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# **Report on the Puddletown Neighbourhood Plan 2019 to 2031**

**An Examination undertaken for Dorset Council with the support of the Puddletown Area Parish Council on the May 2020 submission version of the Plan.**

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 3 December 2020

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## **Main Findings - Executive Summary**

From my examination of the Puddletown Neighbourhood Plan (PNP/the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Puddletown Area Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Puddletown, as shown on Map 1 on page 1 of the submitted Plan;
- The Plan specifies the period during which it is to take effect: 2019 to 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Puddletown Neighbourhood Plan 2019 to 2031*

- 1.1 Puddletown Parish has a resident population of nearly 1,500.<sup>1</sup> The village lies close to the junction of the A35 linking Dorchester, 8 km to the south west, with Bere Regis and the A354 which leads to Blandford Forum about 19 km to the north east. Poole lies about 34 km to the east along the A35. The village is located in gently undulating agricultural landscape, within the low-lying valley of the River Piddle.
- 1.2 Puddletown Parish is part of a wider group of parishes which comprise those of Puddletown, Athelhampton, Burleston and Tolpuddle and which are represented by the Puddletown Area Parish Council (PAPC). This Neighbourhood Plan is for the Parish of Puddletown and does not include the other parishes in the PAPC.
- 1.3 The decision to prepare a neighbourhood plan was taken by the PAPC in 2013. However, despite the formation of a steering group in 2015, progress on the preparation of the Plan was sporadic through intervening

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<sup>1</sup> The Office for National Statistics estimated the combined population of Puddletown and Athelhampton Parishes in 2017 as 1,492.

years until 2019, when it accelerated culminating in the submission of the Plan to Dorset Council (DC) in May 2020.

### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the PNP by DC, with the agreement of the PAPC.
- 1.5 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

### *The Scope of the Examination*

- 1.6 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development';

- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').<sup>2</sup>

## **2. Approach to the Examination**

### *Planning Policy Context*

2.1 The current Development Plan for Puddletown Parish, excluding policies relating to minerals and waste development, is the West Dorset, Weymouth and Portland Local Plan 2015 (WDWPLP). Until April 2019, West Dorset District Council and Weymouth and Portland Borough Council

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<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

were working on a Local Plan Review. However, on 1 April 2019, Dorset Council became a unitary authority which absorbed West Dorset District and Weymouth and Portland Borough Councils and the evidence which was gathered for the Local Plan Review is now being used to produce the Dorset Council Local Plan (DCLP) for the whole of the new administrative area.

- 2.2 The DCLP is at a very early stage in its preparation and no emergent policies have been published. Nevertheless, Planning Practice Guidance (PPG) states that it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. The PPG advises that the reasoning and evidence informing emerging local plans can be relevant to neighbourhood plans. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the local planning authority and qualifying body should discuss and aim to agree the relationship between their emerging policies and the adopted development plan.<sup>3</sup>
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). PPG offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 and all references in this report are to the February 2019 NPPF and its accompanying PPG.<sup>4</sup>

#### *Submitted Documents*

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which includes:
- the Puddletown Neighbourhood Plan 2019 – 2031;
  - the map on page 1 of the Plan, which identifies the area to which the proposed Neighbourhood Plan relates;
  - the Consultation Statement dated May 2020;
  - the Basic Conditions Statement dated March 2020;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment Screening (SEA) Report dated March 2018; the SEA Environmental Report dated November 2019 and May 2020 Addendum; the SEA Determination Statement; the Habitats Regulations Assessment (HRA) Screening Report dated September 2018; the HRA dated February 2020 and
  - the requests for additional clarification sought in my letter of 23 September 2020, the responses dated 6 October from PAPC and from

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<sup>3</sup> PPG Reference ID: 41-009-20190509.

<sup>4</sup> NPPF: paragraph 214. The Plan was submitted under Regulation 15 to DC after 24 January 2019.

DC and the Statement of Common Ground (SOCG) dated 8 October 2020 received on 29 October.<sup>5</sup>

#### *Site Visit*

- 2.5 I made an unaccompanied site visit to the PNP Area on 22 September 2020 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

#### *Written Representations with or without Public Hearing*

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing session were received.

#### *Modifications*

- 2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.
- 2.8 Some representations refer to alterations to the text accompanying the policies which might improve the Plan. However, my remit is to examine the Plan to see whether it meets the Basic Conditions and to recommend modifications to enable that test to be passed. Therefore, although some suggestions could usefully be incorporated by the PAPC when redrafting the Plan following the examination, I shall refrain from passing comment or making recommendations, unless there is a significant alteration which should be made in order to meet the Basic Conditions.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Puddletown Neighbourhood Plan has been prepared and submitted for examination by PAPC, which is a qualifying body. The PNP extends over all the Puddletown Parish. This constitutes the area of the Plan designated by West Dorset District Council in January 2014.<sup>6</sup>

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<sup>5</sup> View at: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-council-planning-policy/neighbourhood-plans-in-dorset/puddletown-neighbourhood-plan.aspx>

<sup>6</sup> Subsequent transitional arrangements ensure that this designation operates as if made by DC.

