

# Shaftesbury Neighbourhood Plan 2019 to 2031

## Regulation 16 Consultation

### – Dorset Council Response

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1 April 2020

Dorset Council (DC) is pleased to see the submission version of the Shaftesbury Neighbourhood Plan after a number of years of hard work by the local community, with the support of the Town Council. We seek to provide constructive comments on the finalisation of the Plan, generally focussing on the content of the proposed policies. In particular, we consider whether the proposed policies are compatible with strategic policies in the adopted Local Plan, implications for any future Local Plan, and issues on implementation with respect to determining planning applications.

#### General points on LP conformity

- We are generally supportive of many of the policies in the submitted neighbourhood plan (NP). The plan is generally well laid out and attractive.
- However, in our detailed comments below we do flag up one or two occasions where we believe particular NP policies are not in general conformity with strategic policies in the development plan.
- In particular, we maintain that Policies 1 to 21 of the North Dorset Local Plan Part 1 (LPP1) are strategic policies. We note that although the submitted NP makes references to the LPP1 it makes no reference to any specific policies within LPP1.
- We believe of particular relevance is Policy 2 ‘Core Spatial Strategy’ which places Shaftesbury as one of the four main towns in the former North Dorset District. The policy states that the four towns “will be the main focus for growth, both for the vast majority of housing and other development.”
- In addition, Policy 18 ‘Shaftesbury’ is highly relevant, and the provisions within it should be regarded by the NP. The policy establishes a minimum number of homes to be delivered at Shaftesbury over the period 2011-2031, as well as identifies employment land sites, and a broad range of infrastructure requirements.
- Although there is no specific requirement for a NP to quote or cross-refer to policies in a corresponding local plan, we feel that without due consideration being given to these policies there is a risk that they become overlooked.
- One of the basic conditions is that neighbourhood plan policies should be in general conformity with strategic policies in the development plan. Although the submitted basic conditions statement considers the proposed NP policies against the adopted LP policies, Dorset Council does not always agree with the conclusions.
- The main text of the NP itself makes no reference to the basic conditions statement or the need to be in general conformity with strategic policies in the local plan. Again, although this is not a requirement, a lay reader may not appreciate that the plan is obliged to meet statutory ‘basic conditions’.

- There is also a risk of unnecessary policy duplication. NPPF para 16f specifies that plans should avoid this. Where appropriate we point this out in our detailed comments below.

#### Section 1.6, pages 10-11

- We note the large tables of figures on these two pages. They appear a little out of place near the start of the document, sitting between the Index of Policies (1.5) and The Neighbourhood Plan Area (1.7), with very little commentary to explain why they are there. It might suffice to add a simple paragraph in section 1.7 that explains that the town's population has grown by 18% in recent years. These tables could then be moved to an Appendix or supporting document as part of the evidence base.
- Notwithstanding the previous comment, we wish to point out that the figures in the third and fourth columns of the table are the number of **dwelling**s (or homes) and not the number of **households**. This is an important distinction to make, as 'dwelling's' can be vacant or act as second homes, whereas a 'household' can be homeless or share the same physical address with another household.
- We update the housing trajectory in the North Dorset Annual Monitoring Report each year to reflect the latest information regarding build rates and planning permissions. The trajectory published in the 2019 AMR agrees that the total number of dwellings predicted to be provided in Shaftesbury between 2011 and 2031 is approximately 1250. However, the future rate of delivery has been amended slightly since the 2018 AMR and so differs to this table.

#### Section 1.8, page 13

- The Vision for 2031 – this is supported as it strikes a balance between protecting what is unique and attractive about the town, and a willingness to address the challenges of the 21<sup>st</sup> century.

#### Section 1.9, page 14

- It is noted that extensive consultation of the community has taken place.

#### Section 1.10, pages 15-16

- Given the declared 'climate emergency', it is welcome that the issue of Climate Change is addressed by a broad cross-section of policies and projects.

