

**Independent Examiner's Report of the Bridport
Area Neighbourhood Plan**

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SECTION 2

Summary

As the Independent Examiner appointed by Dorset Council to examine the Bridport Area Neighbourhood Plan, I can summarise my findings as follows:

- 1. I find the Bridport Area Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Bridport Area Neighbourhood Plan go to Referendum.*
- 3. I have read the Bridport Area Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate and that the Neighbourhood Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Bridport Area Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. The Bridport Area Neighbourhood Plan Area is within the area covered by Dorset Council. The relevant Development Plan, at the time of my examination was comprised of the West Dorset, Weymouth & Portland Local Plan adopted by West Dorset District Council on the 22nd of October 2015.*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Bridport Area Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Bridport Area Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Bridport Area Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Bridport Area Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus

of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3. The Plan does not meet the legal requirements and cannot proceed to a Referendum

3.1 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Bridport Area Neighbourhood Plan go to Referendum.

3.2 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.3 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- *Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- *Contributes to the achievement of sustainable development;*
and
- *Is in general conformity with the strategic policies contained in the Development Plan for the area.*

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of Neighbourhood Plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act-

The making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Dorset Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Dorset Council appointed me as the Independent Examiner for the Bridport Area Neighbourhood Plan with the agreement of the Joint Council Committee (JCC)

2. Qualifying body

I am satisfied that Bridport Town Council is the Qualifying Body, acting as the lead body on behalf of the communities of Allington, Bradpole, Bothenhampton & Waldich, Bridport and Symondsburry.

3. Neighbourhood Plan Area

The Bridport Area Neighbourhood Plan Area was designated through an application made October 2013 under the Neighbourhood Planning Regulations 2012 (part2 S6) and approved by West Dorset District Council on May 2014.

4. Plan Period

The Plan identifies the period to which it relates as 2019 to 2036. The submission version of the plan does not state the Plan Period either on the cover or in the body of the document. This is a requirement and therefore needs to be included.

5. Dorset Council Regulation 15 Assessment of the Plan.

Bridport Town Council, the Qualifying Body, submitted the plan to Dorset Council for consideration under Regulation 15 on the 29th April 2019. The Council has made an initial assessment of the submitted Bridport Area Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6.Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 4th of June 2019.

7.Hearing or Questions for clarification

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having examined the plan I was satisfied that I did not need to hold a Hearing. However, I did consider that a number of points needed clarification and requested further information from the Qualifying Body in respect to the following:

7.1 POLICY H9 Principal Residence Requirement

Question

The Neighbourhood Plan Area for includes a number of distinct settlements. The impact of second home ownership between settlements within the Neighbourhood Plan Area appears to differ. Having looked at the evidence regarding the number of second homes within the Bridport Neighbourhood Plan Area there seems to be some discrepancy between the data set out in the Bridport Area parishes imported from "West Dorset" tab of DCC Empty Property Data, 2 Oct 2017 and the data within the NP evidence base.

Please provide clarification on the apparent difference between the figures and Is there any additional existing evidence, specific to the Neighbourhood Plan Area to support this policy including impact on house prices?

7.2 POLICY L3 Local green spaces

Question

The Bridport Area Neighbourhood Plan proposes the designation of a number

of Local Green Spaces. Whilst I have been provided with information regarding how the areas meet the NPPF tests I cannot locate the information confirming that the owners of the proposed Local Green Spaces have been consulted or a copy of their responses. This in particular relates to the following sites:

- *Watton Hill Bradpole- Symondsburry Estate*
- *Area known as Happy Island Bradpole / Bridport-The Co-op, Travis Perkins, Mr Ted Seal, Spray Copse Farm*
- *Cooper's Wood and Field, Allington -Woodland Trust*
- *Allington Hill Allington-Woodland Trust*

Both my request for clarification and the QB responses are available to view in full on the Dorset Council website.

I deal with the responses in part 4 of this report under the appropriate policies.

8. The Consultation Process

The Bridport Area Neighbourhood Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed Neighbourhood Plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where

relevant, addressed in the proposed Neighbourhood Plan.

Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was adequate, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

8.Regulation 16 consultation by Dorset Council and record of responses.

Dorset Council placed the Bridport Area Neighbourhood Plan out for consultation under Regulation 16 from the 17th May 2019 to the 28th of June 2019.

A number of detailed representations were received during the consultation period and these were supplied by the Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.

