

Shillingstone Neighbourhood Plan 2016 – 2031

**A report to North Dorset District Council
on the Examination of
the Shillingstone Neighbourhood Plan**

**by Brian Dodd BA MPhil MRTPI
Independent Examiner**

3 October 2016



CONTENTS

1. Introduction
 2. Location and characteristics
 3. The basis for this examination
 - 3.1 The basic conditions
 - 3.2 Other statutory requirements
 - 3.3 National policy
 - 3.4 Existing development plan and proposed new local plan
 4. Policies
 - 4.1 Policy 1 Local green spaces
 - 4.2 Policy 3 The character and design of new development
 - 4.3 Policy 4 Important community facilities
 - 4.4 Policy 5 Development within the settlement boundary
 - 4.5 Policy 6 Housing types and sizes
 - 4.6 Policies 7 to 13 Proposed housing sites
 5. Other matters
 6. Conclusions on the basic conditions
 7. Formal recommendations
- Appendix Summary table of recommendations

Abbreviations

IOWA	Important Open or Wooded Areas
LGS	Local Green Space
LPA	Local Planning Authority (NDDC)
NDDC	North Dorset District Council
NDDWLP	North Dorset District-Wide Local Plan, adopted 2003 (saved policies)
NDLP	North Dorset Local Plan Part 1 (adopted 2016)
NDP	Neighbourhood Development Plan
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SNP	Shillingstone Neighbourhood Plan
SPC	Shillingstone Parish Council
The District Council	North Dorset District Council
The Framework	NPPF
The Parish Council	Shillingstone Parish Council

1. Introduction

- 1.1 I have been appointed by North Dorset District Council (NDDC), with the consent of Shillingstone Parish Council (SPC), to carry out the independent examination of the Shillingstone Neighbourhood Plan (SNP), in accordance with the relevant legislation¹. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.
- 1.2 As required by the legislation, I am independent of SPC and NDDC, I do not have an interest in any land that may be affected by the draft plan, and I have appropriate qualifications and experience. I am a chartered town planner and accredited mediator with wide experience in local and central government and private consultancy.
- 1.3 In carrying out this examination I have visited the locality, unaccompanied, and had regard to the following documents:
- Shillingstone Neighbourhood Plan, Submission Draft, 2016
 - Shillingstone Neighbourhood Plan, Basic Conditions Statement
 - Shillingstone Neighbourhood Plan, Consultation Summary, March 2016
 - Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report, August 2015 and related screening opinions
 - Background and supporting documentation on the Shillingstone Parish Council website
 - Individual Representations (numbered 1 to 7 by NDDC)
 - North Dorset District-Wide Local Plan, adopted 2003 (saved policies)
 - North Dorset Local Plan Part 1, adopted January 2016

¹ Localism Act 2011

Town and Country Planning Act 1990 as amended

Planning and Compulsory Purchase Act 2004 as amended

The Neighbourhood Planning (General) Regulations 2012 as amended

- 1.4 Representations on the SNP were submitted by Highways England, Natural England, Dorset County Council, North Dorset District Council and three interested persons. I refer to these representations where necessary using the reference numbers allocated by the District Council. In Section 4 of this report, I mention only those policies where issues were raised by those making representations, or where I consider that comment is necessary having regard to my duties as the independent examiner.
- 1.5 Wherever possible, the examination of the issues by the examiner should be by consideration of the written representations. The examiner must cause a hearing to be held where it is necessary to ensure adequate examination of a particular issue, or where it is necessary to give a person a fair chance to put a case². In this instance, the written representations are detailed, coherent, and supported by up to date evidence. In my view it was not necessary for a hearing to be held.
- 1.6 Throughout the process of preparing the SNP between 2013 and 2015 SPC sought to inform and involve the community. The means of doing so included questionnaires, 'drop-in' events, public meetings, articles and posters.
- 1.7 I am satisfied that, for the most part, the Parish Council made every effort to inform the local community and to engage them in the plan-making process. However, they appear to have overlooked guidance set out in Planning Practice Guidance (PPG) (reference 37-019-20140306), in that they failed to contact all the relevant landowners at an early stage about their proposals to designate land as Local Green Space. I deal with this matter in section 4.1 below.
- 1.8 It is clear to me that a great amount of care, commitment and effort has gone into the production of the SNP, and that it is founded on a heartfelt desire to protect and enhance the character of the village.

