

SHILLINGSTONE NEIGHBOURHOOD PLAN

Submission Consultation (20 May to 1 July 2016) – Representations Summary

Rep #	Respondent	Summary
1	Gaynor Gallacher Highways England	Thank you for your email of 19 May providing Highways England with the opportunity to comment on the submission version of the neighbourhood plan for Shillingstone Parish. Highways England is responsible for operating, improving and maintaining the strategic road network, which in this case includes the A303, A31 and A35 which are located some distance to the north and south of the plan area. We are satisfied that the plan's proposed policies are unlikely to impact on our network and we therefore have no comments to make.
2	Alan Mahony	<p>The two areas HTL-N and HTL-S in the Shillingstone Plan are designated as Conservation and I.O.W.A. They are also adjacent to Hind Town Lane which is an old single track high banked lane which is prone to flooding at the southern end. Building on these plots would surely alter the character of the village create an urban, not country feel and possibly further increase the risk of flooding to nearby properties.</p> <p>I would like to suggest that any building undertaken should be in the area WPF8. Whitepit Farm. This area is large enough to accommodate any housing which may be needed in the future. Access to the site can be via the main road, it is nearer to the school, is not a conservation area and is not prone to flooding.</p>
3	John Stobart Natural England	Natural England has no objection to the Shillingstone Neighbourhood Plan and welcomes the submission of the ecological appraisal of the proposed allocation sites as supporting evidence. Natural England, in particular, fully supports LNP Policies 1 Local Green Spaces and Policy 3 The Character and Design of New Development (ref the incorporation of existing wildlife features) which directly affect our interests.

4a	Richard Dodson Dorset County Council	<p>We note that our amendments have been included within policies 10 & 11 and this is welcomed , however, it appears that our comments in regard to Policies 3 & 6 have not been included. Specifically our advice was as follows:</p> <p>Policy 3 – The character and design of new development (page 14) <i>This policy could be extended to include reference to, and acknowledgement of sustainability or sustainable principles, and should refer to flood risk and surface water management. We suggest – Equally, development proposals must identify and consider prevailing flood risk from all sources, and should manage surface water appropriately be added to the final sentence.</i></p> <p>Policy 6 – Housing types and sizes (page 19) <i>As above, Policy 3, this policy could be extended to include reference to sustainability, and should refer to the site specific consideration of flood risk and surface water management. We suggest that development proposals must identify and consider prevailing flood risk from all sources, and should manage surface water appropriately, be added.</i></p> <p>We have not been able to ascertain why this wording was not added, however, we would continue to suggest its addition within the more general policies since Surface Water management and connected flood risk should be considered on any development not just within the specific sites identified.</p> <p>Should the parish council deem inclusion of the above unnecessary, we would ask that they mention consideration of flood risk within the paragraphs leading up to these policy statements or explain why they are not to be included.</p>
4b	Richard Dodson Dorset County Council	<p>Policy 13 – Whitepit Farm Buildings (WPF-B)</p> <p>The proposed site for development, which is owned by Dorset County Council, is supported, but it would be preferable if the upper limit of 16 homes (new build and conversion) was raised or not specified. It is important that any proposals for this site should aim to return these architecturally significant barns to their former glory and should therefore be design led rather than numbers led. To achieve this, it is necessary to ensure that the proposals offer a deliverable and financially viable scheme which will generate enough development value to help cross subsidise the expensive barn conversion costs and provide an element of affordable housing. a preliminary design scheme and supporting report illustrate a possible solution. This indicates circa 19 dwellings could be provided (although this is not definitive at this early stage.) Removing or raising the upper limit on development would allow greater flexibility in achieving a sustainable and viable development solution for the site.</p>

5	Graham Pring	<p>Objection is raised to the proposed allocation in the Shillingstone Neighbourhood Plan (SNP) of only 40 dwellings. P17 of the Draft Submission Plan states: “Our evidence suggests that about 40 new homes over the plan period would be a good amount of development for our area. This would provide a reasonable level of growth similar to what has happened in the past but not too much at any one time.” P3 states: “Data on completions provided by the County Council shows that for much of the time, over the past 20 years, the average number of new homes built has been between 2 and 3 homes a year. There was a particular spike in housing between 2005 and 2008 when the Augustan Avenue estate/Hambledon View developments were built, providing nearly 60 homes in a very short time.” The evidence base for the above is “Housing Needs Assessment Shillingstone (July 2015),hereafter SHNA” under Supporting Evidence for the SNP and I now refer in detail to this document.</p> <p>5.1. Local Plan Target.</p> <p>The now adopted NDDC Local Plan Part 1 states that at least 825 homes are required in the period 2011 to 2031. Para 5.26 further states: “The figure of at least 825 new homes should not be seen as a target for, or a cap on, the overall level of housing development that should take place in Stalbridge the 18 villages and the countryside.” The calculations used in the SHNA give an estimated housing need for Shillingstone, based on the Local Plan Target, of 43 dwellings. However, it then states: “It should be noted this is a high level figure. It does not factor in any local considerations specific to Shillingstone.” In my opinion, it is a low level figure as it is purely based on population and does not take into account facilities, services, proximity to services etc specific to Shillingstone. The SHNA then discusses what it considers to be the following more specific elements in tailoring its assessment.</p> <p>5.2 Past Build Rates.</p> <p>The SHNA acknowledges that the average annual housing completion figure for Shillingstone (1994/2014) is 4.9 dwellings per annum, which by my calculations would equate to 73.5 dwellings between 2016 and 2031. However it states this includes what it terms as a ‘spike’ in development of 58 dwellings completed between 2005 and 2008, which it considers should be excluded in estimating housing need as it is a ‘one off’ and does not represent typical deliver rates. It gives the average without the ‘spike’ as being 2.4 dwellings per annum which by my calculations equates to 36 dwellings between 2016 and 2031.</p> <p>I have carried out my own research in relation to this, consulting the extensive statistical/census figures on the Dorset for You website and have liaised directly with the Office for National Statistics for</p>
---	--------------	--

confirmation. I present as evidence the following figures relating to population and number of households in Shillingstone over a more extensive period between 1981 and 2011:

	1981	1991	2001	2011
Population:	760	930	1010	1170
No of Households:	311 – 317	388	429	479

The only figure I have been unable to confirm, as the data does not appear to be available, is the number of households for 1981. I have therefore provided a range which is based at the lower end of the scale on the number of persons per household of 2.442 as per the 2011 census and at the upper end of the scale 2.397 for the 1991 census. This gives the following:

Increase of 74 (taking a mid-point of 314) households between 1981 and 1991 ie **7.4** per annum

Increase of 41 households between 1991 and 2001 ie **4.1** per annum

Increase of 50 households between 2001 and 2011 ie **5** per annum

Increase of 115 households between 1981 and 2001 ie **5.75** per annum

Increase of 91 households between 1991 and 2011 ie **4.55** per annum

Overall, an increase of 165 households between 1981 and 2011 ie **5.5** per annum. If this figure was applied for the SNP period 2016 to 2031, this would equate to **82.5** dwellings. In my respectful submission, the 'spike' as it is termed, based on my findings, is not a 'one off' and should not be excluded; rather this 'spike' was needed to boost the low levels of completions in this period. I am aware that the recession/economic downturn was a factor between 1994 and 2014; certainly both our Post Office/Store and Countrywise Store ceased trading during this period.