#### Section 2.2, Map SFTC, page 19

- The proposed Town Centre boundary is very similar to the Town Centre boundary recommended by Carter Jonas in their Joint Retail and Commercial Leisure Study 2018. As noted in the supporting text, the main difference is that the SNP version includes Bell Street car park, Tesco car park, and the former Cattle Market site.
- The red line indicating the active frontages also appears to be identical to the recommended Primary and Secondary Frontages in the Carter Jonas study.

The main difference is that the NP does not differentiate between Primary and Secondary frontages.

- We note that since NPPF 2018 there is no reference to Primary and Secondary frontages in national policy. However, we are not aware of anything that prevents them from being identified in local or neighbourhood plans where there is the evidence to do so.
- The Primary Shopping Area is also very similar to that recommended in the Carter Jonas Study.
- LPP1 Policy 12 'Retail, Leisure And Other Commercial Developments' states that town centres, primary shopping areas, and primary and secondary shopping frontages will either be defined or reviewed in a future local plan, or in a neighbourhood plan.
- In summary, as this map largely agrees with work undertaken to inform the North Dorset Local Plan Review (now the new Dorset Local Plan), and is consistent with LPP1 Policy 12, we support it.

#### Policy SFTC1, page 20

- The policy lists a wide range of aspirations for development to aim to achieve in the town centre, all of which should help promote a vibrant town centre. It also prevents development that could undermine these aspirations. It seems to be a proportionate response to maintain a healthy town centre and is therefore supported.

#### Policy SFTC2, page 22

- The policy supports a broader range of uses than is permitted in a Primary Shopping Frontage or Secondary Shopping Frontage by LPP1 Policy 12, but we acknowledge that the trend is for retail to become less important to town centres, and so alternative uses such as leisure need to be found. Therefore we have no objection to this policy if it helps maintain town centre vitality.

#### Policy SFTC3 page 23

- As most of the town centre (essentially everything except Tesco and the Cattle Market site) is part of a conservation area, a policy promoting sensitively designed shop frontages and street furniture seems appropriate. It is therefore supported.

#### Policy SFTC4, page 24

- It is understood that parking (or lack of it) is an issue affecting Shaftesbury town centre. Clearly, reducing the need to use a private car would be better from an air quality and congestion perspective, but as the provision of public transport is largely out of the scope of a neighbourhood plan or even the town council, we recognise the proposed policy is the only reasonable option available to the NP.
- In terms of environmental impact, it is noted that the policy supports electric vehicle charging points. As EVs have the potential to reduce greenhouse gas emissions and improve air quality in urban areas, this is supported.

### Section 3.1, pages 26 to 32

- The repeated suggestion that LPP1 sets an upper limit for the number of new dwellings in Shaftesbury is incorrect (e.g. use of words like 'quota'). LPP1 Policies 6 and 18 state 'at least' 1,140 dwellings for Shaftesbury, and at no point suggest an upper limit.
- Paragraphs 8.101 and 8.102 in LPP1 make clear that growth beyond that explicitly planned for in LPP1 was envisaged at the time of the plan's adoption. For example, 8.102 states: "The strategy for the town will see the building out of sites already allocated or with planning permission for housing in the early years and a more limited amount of additional greenfield land later in the plan period."

### Map NPSB, page 27

- It is noted that this is the same map as shown on page 12. To keep the length of the document down, it is suggested that material shouldn't be repeated unless necessary.

### Policy SFHE1, page 29

- The first sentence seems to be aimed at the authors of the neighbourhood plan rather than at anyone determining planning applications. As it does not provide any guidance to the latter group, this sentence should be deleted.
- The second sentence begins "In those circumstances, where ...." This doesn't make sense as it doesn't appear to refer to the previous sentence.
- Notwithstanding the apparent typo in the second sentence, it requires planning applications to include an assessment of social, economic and environmental impacts. However, this only applies in cases "where the Local Plan housing supply policies are not considered up-to-date", and so essentially only applies to applications that have to be determined using policies in the NPPF (as required by NPPF para 11d).
- The main purpose of the policy appears to be to require further information from applicants. However, we believe Dorset Council already requires all the information it needs to determine planning applications. As we cannot see clear justification for this policy, or exactly what it would entail beyond existing requirements, Dorset Council recommends that it is deleted as it creates an unnecessary burden to applicants.

