That is very different from satisfactory mitigation having been achieved.
46. Sunrise Business Park is an unfortunate intrusion into the landscape of the AONB. Extending that development would enlarge and make that intrusion more substantial. The reference in connection to NPPF paragraph 172b (page 10) that Blandford is completely enclosed by AONBs is a repeat of the earlier incorrect statement.
47. The Conclusion, paragraph 2.9, is rather sweeping as significant elements of paragraph 170, 171 and 172 of the NPPF are not mentioned. For example, (as I have already mentioned) planning policies should enhance the natural and local environment by protecting and enhancing protected landscapes in a manner commensurate with their statutory status and that the intrinsic character and beauty of the countryside should be recognised. Plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value. The highest status of protection in relation to conserving and enhancing landscape and scenic beauty should be applied in Areas of Outstanding Natural Beauty.
48. This AONB Partnership notes that the proposed allocations in the north and north east abut land in the Parish of Pimperne. The Pimperne Neighbourhood Plan has recently been accepted by a local referendum and has been 'made'. It is, therefore, a little surprising that no reference is made to cross boundary cooperation particularly when the Pimperne Neighbourhood Plan identifies the gap between Pimperne and Blandford as both critical and sensitive.
49. To conclude, this AONB Partnership is of the view that whilst there are some positive elements within the Blandford + Neighbourhood Plan there are fundamental flaws and, as you would have seen, **this AONB Partnership OBJECTS to a number of policies.**

Yours sincerely

**RICHARD BURDEN**

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For and on behalf of the CCWWD AONB Partnership

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ENCS: Annex 1 and Annex 2

## Annex 1

## AONB status and significance

The Cranborne Chase and West Wiltshire Downs AONB is nationally important. It has been designated under the National Parks and Access to the Countryside Act 1949 to conserve and enhance the outstanding natural beauty of this area which straddles three County, one Unitary, and five District councils. It is clear from the Act, subsequent government sponsored reports, and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife, scientific, and cultural heritage.

It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage assets and environmental capital.

Local government (including planning authorities), Ministers of the Crown, individual councillors, any public body and their employees, statutory undertakers, and holders of public office also have a statutory duty in section 85 of the CRoW Act to have regard to the purposes of AONB designation, namely conserving and enhancing natural beauty, in exercising or performing any functions in relation to, or so as to affect, land in an AONB.

This [AONB's Management Plan](#) is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils. It sets out the Local Authorities' Objectives and Policies for this nationally significant area, as required by section 89 (2) of the CRoW Act. The national Planning Practice Guidance [Natural Environment paragraph 004] confirms that an AONB and its Management Plan are material considerations in planning.

The National Planning Policy Framework (2018) is clear that the 'presumption in favour of sustainable development' does not automatically apply within AONBs, as confirmed by paragraph 11 footnote 6, due to other policies relating to AONBs elsewhere within the Framework. Paragraph 11 (b) indicates that for plan-making being in an AONB 'provides a strong reason for restricting the overall scale, type or distribution of development.' It also indicates in 11 (d) that for decision-making the application of policies in the NPPF that protect areas such as AONBs 'provides a clear reason for refusing the development proposed.'

NPPF paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, which include AONBs, in a manner commensurate with their statutory status. Paragraph 171 explains that plans should distinguish between the hierarchy of international, national and local sites whilst taking a strategic approach to enhancing habitats and green infrastructure, and planning for the enhancement of natural capital across local authority boundaries.

It is explicit (paragraph 172) that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas. Furthermore, the scale and extent of development within these designated areas should be limited.

More detailed information in connection with AONB matters can be found on the AONB [web site](#) where there is not only the adopted AONB Management Plan but also Position Statements and Good Practice Notes ([Planning Related Publications](#)). In particular when considering construction within the AONB I would draw attention to our [Good Practice Note on Colour in the Countryside](#)

As you may be aware, the AONB is concerned about light pollution. Any external lighting should be explicitly approved by the Local Planning Authority and comply with the [AONB's Position Statement on Light Pollution](#) and the more recent [Good Practice Note on Good External Lighting](#) and [Paper by Bob Mizon on Light Fittings](#).

This AONB is, as I expect you know, in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB. Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified so that such impacts are eliminated.

Greater details of the landscape, buildings and settlement characteristics can be found in the [Landscape Character Assessment 2003](#) and the [Cranborne Chase and Chalke Valley LCA 2018](#). Those documents are available and can be viewed in [FULL](#) on our [web site](#).

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## ***Cranborne Chase*** Area of Outstanding Natural Beauty

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### **The Cranborne Chase Area of Outstanding Natural Beauty Partnership Board is made up of the following Partner Organisations**

#### **Unitary, County, and District Council Membership** (1 Member and 1 Officer Representative each)

- Wiltshire Council
- Dorset Council
- Hampshire County Council
- Somerset County Council
- East Dorset District Council
- North Dorset District Council
- New Forest District Council
- Mendip District Council
- South Somerset District Council

#### **Other Organisations**

- Natural England (2 Representatives)
- Historic England (1 Representative)
- Campaign to Protect Rural England (1 Representative)
- Cranborne Chase Landscape Trust (1 Representative)
- Forestry Commission (1 Representative)
- The Country Land and Business Association (1 Representative)
- National Farmers Union (2 Representatives)
- Community Representatives from the Wiltshire and Dorset Associations of Town & Parish Councils (ATPCs) (2 Representatives)