

## **SHILLINGSTONE NEIGHBOURHOOD PLAN**

North Dorset District Council is satisfied that the Shillingstone Neighbourhood Plan as modified meets the basic conditions, is compatible with the Convention rights and complies with the definition of a neighbourhood development plan.

A referendum will therefore be held on 9 February 2017.

### Background

The Shillingstone Neighbourhood Area was designated in September 2013 in accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012 (the 'Regulations'). The relevant body is confirmed as the Parish Council and the designated neighbourhood area covers the same area as the area of the Shillingstone Parish Council.

In March 2016, Shillingstone Parish Council submitted its draft neighbourhood plan and supporting material to North Dorset District Council. The District Council was satisfied that the documents submitted met the requirements of Regulation 15 of the 'Regulations'. The Parish Council was notified of the District Council's conclusion and informed that the plan could proceed to examination.

The submitted documents were made available for consultation from 20 May to 1 July 2016, and independent examiner Brian Dodd was appointed to examine the Plan. The examiner's report was received on 3 October 2016.

In summary, the examiner's report concluded that the Shillingstone Neighbourhood Plan would meet the basic conditions and other legal requirements, subject to the modifications as set out in Appendix A of this decision statement.

North Dorset District Council considered each of the recommendations and modifications contained in the examiner's report, at its Cabinet meeting on 12 December 2016. In considering the conclusions of the independent examiner, the District Council agreed that the legal requirements and basic conditions had been met. In addition the District Council has made a further modification that it considers is needed for the plan to meet the basic conditions, which was also approved at the Cabinet meeting.

The council is therefore satisfied that the plan as amended...

- (i) meets the basic conditions (as set out in Schedule 4B to the Town & Country planning Act 1990); and
- (ii) is compatible with the Convention rights (within the meaning of the Human Rights act 1998); and
- (iii) complies with the provision concerning Neighbourhood Development Plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004, and

...can now proceed to a referendum.

## The area covered by the Shillingstone Neighbourhood Plan

The neighbourhood plan area covers the area of Shillingstone Parish Council only.

## Details of the Neighbourhood Plan Referendum

The independent examiner considered that it was appropriate for the referendum to be held over the neighbourhood area.

The referendum will therefore be held over the neighbourhood area, being the same area as the area of Shillingstone Parish Council. In accordance with The Neighbourhood Planning (Referendums) Regulations 2012, as amended, the referendum for the Shillingstone Neighbourhood Plan will be held on 9 February 2017 and information about it will be published on the district council's website and made available for inspection no fewer than 28 days before the referendum.

## Where to find more information...

Copies of this decision statement, the Examiner's Report and the Shillingstone Neighbourhood Plan (as proposed) can be viewed online via [Local planning policy North Dorset - dorsetforyou.com](http://www.localplanningpolicy.com) and at the District Council Offices, Nordon, Salisbury Road, Blandford Forum DT11 7LL (8.45am to 5.00pm Monday to Thursday and 8.45am to 4.00pm on Friday).

*A copy of this statement is automatically sent to the parish council who submitted the plan and anyone who has asked to be notified of this decision.*

**SHILLINGSTONE NEIGHBOURHOOD PLAN 2016 TO 2031: MODIFICATIONS**

The modifications are set out in two tables. The first table sets out the formal recommendations taken from the Examiner’s report, the District Council’s consideration and decision in response to each recommendation and the corresponding modification to the draft Shillingstone Neighbourhood Plan 2016 to 2031 (SNP). The second table sets out a modification which the District Council considers needs to be made for the neighbourhood plan to meet the basic conditions

Text shown underlined is proposed to be inserted within the plan as submitted and text shown as ~~strike through~~ is proposed for deletion from the plan as submitted.