5.4 Housing Register

The SHNA states that there are 22 applicants interested in Shillingstone on the housing register. Currently NDDC generally specify that 40% of new builds should be affordable housing; thus in order to arrive at 22 affordable dwellings, there would have to be 55 new dwellings. In my view this figure of 55 should be included in the Average Housing Needs calculations at **5.5** in the SHNA.

Neighbourhood Plan Questionnaire Responses.

This questionnaire is Appendix 4 in the submitted document Shillingstone Neighbourhood Plan Consultation Summary. On P3 of the Summary, under 'How we consulted', it states: "The first in depth consultation took place in Summer 2014 when a questionnaire was delivered to every home in the village." Under 'Representations received' it states: "More than 250 were returned". In my opinion, this is very misleading, as it gives the impression that more than 250 responses were received from a total of 479 being the number of homes in Shillingstone, which would give a very high response rate in the region of 52%. This is not the case as, in fact, approximately 963 questionnaires were delivered to all eligible to vote. I say approximately as this is based on the Minutes of the Shillingstone Parish Council Neighbourhood Plan Committee Meeting of 3 November 2014 which states: "255 completed questionnaires had been received, a response rate of 26.5%."

The SHNA states: "A key consideration in the assessment of local housing need is the analysis of the Questionnaire. The key findings of this questionnaire related to housing need were as follows:

46 (19.25%) felt less than 10 new houses required

113 (47.3%) felt 11 to 25 houses required

65 (27.2%) felt 26 to 50 houses required

15 (6.3%) felt more than 50 houses required"

If however the above figures are expressed as a % of the 963 total number of questionnaires, then 46 equates to 4.8%, 113 equates to 11.7%, 65 equates to 6.8% and 15 equates to 1.6%.

The percentages based on the total number of questionnaires evidence that the questionnaire is not in my opinion a key consideration in the assessment of housing need for Shillingstone. The

questionnaire is also in my opinion, narrow, subjective and is more reflective of the common, and to some considerable degree, natural response to new development as evidenced by the word “felt” in the SHNAA figures. I would also suggest that it is not proportionate as per NPPG Para: 014 Ref ID: 2a-014-20140306. In the circumstances, I consider that the questionnaire should be excluded from the housing need calculations.

5.5 Average Housing Needs Figure

I put forward the following figures based on the above.

Source of housing need information	Annual requirement	Housing need 2016/2031
Draft Local Plan Target	2.5 homes a year	43
Past Build Rates	5.5 homes a year	82
Housing Register housing)	3.7 homes a year	55 (To obtain 22 affordable
Average(mean)	3.9 homes a year	60

I do not profess to be a housing professional but I do consider that my research / calculations / evidence, gives at the very least an indication that the housing needs figure should be higher than 40. In fact this figure of 40 is less than 43 which is the calculation in the SHNA arrived at from the housing need figure in the adopted NDDC Local Plan Part 1. Para 184 of the NPPF makes it clear that Neighbourhood Plans should not promote less development than set out in the Local Plan.

When the NDDC Local Plan Part 1 was originally submitted for examination, it indicated a minimum of 230 homes would be provided in the countryside between 2011 and 2026. The Inspector considered this to be a residual amount required to deliver the overall district provision of 4200 homes by 2026 after growth was taken into account in the four main towns. It did not reflect a measured need for housing in rural areas which could help to promote a strong rural economy as sought by Para28 of the NPPF. Following this NDDC commissioned further work which identified that 5700 homes were required district wide from 2011 to 2031, equating to 285 dwellings per annum throughout the district.

This translates to 41 dwellings per annum (approximately 14%) / 826 dwellings in the countryside from 2011 to 2031. I give this background as it illustrates the high level of growth identified/required. By way of contrast the SNP is proposing to keep growth stagnant at a perceived level of between 2 and 3 homes a year excluding the 'spike' of course. When the NDDC Local Plan was adopted it also specified **at least** 825 dwellings were to be provided.

I understand that the Eastern Dorset SHMA 2015 has concluded that a revised objectively assessed need for North Dorset is 330 dwellings per annum as opposed to the current figure of 285 on which the current housing policies in NDDC Local Plan Part 1 are based, an increase of approximately 16%. This would give a revised figure for Stalbridge and the 18 villages in the region of 958 dwellings between 2011 and 2031. NDDC Local Plan Part 1, despite only being adopted in January 2016 is currently being reviewed.

NDDC have not specified a housing target for Stalbridge and the 18 sustainable villages in NDDC Local Plan Part 1 hoping that Neighbourhood Plans would identify the local housing need. However less than half of the villages have been designated (currently 7) with 2 further applications in the pipeline. I understand NDDC Local Plan Part 2 will be prescribing housing targets.

On a general note, I am surprised that Paras 5.25 and 5.26 of the NDDC Local Plan Part 1 in relation to the 825 dwellings required are not included in their entirety in the submitted SNP. Shillingstone is one of the 18 most sustainable villages and any objectively assessed housing need for Shillingstone will impact upon the other villages and vice versa. In my opinion these Paras should have been included from the beginning of the consultation process to set the context and people would then have had the opportunity to comment on this. I consider that these paras should be included with a consultation period to follow before proceeding to any referendum.

In view of my comments in relation to the Neighbourhood Plan Questionnaire, I strongly disagree with the statement on P2 of the submitted SNP under Who wrote the Neighbourhood Plan: "This document reflects the consensus of all local residents" as it clearly does not. I would suggest either deleting it or amending it to: "This document reflects the consensus of a minority of local residents."

To conclude, in my opinion the submitted Shillingstone Neighbourhood Plan is not underpinned by robust, objectively assessed data on local housing need and further analysis is required; in particular data from the Eastern Dorset SHMA 2015. In the circumstances, it may be considered prudent to await the review of NDDC Local Plan Part 1 / NDDC Local Plan Part 2 before proceeding further?