2. Location and characteristics

- 2.1 The village has a population of around 1170, in 479 households. It is set in rolling countryside between Blandford Forum and Sturminster Newton. Part of the parish lies within an Area of Outstanding Natural Beauty. Part of the village is a designated Conservation Area, and there are 22 Listed Buildings and four scheduled monuments within the parish.

3. The basis for this examination

3.1 *The basic conditions*

- 3.1.1 In brief, the basic conditions which must be met by the SNP are:

- it must have appropriate regard to national policy
- it must contribute to the achievement of sustainable development

² Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 (as amended)

- it must be in general conformity with the strategic policies in the development plan for the local area
- it must be compatible with EU obligations, including human rights requirements
- it must not have a significant adverse effect on a 'European site' (under the Conservation of Habitats and Species Regulations 2010).

3.1.2 I shall deal in more detail with each of these conditions below.

3.1.3 The examination is meant to be carried out with a 'light touch'. I am not concerned with the 'soundness' of the plan, but whether it meets the basic conditions.

3.1.4 Strategic Environmental Assessment and Habitats Regulations Assessment Screening was carried out in 2015, and it was concluded that the SNP is unlikely to have any significant effects upon the environment or any European site.

3.2 Other statutory requirements

3.2.1 When submitted to the local planning authority (LPA), a Neighbourhood Development Plan (NDP) should be accompanied by a map or statement identifying the area to which the plan relates, a 'basic conditions statement' explaining how the basic conditions are met, and a 'consultation statement' containing details of those consulted, how they were consulted, their main issues and concerns and how these have been considered and where relevant addressed in the proposed SNP.

3.2.2 The SNP contains a map of the area to which the plan relates.

3.2.3 A basic conditions statement was submitted with the SNP.

3.2.4 A consultation statement was submitted with the SNP.

3.2.5 The SNP must meet other legal requirements, including:

- that it is being submitted by a qualifying body (as defined by the legislation)
- that what is being proposed is a NDP as defined in the legislation
- that the SNP states the period for which it is to have effect
- that the policies do not relate to 'excluded development'
- that the proposed SNP does not relate to more than one neighbourhood area
- that there are no other NDPs in place within the neighbourhood area.

3.2.6 The requirements listed in paragraph 3.2.5 have all been met.

3.3 National policy

3.3.1 National policy is set out in the National Planning Policy Framework (NPPF).

3.3.2 The Framework is supported by web-based Planning Practice Guidance (PPG).

3.4 Existing development plan and proposed new local plan

3.4.1 The existing development plan for Shillingstone comprises the surviving saved policies of the North Dorset District-Wide Local Plan, adopted 2003 (NDDWLP), and the North Dorset Local Plan Part 1, adopted January 2016 (NDLP).

3.4.2 North Dorset District Council intends to produce a new local plan for the district, which will replace both the NDDWLP and the NDLP. This process is at a very early stage.

3.4.3 PPG advises that a draft neighbourhood plan is not tested against the policies in an emerging local plan, although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

3.4.4 Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan, with appropriate regard to national policy and guidance.

4. Policies

4.1 Policy 1 Local green spaces

4.1.1 The NPPF says that local communities, through neighbourhood plans, should be able to identify for special protection green areas of particular importance to them. The Local Green Space (LGS) designation should only be used: where the green space is in reasonably close proximity to the community it serves; where the green area is demonstrably 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 where the green area concerned is local in character and is not an extensive tract of land.

