

BLANDFORD + NEIGHBOURHOOD PLAN

REGULATION 14 REPORT: APRIL 2016

Purpose

1. The purpose of this report is to summarise the outcome of the consultation period on the Pre Submission Blandford + Neighbourhood Plan (B+NP) held for the statutory 6 week period between February and March 2016. The report makes recommendations on how the B+NP should proceed in the light of representations made.

2. The report will be published by the Project Steering Group on behalf of the three Councils, with the Town Council acting as the lead authority, and qualifying body for the Blandford + Neighbourhood Plan. It will be appended to the Consultation Statement that will accompany the submitted B+NP in due course, in line with the Neighbourhood Planning (General) Regulations 2012 (as amended).

3. During the consultation period there were representations made by local people, by the statutory consultees, developers/landowners and by other local and interested organisations. The responses from the local community have been reviewed and analysed by the Steering Group and its summary of those responses is reported in paragraph 27-35 in this report.

4. The remainder of this report summarises those representations made by the statutory consultees, developers/landowners and other interested organisations in relation to the extent to which the proposed land use policies meet the basic conditions as required by the Regulations. Details of the full representations made are available on the neighbourhood plan website.

Consultation Analysis

5. The local planning authority North Dorset District Council, has provided Officer Comments. The Steering Group has been in regular dialogue with its officers and members during key stages of the preparation of the B+NP. NDDC continues to raise issues about the plans general conformity in relation specifically to Policy 1 and on some of the proposed policies and has made a number of suggestions on how the final document may be improved. These issues relate to:

- Policy 1- NDDC note the policy rationale but consider that as the allocation is not identified for development in the NDLP1 it is not in general conformity with Policy 16 of the NDLP1 and should be considered as part of the Local Plan Review.
- Policy 2 – concern that a retail allocation will undermine the Town Centre and on this basis the site should only be allocated for employment use
- Policy 3 – (iii) & (iv) the need for greater flexibility in respect of car parking standards and less restrictive in the location of the community hub
- Policy 5 – queries how development can take place without a loss of existing car parking spaces

- Policy 7 – given the title of the policy it should require new dwellings to be affordable (social rented, affordable rented or intermediate housing) and the need for greater flexibility in respect of car parking requirements
- Policy 8 – Morrisons should remain as primary frontage and integral to the future vitality of the Town Centre
- Policy 10 – allocation of Crown Meadows as an LGS is contrary to the NPPF. The policy would benefit from examples of exceptional circumstances that might allow development on Local Green Space to take place.
- Policy 15 – locational details of community facilities (such as road names) would be helpful
- SA/SEA – disagreements with some elements of the 'scoring' applied to some appraisals of policies. Respond to these points in the SA

6. Dorset County Council in their role as lead local flood authority, acknowledge the inclusion of item (xiv) in Policy 1 and suggest a similar generic reference to flood risk and sustainable drainage is included in other allocation policies.

7. The Environment Agency considers the policies accord with the NPPF in relation to those areas within their statutory responsibilities.

8. Historic England has suggested that greater reference is made to the setting of heritage assets as they relate to policies 1, 2, 3, 5, 6, 7. They provide references to their Good Practice Guidance Note 3 to correct this omission in the evidence base.

9. Highways England welcomes the Plan's focus on self-containment. Given the development proposed by Policy 1, they encourage consideration of the potential cumulative impact on the strategic road network of the Policy 1 allocation combined with the development at Blandford St Mary

10. Wessex Water advise they have raised concerns with Dorset CC about areas vulnerable to ground water flooding in Blandford and have requested DCC prepare a groundwater management plan. They advise that they are increasing sewerage infrastructure at the Brewery to provide additional local capacity. They confirm they will object to new development where no flood mitigation measures are considered.