## *Plan Period*

3.2 The Plan clearly specifies the Plan period, which is from 2019 to 2031.

## *Neighbourhood Plan Preparation and Consultation*

- 3.3 The thorough Consultation Statement (CS) summarises all the statutory and non-statutory consultation which has been undertaken with the community and other relevant statutory bodies and stakeholders in preparing the Plan. It describes how concerns have been addressed and the changes which have been made to the Plan prior to its submission to DC for consultation under Regulation 16 of the 2012 Regulations and the subsequent examination.
- 3.4 The decision to prepare a neighbourhood plan was taken by the P APC in 2013, but progress was largely paused until a steering group was set up in 2015. A Household questionnaire was distributed in March 2016 with 165 responses (14% of the total population) and interest in the Plan was promoted at two community events in the same year. A Neighbourhood Plan Facebook page was established in late 2016 and a web page for the Plan created in 2017. Whereas the latter closed down in 2019, Steering Group meetings were then placed on a dedicated page of the Parish Council web site.
- 3.5 A Community Design Workshop was held in March 2017, where about 60 attendees discussed factors such as the important qualities of the area and the areas for possible growth. A "call for sites" was made in July 2017 followed in September by a Design Forum held over a period of three days across which over 80 people attended. The output from the event included a concept plan for the growth of the village and a range of draft policy ideas for further research.
- 3.6 Contact with Service Providers was made at a meeting held in January 2019, a survey in August and a further meeting in November, to ensure that all specific needs had been identified which should be considered in the Plan. In addition, a Local Business Survey was carried out in September 2019. However, with a limited response, a meaningful analysis of the data was not possible. In October 2019, having identified Local Green Spaces (LGS) which appeared to qualify for LGS designation, landowners were contacted by email/letter to seek any comments prior to finalising the draft Plan for consultation.
- 3.7 The Pre-Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations on 25 November 2019. The consultation period ran for over 6 weeks until 10 January 2020. Printed versions of the Plan and supporting documents were made available to residents for comment at locations within Puddletown. The Plan could also be borrowed from the local library as well as viewed online. Printed versions were further made available at the Rodhill Meeting Room, so that those who were less mobile and who live nearby were able to participate. In addition,



there was a leaflet drop to all residents and a two day public exhibition was held. 79 responses were returned to the consultation. The CS lists the main changes which were made to the Plan as a result of the consultation, with a subsequent schedule comprehensively describing the main points made by each consultee, the response to those points and any proposed alterations.

- 3.8 The Plan was finally submitted to DC on 12 May 2020. Consultation in accordance with Regulation 16 was carried out from 26 June to 7 August 2020. 29 responses were received. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the PNP, that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

#### *Development and Use of Land*

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

- 3.10 The Plan does not include provisions and policies for 'excluded development'.

#### *Human Rights*

- 3.11 The Basic Conditions Statement advises that no issues have been raised in relation to the possible contravention of Human Rights in the preceding consultations and, given the conclusions on the general conformity with the strategic policies of the Local Plan and regard to national planning policy, it was reasonable to conclude that the making of the Plan should not breach human rights. I consider that the Plan has been produced in full consultation with the local community and does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district levels. Therefore, the PNP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998, especially as considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded and that the policies and proposals will not have a discriminatory impact on any particular group of individuals.

## **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The PNP was screened for SEA and HRA by WDDC. The details were submitted with the Plan in accordance with the legal requirement under

Regulation 15(1)(e)(i) of the 2012 Regulations.<sup>7</sup> The SEA screening assessment concluded that the policies of the Plan would be likely to lead to significant environmental effects and, consequently, a full SEA was required. Historic England (HE)<sup>8</sup>, the Environment Agency (EA)<sup>9</sup> and Natural England (NE)<sup>10</sup>, when consulted, agreed with those conclusions.

- 4.2 The HRA Screening concluded that the Plan would be likely to have significant in-combination impacts on the Poole Harbour Special Area of Conservation (SAC) as a result of effects upon water quality and the Dorset Heathlands SAC, Special Protection Area (SPA) and Ramsar site due to recreational pressure.<sup>11</sup> NE agreed with the Screening Assessment. Therefore, an Appropriate Assessment (AA) was undertaken which concluded that, subject to the inclusion of certain policy wording, the Plan would not have an adverse effect on the integrity of the Dorset Heathlands or Poole Harbour European sites.
- 4.3 NE, when consulted, agreed with the conclusions of the AA that adverse impacts to the Dorset Heaths/Heathlands Europeans Sites could be avoided through adherence to the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD). However, the position for the Poole Harbour SAC is more complex. Mitigation measures for development are administered via the provisions of the Poole Harbour Nutrient Reduction SPD. A recent review of the mitigation measures has revealed a significant backlog of mitigation requirements, which now needs addressing.
- 4.4 I note that the issue of whether reliance on the SPD would meet the nitrogen offsetting requirements was not raised by NE at the Regulation 14 stage and so was not addressed by the PAPC in the submission version of the Plan. The Statement of Common Ground (SOCG) agreed by Natural England, Dorset Council and the PAPC during the examination explained that it is now clear that reliance on the approach set out in the SPD is not sufficiently certain to ensure that there will be no adverse effect on the integrity of the Poole Harbour SAC as a result of the Plan.<sup>12</sup> The SOCG then considered three options for Policy 7 "European and internationally protected sites", which I shall deal with in the relevant section below.
- 4.5 Having read the SEA and HRA Screening Assessments, the SEA, the AA, the SOCG and the other information provided, and considered the matter independently, I also agree with those conclusions. Therefore, I am satisfied that, subject to the modifications which I shall recommend to Polices 7, 12 and 13, the PNP is compatible with EU obligations.