9. Compliance with the Basic Conditions

The Qualifying Body have produced a Basic Conditions Statement. The purpose of this statement is to set out in some detail how the Neighbourhood Plan as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Bridport Area Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

Documents brought to my attention by the Borough Council for my examination include:

- *The Bridport Area Neighbourhood Plan Submission Version April 2019*
- *Consultation Report with appendices (2015 Vision & Objectives Consultation Summary and 2017 Consultation Summary with Appendix B)*
- *Basic Conditions Statement*
- *SEA Screening Report December 2017*
- *Habitats Regulation Assessment Screening Report April 2019*
- *Bridport Area Neighbourhood Plan Health Check March 2019*
- *Neighbourhood Plan Evidence Base*

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Bridport Area Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF)February 2019.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

The Bridport Area Neighbourhood Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Bridport Area Neighbourhood Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

10.2. Local Planning Policy- The Development Plan

Bridport Area is within the area covered by Dorset Council. The relevant development plan, at the time of my examination was comprised of the West Dorset, Weymouth & Portland Local Plan adopted by West Dorset District Council on the 22nd of October 2015.

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECHR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

West Dorset District Council carried out a Strategic Environmental Assessment (SEA) screening exercise in 2017 in consultation with relevant statutory bodies and confirmed that the Bridport Area Neighbourhood Plan did not require a Sustainability Appraisal (SA) in the form of a SEA under European Directive 2001/42/EC.

Habitats Regulations Assessment (HRA)

Dorset Council carried out a Habitats Regulation Assessment Screening in April 2019 in consultation with Natural England and confirmed that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

11.2 Sustainable development

Paragraphs 7 to 14 of the NPPF (Feb 2019) identify the components of sustainable development, and how planning applications and local plans can meet these requirements.

The Basic Conditions Statement sets out how the neighbourhood plan addresses the requirement to achieve sustainable development.

My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Bridport Area Neighbourhood Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Bridport Area Neighbourhood Plan has done so.

I am therefore satisfied that the Bridport Area Neighbourhood Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Bridport Area Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Bridport Area Neighbourhood Plan, subject to modification covers development and land use matters.

11.5 General Comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Bridport Area Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.

*As I have found it necessary to modify a number of policies it may also be necessary to modify the supporting text within the plan to align with the modified policies, where this is necessary. The details of these modifications are set out within my comments on the related policies. My comments on policies are in **blue** with the modified policies in **red**.*

12.The Neighbourhood Plan Vision, Strategic Aims and Policies

12.1 VISION Statements FOR BRIDPORT AREA

Neighbourhood Area Vision Statement

“The Bridport area will remain a place we are proud of, with an improved supply of homes and employment opportunities for local people, public facilities to match, and with a reduced carbon footprint. We will preserve our rural setting, the individual characters of our town and parishes, and ease of moving about within it”

Vision for Allington

“Recent new developments have not overshadowed the historic buildings and distinctive character of Allington Parish and any future developments should do likewise, as well as sustainably meeting the needs of our parishioners”

Vision for Bridport and West Bay

“Working in partnership with the other local councils and its communities, the Town Council welcomes the opportunity to safeguard Bridport’s heritage, open spaces and town alongside sustainable development that reflects and meets the present and future needs of all who live and work in the area

Vision for Bothenhampton & Walditch

“The parish of Bothenhampton and Walditch whilst proud of its distinctive character is fully supportive of the collaborative vision for the future of Bridport and its neighbours as envisioned in this neighbourhood plan”

Vision for Bradpole

“The settlements within Bradpole civil parish will be places where the individual character, identity, heritage, amenity and natural landscape

will be preserved, where new development will provide homes to meet the expressed needs of their residents and where opportunities will arise to provide enhanced community and infrastructure facilities accompanied by improved connectivity with the health, social and other public services in our neighbouring parishes”

Vision for Symondsburry

“Maintaining Symondsburry parish’s rural nature is important, but we look to opportunities to support sustainable development for the benefit of our residents”

Objective 1

To ensure that the anticipated level of carbon emissions from development is made public.

Objective 2

To enable the community in the Plan area to make informed comment and decisions about proposed development, taking into account the anticipated carbon footprint.

Objective 3

To maintain, protect and enhance the unique nature of the area, its heritage, important features, character, and its environmental assets.

Objective 4

To enhance and protect the Area of Outstanding Natural Beauty designation, the Conservation Areas, and the Jurassic Coast UNESCO World Heritage Site.

Objective 5

To maximize the provision of housing that is genuinely affordable for

those in need and of the right mix of house types and tenure.

Objective 6

To support socially balanced communities through measures that encourage younger people to live here, enable older people to downsize, and cater for a broad spectrum of financial means.

Objective 7

To ensure that the design of housing developments and the homes within them are responsive to local context and conditions, are energy efficient, adaptable to different residents' abilities, and accessible to public services.

Objective 8

To protect the excellent community facilities that exist today, including education, health, cultural, sport and leisure facilities.

Objective 9

To increase the range and availability of community facilities, sports, and leisure provisions where these bring benefits to the community.