11. Cranborne Chase AONB refer to previous correspondence (27/10/16) and that their previous objections have not been overcome. The issues they raise relate principally to Policy 1 and the quality of the supporting evidence which in their view conflicts with the adopted NDLP1, is insufficiently focused on NPPF paragraph 115 nor justifies how the tests set out in NPPF paragraph 116 have been satisfied. They also express concern about the urbanising effect of the highway arrangements. In relation to Policy 2, they confirm they will object to any proposal that increases the landscape impact over the scheme previously consented. They would welcome inclusion of a commitment to reducing light pollution on the AONB.

12. Blandford Allotment Society advise on a series of detailed conditions and features they would wish to see implemented should the replacement location for the allotments be adopted.

13. Bristol Maid Hospital Metalcraft suggest amendments to Policy 2 to provide for a greater range of employment and A class uses, and increase the retail floor area and number of car parking spaces. They wish to see item (iv) deleted or the requirement for a developer contribution for a footbridge removed.

14. Bryanston (RFE) Ltd object to Policy 10 (iv) and the proposal to allocate Crown Meadows as Local Greenspace in that it fails to meet the tests set out in National Planning policy.

15. Clemdell Ltd repeats its previous objections which they summarise as: failing to comply with basic conditions; the plan is not evidenced; it strikes "at the heart of the Town Centre"; and, the consultation was biased. They consider the plan will 'sterilise' the Town Centre area and policies to the north of the town will attract trade away from it. They also state that the housing allocations are not evidenced and the plan misrepresents Local Plan main modification 14, NDLP1 paragraph 8.14 and contradicts the spatial strategy for Blandford. They express concerns about the non-disclosure of evidence, which includes the failure to publish the Basic Conditions Statement with the Pre-Submission plan.

16. The Corn Exchange Project Board wish to see the word 'Future' added to the 2nd paragraph of Policy 8 to overcome any extant permissions that may still be implemented.

17. Davis & Coates Families - support Policy 1 and the requirement for a comprehensive outline application. They reference several paragraphs in NDLP1 which support the principle of growth to the north and east of Blandford Forum.

18. Gladmans Developments question the lack of support for the strategic policies of the Local Plan and whether this is consistent with national planning policy and whether an additional 400 homes to the north and east of Blandford Forum represents the most suitable spatial approach. They propose modifications to the title of Policies 11 -13 to make it more apparent that the design principles apply both in and outside the conservation area. They also offer an extension of the Trailway (Policy 9) to the north of Ward's Drove and notify the Steering Group of their land interest in this location.

19. Morrisons raise concerns that the plan fails to follow national planning guidance, ignores the NDLP1 and the Joint Retail Study (2008). Regarding Policy 2, they state that the extant retail permission at Shaftesbury Lane (ASDA) will soon expire and they are concerned that a further retail allocation could result in a significant impact on the town centre. They accept the potential need for convenience retailing in the north but at a smaller scale (500m²). Regarding Policy 8 they are concerned that the proposal to include Morrisons within the secondary retail frontage will undermine its 'anchor store' status and that the extension of the principal frontage in Salisbury Street does not reflect what exists on the ground.

20. Persimmon Homes commend the Plan and the positive approach to the release of land including Policy 1. They request it would be helpful if the Policies Maps showed both Local Plan and neighbourhood plan policies. They confirm a mitigation package at Dorchester Hill has been agreed with Natural England.

21. Pimperne Parish Council object to the Plans divergent spatial strategy which they state is in conflict with the adopted NDLP1. They also object to the definition of the B+ designated neighbourhood area and request corrections in the maps in the Draft Framework Masterplan and Access Appraisal, and in the Plan text which quotes land areas outside the neighbourhood plan boundary. They are concerned that the delivery of development should not be reliant on the use of land within their Parish. They state that the East Dorset SHMA housing figures remain untested and that the SEA is relatively superficial for example ruling out the possibility of employment land SW of Blandford St Mary.

22. Dorset Police state there is no mention of Section 17 of the Crime and Disorder Act which places a legal obligation on local authorities in every function including planning.