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<sup>7</sup> Strategic Environmental Assessment Screening Report: March 2018.

<sup>8</sup> Response from Historic England dated 22 January 2018.

<sup>9</sup> Response from the Environment Agency dated 9 February 2018.

<sup>10</sup> Response from Natural England dated 2 February 2018.

<sup>11</sup> HRA Screening Report: September 2018.

<sup>12</sup> Statement of Common Ground; 8 October 2020, submitted on 29 October 2020.

## *Main Issues*

- 4.6 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.7 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.<sup>13</sup>
- 4.8 Accordingly, having regard to the Puddletown Neighbourhood Plan, the consultation responses, other evidence<sup>14</sup> and the site visit, I consider that the main issues in this examination are whether the PNP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the sequence in which they appear in the Plan.

## *Vision and Objectives*

- 4.9 The vision and objectives underpinning the Plan were developed from public engagement during the meetings and consultations. It states that *"In 2031, Puddletown will be a safe, thriving, and well-connected village, maintaining its unique character and sense of community spirit, and welcoming residents of all ages and abilities"*. This is supported by six objectives, the gist of which being: to retain the character of the village and surrounding countryside; to look after the environment for today's and future generations; to develop its housing stock; to maintain and improve social interaction; to encourage new, and support existing, businesses and services; and, be a well-connected and pedestrian safe village. The objectives set the scene for the subsequent sixteen policies.

## *Local Landscape Character and the Built Environment (Policies 1, 2, 3, 4, & 5)*

- 4.10 Policy 1 designates 10 Local Green Spaces (LGS). As explained in the NPPF, LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably

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<sup>13</sup> PPG Reference ID: 41-041-20140306.

<sup>14</sup> The other evidence includes the responses from DC and PAPC on 6 October and from PAPC on 29 October 2020 to the questions in my letter of 23 September 2020.

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special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.<sup>15</sup>

- 4.11 I agree that each of the proposed LGS is in reasonably close proximity to, or within, Puddletown. Each LGS is local in character and not an extensive area of land. Furthermore, I agree that each LGS is special to the local community, as explained in Table 1 of the Plan. Nevertheless, nine representations opposed the designation of LGS 4 at Catmead.
- 4.12 I realise that most of the land proposed for LGS 4 at Catmead is in private ownership but as explained in the PPG, land can be considered for designation even if there is no public access. Designation does not convey in itself any rights of public access or management over what currently exists. Furthermore, the LGS designation would, it seems to me, provide additional long term security for the site. Management of land designated as LGS would remain the responsibility of its owner and, therefore, I see no reason to believe that there would be any erosion of the right to respect for private and family life or homes of the residents of Catmead under Schedule 1 Article 8 the Human Rights Act 1998.<sup>16</sup> Accordingly, I accept that the LGS at Catmead, together with the other nine LGS in the Plan, meet the criteria for designation set out in NPPF.
- 4.13 However, Policy 1 refers to the need to avoid harm to the green character of the LGS. National guidance states that policies for managing development within a LGS should be consistent with those for Green Belts.<sup>17</sup> The development management guidance in the NPPF in relation to Green Belts does not include the need to protect their green character, even though that might be implicit in the fundamental aim to keep them permanently open. Therefore, I shall recommend a modification to the policy by the deletion of the phrase about avoiding harm to the green character of the LGS.<sup>18</sup> **(PM1)** Subject to the modification, the policy would have regard to national guidance,<sup>19</sup> would generally conform with the strategic approach for the protection of the natural environment in the WDWPLP<sup>20</sup> and would meet the Basic Conditions.
- 4.14 Policy 2 requires development to respect and, where possible, enhance the character of the local landscape. The policy has regard to national guidance<sup>21</sup> and generally conforms with Policies ENV3 and ENV10 of the WDWPLP. Policy 3 seeks to safeguard the village character of Puddletown, with one of the measures being to limit infill development within the

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<sup>15</sup> NPPF: paragraph 100.

<sup>16</sup> PPG: Reference ID: 37-021-20140306.

<sup>17</sup> NPPF: paragraph 101.

<sup>18</sup> See also the October 2020 judgment in *R on the Application of Lochailort Investments Limited v Mendip District Council*. Case Number: C1/2020/0812.

