

PIDDLE VALLEY NEIGHBOURHOOD PLAN

Piddle Valley Neighbourhood Plan Examination,
A Report to West Dorset District Council

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1. Introduction

The Neighbourhood Plan

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.

This Report provides the findings of the examination into the Piddle Valley Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

Piddle Valley Group Parish Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by West Dorset District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Piddle Valley Neighbourhood Area.

Role of the Independent Examiner

I was appointed by West Dorset District Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Piddle Valley Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly specifies the plan period as “2016 to 2031.”

In addition, page 3 of the Neighbourhood Plan refers to it lasting for 15 years up to 2031. I note that this section refers to the “*adoption*” of the document. Unlike District-wide Local Plans, Neighbourhood Plans are not adopted, but are “*made*.” I recommend:

- **Page 3, last Para, change to “The Plan will last for 15 years from *being made*. However...”**

Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to West Dorset District Council that I was satisfied that the Piddle Valley Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.²

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

² Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that these three points have been met.

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.” (Planning Practice Guidance⁵).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

A Screening Report was undertaken by West Dorset District Council. This was submitted alongside the Neighbourhood Plan. It stated that the Piddle Valley Neighbourhood Plan is unlikely to have significant environmental effects, this being:

“...largely due to the characteristics and local scale of the proposals, and the protection already provided in the West Dorset, Weymouth and Portland Local Plan...”

Taking the above into account, the Screening Report went on to conclude that Strategic Environmental Assessment (SEA) is not required.

Each of the statutory consultees, Natural England, Historic England and the Environment Agency, were consulted on the Screening Report and all of the bodies agreed with West Dorset District Council’s conclusion that the Neighbourhood Plan is unlikely to have significant environmental effects.

⁴ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

⁵ Paragraph 027, ibid

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

In responding to consultation on the SEA Screening Report, Natural England confirmed that:

“...the plan is unlikely to harm any Site of Special Scientific Interest (SSSI) or Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar Site and is not likely to significantly affect the interest features for which they are notified...the plan will not require a separate Habitats Regulation Assessment.”

In addition to all of the above, national guidance establishes that ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority,

“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance⁶)

In undertaking the work that it has, West Dorset District Council has considered the Neighbourhood Plan’s compatibility with EU obligations and it has raised no concerns in this regard.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

⁶ Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

3. Background Documents and the Piddle Valley Neighbourhood Area

Background Documents

In undertaking this examination I have considered various information in addition to the Piddle Valley Neighbourhood Plan. This has included the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- The West Dorset, Weymouth and Portland Local Plan (2015)
- Basic Conditions Statement
- Consultation Report
- SEA Screening Report
- Piddle Valley Design Statement 2004

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Piddle Valley Neighbourhood Area.

Piddle Valley Neighbourhood Area

A plan showing the boundary of the Piddle Valley Neighbourhood Area is provided on page 3 of the Neighbourhood Plan.

The Piddle Valley Neighbourhood Area covers the three Parishes of Piddlehinton, Piddletrenthide and Alton Pancras. The presentation of the plan on page 3, entitled "*Piddle Valley Area*," is a little confusing as it shows the separate boundaries of all three Parishes, as well as parts of the boundaries of neighbouring Parishes, all in the same colour. Furthermore, the size and reproduction of the plan is such that the text is difficult to read.

For clarity, I recommend:

- **Replace the plan of the Neighbourhood Area, showing a clear, single boundary around the whole of the Neighbourhood Area and ensure that all text is clearly legible**

Further to an application made by Piddle Valley Group Parish Council, West Dorset District Council approved the designation of Piddle Valley as a Neighbourhood Area on 11 March 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

NB, I note that there are mistakes in the Consultation Statement and Basic Conditions Statement, which both refer to the Neighbourhood Area being confirmed by West Dorset District Council on 10 March 2012.

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Piddle Valley Neighbourhood Plan Consultation

A Consultation Report was submitted to West Dorset District Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁷.

The Consultation Report provides information to demonstrate that community engagement was at the heart of the plan-making process and that it was carried out in a comprehensive manner.

The Neighbourhood Plan was produced by a Neighbourhood Plan Working Group set up by Piddle Valley Group Parish Council. The Working Group comprised volunteers who drew on professional support at key stages in the plan-making process.

At the start of the consultation process, in October 2012, an open meeting was held at Piddle Valley School. This was supported by two presentations and provided the opportunity to increase awareness of the plan-making process and also enabled local people to raise concerns. The event was advertised in the Piddle Valley News and Views, which was delivered to every household in Piddle Valley. More than 100 people attended and respondents to questionnaires were invited to attend a further open meeting in January 2013, to establish the membership of the Working Group and focus groups.

⁷Neighbourhood Planning (General) Regulations 2012.

Between September 2012 and June 2014, various research, reporting, site visits, presentations, meetings, assessments, surveys and reviews were undertaken. This work was followed up with public consultation at fetes during the summer of 2014, along with a special feedback meeting in October 2014 and a series of five separate village meetings in November and December 2014. A total of around 200 people attended the village meetings.

Further to the above, a questionnaire was hand-delivered to every household in the Parish and a total of 194 responses were received. These were analysed and the aims of the emerging plan were then published in March 2015.

Once information relating to all of the above had been taken into account, a first draft plan was published for consultation in April 2015. The Consultation period was supported by a launch event, advertised in the Piddle Valley News and Views and by flyers. This was attended by around 120 local residents. People were encouraged to provide feedback via a form or by email. A 16-page document detailing the draft policies and including a feedback form was provided in the May/June edition of the Piddle Valley News and Views.