23. The Blandford School support the provision of additional primary school places and that none of the existing primary schools are suitable for sufficient expansion to meet need. The location of any new school will require due consideration of safe access routes. They also support a new GP surgery given current pressures. In respect of Policy 10, they confirm the land adjacent to the Leisure Centre forms part of the schools' playing field and should not be included as Local Green Space.

24. The Fording Point Arts Centre advise their intention to occupy land in Bere's Yard near the Market Place.

25. South Somerset District Council have no comments.

26. Whitecliff Practice recommend that a piece of land is earmarked for a medical facility even though there is no certainty at present that it could be delivered. Their preferred location would be at their existing site. It is unlikely and not cost effective for a third surgery to be established in the town but there may be potential for building a larger medical facility in the future and Dorset CCG is looking at a site strategy as part of Phase 2 of the Clinical Services Review.

Summary of Community Comments

27. The principle of Policy 1, Land North and East of Blandford Forum was supported by the majority of respondents as well as reiterating the lack of infrastructure in the northern part of the town. There was some objection to the current framework masterplan for the site requiring the moving of some allotments. Some concerns were also raised about connecting the site with Blandford Forum, continuing development to the north of the town, and further suggestions for a mix of uses on this site. Specific suggestions were raised about access, traffic, and affordable housing.

28. The majority of respondents supported the need for a supermarket at the site in Policy 2, Land at Shaftesbury Lane, Blandford Forum.
29. The majority of the community were concerned about the services that would be lost from the Policy 3, Land at Salisbury Road, Blandford Forum site and supported the retention of such services in the form of a community hub.
30. One objection was received in relation to the loss of the Play Area at Policy 4, Land at Hunt Road, Blandford Forum.
31. No adverse comments were received in relation to Policy 5, East Street/Langton Road, Blandford Forum and Policy 6, West Street, Blandford Forum.
32. The majority of responses raised serious concerns regarding Policy 7, Housing to meet Local Needs, Bryanston and objected to retention of the policy in the Plan.
33. Concerns regarding traffic management were raised for Policy 8, Blandford Forum Town Centre and the lack of parking in the town centre was a common concern.
34. No adverse comments were raised in relation to Policy 9, Green Infrastructure Network; Policy 10, Local Green Spaces; Policies 11-13 Design Principles in Blandford Forum, Blandford St Mary and Bryanston; Policy 14, Local Tourism, and Policy 15, Community Facilities.
35. The majority of the comments supported the Plan as a whole, wanted to see high quality development in the area with associated infrastructure to accompany it and considered that it had been positively prepared for the area to benefit both residents and visitors.

Modifying the Submission Plan

36. The comments made by NDDC and the CCAONB challenge the 'general conformity' of the B+NP and its spatial strategy in respect to Policy 16 of the adopted North Dorset Local Plan, and hence the ability to meet the 'basic conditions' required to 'make' a neighbourhood plan.
37. While NDDC note the policy rationale underpinning the Plan, in suggesting Policy 1 fails to meet the basic conditions they do not expand on the reasons why this should be the case nor provide clarity to their reasoning. NDDC do not (as we have been advised would be the case) go as far as to recommend to the Councils that they cease their plan making. But in addressing their comments, and those of the CC AONB, it is crucial to respond to the indication of lack of conformity as being the divergent spatial strategy seemingly reflected by Policy 1 and that lack of the Policy 1 allocation in the NDLP1 and in the CCAONB's case, the absence of a statement setting out the reasons why development in the AONB, which by definition is harmful, would overcome national planning policy.

38. NDDC also refer to Policy 1 being "supplementary" to the NDLP1. The supporting text actually uses the word "complement" i.e. *to combine in such a way as to enhance or emphasize the qualities of each other or another*". This reflects the Steering Groups agreed position as set out in the introduction to the neighbourhood plan. There may be a need to provide even greater clarity to this position and the most appropriate basis for this will be in the Basic Condition Statement.