<sup>19</sup> NPPF: paragraph 100

<sup>20</sup> WDWPLP, page 12.

<sup>21</sup> NPPF: paragraph, 122, 170 & 180.

defined development boundary to re-purposing and extensions. I agree with the comments of DC in the Regulation 16 consultation response that resisting all new infill would be difficult, especially if the proposal was in a sustainable location and was not in conflict with other policies of the Development Plan. Therefore, I shall recommend a slight modification to admit the possibility of infill development. **(PM2)** Subject to the modification, Policy 3 would have regard to national guidance,<sup>22</sup> would generally conform with Policy ENV10 of the WDWPLP and would meet the Basic Conditions.

- 4.15 Policy 4 considers the history of Puddletown, the Conservation Area, the listed buildings and the area's links with Thomas Hardy and the Tolpuddle Martyrs. The policy includes references to characteristics and features of special interest in the Conservation Area (summarised in Table 2) and Locally Important Buildings (listed in Table 3). The policy would have regard to national guidance<sup>23</sup> and would generally conform with Policy ENV4 of the WDWPLP, subject to the correction of the statement in the box which appears immediately following Table 3 and may be interpreted as part of it. The correction, which I shall recommend as a modification, would add a recognition of the possible restriction of permitted development rights in the Conservation Area or areas subject to an Article 4 Direction. **(PM3)**
- 4.16 Furthermore, DC suggested the addition of 16 Mill Street and 5-6 Northbrook to Table 3. I note that the omission of 16 Mill Street was a typographical error, shown instead as 6 Mill Street in the Plan and which I shall recommend correcting.<sup>24</sup> **(PM4)** However, the inclusion of 5-6 Northbrook would be a new addition to the list in Table 2, which has not received any publicity and might be an unwelcome surprise to the owner of the property, who may feel disadvantaged. Therefore, I consider that it would be unreasonable to include it in the list. In any event, non-designated heritage assets may be identified through the planning process such as when considering planning applications<sup>25</sup> and their acceptability judged in the light of advice from English Heritage.<sup>26</sup>
- 4.17 Policy 5 concerns design and refers to Table 5: Puddletown Planning Design Guidelines in which examples are described for what works and does not work well. The policy would have regard to national guidance<sup>27</sup>, would generally conform with Policies ENV10-14 of the WDWPLP and would meet the Basic Conditions, subject to the addition of the need to avoid PVC-u windows as suggested by DC. EH advises that "Replacement plastic (PVC-u) windows pose one of the greatest threats to the heritage

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<sup>22</sup> NPPF: paragraph 127.

<sup>23</sup> NPPF: paragraph 185.

<sup>24</sup> See response from PAPC 6 October to Q7 of my letter of clarification of 23 September 2020.

<sup>25</sup> PPG Reference ID: 18a-040-20190723.

<sup>26</sup> Local Heritage Listing: Historic Advice Note 7: English Heritage. 2016.

<sup>27</sup> NPPF: paragraph 125.

value of historic areas, particularly in towns and villages".<sup>28</sup> In my opinion, the same could be said for replacement doors and other external surfaces. The Plan covers the whole of Puddletown parish and therefore, rather than applying the limitation to the whole area of the Plan, I shall recommend the inclusion of PVC-u as a material to avoid for external surfaces of buildings in historic areas, where feasible and practicable. **(PM5)**

#### *The Environment (Policies 6, 7, 8 & 9)*

- 4.18 Policy 6 seeks to protect and, where practicable, enhance biodiversity. The policy has regard to national guidance,<sup>29</sup> generally conforms with Policy ENV2 of the WDWPLP and meets the Basic Conditions. However, Policy 6 includes the requirement for a Biodiversity Mitigation and Enhancement Plan (BMP) to be submitted alongside planning applications for development. The development proposed to which the policy would apply includes where there would be the loss of a native hedgerow (in whole or part), woodland or mature trees, works within 10 metres of a natural watercourse and its margins and works involving a rural barn or other roof space where bats may be present.
- 4.19 The policy, with slight variations, would duplicate the process already required for the validation of applications by DC.<sup>30</sup> I consider that the repetition would be confusing for stakeholders, especially for developers and the local planning authority, and particularly when the advice and explanation is far more comprehensive in the DC validation process. Therefore, in order not to reduce the effectiveness and efficiency of development management, I shall recommend the deletion of the section of Policy 6 which refers to the BMP. **(PM6)**
- 4.20 Policy 7 deals with European and internationally protected sites with particular reference to the Poole Harbour and the Dorset Heathlands. The policy includes adhering to the Nitrogen Reduction in Poole Harbour SPD and the Dorset Heathlands Planning Framework SPD. However, the SOCG agreed by NE, DC and the PAPC, submitted by PAPC during the examination, concluded that reliance on the approach set out in the Poole Harbour SPD is not sufficiently certain to ensure that there will be no adverse effect on the integrity of the Poole Harbour SAC as a result of the Plan.<sup>31</sup> The SOCG considered three options to remedy the deficiency in Policy 7, the preferred one of which would delete the references to the SPDs and include additional explanation in the justification, especially in paragraph 3.2.9. Such a modification would enable Policy 7 to have regard to national guidance,<sup>32</sup> generally conform with Policy ENV2 of the WDWPLP and meet the Basic Conditions and I shall recommend it. **(PM7)**

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<sup>28</sup> Traditional Windows: Their Care, Repair and Upgrading. 2015. p 1.