6	Ian Moore	See Appendix
7	Anne Goldsmith North Dorset District	<p>North Dorset District Council provided detailed comments on the pre-submission draft version of the Shillingstone Neighbourhood Plan in October 2015. The following comments are based on those previous comments, taking into account amendments made to the NP following the pre-submission consultation exercise.</p> <p><u>Introduction</u></p> <p>Plan focus</p> <p>NDDC is supportive of a focused and concise plan and welcomes the three broad areas for which the plan is seeking to introduce locally specific policies for Shillingstone.</p> <p>Plan period</p> <p>The Plan period of 2016 to 2031 is supported by NDDC, the adopted North Dorset Local Plan Part 1 period being 2011 to 2031.</p> <p><u>Local Character</u></p> <p>Policy 1: Local Green Spaces</p> <p>NDDC supports the policy intent within the proposed wording of Policy 1 to protect designated areas from development. It is considered, however, that, whilst noting the table on page 6, clarity for the reader would be improved if the policy itself listed the designations in addition to referring to the LGS being shown on the Policies Map.</p> <p>Whilst supporting the policy intent, NDDC does have a concern regarding the process of designation of LGS within the Plan. Basic Condition A requires the neighbourhood plan to have regard to national policies and advice contained in guidance issued by the Secretary of State. Paragraph Ref ID 37-019-20140306 of the Planning Practice Guidance, 'Does land need to be in public ownership?', states that qualifying bodies should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. It would appear from the Shillingstone NP Consultation Statement and the Shillingstone Local Green Spaces evidence base document (SUP06) that this has not happened in certain, at least, of the proposed designations (LGS-HRC, LGS-POR and LGS-MAN).</p>

The supporting text to Policy 1 suggests that the Important Open and Wooded Area protection in the parish will be withdrawn on the making of the Plan. This is not possible, the policy remaining 'saved' until it can be deleted/replaced through the review of the adopted Local Plan Part 1. As part of that process all IOWAs are being reviewed. Where neighbourhood plans are in existence, the policies of the plans will be taken into account in the IOWA review.

Policy 2: Rural Lanes and Tracks

Policy 2 is considered to be in line with the policies of the adopted Local Plan Part 1, specifically Policy 24 Design.

Policy 3: Character and Design

Policy 3 is considered to be in line with the policies of the adopted Local Plan Part 1, specifically Policy 24 Design. However, further consideration should be given to the exact wording of the policy as the 3rd paragraph reads as though new development can remedy negative features associated with adjoining buildings. This is not possible. In addition, the section on the central character area (The conservation area) describes its distinctive features as a mixture of house styles and sizes. This combined with the suggested policy essentially opens the door to any form of development. Whilst the policy seeks to secure a high quality of development this could be undermined by the supporting text. It may be better, if the policy is to be fairly generic, to be more precise within the general text to enable a potential developer to clearly understand what is required. As an example, one could divide the central area into buildings of a lesser scale which reflect the local vernacular together with more polite buildings of the 18th or 19th centuries which reflect architectural fashion. If then seeking new buildings which fit within this context there is more to draw from in terms of influence.

Community Facilities

Policy 4: Important Community Facilities

NDDC supports the policy intention within Policy 4 to safeguard community facilities and acknowledges the amendment to the policy in light of the Council's previous comments. However, it is still considered that the involvement of the local community is a procedural matter, not a land use or planning requirement, and so reference to such should be excluded.

Locations of New Development

Plan Housing Target

NDDC notes that the Neighbourhood Plan evidence suggests that about 40 new homes over the plan period would be a good amount of development for the area. It is understood that this indicative Plan target is based on the 'Housing Needs Analysis' for Shillingstone as prepared by URS in March 2015 and updated by Jo Witherden in July 2015 to take account of changes to the Local Plan Part 1. This analysis is acknowledged.

Nevertheless, it should be noted that the Local Plan Part 1 does not set out a figure for the number of new dwellings to be built at Shillingstone over the Plan period. It should also be noted that the 825 homes to be provided in the countryside (including Stalbridge and the 18 larger villages) is only a minimum figure, this distinction having been endorsed in the Planning Inspector's Report for Local Plan Part 1 in his consideration of whether the District's housing needs have been properly identified and will they be met. In relation to this it should further be noted that a consequence of the Planning Inspector's Report is the District Council's commitment to an early review of the Local Plan which will necessarily reassess housing needs.

The Council would also point out that housing needs' data is constantly evolving as circumstances change. For example the 2015 Eastern Dorset Strategic Housing Market Assessment sets out a revised objectively assessed housing needs figure in respect of North Dorset. New evidence regarding housing needs, including at the parish level, could be considered through any possible future review of the neighbourhood plan.

Affordable Housing Definition.

NDDC considers that the definition of affordable housing should be consistent with the definition contained in current national planning policy and guidance.

Policy 5: Development within Settlement Boundary

Policy 5 is considered to be in general conformity with the strategic policies of the adopted Local Plan Part 1, specifically Policy 2 Core Spatial Strategy. It is noted that in addition to the sites allocated in the Plan for up to 44 new dwellings, additional sites may also come forward within the settlement boundary, thereby providing further scope and flexibility in terms of meeting housing needs.

Policy 6: Housing types and sizes

NDDC notes that the local evidence suggests a greater need for smaller dwellings which is the opposite to the district-wide position set out in Local Plan Part 1 Policy 7 - Delivering Homes which seeks 40% market housing as 1 or 2 bed and 60% 3 or 4 bed. The reverse split being sought for affordable housing i.e 60% 1 or 2 beds.

Possible Development Sites

Policy 7: Antell's Haulage Yard

Policy 11 of the adopted Local Plan Part 1 provides support for economic development in the countryside by enabling rural communities to plan to meet their own local needs, including through neighbourhood planning. However, it also seeks to protect existing employment sites from other forms of development. Policy 11 also supports enhancement to the local economy and employment opportunities.

The loss of an existing employment site in use is of concern. It should be noted that part of the site was recently granted planning permission (2/2015/1910/FUL) for the change of use to a secure storage facility by an existing business operating outside of the District. In determining the planning application the Council considered that the proposal would not reduce the level of employment based on the existing site and the reduction in operational space would not prejudice the long term viability of the existing business.

It is noted that the proposed use is for housing and that live-work units would be supported.

Policy 8: Land off Candy's Lane

The site is a designated IOWA, justification for its lack of inclusion as a proposed Local Green Space being provided in the submitted evidence base.

Policy 9: Land adjoining the Cobbles

It is noted that the existing settlement boundary has been amended to include what is considered to be a sensitive site due its location within the setting of a listed building and the conservation area, together with the undeveloped nature of this part of the village.

Policy 10: Hine Town Lane North of the Old Ox

Together with Policies 11 and 12 this site forms a single IOWA, its lack of inclusion as a proposed Local Green Space being provided in the submitted evidence base. The site is considered to have scope for a comprehensive development and provides opportunity to meet a substantial amount of Shillingstone's housing needs over the plan period. Development on this site is likely to have a negative impact on the NP objective of retaining the rural character of Hine Town Lane, therefore careful consideration needs to be given to the conflict between the two policies. A planning application (2/2015/0382/FUL) for 5 dwellings at the north western extent of the site was refused on grounds which include that it would represent an inappropriate form of piecemeal development resulting in a detrimental impact on the character and appearance of the area.

Policy 11: Land at the Old Ox

Together with Policies 10 and 12 this site forms a single IOWA, its lack of inclusion as a proposed Local Green Space being provided in the submitted evidence base. Planning consent (2/2015/1494/FUL) has recently been granted for 3 dwellings and holiday accommodation to support the viability of the Old Ox.