Comments received were considered and a number of subsequent meetings were held. The first draft plan was revised and published for pre-submission consultation over a six-week period during September and October 2015. A total of 47 comments were received from local residents and a further 9 from consultees. These were collated and the main issues were identified and taken into account.

Evidence has been provided to demonstrate that the plan-making process was widely publicised. Dedicated Neighbourhood Plan pages could be accessed through the Parish Council website, regular newsletters were published and events were advertised in a variety of ways, with use being made of the Piddle Valley News and Views, flyers and leaflets.

The Consultation Statement provides significant evidence to demonstrate that community engagement underpinned the plan-making process such that people were pro-actively encouraged to have their say. Matters raised were duly considered and the reporting process was transparent.

Taking everything into account, I am satisfied that the consultation process was robust.

5. The Neighbourhood Plan – Introductory Section

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

The Introduction is generally clear, concise and provides a good introduction to what a neighbourhood plan does. Part of the second paragraph on page 2 is confusingly worded and I recommend:

- **Page 2, second Para, change to “...very clear criteria. *Larger development might comprise affordable housing as a rural exception site, or development for community or employment use. The plan identifies larger plots for development and includes..*”**

The Plan on page 4 is illegible. I note that the same plan is provided in the Appendix and recommend:

- **Page 4, delete plan (plan-makers may wish to replace with a photograph)**

Some of the information re: broadband is out of date and I recommend:

- **Page 6, last Para, change to “...Piddletrenthide, *however work is still ongoing. It is noted that, despite ongoing work, properties in Alton Pancras may still be unlikely to receive fibre...A contract has been signed which should bring...available*”**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

The opening part of the Policy Section of the Neighbourhood Plan is entitled “*Spaces and Places Protected from Development.*”

Local green spaces and views

Policy 1: Local green spaces

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Para 77)

Consequently, when designating Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

Policy 1 designates thirteen areas of land as Local Green Space. An Appendix to the Neighbourhood Plan (Appendix C) sets out why each of these views are special to the local community and I note earlier that the Neighbourhood Plan has emerged through robust public consultation.

None of the designated areas of Local Green Space comprise extensive tracts of land and all of them are close to the community they serve.

Taking all of the above into account, the designation of the thirteen areas of Local Green Space has regard to national policy.

The Framework is explicit in stating that:

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.” (Paragraph 76)

In this regard, Policy 1 itself introduces a wording that is different to and does not have regard to the Framework and I address this in the recommendations below.

Local Green Space is an important designation, providing similar protection to Green Belt policy. It is essential that the designated areas of Local Green Space are clearly shown. This can avoid the potential for dispute relating to what does and does not comprise Local Green Space. Taking this into account, the plans provided on pages 10-12 are insufficient and the Proposals Maps in the Appendices are unclear.

In addition to the above, Policy 1 simply refers to *“Proposals Maps”* and does not identify each individual Local Green Space. This results in the reader needing to decipher a somewhat vague Table on page 9, which refers to *“Space”* and *“View.”* There is then a need for the reader to attempt to locate each Local Green Space on the unclear plans provided. Taken as a whole this approach is inappropriate and conflicts with the need for Policies to be precise.

Having regard to everything set out above, I recommend:

- **Policy 1, change to *“The following comprise areas of Local Green Space where development is ruled out other than in very special circumstances: (provide a list of the Local Green Spaces here). Each area of Local Green Space is shown on the accompanying plans.”***
- **Delete Maps 2-6**
- **Provide a new set of plans, preferably on an Ordnance Survey background. All of the boundaries of each Local Green Space must be clearly identifiable**
- **Delete the table on page 9**
- **Final sentence on page 9, delete *“(shown hatched green on Maps 2-5)”***

Policy 2: Significant views from settlements

The West Dorset, Weymouth and Portland Local Plan 2015 (Local Plan) Policy ENV1 (*Landscape, Seascape and Sites of Geological Interest*) states that:

“Development which would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty or Heritage Coast, including their characteristic landscape quality and diversity, uninterrupted panoramic views...will not be permitted.”

Policy 2 seeks to prevent development that would detract from “*significant views as indicated on the Proposals Maps.*” However, the Proposals Maps simply show occasional dotted lines, sometimes covering expansive areas. Policy 2 does not establish precisely what it is that development may or may not “*detract*” from. For example, taking Local Plan Policy ENV2 into account, there is no description defining “*uninterrupted panoramic views.*” Rather, the supporting text simply refers to views that are “*generally extensive and undeveloped in character.*” This could be a description of most non-urban areas.

No detailed information is provided in terms of precisely what it is that is being protected. Views can mean different things to different people. They can change on a frequent basis, dependent upon many different things, including the time of day, the weather and seasonal changes. Also, no indication is provided in terms of how the effect on “*enjoyment*” would be measured, who by and on what basis.

The Policy sets out subjective and imprecise requirements. It fails to have regard to Planning Practice Guidance, which is explicit in requiring land use planning policies to be precise⁸.

The Policy then goes on to require “*opportunities*” to be taken to improve views from public rights of way. No indication is provided of how this might happen – for example, a mechanism whereby a linked development provides the necessary resources to deliver specific improvements. Consequently, this part of Policy 2 reads as a community aspiration rather than a land use planning policy.

Taken as a whole, Policy 2 is imprecise and it does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework. It does not have regard to national policy and does not meet the basic conditions.

⁸ Ref: Planning Practice Guidance 41-041020140306.