**Abbreviations**

IOWA – Important Open or Wooded Area                      LGS – Local Green Space                      NDDC – North Dorset District Council                      NDDWLP – North Dorset District –Wide Local Plan  
 NPPF – National Planning Policy Framework                      SNP – Shillingstone Neighbourhood Plan                      SPC – Shillingstone Parish Council

**1. Formal Recommendations from Examiner’s Report**

NDDC reference	Examiner’s formal recommendations	Background to recommendation	NDDC’s consideration of recommendation and decision	Modification to the Shillingstone Neighbourhood Plan 2016 to 2031
SNP 1	The final sentence of the fifth paragraph on page 6 of the SNP should be deleted and replaced with the words ‘Once this neighbourhood plan is made, those areas within Shillingstone which are presently identified by the saved policies of the NDDWLP as IOWA but which are not included within the local green spaces will no longer be specially protected’.	<p>IOWA designations are a saved local plan policy which are to be reviewed either through the review of the local plan or through the preparation of neighbourhood plans. SPC has done this and at the same time has identified a number of areas to be designated as LGS, a national designation introduced by the NPPF. Whilst some of the areas identified as IOWA in Shillingstone have been given the designation of LGS, others have not.</p> <p>The reason for the proposed modification is that the Examiner considers the current text within the neighbourhood plan to be inaccurate. Officers believe that this is because the wording implies that on the plan’s ‘making’, the local plan IOWA policy will be withdrawn within the parish of Shillingstone once the neighbourhood plan is made. This, however, will not be the case as whilst IOWAs can be <u>reviewed</u> through neighbourhood plans, being a local plan policy they can only be <u>deleted</u> following the review of all IOWAs, on the adoption of the reviewed local plan. Instead, as set out by the Examiner’s revised wording, those areas that were identified as IOWAs in Shillingstone but which are not identified as LGS will no longer be specially protected.</p> <p>It should be noted that in para 4.1.3 of his report, the Examiner considers that the District Council, in its own representation on the draft plan, does not appear to appreciate that once reviewed any IOWA not included as LGS will no longer be specially protected. In this respect, the Examiner appears to have misinterpreted the District Council’s comment which sets</p>	<p>There appears to have been some confusion on the part of the Examiner in respect of NDDC’s representation on the status of IOWAs following review through the making of a neighbourhood plan. He has also confused matters himself by using the term ‘delete’ in para 4.1.4 of his report in relation to the neighbourhood plan and IOWAs. However, the Examiner’s recommended rewording of the supporting text to Policy 1 of the neighbourhood plan is considered to set out the situation clearly and correctly.</p> <p>Decision: <b>ACCEPTED</b></p>	<p><u>SNP Page 6, para 5</u></p> <p><del>It is expected that the District Council will withdraw the ‘saved’ Important Open and Wooded Area policy protection from all areas in the parish, once this neighbourhood plan is made.</del></p> <p><u>Once this neighbourhood plan is made, those areas within Shillingstone which are presently identified by the saved policies of the NDDWLP as IOWA but which are not included within the local green spaces will no longer be specially protected.</u></p>