### Section 3.2, page 30

- Fourth paragraph - we welcome the recognition of the Dorset Local Plan that is currently at an early stage of production.
- The fourth paragraph then refers to "the following policy" – which is assumed to be Policy SFHE1 on the previous page.
- The fourth paragraph goes on to state that policy [SFHE1] "tries to ensure that any shortfall in housing elsewhere in Dorset is not seen as a reason to allow development outside of the settlement boundary, without taking all of these issues into account." Notwithstanding our recommendation above to delete policy SFHE1, it is not clear from the policy as currently worded how it

takes into account wider strategic issues such as “how Shaftesbury strategically fits within the wider area”.

- In terms of how Shaftesbury fits within the wider area, this is primarily established by Policy 2 (Core Spatial Strategy) of the LPP1. It states that Shaftesbury (as one of the four main towns) will function as a main service in North Dorset and the towns will be “the main focus for growth, both for the vast majority of housing and other development.” Therefore, in terms of meeting the District’s needs, Shaftesbury is considered to be a preferred location following the strategic policies set out in LPP1. Any attempt for the neighbourhood plan to undermine this strategy would risk non-compliance with basic condition (e) ‘general conformity with the strategic policies contained in the development plan’.

#### Policy SFHE2, page 33

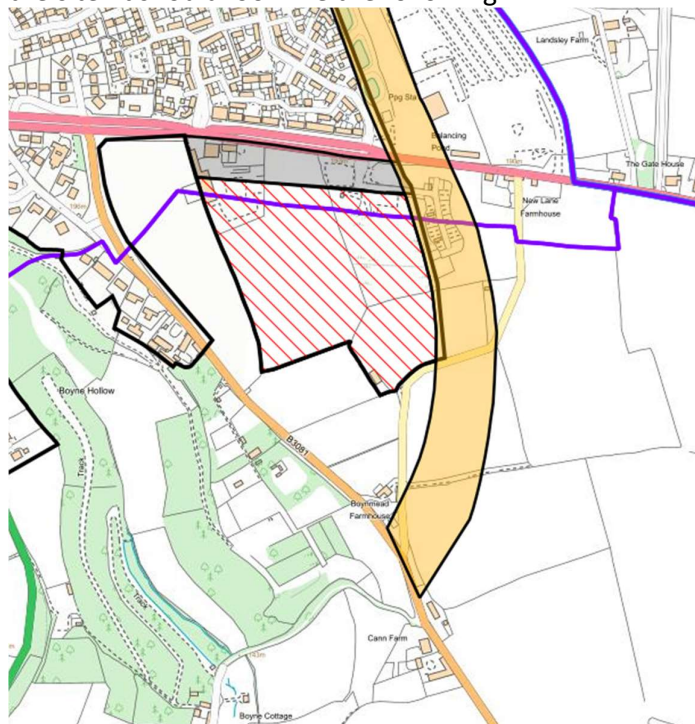
- As with the previous policy, it is not clear whether this policy is directed at plan makers or decision makers. The following points assume the latter.
- The first section of the policy starts by appearing to block large sites, stating, “Sites should be small to medium size....” However this interpretation is contradicted by the second column which states, “If large sites over 1ha in size are proposed....”
- Dorset Council feels that attempts to block (or even discourage) large scale development at one of North Dorset’s defined towns would undermine strategic policies (see comments above regarding basic condition (e), and also NPPF para 29). Therefore this policy should be redrafted to remove the ambiguity identified above. Perhaps change the start of the first section to: “Small to medium size sites should be delivered in a timely manner...” and the start of the second section to “Large sites over 1 ha in size should be properly master planned....”
- The threshold of 1ha for ‘large sites’ seems too low given the requirements that this policy places on them. For example, it requires such development to be phased. At a typical town density of 30dph, a ‘large’ site of 1.1ha would deliver 33 dwellings. These could easily be built within 12 months as a single phase. We suggest raising the large site threshold to over 100 dwellings as developments less than that would in normal circumstances take less than 3 years to build out and so do not require phasing.
- We note the requirement for sites to be delivered “in a timely manner”. Perhaps this is a reference to NPPF para 76 which allows LPAs to amend the condition specifying the time limit for development commencement. However, it should be noted that under the current system, once development has begun then permission remains extant with no end date. Unless the meaning here can be clarified, we suggest that this phrase is deleted.
- In summary, this policy requires careful editing to ensure it is useful to the decision maker and unambiguous to all parties (as per NPPF para 16d).