I recommend:

- **Delete Policy 2**
- **Replace with a *“Community Action: Significant Views. The Group Parish Council will seek opportunities to improve or create new views of the River Piddle and its tributaries from public rights of way where this does not detract from local landscape character.”***
- **For clarity, a Community Action is not a land use planning policy and should not be presented in the same way as the Policies of the Neighbourhood Plan (orange heading and text box). However, its inclusion can ensure that the Neighbourhood Plan does not lose sight of a community aspiration**
- **Delete all but the last sentence of the supporting text above Policy 2**

Policy 3: The open and undeveloped chalk downlands

Policy 3 states that visibly prominent or incongruous development “*on the valley slopes above the existing pattern of development*” and “*on the open downlands*” will not be permitted.

However, there is no detailed information showing where the “*valley slopes*” or “*open downlands*” are. Consequently, the Policy is imprecise and does not meet the basic conditions.

Further to the above, as set out the Policy only seeks to prevent incongruous development in some parts of the Neighbourhood Area. Incongruous development, by definition, would be out of character with its surroundings. As set out, Policy 3 would seem to imply that such development may be acceptable across those parts of the Neighbourhood Area that do not comprise the (undefined) valley slopes and open chalklands, leading to unforeseen circumstances.

I recommend:

- **Delete Policy 3**
- **Delete supporting text above Policy 3**

Gaps between settlements

Policy 4: Important gaps between settlements

Piddle Valley's settlements form an important part of its local character. The community value the individual history and community spirit of each settlement, along with the fact that they are distinguishable from one another.

The Framework requires development to:

"...respond to local character and history, and reflect the identity of local surroundings..." (Paragraph 58)

Having regard to national policy, Policy 4 seeks to maintain the gaps between the settlements of Piddlehinton, White Lackington and Piddletrenthide. However, the Policy refers to the gaps as comprising land either side of a *"dark green dashed line."* The line referred to simply comprises a road and the precise extent of the open gaps is therefore unclear.

The Policy also refers to the *"Proposals Maps."* These simply form Appendices to the Neighbourhood Plan and are in any case, as pointed out above, imprecise and unclear.

The use of the phrase *"will not be permitted"* in the Policy runs the risk of pre-determining the planning application process, such that relevant factors may not be taken into account. This could prevent the achievement of sustainable development.

Further to the above, it is not clear what *"considered favourably"* actually means. Does this mean that planning permission will be granted? If so, again, the Policy runs the risk of pre-determining a planning application without taking relevant factors into account.

Part of the supporting text to the Policy reads as though it forms part of the Policy itself, which it does not. Furthermore, the approach set out would not provide for development that may be sustainable to go ahead.

I recommend:

- **Policy 4, change to *"...Piddletrenthide (as shown on the accompanying plans) will not be supported...heritage, will be supported."***

- Provide a set of accompanying plans alongside the Policy. These should provide clear boundaries, preferably on an Ordnance Survey base, and show the whole of the area of the gaps referred to and where the Policy will apply (not just a dashed line along a road, with a vague reference to “either side”). For clarity, the Policy will not apply to any land not within these areas.
- In the supporting text delete “Development will not be acceptable in these...Maps 4-6.”
- Final sentence of supporting text, change to *“The Group Parish Council notes that the removal of existing, redundant structures in these gaps may help to strengthen the gaps, subject to how sites were treated following removal of the structures.”*

Features of local wildlife or historic interest

Policy 5: Improving wildlife areas

The Framework requires the planning system to contribute to and enhance the natural and local environment by:

“...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.” (Paragraph 109)

Local Plan Policy ENV2 (*Wildlife and Habitats*) seeks to protect wildlife and supports proposals that conserve or enhance biodiversity.

Policy 5 seeks to protect and enhance biodiversity. In this regard, it is in general conformity with Local Plan Policy ENV2 and has regard to national policy. It contributes to the achievement of sustainable development and meets the basic conditions.

The second sentence of the Policy states that *“wildlife corridors and buffer areas should be provided”* but gives no indication of who will provide these, where, when and on what basis. I am also mindful that such a requirement may not be relevant to all development proposals, for example an advertisement or a household extension and there is no evidence to demonstrate that the provision of such things would be possible in all circumstances. Consequently, this part of the Policy is imprecise. I also note in this regard that the Framework requires:

“...careful attention to viability and costs in plan-making and decision-taking.”
(Paragraph 173)

The final paragraph of supporting text states a requirement without an appropriate reference and to some degree, reads as though it comprises a Policy, which it does not.

I recommend:

- **Policy 5, change second sentence to *“The provision of wildlife corridors and buffer areas to protect habitats, and the provision of new biodiversity features will be supported.”***

- Supporting text above Policy 5 on page 14, replace paragraph with ***“The Group Parish Council will encourage the provision of a biodiversity appraisal to accompany planning applications, particularly where development proposals could help to bring about wider benefits to river or woodland habitats.”***

Policy 6: Features of historic interest

National policy, in Chapter 12 of the Framework, “*Conserving and enhancing the historic environment*,” recognises heritage assets as irreplaceable and requires the conservation of heritage assets in a manner appropriate to their significance.

Local Plan Policy ENV4 (*Heritage Assets*) affords protection to designated and non-designated heritage assets in line with the requirements of Chapter 12 of the Framework.

The first part of Policy 6 is unnecessary. It simply refers to national and local policy, which by its very nature, already exists and does not need to be referenced or repeated.

The second part of Policy 6 seeks to set out an approach to repairing and retaining heritage assets which fails to consider the setting or significance of heritage assets and conflicts severely with national and local planning policy. Further, the Policy does not pay careful (or any) attention to viability and costs and does not have regard to Paragraph 173 of the Framework.

Policy 6 does not contribute to the achievement of sustainable development and does not meet the basic conditions.