4.1.2 The NDDWLP identifies several hundred 'Important Open or Wooded Areas (IOWAs)' within settlements. These open spaces, which are said to contribute significantly to the amenity and character of settlements, are to be protected from development. In their nature and purpose they clearly have much in common with local green spaces.

4.1.3 It appears that there has been a longstanding intention to carry out a review of IOWAs. The adopted NDLP says, at paragraph 7.135, that they will continue to be saved until they are reviewed **either** through the Local Plan Part 2 (which is now to be rolled up into a more general local plan review) **or** (my emphasis) a neighbourhood plan. This plainly means that if a neighbourhood plan reviews the IOWA within its area, as in this case, and is subsequently made, then any IOWA which are not included within the LGS will no longer be specially protected. The District Council, in representation 7, do not appear to appreciate that this is

the case. The text supporting SNP Policy 1 is also inaccurate. I therefore **recommend** that the final sentence of the fifth paragraph on page 6 of the SNP 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'.

- 4.1.4 In accordance with the NDLP the SNP has reviewed the local IOWAs and either proposes to incorporate them into LGS, or to delete them. Supporting document SUP06 sets out the rationale for these proposals.
- 4.1.5 Representation 6, made on behalf of the owner of one of the proposed LGS (LGS-HRC), criticises in depth the approach taken by the Parish Council in its review of IOWAs and its selection of LGS. The owner concerned was one of those whom the Parish Council failed to contact at an early stage. However, I am satisfied, from the breadth and depth of the representation now before me, that he has suffered no material prejudice as a result of his belated involvement in the plan making process.
- 4.1.6 Representation 6 relies on a close examination of Parish Council minutes and SNP consultation responses to demonstrate alleged inconsistencies and imperfections in the methodology and results of the review of IOWA and the identification and selection of LGS carried out by the Parish Council. In examining the SNP I have taken this objector's analysis fully into account. However, in my judgement the reasoning set out in supporting document SUP06 is sufficient to demonstrate clearly why the proposed LGS are considered to meet the tests set out in paragraph 4.1.1 above, and why those IOWA which have not been carried forward are considered to have fallen short. The sites are described in simple terms in plain language, and in my opinion it is easy to understand why they have been selected or discarded.
- 4.1.7 Representation 6 strives to make a material distinction between a site being (a) demonstrably special to a local community and (b) holding a particular local significance, and says that the Parish Council have failed to recognise such a distinction. That seems to me to be straining the words of the NPPF beyond a reasonable interpretation. The objector's interpretation of NPPF paragraph 77 is that a potential LGS first has to be shown to be demonstrably special to a local community, and then has to be shown to hold a particular local significance. Paragraph 77 gives several easily understandable, everyday examples of what might constitute an appropriate local green space (a place of beauty, a place of historic significance, a place of recreational value, a place of tranquillity, a place rich in wildlife). If those examples were meant to apply only to the second half of the descriptor ('holding a particular local significance') then where are the examples of the things which might make a site 'demonstrably special'? It seems to me that the examples given in paragraph 77 are intended to apply to the whole of the test and not just to the second part of it. Be that as it may, I am satisfied that the reasoning set out in SUP06, and summarised in the SNP itself, and the fact that in every case there was a substantial majority of consultees in favour of the proposed LGS, demonstrates appropriate regard for national policy such that the basic conditions have, in this respect, been met.
- 4.1.8 I recognise that the levels of support and opposition for the retention or deletion of IOWA, and for the inclusion or exclusion of suggested LGS, appear to have varied throughout the plan-making process, and that it is possible to point out inconsistencies between the Parish Council minutes and the SNP consultation responses. I shall recommend a textual change to

reflect this (see below). Nevertheless, the SNP has reached its current advanced stage with only one outstanding objection, namely representation 6, to the proposed local green spaces. I see no cogent evidence that the Parish Council have wilfully or inadvertently misrepresented local opinion to the extent that the plan fails to meet the basic conditions. Ultimately, if it progresses further, the SNP will be the subject of a referendum, which will give all the villagers the opportunity to express their opinion of its accuracy and validity. Taking all the foregoing paragraphs into account, I conclude that the plan-makers were not confused in their approach to the consideration of IOWA and LGS, and that they did not fail to afford relevant weight to the views of the community.