<sup>29</sup> NPPF: paragraph 174.

<sup>30</sup> Planning Applications Requirements: Dorset Council. 2 April 2019. pp 17-19.

<sup>31</sup> Statement of Common Ground; 8 October 2020, submitted on 29 October 2020.

<sup>32</sup> NPPF: paragraphs 174-176.

4.21 Policy 8 (Flood Risk) and Policy 9 (Noise) each suffer from the same defect in that they are expressed more as justification and process than as an intended requirement or outcome and this would make the policies difficult to implement in development management. Therefore, I shall recommend transferring a significant section of each policy to the justification which, together with substantial rephrasing, will enable the aims of the policies to be retained. Policy 8 would then have regard to national guidance<sup>33</sup>, would generally conform with Policy ENV5 of the WDWPLP and would meet the Basic Conditions. **(PM8)** Likewise, Policy 9 would also have regard to national guidance<sup>34</sup>, would generally conform with Policy ENV16 of the WDWPLP and would meet the Basic Conditions. The policy which I shall recommend would include a reference to the significant observed adverse effect level (SOAEL) derived from the Noise Policy Statement for England (NPSE) 2010.<sup>35</sup> The supporting text should include the definition of that term. **(PM9)**

*Housing (Policies 10, 11, 12, & 13)*

4.22 Strategic housing allocations are defined in the WDWPLP in order to provide the main development opportunities for delivering sufficient development in the Local Plan area. These are located at Beaminster, Bridport, Chickerell, Crossways, Dorchester, Lyme Regis, Portland, Sherborne and Weymouth. The main towns and smaller settlements with defined development boundaries (DDB) also provide a considerable supply of smaller sites through redevelopment and infill opportunities that will contribute towards meeting the requirements.

4.23 Puddletown has a DDB. WDWPLP Policy SUS2 states that development in rural areas will be directed to the settlements with DDB and will take place at an appropriate scale to the size of the settlement. Within the DDB residential, employment and other development to meet the needs of the local area will normally be permitted.

4.24 Policies 10, 12 and 13 consider the scale and location of new housing. The Plan records that the general rate of growth has averaged about 6 to 7 dwellings per year since 2001<sup>36</sup> and 7 dwellings per year is the rate chosen on which to base the scale of growth for the 12 year period April 2019-March 2031, which equates to 84 dwellings. In September 2019, 9 sites had planning permission for a total of 62 houses, leaving a requirement for 22 more dwellings.<sup>37</sup> To meet this requirement, a site at Athelhampton Road has been allocated in the Plan for about 18-22 dwellings under Policy 12. Furthermore, Policy 13 designates a reserve allocation at Northbrook Farm which would accommodate an additional 8-10 dwellings.

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<sup>33</sup> NPPF: Planning and Flood Risk.

<sup>34</sup> NPPF: paragraph 180.

<sup>35</sup> Noise Policy Statement for England: Defra: March 2010. paragraphs 2.21 & 2.22.

<sup>36</sup> Paragraph 4.1.3.

<sup>37</sup> Paragraph 4.1.6.

- 4.25 Appendix 5 of the Plan assesses the potential of 8 sites for possible inclusion as housing allocations, of which 4 are discarded. The remaining 4 sites are then evaluated in greater detail in Appendix 6. Based on the evidence before me, which includes the Site Assessment Report prepared by AECOM for the PNP Steering Group (dated December 2018), I agree with the conclusions of Appendices 5 and 6 and the consequent allocations in the Plan, subject to one reservation.
- 4.26 My reservation is the inclusion of Northbrook Farm as a reserve site allocation. Policy 13 states that the release of the site would be “scheduled” through a review of the Plan which is expected to be in 2024. The Plan notes the uncertainty about the timescale over which the site may become available and the noise mitigation required due to its proximity to the A35.<sup>38</sup> However, I consider the reliance on a review of the Plan in 2024 may be over optimistic. The Plan does not state what would trigger the review whether, for example, it would be the adoption of the Dorset Council Local Plan or a housing needs shortfall. Neither is there any indication of how the mechanism for an earlier release of the reserve land would be implemented as described in the policy, nor the timescale involved. Therefore, I am not convinced that in its present form Policy 13 would be achievable and I consider that the site should become a straightforward allocation such as at Athelhampton Road. I shall recommend the removal of its reserve status to ensure that the Plan will contribute to the achievement of sustainable development. **(PM10)**
- 4.27 Policy 10 also mentions that the DDB as shown on the Policies Map has been amended. Land has been omitted because it is within a high flood risk zone where new built development would be unlikely. National guidance is to steer new development to areas with the lowest risk of flooding. Development should not be allocated if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.<sup>39</sup> Therefore, I support this particular amendment. Similarly, there are minor amendments to reflect actual boundaries and the exclusion of two LGS. An amendment to include recently permitted residential development is reasonable.
- 4.28 However, an amendment which deletes a small rectangular area of land which was previously within the DDB at Coombe House, Whitehill appears illogical. As indicated in the Consultation Statement (page 13) and as I observed on my visit to the area, the land is part of a residential garden. It may be part of the setting of the Coombe, but it is of limited value in its own right. Just because the land was not the subject of consideration for development as part of the call for housing sites is not a sound reason to delete it from within the DDB. The factor could apply to other gardens on the edge of the built-up area of this part of the village. I have no comments about whether it has the potential to be a plot for housing, whether affordable or open market. Therefore, I shall recommend that the