### Policy SFHE3, page 31

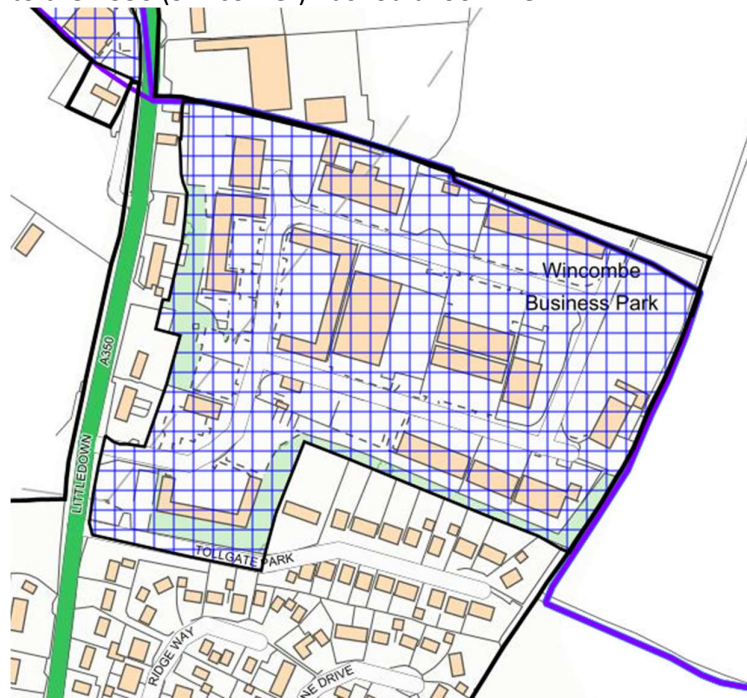
- We feel the policy as worded is too reliant on the supporting text as the policy text doesn't specify what the land south of the A30 is being safeguarded for.
- The supporting text also discusses a limited range of supplementary uses, largely mirroring criteria o, p, q, and r of LPP1 Policy 11.
- NPPF para 16f states that plans should avoid unnecessary duplication of policies. Since this policy and supporting text appear to repeat what is already set out in LPP1 Policy 11, we are unsure of its value and suggest that it could be deleted to avoid unnecessary duplication.

### Map SFHE3, page 35

- It is confusing whether all the uses shown on the map are covered by Policy SFHE3 or just the Employment Area (yellow) and Protected Employment Land (hatched). The other uses are not discussed in the supporting text so it is assumed that they are not covered by this policy. Also, the map is too small scale to show most of the other uses in a meaningful way. To avoid confusion we recommend only showing uses that are covered by Policy SFHE3 on this map.
- Notwithstanding the first point, the map includes areas shaded in magenta. It is believed that these denote hotels and B&Bs, but this isn't shown on the key. Again, it is questioned whether these should be shown on this map, particularly as they are covered by Policy SFCL2.
- The map incorrectly shows the Local Plan employment allocation to the south of the A30. The reserved eastern bypass corridor forms the eastern edge of the site. It should look like the following:-