I recommend:

- **Delete Policy 6**
- **Delete supporting text above Policy 6**
- **Delete “or historic interest” in the title on page 12**

In making the recommendation above, I am mindful that, together, national and local planning policy afford appropriate protection to heritage assets.

Important community facilities

Policy 7: Important community facilities

Chapter 8 of the Framework, “*Promoting healthy communities,*” recognises that the planning system can play an important role in creating healthy, inclusive communities.

In Paragraph 70, the Framework requires planning policies to:

“...plan positively for the provision of...community facilities...and...local services to enhance the sustainability of communities and residential environments.”

Largely, Policy 7 seeks to protect community facilities and has regard to national policy.

However, the first line of the Policy comprises a general statement and the phrase “*should be retained where possible*” is vague, as no indication is provided of when and why it will be considered “*possible*” for a facility to be retained, and who will make such a decision and on what basis.

Any planning application that is submitted and registered must be considered. A neighbourhood plan cannot determine whether or not an application for development will be “*considered.*”

Also, it is not clear on what basis “*the community’s backing*” can or will be measured. This is an imprecise requirement and it does not provide a decision maker with a clear indication of how to react to a development proposal. However, I am mindful that this part of the Policy refers to “*the change proposed*” and is intended to provide flexibility. I address this in the recommendations below.

The final part of Policy 7 sets out a supportive approach to development that would result in the improvement of local facilities. This has regard to the Framework’s requirement for planning positively for the provision of community facilities. However, the table of community facilities provided on page 14 – which does not form part of the Policy and which is not referenced within the Policy – includes land that is designated elsewhere in the Neighbourhood Plan as Local Green Space. This presents considerable potential for Policy conflict, not least through Policy 7’s support for the modernisation and adaptation of protected open space.

Further to the above, it is not clear how, say, open fields relate to the requirements of Policy 7, nor to the supporting text and part of the supporting reads as though it is a Policy requirement, which it is not.

Taking all of the above into account, I recommend:

- **Policy 7, delete first sentence (“Community...possible.”)**
- **Start Policy *“The loss of the community facilities listed below will only be supported if, having...on the grounds of viability...”***
- **Delete “, or the change proposed has the community’s backing” and replace with *“or it will be replaced by an equal or better community facility.”***
- **Provide a list of community facilities at the end of the Policy (as part of the Policy). These should be taken exclusively from the list on page 14 but must exclude any Local Green Space**
- **Delete the list on page 14 (text can be retained)**
- **Delete “...in the box...2 – 6)” in third Para of supporting text**
- **Third Para of supporting text, delete “As such they should be given special protection through planning policies.”**
- **Change last Para of supporting text to “...its loss), and in such circumstances *the Group Parish Council will seek to encourage the provision of evidence demonstrating the community’s support.*”**

The second section of Policies is entitled “*Known issues that may prevent development*”

Flooding and sewerage

Policy 8: Reducing Flood Risk and Sewage Inundation

The Framework supports:

“...using opportunities offered by new development to reduce the causes and impacts of flooding” (Paragraph 100)

National policy goes on, in Chapter 10 of the Framework, “*Meeting the challenge of climate change, flooding and coastal change,*” to set out a sequential test, that forms the basis of how all applications for development in areas of flood risk must be considered.

Unfortunately, whilst the supporting text refers to the Framework, the first part of Policy 8 ignores the need to apply the sequential test and seeks to impose a different regime, without regard for national policy. In this regard, I note that there are occasions that even within flood risk areas, some development, for example flood defence infrastructure, is necessary.

The first part of Policy 8 does not therefore meet the basic conditions.

The Policy goes on to set out requirements relating to the prevention of sewerage inundation, which has regard to the Framework’s requirement to provide resilience to the impacts of climate change. I note that the Environment Agency supports this Policy.

The final paragraph of the supporting text reads as though it forms a Policy requirement, which it does not. In any case, this part of the supporting text does not have regard to national policy.

I recommend:

- **Policy 8, delete first Para (“The need to...elsewhere.”)**
- **Delete last paragraph of supporting text above Policy 8**

Traffic and road safety

Policy 9: Road safety concerns

Policy 9 is confusing.

It states that “*road safety must be considered*” wherever a development adjoins a public right of way. It is not clear why road safety must be considered where, say, a garden adjoins a footpath and there is no road and no evidence is provided in this regard.

The Policy goes on to set out a requirement for “*such improvements*” to be “*secured*.” However, rather than setting out what the improvements that should be secured are, the Policy simply provides two examples of what might form an improvement.

Consequently, the Policy states that the potential for road safety should be considered, then makes the leap from considering potential to requiring “*secured*” but undefined improvements. All of this is predicated on the consideration of road safety including in locations where there are no roads.

The Policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.

Notwithstanding all of the above, I am mindful that the Framework requires safe and accessible developments (Paragraph 69) and states that:

“Planning policies should protect and enhance public rights of way and access.”
(Paragraph 75)

To some degree, the intention of some of Policy 9 has regard to this.

I note that part of the supporting text reads as though it was a Policy, which it is not.

I recommend:

- **Change Policy 9 to “*New development must be safe and accessible, and where possible, contain clear and legible pedestrian routes. The enhancement of existing and provision of new safe walking and cycling connections will be supported.*”**
- **Supporting text, second Para, delete second sentence (“Development should not...pavement.”)**

- Supporting text, end last sentence “...concerns *held.*” (delete remainder)

Policy 10: Car parking requirements

With regards setting local parking standards, the Framework requires account to be taken of:

“...accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.” (Paragraph 39)

Policy 10 sets out a vague requirement for on-site car parking to be “*sufficient*.” No indication of what this might be is provided and there is nothing to demonstrate that it is an approach that has regard to national policy. Whilst the supporting text to the Policy refers to County Council standards, the Policy does not indicate whether these standards are “*sufficient*.” The Policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.