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<sup>38</sup> Paragraph 4.3.12.

<sup>39</sup> NPPF: paragraph 158.



DDB in the Plan be extended here to reflect the WDWPLP. **(PM11)** Subject to the amendment to delete the reference to the identification of a reserve site, and the adjustment to the DDB, Policy 10 would have regard to national guidance,<sup>40</sup> generally conform with WDWPLP Policy SUS2 and meet the Basic Conditions.

- 4.29 Policy 11 describes the type and size of houses which should be provided within the Plan area. The policy requires that on major developments, there should be affordable housing for rent; starter, self-build and shared ownership affordable homes; and open market homes, including a mix of apartments, semi-detached and terraced properties. In addition, provision should include homes specifically designed for residents with more limited mobility. Given that the two housing allocations in the Plan are for about 18-22 dwellings on land at Athelhampton Road<sup>41</sup> and 8-10 dwellings at Northbrook Farm,<sup>42</sup> the requirements appear onerous and excessively prescriptive. Nevertheless, the third criterion in the policy states that the mix of house types may be varied if there is clear evidence that site specific constraints or viability would otherwise prohibit development. Therefore, I consider that the policy has sufficient flexibility to be deliverable.
- 4.30 Policy 11 proposed that at least 30% of housing in major developments should be affordable housing for rent. Whereas this a slight variation from the proportions proposed in the WDWPLP, the Joint Local Plan Review indicated that the percentage of affordable housing on market housing sites, thresholds above which it is sought, and tenure split within the affordable provision, are not part of the strategic approach. Therefore, on that basis, I consider that the proportions proposed in the Plan are acceptable.
- 4.31 However, in order to correct the inconsistency between the third bullet point and the second criterion, there should be a reference to 4 bedroomed homes in the latter. **(PM12)** The final criterion in Policy 11 requires affordable housing to remain affordable for local people and that it is allocated for people with a local connection. "Local connection" is defined in the Plan (page 37) as a person who was born or raised within the area of the PAPC, or a person who has lived or worked in the parishes for at least three years. The local connection criterion would then be extended to adjoining parishes should no-one qualify from the PAPC area. Policy 11 introduces the rest of Dorset as an additional test of a local connection should there be no qualifiers from the first two categories.
- 4.32 I agree with the Regulation 16 consultation response from DC which drew attention to the difficulties of implementing the policy using the phrase "born and raised" and support the suggestion that the local connection criteria be used as set out in the Dorset Housing Allocations Policy test

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<sup>40</sup> NPPF: 5 Delivering a sufficient supply of homes.

<sup>41</sup> See Policy 12.

<sup>42</sup> See paragraph 4.3.11.

which has been developed by DC to apply to social housing. The Dorset approach serves to illustrate the complexity of allocating housing to those who need it and the issues involved with those who could qualify and those who might reasonably expect to be defined as exceptions. The list of local connection criteria in Section 13 of the Dorset report is far more considered and comprehensive than in the Plan.

4.33 Therefore, I shall recommend amending the table on page 37 of the Plan by the inclusion of the definition of "local connection" with reference to the Dorset Housing Allocations Policy. I also note the difference between the cascade of priorities in Policy 11 and the table. The former has Puddletown as a first priority, the PAPC area as a second priority, adjoining parishes to Puddletown as a third priority and the remainder of Dorset as the final priority. The table only prioritises two areas, the PAPC and then the adjoining parishes. Given that the Plan considers the PAPC, I shall recommend retaining that area as the first priority, adjoining parishes as the second priority and the remainder of Dorset as the third priority.

**(PM13)**

4.34 Subject to those recommended modifications, Policy 11 would have regard to national guidance,<sup>43</sup> generally conform with Policy HOUS1 of the WDWPLP and meet the Basic Conditions.