- 4.1.9 Part of the case made by representation 6 is that insufficient development land has been identified by the SNP to meet national objectives for sustainable development. I deal with that issue in section 4.6 below. Suffice it to say, in the context of LGS, that in my judgement the SNP does make provision for sustainable development, and that the identification of LGS, and of LGS-HRC in particular, does not undermine this important strand of national policy.
- 4.1.10 In order to ensure that the SNP does not overstate the degree of support or opposition for the inclusion or exclusion of the various LGS and IOWA sites, I **recommend** the following change: delete the word 'all' from the final sentence on page 2. (A consensus is typically defined as meaning a general agreement, or a majority view, or a collective opinion. It need not represent the views of literally every individual in the village.)
- 4.1.11 The NPPF says that by designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances, and that local policy for managing development within a Local Green Space should be consistent with policy for Green Belts. Policy 1 should be amended to reflect this wording more accurately than it does at present. I **recommend** that 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'. Representation 6 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. In my judgement my recommended change in wording does not have great significance. The essential characteristics of Green Belts are their openness and their permanence, and LGS are meant to be viewed in a similar way. Policy 1 as presently worded recognises this. My recommended re-wording has a technical significance but in no way changes the essential intent of Policy 1.
- 4.1.12 Representation 6 sets out a detailed analysis of the suitability of site LGS-HRC for inclusion as local greenspace. In essence, it is argued that the size of the site (4.8 hectares), makes it, in both absolute and relative terms, an 'extensive tract of land'. It is argued that the character of the site varies, and that it is not demonstrably special to the local community and that it does not hold a particular local significance.
- 4.1.13 During my site visit I made a particular study of LGS-HRC bearing in mind the case made by representation 6.
- 4.1.14 PPG says that there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. Nevertheless, it is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Blanket designation of open countryside adjacent to settlements will not be appropriate. In this instance, the North

Dorset Trailway, a former railway line now used as a public footpath, forms a clear and logical barrier between the environs of the village and the open countryside beyond. The land to the east and north-east of the church falls towards this barrier, and provides an open setting for the Grade 1 Listed church, an important feature of the village. The land to the north and north-west of the church is bounded by a dense tree screen which clearly sets it apart from the industrial buildings beyond. The land to the south-east of the church is described by the objector as 'suburban' in character. However, although it does adjoin houses, it has apparently been mown, containing at the time of my visit a number of hay bales, and in that respect it is not materially different in character from the land immediately to its north-west. It is not unattractive, it forms part of the immediate setting of the churchyard, and in my opinion it is not unreasonable to include it within the proposed LGS.

- 4.1.15 Whilst the proposed LGS is considerably larger than the very limited IOWA which it supersedes, it is not in my judgement an unreasonable area to protect in order to secure the setting of a building which has architectural, historical and cultural importance.
- 4.1.16 Shillingstone is a patchwork of buildings and open spaces. There are numerous footpaths, and the complex interweaving of open space and built development is part of the charm of the village. I note in passing that two of the other proposed LGS (LGS-REC and LGS-LAW), to which no one has formally objected, are not dissimilar to LGS-HRC in size, and that one of them, the sports field, is at present also an IOWA. In my judgement the proposed LGS are in tune with the character of the village, and are not unreasonably large in the local context.
- 4.1.17 PPG says that LGS might include sports pavilions or structures such as war memorials. However, in this instance I see no logical reason to include the substantial buildings and associated parking areas of the Shillingstone Church Centre which front A357 to the south-west of the church. They stand well away from the church, and do not appear to be functionally or visually an essential part of the LGS in the way that a pavilion or war memorial might be. I therefore **recommend** that the boundary of LGS-HRC should be re-drawn to exclude the buildings and hardstanding of the Church Centre.
- 4.1.18 At my request, the District Council asked the Parish Council to contact those owners of proposed LGS who had not been contacted at the outset of the NP process (see paragraph 1.7 above). The owners of LGS-POR and LGS-MAN confirmed that they have no objection to the designation of their land.