The rest of the Policy is also imprecise. It does not identify the locations where there is “*a lot of on-street parking*” and nor does it define the potentially subjective term “*a lot*.” It does not identify what should be considered as “*local problems to pedestrians*” and nor does it provide any indication of how or where parking that is “*more convenient than parking on-street*” can, or should be provided. This adds to the imprecise nature of Policy 10, again leading it to fail to provide a decision maker with a clear indication of how to react to a development proposal.

I note that parking is a local issue and do not recommend deletion of the supporting text, although some of it is worded in a way that it appears to comprise a Policy requirement, which it does not.

I recommend:

- **Delete Policy 10**
- **Supporting text, page 19, line two, change to “...the road. The Group Parish Council considers that sufficient parking provision should be provided on development sites in a manner that is convenient...”**
- **Supporting text, page 19, line seven, change to “per home. The guidelines state that parking spaces should be provided on...parking).”**

Locations for new development

Policy 11: Development within the settlement boundaries

Local Plan Policy SUS2 (*Distribution of Development*) establishes a Defined Development Boundary (DDB) for Piddletrenthide. Within the DDB, residential, employment and other development to meet the needs of the local area will normally be allowed. Strict controls apply outside the DDB.

Policy 11 seeks to introduce a completely different approach, whereby new settlement boundaries are proposed. Together with Policy 12, considered later in this Report, the Neighbourhood Plan would provide significantly greater areas for development within settlements than the more tightly drawn boundaries of the Local Plan, but would operate a more stringent approach than national or local policy outside these areas.

Consequently, the Neighbourhood Plan presents an approach that is not in general conformity with the strategic policies of the Local Plan.

The proposed settlement boundaries include large areas of what could be described as “white land,” presenting the potential for significant development, subject to meeting various requirements within Policy 11. Given that this is a major departure from the adopted Local Plan, comprehensive justification and a clear audit trail, in relation to how the settlement boundary was considered and determined, might be expected. However, very little information is provided in this regard. The supporting text simply refers to boundaries being:

“...drawn along clear edges (made by tracks, field boundaries, woodland, rivers or other features) where the more built up areas of settlement gives way to the countryside.”

This appears to comprise a somewhat rough and ready approach. There is no comprehensive report showing how each settlement was considered in detail and how various options were assessed and determined.

The justification for departure from the Local Plan appears to be based on the statement in the Neighbourhood Plan that the Local Plan DDB:

“...had no bearing on what the community considered to be the Valley’s settlements.”

However, I note that the Local Plan was only adopted in 2015. It emerged through comprehensive and robust consultation, and it was subject to rigorous examination. Furthermore, whether or not the DDB relates to what the community consider to be a settlement, the Local Plan provides a very clear approach to the control of development.

By way of contrast, the somewhat loose settlement boundaries in the Neighbourhood Plan provide the potential for a scale of development that could have a transformational impact on the appearance of the settlements in Piddle Valley. During my site visit, I observed there to be numerous locations where Policy 11 could potentially provide a supportive Policy context for new development.

This is a concern given the Neighbourhood Area's location within the AONB. More fundamental however, is the concern that there is an absence of substantive evidence to justify Policy 11's failure to be in general conformity with the Local Plan. As set out towards the beginning of this Report, Neighbourhood Plans must be in general conformity with the adopted strategic policies of the development plan. Policy 11 is not and consequently, it does not meet the basic conditions.

Given the above, I recommend:

- **Delete Policy 11**
- **Delete supporting text on pages 20 and 21**

In making the above recommendation, I am mindful that the development plan provides for development opportunities within the Neighbourhood Area whilst affording appropriate protection.

Policy 12: Development outside the settlement boundaries

National policy establishes that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should generally be avoided. However, Paragraph 55 of the Framework goes on to allow for isolated homes in the countryside, subject to meeting a number of special circumstances.

In supporting a prosperous rural economy, national policy requires planning policies to support economic growth in rural areas. It is explicit in requiring neighbourhood plans to:

“...support the sustainable growth and expansion of all types of business and enterprise...(through) well-designed new buildings; promote the development and diversification of agricultural and other land-based businesses; support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors...the provision and expansion of tourist and visitor facilities...” (Paragraph 28)

There is clearly comprehensive national policy support for appropriate business development in the countryside.

Policy 12 is significantly more restrictive than national policy. In respect of housing, it fails to allow for the development of houses of exceptional quality or innovative design. Further, it seeks to limit business development to that for which a rural location is essential, or where it relates to an existing developed site. Policy 12 does not have regard to national policy and does not meet the basic conditions.

The final part of Policy 12 is reliant upon development receiving *“the community’s backing”* and as set out earlier in this Report, such an approach is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.

Taking all of the above into account, I recommend:

- **Policy 12, delete the opening sentence, which comprises a statement and replace second sentence with *“New homes will only be supported where a rural location is essential; or where the proposal would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or where the proposed dwelling is truly outstanding or innovative. The expansion of business and enterprise through conversion and/or well-designed new buildings and the diversification of agricultural and other land-based rural businesses will be supported, as will sustainable rural tourism that protects the character of the countryside.”***
- **Delete last sentence**

- **Supporting text, page 22, delete “..., but can come through...West Dorset.)”**
- **Delete the second and third Paras (“In addition...boundaries.’) which read as though they comprise Policies, but do not.**

Housing

Policy 13: Housing

In respect of affordable housing, in a Ministerial Statement⁹ published in November 2014, the Minister of State for Housing and Planning stated:

“For designated rural areas...authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought.”