Objective 10

To expand the local economy, improve opportunities to start up new businesses and to grow existing businesses.

Objective 11

To ensure that the local economy is robust and diverse with emphasis on creating skilled, well paid jobs.

Objective 12

To encourage tourism which uses local services, facilities, and locally

produced goods, creating an accessible and attractive destination for visitors and local people.

Objective 13

To make it easier to walk, cycle and use public transport, with the aims of shifting to less polluting forms of transport and improving safety and well-being.

Objective 14

To safeguard and improve pedestrian movements in the neighbourhood area.

Objective 15

To safeguard and revitalise use of the bus station as a transport hub.

Objective 16

To maintain, protect and enhance the thriving, independent nature of the centre of Bridport, its businesses, and its attractions.

Objective 17

In the short to medium term, to protect car parking capacity in the Centre of Bridport and explore options for temporary peak time/overflow car parking on the Bridport town edge.

Objective 18

Over the medium to longer term, move towards a town centre less dependent on private vehicle movements.

COMMENT

I am satisfied that the Bridport Area Parish NP vision and objectives were developed from the consultation process and that the policies

within the plan reflect the vision, aims and objectives.

13. Bridport Area Neighbourhood Plan Policies

CLIMATE CHANGE

13.1 POLICY CC1 Publicising Carbon Footprint

A statement should accompany every planning application as to the anticipated carbon emissions of the proposed development.

COMMENT

This policy seeks to introduce an element of compunction for the provision of information regardless of the scale or type of application. This is overly onerous. In order to meet the Basic Conditions, the policy should be modified as follows:

POLICY CC1 Publicising Carbon Footprint

Applicants should seek to minimise the carbon footprint of development proposals and are encouraged to submit a statement setting out the anticipated carbon emissions of the proposed development.

13.2 Policy CC2 energy and Carbon emissions

New development should aim to meet a high level of energy efficiency as follows:

a) Residential development should achieve approximately a 20% improvement above the target emission rate of Building Regulations Part L 2013 for dwellings.

b) Non-residential developments should meet the relevant design category of Buildings Research Establishment BREEAM building standard “excellent”

COMMENT

This policy is confusing, on the one hand it uses “aim” but then seeks to introduce an element of compunction in points a) and b) regardless of the scale or type of application which is overly onerous. For clarity and in order to meet the Basic Conditions the policy should be modified as follows:

Policy CC2 energy and Carbon emissions

New development should aim to meet a high level of energy efficiency where achievable, by:

a) exceeding the target emission rate of Building Regulations Part L 2013 for dwellings.

b) meeting the relevant design category of Buildings Research Establishment BREEAM building standard “excellent” for non-residential development.

13.3 POLICY CC3 Energy generation to Offset Predicted Carbon emissions

New development, both commercial and residential, should secure at least 10% of its total unregulated energy from decentralised and renewable or low carbon sources.

COMMENT

This policy seeks to introduce an element of compunction regardless of the scale or type of application. This is overly onerous. In order to meet

the Basic Conditions, the policy should be modified as follows:

POLICY CC3 Energy generation to Offset Predicted Carbon emissions

New development, both commercial and residential, is encouraged where possible to secure at least 10% of its total unregulated energy from decentralised and renewable or low carbon sources.

13.4 POLICY CC4 Neighbourhood Renewable energy Schemes

Proposals for individual and community scale renewable energy should be supported subject to the considerations outlined in national policy and guidance.

COMMENT

For clarity and consistency, the policy should be modified as follows:

POLICY CC4 Neighbourhood Renewable energy Schemes

Proposals for individual and community scale renewable energy will be supported subject to the considerations outlined in national policy and guidance.

13.5 POLICY CC5 Flood Risk Assessment

All developments, especially those required to submit a flood risk assessment should make every effort to be informed and take account of the most up-to-date predictions of flood risk and the probable impacts of climate change.

COMMENT

This is a statement rather than a policy and there is already detailed national guidance on the preparation of flood risk assessments. The policy should be deleted, but if such provisions are to be retained, it should be set out in the supporting text, rather than a policy.

ACCESS AND MOVEMENT

13.6 POLICY AM1 Promotion of Active Travel Modes

Proposals for new development which are likely to generate increased movement should:

- a) Provide for pedestrian movement as a priority.***
- b) Make appropriate connections to existing footpaths, cycle paths, rights of way and bridleways to improve connectivity in and between settlements.***
- c) Enable safe and convenient access to be provided for all people including the disabled.***
- d) Make possible, or not hinder, the provision of improvements to public transport and of facilities for car sharing and electric vehicles.***

COMMENT

For clarity the first paragraph of the policy should be modified as follows:

Proposals for new development which are likely to generate increased pedestrian and/or vehicular traffic movement should:

13.7 POLICY AM2 Managing Vehicular Traffic

Proposals for new development which are likely to generate increased movement should:

- a) Provide convenient and safe access onto the adjacent roads and this should not adversely affect existing pedestrian movement.***
- b) Make the best use of existing transport infrastructure through improvement and reshaping of roads and junctions where required to***

improve pedestrian access and connectivity to surrounding areas.

c) Ensure residential and environmental amenity is not adversely affected by traffic.