Policy 12: Hine Town Lane South of the Old Ox

Together with Policies 10 and 11 this site forms a single IOWA, its lack of inclusion as a proposed Local Green Space being provided in the submitted evidence base. In addition the site is in close proximity to the sites being put forward for development under Policies 10 and 11.

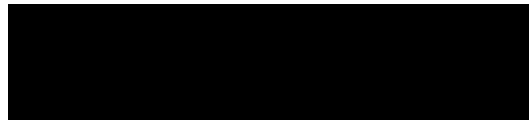
Policy 13: White Pit Farm Buildings

The site is beyond the settlement boundary but could provide some significant public benefit in terms of house numbers, affordable housing provision, links to the settlement, investment in non-designated heritage assets ensuring their long term retention and re-use of redundant farm buildings increasing the sustainability of development.

SHILLINGSTONE NEIGHBOURHOOD PLAN

A Representation to North Dorset District Council
Regulation 16 Consultation
On Behalf of the Owner of Church Field (Ref: Policy 1 LGS-HRC)

Nigel McGurk BSc(Hons) MCD MBA MRTPI



June 2016



Contents:

- 1. Introduction**
- 2. Policy 1 – “*Local green spaces*”**
- 3. Policy 5 - “*Land within the settlement boundary*”**
- 4. Policies 7 – 13 inclusive – “*Possible development sites*”**



1. Introduction

To proceed to Referendum, a neighbourhood plan must meet the basic conditions established by legislation. These were *set out in law*¹ following the Localism Act 2011 and require that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations.

This Representation to North Dorset District Council considers the Shillingstone Neighbourhood Plan (the Neighbourhood Plan) against the basic conditions. It is aimed at ensuring that the Neighbourhood Plan can progress to Referendum. Consequently, it identifies those Policies within which there is significant conflict with the basic conditions, such that, without modification, the Neighbourhood Plan could not progress to Referendum and subsequently be made and form part of the Development Plan.

Taken individually, or together, the conflicts identified are not intended to constitute a negative criticism of the Neighbourhood Plan as a whole, or the significant community effort made to reach this stage. It is clear, from the information presented, that the Neighbourhood Plan is the result of a major, sustained community effort. I also note that neighbourhood plan-makers, by their very nature, tend not to be planning or development professionals and cannot therefore, be expected to be “experts” on all aspects of planning legislation, policy and guidance.

However, it is crucial that, in order to progress, a Neighbourhood Plan meets the basic conditions. In considering the Neighbourhood Plan against the basic conditions, this Report identifies issues and makes suggestions aimed at helping it to proceed to Referendum in as similar form as possible to the submitted version.

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

2. Policy 1 – “Local green spaces”

2 i) Introduction

Local Green Space is a relatively new policy designation, introduced by the National Planning Policy Framework (the Framework) in 2012. It is one of the most powerful land use planning tools available to neighbourhood planners – its proper use enables neighbourhood plans to afford the highest level of protection to identified sites.

Given this, it is essential that Local Green Spaces are appropriately designated. There are many examples of proposed Local Green Spaces being removed from neighbourhood plans at the examination stage, due to improper designation. Were an inappropriately designated Local Green Space not to be identified and a neighbourhood plan to progress to Referendum, a subsequent legal challenge would not only be successful but would also be likely to be supported by a successful challenge for costs.

As currently presented, the wording of Policy 1 and the proposed designation of LGS-HRC as Local Green Space do not have regard to national policy and result in Policy 1 failing to meet the basic conditions. However, there is scope, through the modifications suggested below, to address this, enabling the Neighbourhood Plan to meet the basic conditions.

2 ii) National Planning Policy and Advice

Section 39(2) of the Planning and Compulsory Purchase Act 2004 requires a local authority exercising their plan making functions to do so with the objective of contributing to the achievement of sustainable development.

The National Planning Policy Framework (the Framework) establishes that:

“The purpose of the planning system is to contribute to the achievement of sustainable development” (Paragraph 6, the Framework).

As identified above, a neighbourhood plan must contribute to the achievement of sustainable development.

Paragraphs 76-78 of the Framework introduce Local Green Space, enabling local communities to identify for special protection green areas of particular importance to them.

In so doing, Paragraphs 76-78 establish tests for the designation of Local Green Space. For a site to be designated, each of these tests needs to be met. They comprise:

- Identifying land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.
- Local Green Space should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.
- The green space should be in reasonably close proximity to the community it serves.
- The green space should be demonstrably special to a local community and hold 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.
- The green area concerned should be local in character and not be an extensive tract of land.
- Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

In addition to the above tests, Paragraph 76 of the Framework clearly establishes the protection afforded to Local Green Space:

“...local communities will be able to rule out new development other than in very special circumstances.”

This provides the basis of the policy wording for Local Green Space.

With regards the first bullet point, above, Planning Practice Guidance² states that:

“Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.”

Consequently, if designating Local Green Space, there must be certainty that sufficient development land is allocated elsewhere – otherwise the designation would place undue constraints on sustainable development.

- ***As set out, there is conflict between this test and the Policies of the Neighbourhood Plan. There is also conflict between the tests identified above and the proposed designation of LGS-HRC as Local Green Space. More fundamentally, the evidence underpinning Policy 1 of the Neighbourhood Plan does not have regard to national policy and does not meet the basic conditions. Each of these factors is considered in more detail below.***

² Ref: Planning Practice Guidance Paragraph 007 Reference ID 37-007-20140306

2 iii) Local Planning Policy and Supporting Evidence

The relevant adopted strategic planning policies relating to Shillingstone are contained in the North Dorset Local Plan. This was adopted in January 2016. It does not designate any Local Green Spaces.

The North Dorset District-wide Local Plan to 2011 (adopted 2003) included an Important Open or Wooded Areas (IOWAs) policy. This identified for protection from development, open or wooded land that contributes significantly to the amenity and character of a settlement. The North Dorset Local Plan (2016) saves the IOWA policy (Policy 1.9). It allows for the future review of IOWAs through Part II of the Local Plan or through Neighbourhood Plans.

Given its importance, as identified above, it is essential that the designation of land as Local Green Space is supported by a robust evidence base. Local Green Space is a highly restrictive designation – it prevents the use of land for development except in very special circumstances. Inappropriately designated Local Green Space could prevent sustainable development from coming forward, in direct conflict with the purpose of the planning system.

In terms of evidence, it is not sufficient, for example, to simply wander around a Neighbourhood Area, listing land that appears to be nice and then list reasons setting out why it is nice, draw a general line around it and designate it as Local Green Space. In this regard, national policy is clear:

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

The tests set out in the Framework are there for a purpose. They need to be fully complied with. The tests provide the basis for robust analysis and it is incumbent upon plan-makers to follow them in an open and transparent manner – and provide the opportunity, through consultation, for the community and any interested parties to comment on the process.

It is therefore important to understand how the Local Green Spaces designated in the Neighbourhood Plan were arrived at and whether the process was appropriately robust.