- Wincombe Business Park is missing the industrial units nearest to its entrance to the A350 (SW corner). It should look like:-



- We question why the cattle market site is shown as an employment area. The site has never had this allocation/designation. As the name implies, the site was used to auction livestock until recently. The site is also shown by Map SFTC which includes it in the Town Centre and labels part of it as “Significant Strategic Site (Store)” and another part of it “Significant Strategic Car Park”. It is felt that also designating it as a protected employment area must be a mistake.
- Blackmore Vale Dairy (which lies outside the settlement boundary) has outgrown the original Local Plan allocation, dating from 2003 (as shown on the recent aerial photo below). However, the Employment Area shown on Map SFHE3 is larger still and includes further greenfield land to the east and north. Although we are generally supportive of business expansion, given that this is an open countryside location we feel that there should be some supporting text to indicate that this is the intention. It should also reference an evidence document that demonstrates that the site has been assessed with a clear conclusion that it is suitable for further development.





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Policy SFHE4, page 36

- The current allocation of the eastern bypass corridor was made by the 2003 Local Plan (and was derived from the Dorset Structure Plan which was approved in 2000). Even after 20+ years there is no known source of funding to deliver this bypass.
- As there is no schedule for the delivery of the bypass, it is not clear what is meant by “early provision”. Suggest deleting the word “early”.
- There is no known economic case for building the bypass in isolation. Currently the best hope of demonstrating an economic case lies with the strategic aim of improving the links between the M4 and the Dorset Coast. Following the Budget in March 2020 we are aware that the Government wishes to explore this further (as part of RIS2). Potentially the A350 via Shaftesbury could form part of that strategic route, however there are other options, principally via Salisbury.
- As such, Dorset Council note the content of this policy, but have concerns over its deliverability. NPPF para 16(b) tells us that plans should be “aspirational but deliverable”. With regards to transport routes, para 104(c) tells us that planning policies should identify and protect them “where there is robust evidence”. Finally, with regards to existing allocations, para 120(a) tell us that where there is no reasonable prospect of an application coming forward for the use allocated in a plan, we should, “reallocate the land for a more deliverable use ... (or, if appropriate, deallocate a site which is undeveloped).” Dorset Council is considering this matter in the context of NPPF as part of work being undertaken to prepare a new Dorset Council Local Plan.



Section 4.1, page 39

- Third column, second and third paragraphs – need to clarify which “national standards” are being referred to. Presumably “Fields in Trust standards” but this shouldn’t be assumed.
- Third column, second paragraph (“We have applied the national standards formula...”) is not clear and requires an edit.

Policy SFGI1, page 42

- For clarity the start of the policy text should be revised to “The areas shown on Map SFGI1 and listed Appendix L are designated as Local Green Spaces....” A similar change should be made to the start of the final paragraph that refers to Important Treed Areas.
- We have been made aware of a discrepancy regarding the boundary of the proposed LGS known as Rolt Millennium Green (site 27). The Town Council have written to us explaining that they wish to amend the boundary – this is printed in **Appendix A** of this submission.
- The policy is in general conformity with LPP1 Policy 15 ‘Green Infrastructure’ which states: “Neighbourhood plans should consider measures that assist in delivering key green infrastructure benefits as outlined in this policy, including the designation of local green space, where appropriate.”
- However we have concern over the sheer quantity of LGS sites that have been identified by the plan. LGS status carries particular weight in national policy (NPPF para 101: “Policies for managing development within a LGS should be consistent with those for Green Belts.”). For this reason, there should be a reasonably high threshold for identifying them, as outlined by paras 99-100 of NPPF. For example, it states that LGS should be of “particular importance”, and that a site should be “demonstrably special to a local community and holds particular local significance.” While each NP group will take a different approach, we note a striking difference between nearby Gillingham which identified 3 LGS in its NP, and Shaftesbury that has identified 56. It is our view that LGS should not be used to identify all (or nearly all) open space sites.
- Specifically, Dorset Council objects to the school playing fields that it owns being designated as LGS as it is unconvinced that they meet the criteria of paragraph 100b of NPPF. On Map SFGI1 (and Appendix L), these are identified as:
  - Site 10 “Shaftesbury school” – it is noted that this has had limited community use in the past and none at present.
  - Site 11 “Tennis courts” – these are hard courts and therefore do not fall into the definition of green space.
  - Site 14 “Shaftesbury Primary School” – as noted, no public use at present.
- Key points to consider with regards to school playing fields: a) Schools and primary school in particular are locked down and do not have public access; b) all playing fields have their own designation in Law (Section 77) that requires a submission to the Department for Education for any change in use of any area of a school site that is designed playing area (green space); c) a