39. Maintaining this challenge to general conformity, despite the production of a considerable amount of additional technical evidence since draft plan stage indicates this challenge is fundamental rather than about technical detail. So it's doubtful whether there is a need to provide any greater clarity in the Plan's introductory chapters to reinforce the neighbourhood plans complementary nature and the justification for Policy 1 as an enabling policy intended to deliver much needed social and economic infrastructure. In moving forward however, it is recommended there should be further reflection on the comments by NDDC at the Local Plan examination and a need to demonstrate the favourable nature by which the examiner recommended modifications to the Local Plan text for Policy 16 and Chapter 3 in their entirety in response to B+ and other supportive submissions.

40. Pimperne Parish Council point out anomalies in Policy 1 land areas and boundaries which will need to be resolved by the addition of an updated policy clause to Policy 1. Such a clause should make it explicit that the requirement for the social infrastructure land to be released following planning consent for a Phase 1 scheme covering all the land in the B+ area and prior to the commencement of that scheme, and that there should be no dependency of the land release of the Phase 1 scheme on the Phase 2 scheme which lies within Pimperne Parish.

41. Cranborne Chase AONB also point out, there remains a gap in the technical evidence in respect of the NPPF Paragraph 116 tests to justify Policy 1. A rebuttal of a number of apparent misunderstood references to text in the adopted Local Plan is necessary (e.g. paragraph 8.12 and what was in the examiners mind when he redrafted it) and also their misunderstanding that the 'Duty to Cooperate' applies to neighbourhood plans.

42. So there is a need to make some further minor modifications in the Submission Plan and to supplement the Policy 1 technical evidence base to provide additional justification for the soundness of the policy and increase confidence in it. Addressing these matters will help to strengthen the Plan's underpinning strategy and spatial dimension.

43. A failure to address the above points and particularly to assess Policy 1 in relation to the exceptional circumstances required to meet the high bar set by the NPPF Paragraph 116 test, risks Policy 1 being deleted at examination. We recommend the landowners are requested to undertake this test within a standalone report and in conjunction with other modifications to their technical studies as indicated by the various stakeholders and summarised above. In addition the supporting text should be updated to reflect the updated information regarding the need for the primary school, the Waste Management Centre and the specialist employment land.

44. The principle justification for the plans 'complementary' strategy will be brought together in the 'Basic Conditions Statement' to be submitted to North Dorset District Council with the Submission Plan alongside the Sustainability Appraisal Report and Consultation Statement. The latter will need to make clear the overwhelming public support for the Plan policies prior to Examination.

45. NDDC, Morrisons, Clemdell object to Policy 2, that retail in this location would undermine the Town Centre and is not justified despite the principle of retail having been previously excepted by NDDC. NDDC, Morrisons and Clemdell's objections are fundamental whereas Bristol Maid Hospital Metalcraft are requesting modification to provide greater policy flexibility. Cranborne Chase AONB reserve their objection for retail use on this site in the AONB on the basis that the landscape impacts of the new store are designed to be less than the store approved previously and successfully achieved in the past.

46. During the pre submission consultation period, notification was received from Lidl that they intended to commence consultation on a new neighbourhood foodstore on the Policy 2 site. The proposal is smaller in floorspace than the previous Asda proposals with a net sales area of 1689m² (2747 m² gross floor area) and 174 free car parking spaces including 29 disabled and parent and child spaces and landscape measures to respond to the site's landscape context.

47. The Lidl Retail and Planning statement submitted with the planning application advises that the food store will employ 40 people and offer a limited range of products which it states will require 'top up' shopping at surrounding retailers. Paragraph 2.4 of the statement states that given the smaller floorspace proposed its trading impact will be less than that previously found to be acceptable by NDDC. In response to the comments received and as result of this new development, it is recommended that there is no change to the principle for retail use but that the allocation area and land use mix is amended to accommodate the Lidl application; additional flexibility built into the policy to include C1 Hotel use, deletion of the requirement to contribute toward a pedestrian footbridge (which already exists) in response to the Bristol Hospital Metalcraft submission; and that the policy should contain a clause requiring sufficient space for the creation of an acceptable landscape buffer and inclusion of a dark skies clause as suggested by the CCAONB. A flood risk and sustainable drainage clause should also be added in response to comments by Wessex Water and Dorset County Council.