During the plan-making process, Shillingstone Parish Council reported³ that, further to Neighbourhood Questionnaire, *“it was apparent the overwhelming community consensus looked to preserve the...IOWAs, provide enough housing to meet local needs and keep the existing development boundary.”*

³ Ref: Minutes Shillingstone Parish Council Meeting 4 December 2014

This signifies the tremendous importance, to the local community, of safeguarding land previously identified through the IOWA designation – taking into account the need for sustainable development. As set out in the Framework, neighbourhood plans provide local communities with the opportunity to plan for themselves. In the Parish Council’s own words, the preservation of the IOWAs has the community’s “*overwhelming*” support.

The community did not call for the significant expansion of any IOWA – indeed, the Parish Council’s own reference above refers to the need to provide for sustainable development. This initial approach – emerging from overwhelming community consensus – of protecting demonstrably special green areas consistent with local planning for sustainable development, ties in with one of the tests for the designation of Local Green Space, identified above.

This is a crucial point.

The minutes of the Parish Council Meeting of 3 November 2014 refer explicitly to the “*desire to retain the green spaces of the IOWAs*” (Paragraph 6). This desire emerged not only from “*overwhelming*” community support, but also, apparently, from local knowledge that IOWAs “*will disappear after the adoption of the new Local Plan.*”⁴

This is simply not the case and demonstrates a lack of relevant necessary understanding. It places a further question mark over the robustness of the supporting evidence. As identified earlier in this Representation, the IOWAs policy has been saved. It has not disappeared. Local planning policy allows for the future review of IOWAs through the emerging Local Plan Part II, or through Neighbourhood Plans. Given the evidence submitted in this Representation, it is suggested that, in the case of Shillingstone, it would be a more robust process to review IOWAs through the emerging Local Plan Part II process.

The Parish Council went on to state that “*In the post-IOWA regime some might be worth designating as a “local green space” as covered by the NPPF.*”⁵

It is clear that the starting point for the designation of Local Green Spaces in Shillingstone was the aim of protecting IOWAs. For clarity, the starting point was not “A review of IOWAs.”

Whilst sparse evidence has been presented to demonstrate precisely how Local Green Spaces were identified and considered, the “*Notes of a meeting held on Wednesday 7 January 2015 to review the Green spaces*”⁶ state that:

“*A village walkabout followed looking at specific sites which could be designated.*”

⁴ Ref: Parish Council Minutes 4 August 2014

⁵ Ref: Parish Council Minutes 17 March 2014

⁶ Ref: Parish Council 9 January 2015

This effectively comprises the identification process for the designation of Local Green Spaces. Other than the consideration of IOWAs, to “rule them in or out” as Local Green Spaces, there is no evidence of a wider site analysis exercise to consider and compare areas of land not already IOWAs, or to consider various options.

This is extraordinary.

Essentially, the main basis for the identification of Local Green Spaces was that they already comprised IOWAs, or that they looked nice on a “walkabout.” However, the Neighbourhood Plan does not designate all of the IOWAs as Local Green Spaces. Thus, despite the audit trail being clear in establishing an “overwhelming community consensus” for the protection of IOWAs, the Neighbourhood Plan designates some IOWAs but not others and also includes random areas of land that did not form IOWAs.

Furthermore, the Neighbourhood Plan then goes on to propose that existing IOWA designations should not only be removed, but that the IOWAs themselves should be considered to comprise “possible development sites.”

The evidence base is not robust.

In addition to the above, it is noted that the results of consultation⁷ show that, further to a questionnaire, around 40 respondents supported each Local Green Space designation and around 10 people objected to each designation. There is clearly no overwhelming consensus in this regard. This is surprising, as generally, if places are “demonstrably special to a community,” it would be expected that up to 100% of people (occasionally with the exception of the landowner) would strongly support their protection.

Furthermore, it is relevant to note that, despite very significant levels of community objections, the Neighbourhood Plan goes on to recommend that three IOWAs become “possible development sites.” This is despite all three of the IOWAs being shown to be of a higher environmental quality and have greater local support (40% of respondents were against their being proposed as development sites) for their protection than, for example, the proposed designation LGS-HRC as a Local Green Space. These IOWAs should not comprise “possible development sites” but should be protected for their identified environmental value, in general conformity with the strategic policies of the adopted development plan.

Consequently, the Neighbourhood Plan is promoting contentious development on IOWAs, whilst seeking to designate other, inappropriate tracts of land as Local Green Space (see below). This is indicative of both a confused approach by the plan-makers and a failure to afford relevant weight to the views of the community.

⁷ Ref: Report on Informal Consultation on Draft Plan, June 2015

Thus, the Neighbourhood Plan has failed to reflect the overwhelming consensus for the protection of IOWAs. The Framework is clear:

“Neighbourhood Planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, the Framework).

The community provided Shillingstone Parish Council with an “*overwhelming consensus*” with regards the protection of IOWAs whereas, in the first questionnaire distributed during public consultation, 57 respondents did not favour the approach to Local Green Space. In the case of Policy 1, “*Local green spaces,*” the Neighbourhood Plan has failed to reflect the shared vision for Shillingstone. It does not meet the basic conditions.

Furthermore, one of the tests identified above, states that:

“The green space should be demonstrably special to a local community and hold 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.”

The Neighbourhood Plan includes very brief descriptions of “*Importance*” relating to each of the designated areas of Local Green Space. Nowhere does national policy state that Local Green Spaces should be “*Important.*”

For clarity, “*Importance*” is not a planning policy test for Local Green Spaces.

Whilst, it might be arguable that “*Importance*” could be considered to be comparable to “*hold a particular local significance,*” it is evident that the plan-makers have failed to apply the Local Green Space tests appropriately. The Neighbourhood Plan has failed to demonstrate that each Local Green Space is “*demonstrably special.*”

To do this or not is not a choice, it is an absolute requirement. If a Local Green Space does not pass this test, it cannot be designated.

The “*Notes of a meeting*” (7 January 2015) referred to earlier state that “*To prove it is “demonstrably special” at least one of the following criteria must be met...*” and go on to list the examples of local significance.

This is a fundamental misapplication and misunderstanding of the tests set out in the Framework. It goes to the heart of the flawed evidence base underpinning Policy 1. The Framework is explicit:

*“The green space should be demonstrably special to a local community **and** hold a particular local significance, for example...”* (my emphasis)

Being demonstrably special and holding a particular local significance are not the same thing. They comprise different things. It is not sufficient to meet some statutory planning tests and ignore others. All of the tests need to be met.

There is no evidence to demonstrate that the areas of Local Green Space are “*demonstrably special*.” Rather, the plan-makers failed even to apply the test. Furthermore, in failing to apply the test, there is clear evidence that they misapplied and misunderstood what the relevant tests were. This is not to criticise the plan-makers. As set out at the start of this Representation, neighbourhood plan makers, by their very nature, are not planning professionals and cannot be expected to understand all aspects of planning policy and legislation.