LGS designation would restrict the school in developing playing field areas, and taking proactive measures to develop and improve the site for the use of the children in their care. Any development of a school site has to be taken as a whole and LGS designation will limit the options. The Section 77 requires any removal of re-purposing of playing fields to be fully mitigated with equal and equivalent areas of playing field and green space being provided.

- Many of the LGS sites, including sites 10, 11 and 14, also appear to Map SFCL1 (Map of community facilities, page 80) and so are covered by Policy SFCL1. We believe that in most cases, Policy SFCL1 gives these sites an appropriate level of protection and so the additional LGS status is not warranted.

#### Policy SFGI2, page 44

- The policy makes various references to maps. In the first paragraph it refers to map “SFG2” – it is assumed this is a typo and possibly refers to SFGI2a and/or SFGI2b.
- Later references are made to map SFGI2 which appears after maps SFGI2a/b. This ordering / numbering of the maps is unconventional and confusing.
- As Cranborne Chase AONB point out in their submission, the second sentence/paragraph appears to be saying the opposite of what it probably intended. Suggest amending to “On the steep slopes (as shown on map SFGI2) any development that does not will preserve the remaining open or wooded areas and their distinct rural character, ~~and further building in this area~~ will generally be resisted.”
- Overall, however, this policy is supported, as features like Gold Hill and the surrounding slopes are unique features to Shaftesbury, and need to be preserved.

#### Policy SFGI3, page 49

- The value of high quality green space forming part of a wider network is recognised, and so this policy is supported.

#### Policy SFGI4, page 50

- It is understood that Cranborne Chase AONB gained status as an International Dark Sky Reserve in 2019. Although the majority of Shaftesbury lies outside the AONB, and that the town and neighbouring sites (e.g. HMP Guys Marsh) already emit a lot of light into the night sky, any measures to minimise unnecessary light pollution will be supported so long as residents and businesses can operate safely, especially during winter months.

#### Policy SFDH1, page 66

- This policy refers to Section 5.2 which identifies the key characteristics and issues facing each of the 8 character zones. The majority of the zones have historic significance – for example, zones 1, 2, 3, 5 and 7 are either wholly or largely within a conservation area and contain a large number of listed buildings. It seems to be a practical and pro-active approach to ensure that new development is appropriate to its location in the town. This is a level of

detail that a Dorset-wide Local Plan cannot realistically provide. As such, this policy is supported.