4.2 Policy 3 The character and design of new development

- 4.2.1 The District Council (representation 7) say that the supporting text should be strengthened. However, they do not suggest precise modifications, and merely give an example. In order to make the type of technically sophisticated changes suggested, the District Council and the Parish Council would need to work together on the text to arrive at a mutually satisfactory draft. The end result might be so different from the present text as to require further consultation. Whilst such changes might be desirable, they are not in my opinion essential. As it stands the supporting text gives a clear description of the three 'character zones'.
- 4.2.2 In order to improve the clarity of the policy, I **recommend** that 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', and I so **recommend**.

- 4.2.3 Dorset County Council (representation 4A) say that the policy should make reference to sustainability, flood risk and surface water management. However, this policy is clearly about urban design matters, and the suggested additions would be unnecessary and inappropriate. Flooding is mentioned in the text supporting Policy 5, which is in my view a more appropriate place for it.

4.3 Policy 4 Important community facilities

- 4.3.1 The policy deals with the loss, retention and provision of community facilities. It says that the local community should be involved in such decisions. The District Council (representation 7) say that community involvement is not a land use planning matter. However, the policy as a whole clearly is a land use policy, and I see no reason why the importance of community involvement in the process should not be emphasised.

4.4 Policy 5 Development within the settlement boundary

- 4.4.1 The settlement boundary has been re-drawn to exclude LGS and community facilities in large grounds. Policy 5 says that, in addition to the specific sites for development described in Policies 7-13 (see below), the area within the settlement boundary will be the main area of search for future development.
- 4.4.2 Representation 6 says that this policy is imprecise, and thereby conflicts with national policy. However, taken together with the other policies of the plan, and in particular Policies 3 and 6, Policy 5 gives decision makers a very clear idea of where new development might take place, and how it should relate to existing development.
- 4.4.3 The fact that the proposed settlement boundary does not coincide with the Conservation Area boundary or with landscape character assessment boundaries is of little significance: there is no good reason why it should. The different boundaries have different purposes. The existing (NDDWLP) settlement boundary does not coincide with the Conservation Area boundary either.
- 4.4.4 The proposed settlement boundary excludes a number of landmark buildings, but the reason for this is clear. The proposed boundary is tightly drawn so that the area of search for new development will be more meaningful. A loosely drawn boundary would invite development proposals on land which the NP is seeking to protect. In my judgement the policy is both precise and concise, and thereby has appropriate regard to national policy.
- 4.4.5 The District Council (representation 7) say that the definition of affordable housing given on page 17 of the SNP should correspond with that given in national policy and guidance. The definition of affordable housing in the NPPF is lengthy and out of character with the style and nature of the SNP. However, it includes within it examples of what might constitute 'affordable housing'. These include 'intermediate housing' which in turn includes 'low cost homes for sale'. The examples given by the SNP, whilst not using precisely the same words as the NPPF, appear to me to fall within the constraints set by national policy. I see nothing within national policy or guidance to prevent the SNP seeking to provide affordable housing for people with a local connection.

4.5 Policy 6 Housing types and sizes

- 4.5.1 The District Council (representation 7) point out that local evidence suggests a greater need for smaller dwellings in Shillingstone than in North Dorset as a whole, but they do not challenge that evidence, and there is no suggestion that the policy should be modified in any way.
- 4.5.2 Dorset County Council (representation 4A) say that the policy should make reference to sustainability, flood risk and surface water management. However, this policy is clearly about housing type and size, and the suggested additions would be unnecessary and inappropriate. Flooding is mentioned in the text supporting Policy 5, which is in my view a more appropriate place for it.