- ***However, the areas of Local Green Space designated in Policy 1 have not been subject to the necessary statutory tests. Policy 1 does not have regard to national policy. It does not meet the basic conditions.***
- ***For the Neighbourhood Plan to progress to Referendum. Policy 1 must be deleted.***

2 iii) Policy 1 – Wording

As set out above, the Framework provides the basis for Local Green Space policy wording. Paragraph 76 states:

“...local communities will be able to rule out new development other than in very special circumstances.”

The Framework goes on to note that local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

Policy 1 does not have regard to national policy and does not meet the basic conditions. It states:

“Local green spaces, as shown on the Policies Map, are to be protected from development that would detract from their undeveloped character.”

This is not a Local Green Space policy. It does not have regard to national policy. It fails to reflect and is entirely different from the requirements set out within the Framework. Nowhere does national policy state that Local Green Space has the purpose of protecting land from development that would detract from undeveloped character. Such an approach is in direct conflict with the purpose of Local Green Space.

Local Green Space policy allows for development in very special circumstances. Local policy for managing development should be consistent with policy for Green Belts. Green Belt policy does not protect land from development that detracts from undeveloped character. Green Belt policy allows for development that is not inappropriate for the purposes of Green Belt. In so doing, attributes such as openness and local character might be afforded significant weight, but this does not come close to being the same thing as protecting land from development that would detract from undeveloped character.

It is relevant to note that the Neighbourhood Plan itself seeks to include the designation of land that has itself been developed. Whilst in this particular case, this is (another) flaw in the Neighbourhood Plan’s approach to Local Green Space, the result is that the wording of the Policy is in direct conflict with the designations themselves. This conflict leads the Policy to fail to meet the basic conditions in this regard alone.

It is also worth noting that Planning Practice Guidance, in referring specifically to the types of green area that can be identified as Local Green Space, states:

...green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.”⁸

- **Simply, the wording of Policy 1 does not have regard to national policy. It does not meet the basic conditions.**
- **In this regard, unfortunately, the very clear purpose of Policy 1 – to prevent development that detracts from undeveloped character – is entirely different to the purpose of Local Green Space. There is fundamental conflict with national policy. Therefore, if the Independent Examiner is to recommend the Neighbourhood Plan progresses to Referendum, Policy 1 needs to be deleted.**
- **This is because, if it were to be recommended to be retained, the Policy would need to be completely deleted and completely re-written, with an entirely different purpose to that of the Policy submitted for examination. Effectively, the Examiner, rather than the community, would be the author of his or her own Policy for the Neighbourhood Plan. This would leave the Neighbourhood Plan open to a legal challenge in the future.**

⁸ Ref: Planning Practice Guidance Paragraph 013. Reference ID: 37-013-20140306

2 iv) Policy 1, Proposed Designation of LGS-HRC

Notwithstanding all of the above, it is relevant to point out that the proposed designation of LGS-HRC as Local Green Space does not meet the basic conditions.

It is important to note that there is a clear distinction between the Church IOWA – which is a designated site, subject to saved North Dorset Local Plan Policy 1.9 – and the proposed designation of LGS-HRC, which comprises a somewhat disparate and extensive tranche of land more than five times the size of the existing Church IOWA.

As above, it is incumbent upon plan makers to provide evidence that a Local Green Space is *“demonstrably special to a local community and holds a particular local significance.”*

To support the proposed designation of LGS-HRC, the Neighbourhood Plan, under “Importance” states:

“Setting of church and highpoint of village.”

These are simply two points of fact. The information does not amount to the same thing as holding particular local significance. More importantly, nowhere does the Neighbourhood Plan, or the supporting evidence, demonstrate that the proposed designation of LGS-HRC is *“demonstrably special to a local community.”*

In the background evidence there are general references to *“highest point of village... “extensive views...setting (of the church)...footpaths...informal recreation.”* However, these points do not relate to the whole of the extensive tranche of land designated as a Local Green Space, but to some individual parts of it.

Nowhere, in the Neighbourhood Plan, or the supporting evidence, is there a clear analysis of the whole of the extensive tranche of land identified as LGS-HRC and proposed to be designated as Local Green Space. As presented, the proposed designation is based on general comments that, quite simply, do not apply to all of the land.

- **The proposed designation of LGS-HRC as Local Green Space does not meet the basic conditions.**

Further to the above, it is important to consider the proposed LGS-HRC designation in further detail, as this highlights the absence of appropriate evidence in support of Policy 1.

The Shillingstone Proposals Map forming part of the North Dorset District-Wide Local Plan (2003) identifies the IOWAs - referred to earlier and which formed the basis of the designations in Policy 1. The setting of the church at a highpoint of the village is clearly recognised, as a specific IOWA, and it incorporates the church, churchyard and sports fields between the church and buildings/Blandford Road to the front.

Taking the above into account, the existing Church IOWA provides a logical basis for a designation within a Local Green Space policy. There should be scope for plan-makers to provide evidence that the attributes of the Church IOWA are demonstrably special to the local community and hold a particular local significance, due for example, to the tranquillity of the churchyard, the history associated with the church, the location of the church at a high point in the village and the amenity value of the sports field.

For clarity, the designation of the Church IOWA as a Local Green Space would meet the basic conditions (subject to an appropriately worded policy proposed by plan-makers, to meet the aims of the Neighbourhood Plan and that has emerged from an appropriate process).

However, the proposed designation of LGS-HRC in Policy 1 is entirely different to the Church IOWA. Firstly, it is more than *five times* the size of the Church IOWA.

In order to meet the statutory tests, it is essential that Local Green Space does not comprise "*an extensive tract of land.*" At more than five times the size of the Church IOWA the proposed extended designation in Policy 1 comprises an extensive tract of land.

Relative to Shillingstone, which is, itself, a relatively small settlement, the proposed designation of LGS-HRC is an extensive tract of land. It covers 4.8 hectares (12 acres). It would be around the size of eight full size football pitches and is twice the size of the area covered by all of the seven "*possible development sites*" referred to later in the Neighbourhood Plan. It is an extensive tract of land.

Relative to the Neighbourhood Area, the proposed designation of LGS-HRC comprises an extensive tract of land. No substantive evidence has been provided to the contrary.

- **The proposed designation of LGS-HRC is an extensive tract of land. As such, it fails to have regard to national policy and does not meet the basic conditions.**

Secondly, the proposed designation, of LGS-HRC, due in part to its size, includes a wide variety of greatly varying character. Much of the extensive tract of land varies considerably in scale, form and appearance to that of the Church IOWA alone. The whole of the LGS-HRC and its varying character and form, has not been analysed in detail and the whole of the extensive tract of land has not been shown to be demonstrably special nor hold a particular local significance.

There is an area to the south/south east of the churchyard that adjoins residential development and has a, suburban, backland/garden-land character. This area shares little if any of the characteristics of the Church IOWA, or land to the north/north west of the church. The presence of housing, trees and planting, and the private nature of the land means that it makes little, if any contribution to the setting of the church.