NDDC reference	Examiner's formal recommendations	Background to recommendation	NDDC's consideration of recommendation and decision	Modification to the Shillingstone Neighbourhood Plan 2016 to 2031
		<p>out that the IOWA policy will remain saved until it can be deleted/replaced through the local plan review but which goes on to say that the policies of neighbourhood plans will be taken into account in the IOWA review. Reference in the District Council's comments to those Shillingstone IOWAs not included as LGS no longer being specially protected was not considered necessary as, once made, the policies of the neighbourhood plan will take precedence over the local plan as the most up to date plan.</p> <p>It should also be noted that the Examiner in paragraph 4.1.4 has referred to the SNP proposing to 'delete' those IOWAs not incorporated into LGS. The Examiner's use of the term 'delete' is somewhat unfortunate bearing in mind that he himself has correctly set out that those IOWAs will in fact be no longer specially protected. Having said that, it could be argued that as he says the SNP is <u>proposing</u> to delete them, he is not necessarily suggesting that this can be done by the SNP.</p>		
SNP 2	Delete the word 'all' from the final sentence on page 2.	The modification is recommended by the Examiner in response to an objection suggesting that SPC's approach to reviewing IOWAs and designating LGS was confused and that they failed to afford relevant weight to the views of the community. Whilst not agreeing with the bases for the objection, the Examiner recognises that there does appear to be variation during the plan-making process in respect of the levels of support and opposition for the retention or deletion of IOWAs and for the inclusion or exclusion of suggested LGS, and that it is possible to point out inconsistencies between the Parish Council minutes and the SNP consultation responses. The Examiner, therefore, recommends the deletion of 'all' to ensure that the degree of support/opposition for the inclusion/exclusion of the various LGS and IOWA sites is not overstated.	<p>The proposed modification reflects the Examiner's findings that there has been a variation in support and opposition in respect of IOWAs and LGS. As the Examiner refers to in his report, a consensus generally means a majority view or a collective opinion and need not represent the views of literally every individual in the village.</p> <p>Decision: <b>ACCEPTED</b></p>	<p><u>SNP Page 2, final sentence</u></p> <p>So when it talks about 'we' or 'our' we mean the people of Shillingstone. This document reflects the consensus of all local residents.</p>
SNP 3	Policy 1 should be amended to read: 'Local green spaces, as listed on page 6 and shown on the Policies Map, will be protected from development except in very special circumstances'	The NPPF sets out that by designating land as LGS local communities will be able to rule out new development other than in very special circumstances, and that local policy for managing development within an LGS should be consistent with policy for Green Belts. The Examiner recommends the amendment to the policy in order to reflect the wording of the NPPF more accurately. One objection argues that such a change in wording would be so significant as to give the policy an entirely different purpose, and that the NP would be open to legal challenge as a result.	<p>As the Examiner sets out in his report, the proposed re-wording has only technical significance and does not change the essential intent of the policy.</p> <p>Decision: <b>ACCEPTED</b></p>	<p><u>SNP Page 8</u></p> <p><b>Policy 1. Local green spaces</b></p> <p>Local green spaces, as <u>listed on page 6 and</u> shown on the Policies Map, <del>are to</del> <u>will</u> be protected from development <del>that would detract from their undeveloped character</del> except in very special circumstances.</p>
SNP 4	The boundary of LGS-HRC should be re-drawn to exclude the buildings and hardstanding of the Church Centre.	Whilst the PPG says that LGS might include sports pavilions or structures such as war memorials, the Examiner sees no logical reason to include the Church Centre and associated parking areas as these stand well away from the church and do not appear functionally or visually an essential part of the LGS in the way that a pavilion or war memorial might be.	<p>Decision: <b>ACCEPTED</b></p> <p>The Parish Council and District Council officers will liaise to confirm the proposed revised boundary of LGS-HRC.</p>	<p><u>SNP Page 7, Map 3</u></p> <p>Revision to the boundary of LGS-HRC to exclude the buildings and hardstanding of the Church Centre.</p>