48. In addition to the above Clemdell Ltd state that the failure to disclose information relevant to Policy 2 renders the plan unsound and hence fails to meet the basic conditions. Several FOI requests have been made by Clemdel Ltd but its not considered that any procedural errors have been made and all statutory representations are available on the B+ website. No further action is felt to be necessary.

49. In respect of Policy 3, NDDC have requested the policy be less restrictive and there may be a better opportunity for a community hub in another part of Blandford Forum. This point has been discussed by the group previously and if this outcome is still desired and no alternative options have come to light then the policy and supporting text

should remain as drafted but with the omission of the car parking standards. The explanatory text to Policy 4 should be updated to reflect the more recent discussions on the provision of the childcare facility.

50. NDDC are concerned at the potential for a loss of parking and the potential to increase flooding at East Street/Langton Road (Policy 5). But it is felt that both issues can be adequately addressed at detailed planning stage by a competent urban designer and as part of a high quality and thoughtful design proposal. No further action is felt to be necessary in response. Discussions on a suitable location for the Trailway Visitor Centre continue and it is recommended that the supporting text is amended to reflect this.

51. NDDC comment on the absence of an affordable housing clause within Policy 7. In addition a number of representations were also made regarding the unacceptability of this policy by residents of Bryanston. Given the strength of feeling expressed and the democratic element of neighbourhood planning and the impact of retention of the policy may have at referendum it is recommended that the policy be deleted.

52. NDDC, Clemdell Ltd and Morrisons all maintained their earlier objection to the inclusion of Morrisons within the secondary retail frontage. It is recommended that the retail frontage reverts back to principle frontage to reflect the communities view of the importance of the store and notwithstanding the long void period previously experienced when the principle frontage status was considered to restrict opportunities on this key site. It is recommended that the policy is also amended to reflect that parking spaces should not be lost providing the loss does not outweigh the community benefit such as the proposals forming part of the Corn Exchange Regeneration Project.

53. NDDC, Bryanston (RFE) Ltd and Clemdell Ltd objected to the designation of Policy 10.4 Crown Meadows as Local Green Space. Bryanston (RFE) Ltd state the allocation fails on all criteria, but appear to have misinterpreted § 77 second bullet of the NPPF which ends with an **or** rather than an **and** (our highlighting). To be designated, an LGS does not have to meet all 77 (ii) criteria to justify the allocation. Bryanston (RFE) Ltd contend Crown Meadows is not local in character and is not demonstrably special to the local community. Putting aside its important heritage context (see NDDC Crown Meadows Heritage Assessment), the 6000 people that signed the 'Save our Crown Meadows' petition may take a different view. Should the group wish to retain 10.4 as a potential LGS designation then it is recommended that further work is done to justify its inclusion based on the comments received, not least in researching examples of LGS designations that have satisfactorily passed examination.

54. Regarding policies 11-13 it is recommended that the title of the policies are amended to reflect their role in development management decisions irrespective of whether an application being considered lies within or without a conservation area.

55. Finally, with regard to Section 17 of the Crime and Disorder Act. While the comment from Dorset Police is acknowledged, these requirements are covered by NDLP1 Policy 24 – Design, and to include in the neighbourhood plan would duplicate this existing development plan policy requirement.

Recomendations

56. It is recommended that:

- The policies and supporting text are amended as described above, and subject to the comments made in respect of policies outlined
- Savills are advised of the need to update their technical evidence
- The B+NP is finalised for submission for examination, subject to the completion of a Basic Conditions Statement, the production of the Final SA/SEA Report and the Consultation Statement