4.35 Policy 12 allocates land for housing and community uses at Athelhampton Road. Requirement a) seeks at least 35% affordable homes which would generally conform with Policy HOUS1 of the WDWPLP without any further subdivision. A new requirement i) should be added in order to fully take into account the effect on all nearby heritage assets, including the Conservation Area. The impacts on Old Chapel, 1-3 Athelhampton Road and Islington Manor referred to in the policy would be subsumed in the more general amendment. In addition, as a consequence of PM7 to Policy 7, the reference to the Nitrogen Reduction in Poole Harbour SPD in requirement h) should be deleted. **(PM14)**

4.36 Policy 13 identifies the reserve allocation at Northbrook Farm. Consequent upon the recommended modification to Policy 10 (PM10), the references to the allocation being a reserve should be deleted. Requirement i) should be added in order to fully take into account the effect on all nearby heritage assets. In addition, as a consequence of PM7 to Policy 7, the reference to the Nitrogen Reduction in Poole Harbour SPD in requirement h) should be deleted. **(PM15)**

4.37 With these recommended modifications Policies 12 and 13 would each have regard to national guidance in the NPPF for the supply of homes, generally conform with the strategic policies for the environment and climate change in the WDWPLP and meet the Basic Conditions. Representations from DC sought the addition of further highway information to the two allocations, but I am satisfied that those details can

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<sup>43</sup> NPPF: 5. Delivering a sufficient supply of homes.

be secured, if necessary, through normal development management procedures.

- 4.38 Representations criticised the allocations at Athelhampton Road and Northbrook Farm and sought the inclusion of land at Rod Hill for housing and community facilities. So far as the Rod Hill omission site is concerned, I agree that there are many factors in favour of its allocation. However, subject to the recommended modifications being accepted, Policies 10, 12 and 13 of the Plan which deal with the scale and distribution of housing meet the Basic Conditions and therefore I have no reason to recommend any further modifications to those policies or the addition of any further housing allocations.

#### *Community Facilities and other infrastructure (Policy 14)*

- 4.39 Policy 14 supports proposals to improve the provision of community facilities and to avoid their loss. It has regard to national guidance,<sup>44</sup> generally conforms with Policies COM2 and COM3 of the WDWPLP and meets the Basic Conditions.

#### *Transport and Traffic (Policies 15 and 16)*

- 4.40 Policy 15 aims to create safer roads, cycle routes and pedestrian routes. The policy has regard to national guidance,<sup>45</sup> generally conforms with Policy COM7 of the WDWPLP and meets the Basic Conditions. I note the comment from DC that a planning condition is normally attached to large development permissions to manage construction traffic. However, retaining the final paragraph in the policy as part of the Development Plan would reinforce the need for the planning condition should it arise. Therefore, I shall not recommend a modification to delete it.
- 4.41 Policy 16 considers parking provision. Subject to the deletion of exceeding county car parking guidelines, the policy has regard to national guidance,<sup>46</sup> generally conforms with Policy COM9 of the WDWPLP and meets the Basic Conditions. **(PM16)**

#### *Overview*

- 4.42 Accordingly, on the evidence before me, with the recommended modifications, I consider that the policies within the PNP are in general conformity with the strategic policies of the WDWPLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.43 The Plan includes six projects which are separately described within the relevant section within the Plan and which are listed in Appendix 2. The

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<sup>44</sup> NPPF: paragraphs 91 & 92.

<sup>45</sup> NPPF: paragraph 104.

<sup>46</sup> NPPF: paragraph 106.

projects are, in effect, community actions outside the policies and they do not need to be examined. Therefore, I have not considered them. Nevertheless, together they demonstrate the positive involvement of the community in the neighbourhood planning process and the wider aspects of life in Puddletown.

## **5. Conclusions**

### *Summary*

- 5.1 The Puddletown Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the PNP, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The PNP as modified has no policy or proposal which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Concluding Comments*

- 5.4 The P APC is to be commended for its efforts in producing a clear and concise Plan which was well illustrated and presented. Within the comprehensive accompanying documentation, the Basic Conditions Statement was especially useful. I enjoyed reading the Plan and visiting the area. With those modifications, the PNP will make a positive contribution to the Development Plan for the area and should enable the character and appearance of Puddletown to be maintained whilst enabling sustainable development to proceed.

*Andrew Mead*

Examiner

## Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Policy 1	Delete the phrase: "... harm their green character or ...".
PM2	Policy 3	Delete bullet point 1. Insert: <b>"limiting infill, where possible, to the re-purposing and/or extensions of existing buildings within the defined development boundary. New build infill development should be avoided if it would result in the loss of large areas of garden/paddock or other undeveloped spaces which make a positive contribution to the local character."</b>
PM3	Table 3: Locally Important Buildings page 17	Amend the text in the box by inclusion of: "... and also make changes that are possible under permitted development rights, <b>subject to any restrictions arising within the Conservation Area or areas subject to current or future Article 4 Directions.</b> However, ....".
PM4	Table 3: Locally Important Buildings page 17	Amend "6 Mill Street" to <b>"16 Mill Street"</b> .
PM5	Table 5: Puddletown Planning Design Guidelines pp. 22/23.	Building styles and materials: What to avoid... Add: <b>"PVC-u used as an external material on buildings in historic areas, where feasible and practicable."</b>
PM6	Policy 6	Delete the second paragraph: "A certified Biodiversity Mitigation and Enhancement Plan, etc," including the four bullet points. The first and final paragraphs would remain.