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SNP 5	The third sentence should be amended as follows: 'The general design should be in harmony with adjoining buildings and the relevant character zone as a whole, and where appropriate and feasible, remedy any negative features'. In the fifth sentence, 'character area' should be changed to 'character zone'.	The proposed changes are recommended by the Examiner to improve the clarity of the policy and, in respect of the replacement of 'area' by 'zone', consistency with the terminology used elsewhere in the neighbourhood plan. (See also SNP 9.)	As the Examiner sets out in his report, his recommendation will improve the clarity of the policy and will ensure consistency in terms of the terminology used in the neighbourhood plan.  Decision: <b>ACCEPTED</b>	<u>SNP Page 14</u>  <b>Policy 3. The character and design of new development</b>  All development proposals should contribute positively to Shillingstone's local identity and distinctive character, or (if outside the settlement boundary) be appropriate to a more rural setting and in accordance with the AONB's Management Plan. Development should relate positively to public routes and local green spaces. The general design should be in harmony with adjoining buildings and the <u>relevant character area zone</u> as a whole, and where appropriate <u>and feasible</u> , remedy any negative features. The scale, mass and positioning of any new buildings should reflect the purpose for which they are proposed, and not overwhelm noted landmark buildings nearby. Design cues should be taken from locally distinctive features noted in the character <u>area zone</u> or historic core. Materials where practical should be sourced locally, and there should be sufficient richness of detail in their design and materials. Developments will be expected to incorporate existing mature trees and hedgerows and other landscape and wildlife features into the layout, and provide landscaping and sufficient spacing, appropriate to the rural character of the area.																																
SNP 6	Delete the word 'possible' from the heading at the top of page 20, and from each entry in the column headed 'estimated potential' in the table which follows.	One objection to the neighbourhood plan considered that the use of the phrase 'possible development sites' implies a lack of certainty which conflicts with the basic conditions that the plan is tested against. The Examiner, however, considers that it is obvious from the wording of the individual policies governing each of the proposed housing sites that they are housing allocations in the normal sense of the word. He therefore recommends the proposed changes in the interests of clarity and certainty.	Modification required in the interests of clarity and certainty.  Decision: <b>ACCEPTED</b>	<u>SNP Page 20</u>  Heading: <del>Possible</del> <b>Development sites</b>  Table: <table border="1" data-bbox="1855 1197 2849 1564"> <thead> <tr> <th>Ref</th> <th>Description</th> <th>Estimated potential</th> <th>Size</th> </tr> </thead> <tbody> <tr> <td>AH</td> <td>Antell's Haulage Yard</td> <td><del>Possible</del> Site for housing or live-work units (estimated up to 6 dwellings in total)</td> <td>0.2ha</td> </tr> <tr> <td>CAN</td> <td>Land off Candy's Lane</td> <td><del>Possible</del> Site for 1 dwelling</td> <td>0.1ha</td> </tr> <tr> <td>COB</td> <td>Land adjoining the Cobbles</td> <td><del>Possible</del> Site for up to 3 dwellings</td> <td>0.1ha</td> </tr> <tr> <td>HTL-N</td> <td>Hine Town Lane North of the Old Ox</td> <td><del>Possible</del> Site for up to 12 new dwellings, including some affordable housing for local people</td> <td>0.7ha</td> </tr> <tr> <td>OX</td> <td>Land at the Old Ox</td> <td><del>Possible</del> Site for holiday accommodation (bed and breakfast units) plus up to 3 new dwellings</td> <td>0.5ha</td> </tr> <tr> <td>HTL-S</td> <td>Hine Town Lane South of the Old Ox</td> <td><del>Possible</del> Site for up to 3 new dwellings</td> <td>0.2ha</td> </tr> <tr> <td>WPF-B</td> <td>Whitepit Farm buildings</td> <td><del>Possible</del> Site for up to 16 new dwellings, including some affordable housing for local people</td> <td>0.6ha</td> </tr> </tbody> </table>	Ref	Description	Estimated potential	Size	AH	Antell's Haulage Yard	<del>Possible</del> Site for housing or live-work units (estimated up to 6 dwellings in total)	0.2ha	CAN	Land off Candy's Lane	<del>Possible</del> Site for 1 dwelling	0.1ha	COB	Land adjoining the Cobbles	<del>Possible</del> Site for up to 3 dwellings	0.1ha	HTL-N	Hine Town Lane North of the Old Ox	<del>Possible</del> Site for up to 12 new dwellings, including some affordable housing for local people	0.7ha	OX	Land at the Old Ox	<del>Possible</del> Site for holiday accommodation (bed and breakfast units) plus up to 3 new dwellings	0.5ha	HTL-S	Hine Town Lane South of the Old Ox	<del>Possible</del> Site for up to 3 new dwellings	0.2ha	WPF-B	Whitepit Farm buildings	<del>Possible</del> Site for up to 16 new dwellings, including some affordable housing for local people	0.6ha
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SNP 7	Delete the word 'possible' from the first line of Policy 5.	See SNP 6	Modification required in the interests of clarity and certainty.  Decision: <b>ACCEPTED</b>	<u>SNP Page 18</u>  <b>Policy 5. Development within the settlement boundary</b>  In addition to sites specifically identified for <del>possible</del> development, the area within the settlement boundary (as shown on the Policies Map), will be the main area of search for development to meet the need for new homes, businesses or community uses.																																