- **There is no evidence showing that the land to the south and south east of the churchyard is demonstrably special or holds a particular local significance. The proposed designation of LGS-HRC does not have regard to national policy and does not meet the basic conditions.**

There is an area of land to the east and north east of the churchyard that falls away from the village. This simply comprises open countryside. It is not an amenity area, but rather, a large tranche of open land. Much of the open countryside that surrounds Shillingstone provides a setting to the church tower – which can be seen from miles away, as is usually the case with church towers and steeples – but this does not mean that it is appropriate to designate all open countryside as Local Green Space.

- **As established above, the Framework is explicit in stating that the Local Green Space designation *“will not be appropriate for most green areas and local space.”* It is not appropriate to designate open countryside as Local Green Space simply because it is green and spacious.**
- **There is further direct conflict with national policy in this regard, given that the Neighbourhood Plan appears to be seeking to designate *“most green areas and local space”* as Local Green Space. Relative to the size of the village itself, the Neighbourhood Plan proposes vast swathes of land as Local Green Space. Taking Paragraphs 76-78 into account, this is clearly not the purpose of the policy designation.**
- **There is no evidence showing that the land to the east or north east of the churchyard is demonstrably special or holds a particular local significance. The proposed designation of LGS-HRC does not have regard to national policy and does not meet the basic conditions.**

An extensive tranche of land to the north and north west of the churchyard, extending as far as the edge of industrial land to the north and houses to the north west also forms part of the proposed designation of LGS-HRC. This part of the designation also includes the old primary school buildings and it is unclear why the Neighbourhood Plan would seek to place a barrier upon sustainable development relating to the use of the old primary school.

Such an approach fails to have regard to the Framework, which seeks to:

“...promote the retention and development of local services and community facilities in villages, such as...meeting places...cultural buildings...and places of worship” (Paragraph 28).

The old school buildings aside, and also excluding the sweeping area of countryside which extends from the churchyard in a north to north easterly direction, falling away to more countryside beyond, part of the large area of land extending away from the churchyard in a north to north westerly direction does appear to have significant merits as an extension area to the Church IOWA, to form a future area of Local Green Space.

There are a number of footpaths in this area between housing and employment land to the north of Shillingstone and the North Dorset Trailway, church, old school and village centre. Thus, there is clearly some scope, further to the production of appropriate evidence, to propose a Local Green Space incorporating this land together with the existing Church IOWA.

The owners of the land to the north and north west of the church would support the designation of this area, together with the Church IOWA as Local Green Space. Whilst it would still comprise a relatively large area of land, it would be less than half of the size of the extensive tranche of land currently proposed in Policy 1 and would have potentially relevant Local Green Space credentials, including footpath land with significant amenity value.

However, currently, there is no specific evidence to demonstrate that this part of the proposed designation of LGS-HRC meets the relevant statutory tests. There is clearly considerable scope for the local community, in this case plan-makers and landowners, to work together in the future to promote the creation of an appropriate new Local Green Space to include land at Church Field. This could be through a new Neighbourhood Plan, or through a revised version of the submission Neighbourhood Plan. Perhaps most appropriately and efficiently, it could also be achieved through the emerging Local Plan Part II, alongside review of IOWAs.

In the above regard, it is relevant to note that Planning Practice Guidance⁹ requires plan-makers to:

“...contact landowners at an early stage about proposals to designate any part of their land as Local Green Space.”

- **In the case of the Church Field element of the proposed designation of LGS-HRC, this did not happen and in this respect, having regard to national policy and advice, the Neighbourhood Plan does not meet the basic conditions.**

⁹ Ref: Planning Practice Guidance Paragraph 109. Reference ID: 37-019-20140306

In respect of Church Field, which comprises the majority of the extensive tract of land that comprises proposed designation LGS-HRC, had landowners been engaged at an early stage, there would clearly have been scope to develop Local Green Space policy in an appropriate manner, taking into account the above comments. This could have resulted in a different Policy 1, combining the existing Church IOWA together with an appropriate area of land at Church Field, and created and worded in a way that has regard to national policy and meets the basic conditions.

Instead, the landowners were unaware of the Local Green Space proposals until very late on in the process, only finding out the Neighbourhood Plan's intentions just prior to the public consultation stage – once the plan-makers had already made up their minds to seek to designate LGS-HRC as a Local Green Space, albeit in a significantly flawed manner. This does not constitute contacting *“landowners at an early stage about proposals to designate any part of their land.”* Simply, the landowners were not contacted at an early stage – despite it being highlighted as a key issue by national guidance and by North Dorset District Council¹⁰ and its own issued guidance.

Further to the above, it is relevant to point out that, at no stage, were the landowners ever contacted by the plan-makers. They were simply expected to respond through consultation. This fails to have regard to national policy.

In the case of LGS-HRC, once the landowners did become aware, they immediately submitted a representation highlighting problems with the proposed designation of LGS-HRC. The response¹¹ to these was not objective, but was dismissive and inappropriate:

“The land is not identified as needed to meet the built development needs of the area (as there are more suitable sites allocated or otherwise available)...The designation does not restrict uses compatible with its undeveloped character.”

Firstly, the Neighbourhood Plan does not allocate any development sites, but suggests *“possible”* sites, which is an entirely different thing, so the first sentence above is wholly incorrect. Secondly, the Neighbourhood Plan's own interpretation of Local Green Space has been proven to be in direct conflict with that of national policy. In this regard, the reference to *“uses compatible with undeveloped character”* is wholly irrelevant.

Notwithstanding the above, at no time, despite the obvious issues with the proposed designation of LGS-HRC, with Policy 1 and with the supporting evidence, rather than seek to discuss the matter with the landowners, the plan-makers simply relied on the brusque and inappropriate response above. This failing in the consultation process does not have regard to national policy and advice and fails to meet the basic conditions.

¹⁰ Ref: North Dorset District Council Response to Pre-Submission Consultation (page 2 of representation to Policy 1)

¹¹ Ref: Consultation Summary. Paper to 3 March 2016 Parish Council Meeting

Thus, in this case, we have a circumstance where, contrary to the basic conditions, landowners were never contacted, either at an early stage, or at any other time, with regards the proposed designation of Local Green Space. Furthermore, even when, finally, landowners had the opportunity to make a representation, in the case of the proposed designation of LGS-HRC, the representation was summarily dismissed on an entirely flawed basis.

- **It is therefore evident that, in respect of the proposed designation of LGS-HRC, the consultation process was insufficiently robust. This in itself does not bring into question other general aspects of the consultation process. From consideration of the submission documents, it is clear that plan-makers committed significant time and effort to ensure that consultation formed a major part of the Neighbourhood Plan. However, in the case of Local Green Space, the methods of engagement failed to have regard to national policy and advice and in this respect, Policy 1 does not meet the basic conditions.**

2 vii) Conclusion and Suggested Modification to Meet Basic Conditions

Policy 1 of the Neighbourhood Plan does not have regard to national policy and advice. It does not meet the basic conditions.