West Dorset District Council, in a representation to the Neighbourhood Plan, points out that, in the Neighbourhood Area’s case, there is:

“...a threshold of 5 units for a contribution towards affordable housing.”

Policy 13 states that affordable housing will be sought wherever open market housing is proposed. Such an approach does not have regard to national advice and does not meet the basic conditions.

The Policy seeks to introduce a “*local connection*” requirement, but does not provide any detail in terms of what this comprises or how it will be implemented and is therefore imprecise in this respect. The Policy goes on to require a “*financial contribution*” but provides no indication of what this would be, or how it would be calculated. There is no evidence to demonstrate that this part of the Policy has regard to Paragraph 204 of the Framework, which requires planning obligations to be necessary to make development acceptable in planning terms, directly related to development and fairly and reasonably related in scale and kind to development; or that the Policy has regard to Paragraph 173 of the Framework, referred to earlier in this Report.

Policy 13 then seeks to restrict open market housing on sites above 0.2 hectares from coming forward, unless it cross-subsidises affordable housing as a rural exception site, or is on brownfield land and that open market housing comprises no more than 40% of the total. There is no evidence to demonstrate that such an approach has regard to Paragraph 173. Further, such requirements go well beyond the requirement set out in Local Plan Policy HOUS1 (*Affordable Housing*) for 35% affordable housing. This part of the Policy does not meet the basic conditions.

⁹ Ref: House of Commons Written Statement (HCWS50)

Taking all of the above into account, Policy 13 does not have regard to national advice, is not in general conformity with the strategic policies of the Local Plan and it may serve to prevent development that is sustainable from coming forward, leading it to fail to contribute to the achievement of sustainable development. Policy 13 does not meet the basic conditions.

I recommend:

- **Delete Policy 13**
- **Delete supporting text above Policy 13 on page 23**

Rural exception sites

The supporting text under the above heading reads as though it is a Policy requirement, which it is not. In the absence of an explanation, it is not clear why the land allocations in the Neighbourhood Plan are entitled “*Rural exception sites*.” I note that they simply comprise land allocations. The fact that a site might provide affordable housing does not necessarily mean that it comprises a rural exception site.

I recommend:

- **Delete “Rural exception sites” heading and paragraph of text, replace with new heading “Land Allocations”**

Policy 14: Land at Austral Farm, Alton Pancras

Policy 14 allocates land for development at Austral Farm. The site is shown on Map 7, which appears as a blurred photograph and as such, fails to clearly show the boundaries of the allocated land. I address this in the recommendations below. I also note that the Policy refers to a plan in the Appendices, but that these do not form part of the Neighbourhood Plan and in any case, the relevant detail in that plan is very small and unclear.

The allocation provides for new housing and business units. In this regard, Policy 14 has regard to national policy, which promotes sustainable growth. Much of the site is previously developed and the allocation has regard to Paragraph 17 of the Framework, which encourages:

“...the effective use of land by reusing land that has been previously developed...”

The opening sentence of the Policy lacks clarity and the Policy goes on to state that the proposal should preserve a historic green gap. However, that is the role of another Policy and in any case, the boundary of the site does not appear to extend into an open area.

Also, no detail is provided in respect of how a car parking area and access can be “*rural in character*” and consequently, this part of the Policy appears imprecise. Further, the Policy ends with a statement, rather than a requirement, no indication is provided of how a land use planning policy can control security lighting and meet the basic conditions and part of the supporting text reads as though it comprises a Policy, which it does not.

Taking the above into account, I recommend:

- **Policy 14, change first line to “*The site shown on the accompanying plan is allocated as a mixed use site, to provide affordable and open market housing and small...*”**
- **Second Para of Policy, delete “..., and the preservation...Alton Pancras.”**
- **Delete the final two sentences (“The layout...this location.”)**
- **Delete Map 7. Provide a new plan, preferably on an OS base, clearly identifying the boundaries of the allocated site**
- **Supporting text page 24, delete first Para of text in black ink (“Due to...this location.”)**
- **Second Para page 24, line five, change to “*There is considerable scope to respond to the unique...*”**
- **Page 25, second Para, delete last two sentences**

Whilst I acknowledge that West Dorset District Council has expressed concerns at the potential scale of development at this site, Policy 14, together with other Policies in the development plan, requires that development is modest in scale and that it does not detract from heritage assets. There is no substantive evidence before me to demonstrate that harm to heritage assets would necessarily arise as a result of development at this site.

Policy 15: Land at West Cottage, Piddletrenthide

There are objections to the allocation of land at West Cottage from West Dorset District Council, amongst others.

The comprehensive objections from West Dorset District Council provide evidence to demonstrate that the envisaged development at the West Cottage allocation would result in significant harm to heritage assets. This would include substantial harm to the setting of a designated asset of the highest significance, the Grade II* Manor House.

The Framework states that:

“Substantial harm to or loss of designated heritage assets of the highest significance, notably...Grade II Listed Buildings...should be wholly exceptional.”* (Paragraph 132)

In addition, Paragraph 133 of the Framework goes on to point out that:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve public benefits that outweigh the harm or loss...”

In the above regard, I am mindful that in addition to harm to a Grade II* Listed Building, there is substantive evidence to demonstrate that there would be harm to a designated Conservation Area, within which the site is located and no detailed evidence of public benefits that outweigh the harm arising has been provided.

In addition to the above, there is evidence that development of the allocated site would result in harm to a locally designated historic park and garden as well as other locally important non-designated heritage assets, including West Cottage itself and Kiddles Lane, a medieval drove road.