NDDC reference	Examiner's formal recommendations	Background to recommendation	NDDC's consideration of recommendation and decision	Modification to the Shillingstone Neighbourhood Plan 2016 to 2031
SNP 8	Delete the words 'and all of which ..... boundary'.	The Examiner considers that the phrase describing the location of the listed buildings is inaccurate, imprecise and confusing. As it does not add any value to the understanding of the plan he therefore recommends it be deleted.	Modification required in the interests of accuracy and clarity.  Decision: <b>ACCEPTED</b>	<u>SNP Page 4</u>  <b>Historic features</b>  There are 22 Listed buildings or structures, all of which are Grade II with the exception of the Church Of The Holy Rood ( which is Grade I), <del>and all of which are within the village and Conservation Area boundary.</del> Most are buildings (houses or cottages), but the village cross and K6 telephone kiosk are also Listed. There are also four scheduled monuments:
SNP 9	Replace 'character area' with 'character zone'.	Consistency in the use of terms is needed. (See also SNP 5)	Modification required for reasons of consistency.  Decision: <b>ACCEPTED</b>	<i>Throughout, but especially the title of and key to Map 5, and the wording of Policy 3</i>  <b>Title of Map 5: Map 5: Listed and Landmark buildings, Conservation Area and Character Areas <u>Zones</u></b>  <i>Key to Map 5: 'Character area' to be replaced with 'Character zone'.</i>  The recommendation as it affects Policy 3 is dealt with under a separate modification. There are no other instances within the SNP requiring the word replacement.
SNP 10	The map should be made clearer and more precise, or deleted.	Map 2 is considered by the Examiner to be confusing and unhelpful.	Decision: <b>ACCEPTED</b>  The Parish Council is to improve the clarity of Map 2 to ensure precision. If this is not possible, Map 2 is to be deleted.	<u>SNP Page 4, Map 2</u>  Improve clarity and precision of Map 2 or delete.
SNP 11	Replace the words 'Potential site' with the words 'Site for housing'.	The words 'Potential site' is considered by the Examiner to be imprecise and unhelpful.	Modification required for reasons of consistency.  Decision: <b>ACCEPTED</b>	<u>SNP Page 28, Policies Map</u>  <i>Key to Policies Map: 'Potential site' to be replaced by 'Site for housing'.</i>

2. **Additional modification made by NDDC to secure that the neighbourhood plan meets the basic conditions**

NDDC reference	Background to modification	Modification to the Shillingstone Neighbourhood Plan 2016 to 2031
SNP A	<p>In para 4.6.10 of his report the Examiner suggests further discussions take place between SPC and the landowner of site WPF-B regarding the firm upper dwelling limit proposed for the site under Policy 13. He does not consider this critical in terms of meeting the basic conditions but desirable. If agreement can be reached he states to modify the policy.</p> <p>The suggested discussions have taken place and agreement reached between SPC and the landowner on revised policy wording which addresses the Examiner's concerns.</p>	<p><u>SNP Page 27</u></p> <p><b>Policy 13. Whitepit Farm buildings (WPF-B)</b></p> <p>Land at Whitepit Farm buildings (as shown on the Policies Map), is proposed for housing and may include some small-scale employment or live-work units to deliver up to 46 <u>about 16 – 19</u> new homes <u>within the curtilage of the existing buildings</u>, including some affordable housing to meet local needs.</p> <p>The development should primarily be through the sympathetic conversion and re-use of the older farm buildings, and the removal of the more utilitarian modern farm buildings. Additional new buildings may be incorporated provided this will benefit the site layout and mix of uses.</p> <p>The design of any new buildings, extensions and alterations should be in keeping with the character of the older farm buildings, particularly in terms of scale, external openings, materials and detailing.</p> <p>Sufficient parking provision (including visitor parking) should be provided on-site, and incorporate hard and soft landscaping to ensure it does not dominate the character of the internal courtyards.</p> <p>The rural character of Whitepit Lane should be retained. The provision of improved pedestrian access to the school and the rest of the village will need to be secured.</p>