In the above regard, Policy 1's failings are multiple, as set out above. It would be preferable to be able to suggest that Policy 1 simply be amended, with a new wording and in the case of LGS-HRC, its replacement with the designation of a non-extensive Local Green Space to coincide with the Church IOWA, together with the Church Field land to the north west of the church. However, for the Independent Examiner to do this would be a bold step – it would effectively mean completely re-writing a Policy and in so doing, changing its meaning from that intended by the plan-makers. It could lead the Neighbourhood Plan wide open to legal challenge in the future, with resultant resource implications.

It is therefore suggested, in the interest of progress, that Policy 1 is deleted. Subject to other modifications, this could enable the Neighbourhood Plan to progress to Referendum and subsequently, to being made.

There would then be nothing to prevent plan-makers from progressing a revised Neighbourhood Plan, to include an appropriately evolved, evidenced and worded Local Green Space policy.

An alternative, subject to the need for other major changes to the Neighbourhood Plan, in order for it to progress to Referendum, is for plan-makers to step back a stage. Rather than progress with a Neighbourhood Plan without Local Green Space and other Policies, changes could be made and Regulation 14 and 16 consultation be undertaken again. This could provide for the most efficient way to ensure that an appropriate Neighbourhood Plan forms part of the development plan for the future of Shillingstone.

Were it proposed to press ahead with Policy 1 regardless, the proposed designation of LGS-HRC should be reduced in size, in order to meet the basic conditions and better reflect the IOWA it would replace. The designation might include the area of footpaths to the north and north west of the site, given their recreational value.

However, it is noted that the North Dorset Local Plan (2016) provides an excellent opportunity for the proper, robust consideration of IOWAs – it allows for their review through the emerging Local Plan Part II. It is suggested that it would be appropriate – and present a timely opportunity – for a proper review of IOWAs, together with the identification, promotion and designation of Local Green Space.

3. Policy 5 - “Land within the settlement boundary”

I note above that Shillingstone Parish Council reported¹² that, further to Neighbourhood Questionnaire, “it was apparent the overwhelming community consensus looked to preserve the...IOWAs, provide enough housing to meet local needs and **keep the existing development boundary**” (my emphasis).

Notwithstanding the very clear, indeed “overwhelming” community steer that had emerged through public consultation, Policy 5 of the Neighbourhood Plan proposes a new settlement boundary for Shillingstone and simply identifies the settlement as “the main area of search for development.”

This does not comprise a land use planning policy. It comprises a “Community Action” or local aspiration, whereby, at some stage in the future, there will be a “search” for development sites. The “Policy” does not set out any criteria against which development proposals might be judged. In conflict with Paragraph 154 of the Framework, Policy 5 does not provide a decision maker with a clear indication of how to react to a development proposal.

Policy 5 does not have regard to national policy and advice. It does not meet the basic conditions.

Further to the above, the proposed settlement boundary itself – as well as directly conflicting with the overwhelming community consensus identified by the Parish Council - is somewhat arbitrary and introduces confusion. For example, it fails to correspond to the established Conservation Area boundary, or to the established District-wide Landscape Character Area Assessment that partially underpins the North Dorset Local Plan’s (2016) approach to the natural environment. This leads to the potential for conflict with the local strategic policy approach to heritage assets and local character. Whilst not, in itself, a reason to dismiss the proposed settlement boundary out of hand, it adds to the level of confusion created by Policy 5.

There is no requirement for the Neighbourhood Plan to create a new settlement boundary. In the absence of land allocations, or directly related criteria to judge planning applications against, it is open to question why plan-makers have sought to create a new and potentially confusing settlement boundary.

In addition to all of the above, it is important to point out that, as proposed in Policy 5/Map 7, the revised settlement boundary would exclude the following:

- **Holy Rood, Shillingston. (Shillingstone Parish Church)**
- **Shillingstone Churchyard**
- **Shillingstone Rectory**
- **Shillingstone Coach House**

¹² Ref: Minutes Shillingstone Parish Council Meeting 4 December 2014

- **The Old Rectory, Shillingstone**
- **The Old Rectory Garden, Shillingstone**
- **The New School**
- **The Forum School**

To seek to exclude the Parish Church and the majority of the most important buildings in the village – all of which are located in the centre of the village - from the village boundary is a somewhat unusual approach.

Excluding the village’s most distinctive and historical features – that form the basis of the settlement’s character and the reason why much of it is designated as a Conservation Area – lacks any appropriate justification or substantive evidence.

It results in a highly confusing settlement boundary that makes little, or no, geographical sense.

Excluding the village’s most important public buildings from the village fails to have regard to national policy, which amongst other things, requires the:

“...retention and development of local services and community facilities in villages...”
(my emphasis) (Paragraph 28, the Framework).

It is also noted that Planning Practice Guidance requires land use planning policies to be precise and concise¹³.

Policy 5 does not meet the basic conditions. It should be deleted.

¹³ Ref: Planning Practice Guidance 41-041020140306.

4. Policies 7 – 13 inclusive – “Possible development sites”

Policies 7 to 13 (inclusive) are not land use planning policies.

The Policies fall within the Section entitled “Possible development sites.” Consequently, the seven sites referred to within pages 20-27 of the Neighbourhood Plan *do not* comprise land allocations. In this regard, the Neighbourhood Plan clearly refers to “Possible sites” in both the title of this section and in the table on page 20, identifying the “Possible sites.”

Land is either allocated for development – and is therefore a development land allocation – or it is not. There is no land use planning policy for “possible development sites.” In this regard, the Neighbourhood Plan is neither concise nor precise and it fails to provide a decision maker with a clear indication of how to react to a development proposal.

It is not within the gift of the Independent Examiner to allocate land for development. The Neighbourhood Plan has progressed through consultation on the basis that it includes “Possible sites” for housing rather than land allocations. Were the Neighbourhood Plan to have promoted land allocations, then these should have emerged through the appropriate land allocation process.

Policies 7 to 13 need to be deleted from the Neighbourhood Plan. They could form part of a “Community Action,” aspiration or similar, but they do not comprise land allocations.

This has a significant knock-on impact on the rest of the Neighbourhood Plan. As it does not allocate land for development, it does not provide any certainty with regards where development might take place in the future. Whilst there is no requirement for a Neighbourhood Plan to allocate land for development, it needs to be recognised that not allocating land could have an impact on other Policies in the Neighbourhood Plan. This is especially so where, as in this case, the supporting text of the Neighbourhood Plan states, amongst other things, that:

“...the allocation of these homes will...to provide a degree of certainty over the likely development issues...” (page 20)

Also, for example, it is noted earlier in this Representation that the designation of Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

The Neighbourhood Plan suggests that it is “*allocating*” homes and providing “*a degree of certainty*” but is not doing so. This places a significant question mark over whether the designation of Local Green Space is consistent with the local planning of sustainable development. In this case, Policy 1 (Local Green Space) is already fatally flawed for a large number of specific reasons, but were plan-makers to seek to provide for Local Green Space at some stage in the future, it is important to be conscious of the direct link, identified by national policy, between Local Green Space and planning for sustainable development.

Nigel McGurk, June 2016