PM7	Policy 7	Delete the final sentence and make corresponding modifications to paragraph 3.2.9 and 3.2.10 as set out in the SOCG. <sup>47</sup>
PM8	Policy 8	Delete existing policy and replace with: <b>“New development or intensification of existing uses should avoid flood risk from all sources and must incorporate a viable and deliverable drainage system to manage surface water runoff. The future maintenance, upgrade or replacement of flood infrastructure must not be adversely affected by development. The design of any measures included in the drainage plan should take into account the desirability of improving the ecological quality of the River Piddle.”</b>  Transfer the second paragraph of the existing policy, except for the final sentence, to a new 3.3.6. as justification prior to Policy 8.
PM9	Policy 9	Delete existing policy and replace with: <b>“Noise sensitive development will not be permitted within the area shown as “where road noise may be a concern” on Map 6 without a noise assessment confirming that noise is either below a significant observed adverse effect level or can be mitigated through design or layout.”</b>  Add to the justification the definition of “significant observed adverse level” from the Noise Policy Statement for England: March 2010.  Transfer the current text of the policy to a new 3.4.8 as justification prior to Policy 9.
PM10	Policy 10	Delete: “... (including the identification of a reserve site) ....”.  Amend third sentence of paragraph 4.1.7 to: <b>“Land has therefore been allocated for</b>

<sup>47</sup> See paragraph 4.4, page 5: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-council-planning-policy/neighbourhood-plans-in-dorset/pdfs/puddletown/examination/socg-final-29.10.2020-004-redacted.pdf>

		<b>up to 32 – 34 dwellings.”</b>
PM11	Policies Map	Amend the Defined Development Boundary (DDB) at Coombe House, Whitehill to reflect the adopted WDWPLP.
PM12	Policy 11	Amend the third bullet point to: “one, two, three <b>and four</b> bedroomed open market homes ...”.
PM13	Policy 11	Amend the table on page 37 by: The alteration of the definition of local connection to: <b>“local connection” is a person who satisfies the local connection criteria of the Dorset Housing Allocations Policy.</b> <b>The criteria shall be applied firstly to those with a connection to the parishes of the Puddletown Area Parish Council (PAPC). The local connection criteria may be extended to the adjoining parishes of Charminster, Cheselbourne, Dewlish, Piddlehinton, Stinsford, Tincleton, West Stafford, Wewst Knighton and Woodsford if there are no people with a local connection to the parishes of the PAPC, and then to the rest of the Dorset Council area.”</b> Delete the final criterion of the policy and replace with: <b>“Where affordable housing is provided, this should be made on the basis of meeting the needs of local people and should be subject to a suitably worded condition or legal agreement to ensure that the housing will remain affordable for local people.”</b>
PM14	Policy 12	Add to requirement f): “The scale, design and layout of the buildings should respect the character of the village as set out in Policies 3 to 5 <b>and the setting of the Conservation Area</b> , in particular taking into account ...”. Add new requirement i): <b>“A comprehensive heritage strategy is agreed with the Local Planning Authority, in accordance with Policy 4,</b>

		<p><b>that:</b></p> <ul style="list-style-type: none"> <li>- <b>assesses the significance of all heritage assets potentially affected by the development, including any contribution made by their setting;</b></li> <li>- <b>demonstrates how significance will be taken into account in the design process, i.e. how harm to heritage assets has been avoided or minimised; and</b></li> <li>- <b>identifies any opportunities to enhance or better reveal the significance of any heritage assets."</b></li> </ul> <p>Delete the second and third bullet points from requirement f).</p> <p>Delete the final phrase from requirement h) "... which can be achieved by adhering to the Nitrogen Reduction in Poole Harbour SPD."</p>
PM15	Policy 13	<p>Amend heading to:</p> <p><b>"Policy 13. Housing allocation: Northbrook Farm"</b></p> <p>Delete "... as a reserve site ...." from the first sentence.</p> <p>Delete the second sentence.</p> <p>Delete: "... also..." from the third sentence.</p> <p>Add new requirement i): <b>"A comprehensive heritage strategy is agreed with the Local Planning Authority, in accordance with Policy 4, that:</b></p> <ul style="list-style-type: none"> <li>- <b>assesses the significance of all heritage assets potentially affected by the development, including any contribution made by their setting;</b></li> <li>- <b>demonstrates how significance will be taken into account in the design process, i.e. how harm to heritage assets has been avoided or minimised; and</b></li> <li>- <b>identifies any opportunities to enhance or better reveal the significance of any heritage</b></li> </ul>



		<p><b>assets.”</b></p> <p>Delete the final phrase from requirement h) “... which can be achieved by adhering to the Nitrogen Reduction in Poole Harbour SPD.”</p>
PM16	Policy 16	Delete: “... or exceed ...” from the first sentence.