#### Policy SFDH2, page 67

- Although it is admirable that the neighbourhood plan wishes to encourage better construction practices, we have concerns over feasibility and viability.
- The Government encourages approaches such as passive solar design to reduce energy consumption (see [www.gov.uk/guidance/climate-change](http://www.gov.uk/guidance/climate-change)), however they prefer to keep the planning and building regulation regimes separate (apart from a limited number of optional technical standards that can only be set in a Local Plan<sup>1</sup>). Although we appreciate that the section of the policy regarding “target emission rates” is not a requirement but an encouragement, we feel it inappropriate to include it in a neighbourhood plan policy. It also presents real issues regarding implementation as the technical drawings necessary to calculate the Building Emission Rate are not normally done until planning permission has been granted.
- The policy appears to require Building for Life and a Home Quality Mark rating – although this is slightly ambiguous as it is in the same sentence that encourages higher building regulations. If these are requirements then we are concerned that they haven’t been viability tested.
- In summary, we are not sure this policy is clear and unambiguous for the purposes of a decision maker (NPPF para 16d). If it is just encouraging higher standards then the content would perhaps be better moved to supporting text.

#### Policy SFDH3, page 68

- We question whether it is realistic to expect most developments to take into consideration “microclimates” – this sounds to be a highly specialist area that is only necessary for large scale developments in inner cities.
- Otherwise these all seem reasonable generic criteria to help improve the design of new buildings.

#### Policy SFDH4, page 69

- This policy promotes well designed public open space and is therefore supported.

#### Policy SFDH5, page 70

- This policy refers to both the local parking standards and the Manual for Streets, which has potential to cause confusion. This conflict needs to be resolved before the policy can be adopted.

#### Policy SFDH6, page 71

- This policy expects a high level of design detail in new development. It is appreciated that this is in response to a lot of bland late 20<sup>th</sup> century/ early 21<sup>st</sup> century developments in the town. The government have signalled an

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<sup>1</sup> <https://www.gov.uk/guidance/housing-optional-technical-standards>

intention to “give local authorities the ability to ensure that new homes conform to local residents’ ideas of beauty through the planning system” (Planning for the Future (2020), paragraph 15) – and this policy, along with others in the plan, appear to do this.

Policy SFDH7, page 72

- This policy specifies build materials. We question whether it is realistic and unambiguous for a policy to require materials that “celebrate the area’s heritage”. Otherwise, as with Policy SFDH6, this appears to be in line with the Government’s intentions to raise design quality.

Policy SFDH8, page 73

- We recognise that a historic town like Shaftesbury will have considerable archaeological remains, however, it is far from unique in this respect. Existing provisions to protect and preserve archaeological remains are already in place, which this policy largely repeats. Please see NPPF para 189, LPP1 Policy 5 “The Historic Environment”, and LPP1 paras 4.159 to 4.163 in terms of existing safeguards. The main concern here is policy duplication, which NPPF para 16f recommends against.
- We note that the proposed policy requires an assessment prior to the determination of a planning application. This differs from our approach of requiring an archaeological assessment via a pre-commencement condition. We believe that the proposed approach is unreasonable as it expects the applicant to incur significant extra cost before they know whether permission will be granted.

Policy SFDH9, page 74

- Many other neighbourhood plans have identified locally important buildings and given them policy protection. Providing the owners of the buildings have been appropriately notified, the principle of this policy is supported.
- However, we are not convinced that the policy, as currently worded, gives clear direction to a decision maker when determining planning applications. We suggest it might be improved if it were re-phrased to: “Locally important historic buildings, identified in this plan, should be conserved and enhanced.”

Policy SFCL1, page 79

- Community facilities are important – this policy is therefore supported.

Policy SFCL2, page 82

- Tourism is clearly an important industry in Dorset and so this policy is supported.

Policy SFCL3, page 84

- Improving the network of pedestrian and cycle paths is important to reducing the use of cars. This policy is therefore supported.
- Shaftesbury Town Council notified us of a small number of minor changes they wish to make to proposed network of footpaths and cycleways (as

shown on Map SFCL3). These proposed changes are attached as **Appendix B** to this submission, and they are supported by Dorset Council.

**Attached separately:-**

- Appendix A – email from Shaftesbury Town Council relating to Rolt Millennium Green LGS
- Appendix B – email from Shaftesbury Town Council relating to the map of footpaths and cycleways (map SFCL3)