4.6 Policies 7 - 13 Proposed housing sites

- 4.6.1 Representation 6 makes much of the fact that the introduction to these site specific policies is headed 'Possible development sites', claiming that this implies a lack of certainty which conflicts with the basic conditions.
- 4.6.2 However, it is obvious from the wording of the individual policies governing each of the proposed housing sites that these are housing allocations in the normal sense of the word. Each individual policy begins by stating: '[this site] is proposed for housing' (or holiday accommodation).
- 4.6.3 In the interests of clarity and certainty I **recommend** that the word 'possible' be deleted from the heading at the top of page 20 of the SNP, and from each entry in the column headed 'estimated potential' in the table which follows, and from the first line of Policy 5 (on page 18 of the SNP).
- 4.6.4 The recently adopted NDLP says that most new housing in the District will be provided in the four main towns. At least 825 units will be provided in the countryside, Stalbridge, and the eighteen larger villages, where the focus will be on meeting local housing needs, which may be identified through the neighbourhood plan process. This is the procedure adopted by the Parish Council. Their assessment of housing need is based upon a study carried out by URS in July 2015, using a wide range of data. The District Council say that housing needs data is constantly changing and that they are committed to an early review of the local plan which will reassess housing needs. Whilst that may be so, (a) there is a very recently adopted local plan in place; (b) that plan does not require that a particular number of units should be allocated within Shillingstone; and (c) the proposed review of the local plan is at a very early stage. There is no compelling evidence before me to suggest that, at this time, the SNP should provide a greater number of housing units.
- 4.6.5 The author of representation 5 puts forward a well-argued case for a higher housing need figure, based largely upon the same data as the URS report. The representation demonstrates that it is possible to arrive at different conclusions using the same data, by making different assumptions. In this instance, the representation says that the Parish Council have overstated the level of support for their conservative assessment of housing need; that they have failed to recognise that Shillingstone is one of the more sustainable

villages; and that the NPPF says that neighbourhood plans should not promote less development than set out in the local plan or undermine its strategic policies.

- 4.6.6 Taking these matters in turn, it appears to me that both the representation 5 assumptions and the URS assumptions can be justified by the available evidence. The weight to be given to each assumption is a matter of judgement, and in the case of the SNP, an assessment by the Parish Council of the weight of feeling amongst the villagers. The author of representation 5 claims that the Parish Council have wrongly assessed the views of the villagers. In particular, he questions the results of the 2014 questionnaire survey. The Consultation Statement says that the 2014 questionnaire was distributed to every home in the village, and that 250 were returned. It is not clear whether those 250 returned questionnaires represented 250 households (approximately 50% of households) or 250 individuals (approximately 25% of individuals). It is therefore possible that the level of support for the various points of view was overstated. However, ultimately, if it progresses further, the SNP will be the subject of a referendum, which will give all the villagers the opportunity to express their opinion of its accuracy and validity.
- 4.6.7 On the second and third points, there is no convincing evidence before me to suggest that the recently adopted local plan says that Shillingstone is a more sustainable location than any of the other listed villages, or that it should provide any particular number of housing units, or that it should provide a higher proportion of the required housing units than any other village.
- 4.6.8 The District Council (representation 7) make a number of observations, some expressing concern, about the proposed housing sites, but they do not suggest that any of the sites should be withdrawn.
- 4.6.9 Representation 2 objects to housing sites HTL-N (Policy 10) and HTL-S (Policy 12) on the grounds that they are within the Conservation Area, that they are IOWA, that Hine Town Lane is prone to flooding, and that building on these plots would create an urban feel. These are all matters taken into account in document SUP06, the Consultation Summary and the NP itself. The NP stresses the need for sensitive design. The Parish Council decided that on balance the need for housing outweighed any harm arising from the development of these sites, and I see no good reason to modify or delete the policy.
- 4.6.10 Dorset County Council, the owners of site WPF-B (Policy 13) say (representation 4B) that in order to deliver a financially viable scheme for the restoration of the architecturally significant barns, the upper limit of 16 dwellings should be removed from Policy 13, or increased to 19. In the Consultation Summary the PC say that 16 dwellings represent a higher density than is typical of the village. It appears to me that the appropriate number of dwellings for the site will only emerge as fully detailed and costed schemes are drawn up for discussion. By applying a firm limit at this stage the NP might be closing the door to higher quality or more attractive designs. I do not think that this matter is critical in terms of the basic conditions, but it seems to me desirable that the PC give further thought to the matters raised, discuss them further with the County Council, and, if agreement is reached, modify the policy accordingly.