Taking all of the above into account, Policy 15 fails to have regard to national policy and is not in general conformity with Local Plan Policy ENV4 (“Heritage Assets”), which seeks to protect heritage assets according to their significance and requires any harm to be justified. The Neighbourhood Plan and its evidence base fails to demonstrate that any harm arising will be outweighed by public benefits.

Furthermore, substantive evidence has been provided to demonstrate that development of the allocated site would harm mature trees and hedgerows. This would introduce significant conflict with Policy 5 of the Neighbourhood Plan and would fail to have regard to Paragraph 109 of the Framework which seeks to minimise impacts on biodiversity.

Policy 15 does not meet the basic conditions.

I recommend:

- **Delete Policy 15**
- **Delete supporting text on pages 26 and 27**
- **Delete Map 8**

Policy 16: Kingrove Farm, Piddletrenthide

In general terms, mixed use development, as proposed in Policy 16, can provide for sustainable growth and meet the basic conditions.

However, Map 9 on page 28, which relates to Policy 16, is unclear. Also, the opening sentence of Policy 16 is vague. It refers to the Kingsgrove Farm site as a “*potential*” site for development, whereas the supporting text makes it clear that the site is being allocated for housing and other uses.

In considering Policy 16, I am also mindful that the Policy and supporting text refer to affordable housing, but that no indication is provided of how the site can viably provide for affordable housing, community uses, retention of historic buildings and other Policy requirements.

The Policy then goes on to make a statement, as opposed to providing a land use planning Policy:

“The reuse of the historic farm buildings will be secured.”

No indication of how the Neighbourhood Plan will deliver such a thing, or whether it even has the ability to do so, is provided. Again, the Policy is vague, as it goes on to refer to uses that “*may be considered.*” A similar, inappropriate, approach is adopted with regards the Policy reference to Wightman’s Orchard. These parts of the Policy fail to have regard to Paragraph 173 of the Framework.

The Policy goes on to provide definitive terms about things that “*will*” happen, without evidence of how such delivery will be implemented or controlled. It is also unclear how the Policy can control hedgerow boundaries and landscaping outside, or “*around,*” the site itself, as no information is provided in this regard.

Taking all of the above into account, I recommend:

- **Re-word Policy 16: “*Land at Kingrove Farm is allocated for mixed use development where the provision of housing, including affordable housing, small-scale employment and community uses will be supported. Proposals must retain the historic barn, be informed by a flood risk assessment, include space for the provision of a community hall capable of providing for badminton and similar activities and take into account local character.*”**
- **Delete Map 9. Provide a new plan, preferably on an OS base, clearly identifying the boundaries of the allocated site.**
- **Page 28, first line, change to “*In this situation, the Group Parish Council recommends close working with local residents...*”**

Policy 17

There is no Policy 17.

- **Change numbering of Policies to reflect there being no Policy 17 (taking other changes in this Report into account)**

Policy 18: Enterprise Park and Bourne Park

The Plan on Page 30 is unclear. The Policy opens with a general statement and there is no evidence setting out what has been “*degraded*” and no indication of how it will be possible to measure the “*further*” degradation of the area’s character. The opening paragraph of the Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

The Policy refers to limiting development to a “*hatched area*.” However, the hatched area appears to correspond to the site boundary. This appears confusing and unnecessary.

The Policy refers to the “*removal of structures on the higher ground and the removal of excessive security lighting*.” The structures are not identified and no indication of what is “*excessive*” is provided. In this regard, the Policy is unclear. Furthermore, it is not clear how in all circumstances a new building in the Enterprise Park can deliver landscape improvements.

No indication is provided of what a “*significant increase*” to a footprint or height of a building might comprise and the Policy is therefore imprecise in this regard.

No indication is provided of what an “*unacceptable level of larger vehicle movements*” might be and neither is any indication provided of how the Neighbourhood Plan will control the use of the highway network, including how it might manage the use of London Row.

The last paragraph of the Policy re: Bourne Park is a little odd. There are many things that the Neighbourhood Plan does not do and no reason is provided with regards why the Policy seeks to point out that Bourne Park will not be expanded. Also, as it would be unusual for improvements to be unacceptable, it is not apparent why the Policy needs to state that “*improvements will be acceptable*.”

When considered as a whole, Policy 18 sets out a restrictive approach to economic development at established employment parks. Too restrictive an approach would not be in general conformity with Local Plan Policies ECON1 (*Provision of Employment*) and ECON2 (*Protection of Key Employment Sites*), which together are supportive of economic development and of the intensification of use of Key Employment Sites, such as Enterprise Park.

I recommend:

- **Policy 18, change to “*At Enterprise Park, small scale business development will be supported where it takes local character and the historic value of the Second World War camp into account.*”**

- **Delete Map 10. Provide a new plan, preferably on an OS base, clearly identifying the boundaries of the allocated site.**
- **Page 30, supporting text, delete last sentence (“The impact...Policy 22”)**

Policy 19: New Farm Buildings

No indication is provided of how Policy 19 will control the reduction of vehicle movements by the provision of new agricultural buildings, or how proposals for such buildings will be measured against this requirement, on what basis and who by. Furthermore, it is not clear how the ideal improvement of “*long term viability*” of farms will be measured, on what basis and who by. As the reduction of vehicle movements and improvement of viability are Policy requirements, the first part of Policy 19 fails to provide a decision maker with a clear indication of how to react to a development proposal and does not meet the basic conditions.

The second part of the Policy is vague. It simply asks for something to be considered, rather than sets out any requirements. There are no indications of what the consequences might be further to any such consideration and as such, this indicates a general aspiration, rather than a land use planning Policy.