5. Other matters

- 5.1 On page 4 of the SNP, under the heading 'Historic features', it is said that all the Listed Buildings are 'within the village and Conservation Area boundary'. This is inaccurate for several reasons. First of all, there is no defined village boundary. There is a 'settlement boundary'. 'Within the village' is therefore imprecise. The Conservation Area boundary and the north and south character zone boundaries cover a wider area than the settlement boundary. There is nothing wrong with that (see paragraph 4.4.3 above), but as it stands the phrase describing the location of the Listed Buildings is imprecise and confusing. In any event it adds nothing of value to the understanding of the plan, and therefore I **recommend** that the words 'and all of which boundary' should be deleted.
- 5.2 The words 'character zone' and 'character area' are used interchangeably. This is imprecise and confusing. It is important that the plan should be consistent. I **recommend** that the plan be modified accordingly. Particularly important are the title of and key to Map 5, and also the wording of Policy 3 (see paragraph 4.2.2 above).
- 5.3 Map 2 on page 4 of the SNP is confusing and unhelpful. With the exception of the area subject to flooding, the boundaries of the various constraint areas are unclear. I **recommend** that the map should be made clearer and more precise, or deleted.
- 5.4 In the key to the Policies Map on page 28, the words 'Potential site' are imprecise and unhelpful. I **recommend** that they be changed to 'Site for housing' (see paragraph 4.6.2 above).

6. Conclusions on the basic conditions

- 6.1 I have explained in sections 4.1 and 4.6 above why I consider that the SNP makes appropriate provision for sustainable development in accordance with national policy. I conclude that in this and in all other material respects, subject to my recommended modifications, the SNP has appropriate regard to national policy.
- 6.2 Similarly, and again subject to my recommended modifications, I conclude that the SNP is in general conformity with the strategic policies in the development plan for the local area.
- 6.3 The SNP will in my view contribute to the achievement of sustainable development. It explicitly recognises the need to provide housing land for local people.
- 6.4 There is no evidence before me to suggest that the SNP is not compatible with EU obligations, including human rights requirements.

7. Formal recommendations

- 7.1 I have concluded that, provided that the recommendations set out above are followed, the SNP would meet the basic conditions.
- 7.2 I therefore recommend that the SNP, as modified, should proceed to a referendum.

7.3 There is no evidence to suggest that the area of the referendum should be anything other than the Neighbourhood Plan Area, as defined by the map on page 1 of the SNP.

Brian Dodd

Brian Dodd

BA MPhil MRTPI
Chartered Town Planner and Accredited Mediator

3 October 2016

APPENDIX – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	SNP reference	Recommendation
4.1.3	Page 6, paragraph 5	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'.
4.1.10	Page 2, final sentence	Delete the word 'all' from the final sentence on page 2.
4.1.11	Policy 1	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'.
4.1.17	LGS-HRC	The boundary of LGS-HRC should be re-drawn to exclude the buildings and hardstanding of the Church Centre.
4.2.2	Policy 3	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'.
4.6.3	Page 20	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.
4.6.3	Policy 5, page 18	Delete the word 'possible' from the first line of Policy 5.
5.1	Page 4, 'Historic features'	Delete the words 'and all of which boundary'.
5.2	Throughout, but especially the title of and key to Map 5, and the wording of Policy 3	Replace 'character area' with 'character zone'.
5.3	Page 4, Map 2	The map should be made clearer and more precise, or deleted.
5.4	Page 28, Policies Map	Replace the words 'Potential site' with the words 'Site for housing'.