I recommend:

- **Delete Policy 19**
- **Replace with “*Community Action: The Group Parish Council will seek to promote the removal of redundant buildings of no historic or architectural merit, when opportunities to do so arise.*”**
- **Page 31 supporting text, delete the two paragraphs commencing “Over the last 70 years...” and concluding “...as we know and appreciate it.”**
- **Supporting text, change last Para to “...on the *landscape*. *The Group Parish Council would like to see new buildings situated adjacent to...protection and the avoidance of development on higher landscapes, as this can detract...*”**
- **Supporting text, delete last sentence (“Evidence of...applications.”)**

Policy 20: Re-use of redundant farm buildings as dwellings

Paragraph 55 of the Framework recognises that to:

“...re-use redundant or disused buildings...”

can comprise a special circumstance in support of residential conversions in the countryside.

In general, Policy 20 supports such re-use and has regard to national policy. However, one of the requirements set out in the Policy is for any such building not to be in an *“isolated location.”* This makes no sense and conflicts with the purpose of the Policy. Farms, by their very nature, tend to be located in the countryside.

Furthermore, by specifying some domestic features, but not others, the Policy appears subjective and this is not a factor mitigated by inclusion of the word *“etc.”* Also, the Policy goes on to require residential amenities to be *“protected.”* However, as *“protection”* is a very strong term, it requires Policy support in terms of precisely what is being protected. The phrase *“residential amenities”* is vague and imprecise and is open to wide interpretation. Consequently, this part of the Policy does not provide a decision maker with a clear indication of how to react to a development proposal. Further, it does not provide for a balanced consideration of any benefits and harm arising and as a result, may prevent the achievement of sustainable development.

The final Criterion effectively repeats the opening sentence of the Policy. It is unnecessary and its inclusion is to the detriment of the concise nature of the Policy, having regard to Planning Practice Guidance.

I recommend:

- **Delete third and final Criteria (relating to location and appearance)**
- **Change fifth Criterion to “...the addition of *external domestic features* would be clearly visible.”**
- **Change sixth Criterion to “...of nearby occupants *are taken into account.*”**
- **Page 32, supporting text, first Para, change to “...should *be encouraged.*” (delete rest of Para)**
- **Supporting text, second Para, third line, delete “...such...” and “...clearly...”**
- **Supporting text, second Para, third line, change to “...the local character *can be those made of...*”**

Type and Design of New Development

Policy 21: The character and design of new development

Good design is recognised by national policy as comprising

“a key aspect of sustainable development...indivisible from good planning.”
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework).

Paragraph 58 of the Framework goes on to require development to:

“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;”

In addition, Local Plan Policy ENV10 (*The Landscape and Townscape Setting*) is supported by a suite of Policies that recognise the importance of good design along with the fundamental role that local character has to play in determining the quality and distinctiveness of a place.

In seeking to protect local character, Policy 21 is generally in conformity with the Local Plan and has regard to the Framework.

The Policy states that *“imaginative design”* will be supported. However, as no definition of what this might comprise and what any limitations might be, unfettered support runs the risk of unforeseen circumstances arising, whereby Policy support may be afforded to inappropriate proposals.

Taking the above into account and for clarity, I recommend:

- **Policy 21, second Para, add “The design of development should be...”**
- **Second Para, last line, change to “Imaginative designs are encouraged and proposals should demonstrate the use of locally appropriate materials that weather well.”**
- **Page 35, supporting text, fifth Para, third line, change to “...hamlet, would benefit from a new use appropriate to their historic character...”**

- Page 36, supporting text, first Para, change to “...countryside. *Retaining* these open opens spaces *can preserve* the character...”
- Page 38, supporting text, third Para, last line, delete “...and is therefore more sustainable.”

Policy 22: External lighting

No indication is provided as to how the “*minimum*” external lighting “*needed for security and operational purposes*” will be measured, who by and on what basis. This part of the Policy does not provide a decision maker with a clear indication of how to react to a development proposal.

The final sentence of the Policy states that a planning condition will be imposed where development “*gives rise to pressure for external lighting.*” However, it is unclear when such pressure (whatever this might comprise) will or will not arise and consequently, again, the Policy fails to provide for clarity. Further, no indication of what such a planning condition will require and on what basis any such requirement will be made, is provided. There is nothing to demonstrate that the required imposition of such a condition has regard to Paragraph 206 of the Framework, which states that:

“Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

I recommend:

- **Policy 22, re-word as “*Where planning permission is required for external lighting and the lighting will impact on local landscape character, proposals should seek to demonstrate that the benefits of the external lighting proposed outweigh any harm arising.*”**

7. The Neighbourhood Plan: Other Matters

I note that the recommendations made in this Report will have a subsequent impact on page numbering and Contents. I recommend:

- **Update the Contents page to reflect the recommendations above**

I have recommended the provision of a number of new plans. In doing so, I have noted that the “Proposals Maps” are unclear. Whilst these plans form part of the Appendices, rather than the Neighbourhood Plan itself, I consider that, due to their lack of clarity, they appear as a distraction. I recommend:

- **Delete the plans on pages 41, 42, 43 and 44**

8. Summary

I have recommended a number of modifications further to consideration of the Piddle Valley Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Taking the above into account, I find that the Piddle Valley Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to West Dorset District Council that, subject to the modifications proposed, the **Piddle Valley Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the Piddle Valley Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the Piddle Valley Neighbourhood Area approved by West Dorset District Council on 10 March 2013.

Nigel McGurk, November 2016
Erimax – Land, Planning and Communities

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