Development proposals that cannot meet the above requirements will not be supported.

COMMENT

For clarity the first paragraph of the policy should be modified as follows:

Proposals for new development which are likely to generate increased vehicular movement should:

13.8 POLICY AM3 Footpath & Cycle path Network

Support will be given to proposals that improve and extend the existing footpath and cycle path network, allowing greater access to new housing, the town and village centres, green spaces and the open countryside. The loss of existing footpaths and cycle paths will be resisted.

COMMENT

I have no comment on this policy.

13.9 POLICY AM4 Contributions to Maintain and Improve the Footpath and Cycle path Network

Developer contributions towards the costs of maintaining and improving the network of footpaths and cycle paths will be sought

COMMENT

This is a statement and not a policy and should be deleted from this

section of the plan although it can be included in the plan as either a community aspiration or forming part of a Community Infrastructure Levy priority list.

13.10 POLICY AM5 Car Parking Strategy

1. Redevelopment of public car park sites in the neighbourhood plan area will only be permitted subject to the following provision:

a) A broadly equivalent amount of public car parking is provided within walking distance of the existing car park.

2. Where new car parks or refurbishment of existing sites are proposed they must:

a) Be fully described and illustrated through a Design & Access Statement that has been subject to a wide consultation with residents and businesses in the neighbourhood plan area; and

b) Include proposals for improved signage and information for visitors arriving by car to the neighbourhood plan area;

c) Describe and address any impacts on public transport, traffic congestion and air quality;

d) Support greater use of electric vehicles, including installation of charging points;

e) Have appropriate regard to best practice design guidance such as 'Car Parking: What Works Where' (English Partnerships, 2006); and

f) Demonstrate how any relevant planning issues identified through community engagement and consultation would be satisfactorily addressed.

COMMENT

The supporting text to this policy sets out that an aim of the Neighbourhood Plan “to encourage reduced access to the town centre by private motor vehicles to improve the quality of life for residents whilst the policy itself advocates the retention of the existing level of carparking in the town. In addition, the policy includes a number of elements which are not considered planning policy but could be included as a community aspiration/project in a separate section of the plan. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY AM5 Car Parking Strategy

Proposals for the redevelopment of public car park sites in the neighbourhood plan area should be informed by a comprehensive Transport Assessment.

A broadly equivalent amount of public car parking should be provided within walking distance of the existing car park, unless it can be demonstrated that the level of car parking is no longer required due to the provision of alternative modes of transport/access.

13.11 POLICY AM6 Connections to Sustainable Transport

New developments should provide access to public and community transport and provide easy connections to the social, community and retail facilities of the neighbourhood plan area.

COMMENT

This policy makes requirements which will not be relevant for all development proposals and may not always be achievable. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY AM6 Connections to Sustainable Transport

Developments proposals should, where achievable include provisions to enable access to public and community transport and provide easy connections to the social, community and retail facilities of the neighbourhood plan area.

13.12 POLICY AM7 Transport Hub Proposal

1. Bridport bus station and the land immediately around will be retained and enhanced primarily as a transport hub and

2. All redevelopment proposals for the site should:

a) Demonstrate how they will relate to the wider Bridport context, with specific reference to clear and convenient connections with the town centre and with surrounding adjacent areas and

b) Make the most efficient use of land and be developed to seek optimum use. The optimum use of the site should result from a design led approach to determine the capacity of the site and

c) Enable the successful integration of the bus station and any new buildings within its surrounding area, and deliver wider benefits to residents and visitors, such as access to shared amenity space and a high-quality public realm.

Development proposals for the Bus Station site that do not accord with this policy will not be supported.

COMMENT

For clarity a map should be included in the plan showing the area to which Policy AM7 would apply. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY AM7 Transport Hub Proposal

Any proposals for the redevelopment of Bridport bus station and the

land immediately around should retain and enhance its primary use as a transport hub and

a) Demonstrate how they will relate to the wider Bridport context, with specific reference to clear and convenient connections with the town centre and with surrounding adjacent areas and

b) Make the most efficient use of land and be developed to seek optimum use resulting from a design led approach to determine the capacity of the site and

c) Enable the successful integration of the bus station and any new buildings within its surrounding area, and deliver wider benefits to residents and visitors, such as access to shared amenity space and a high-quality public realm.

Development proposals for the Bus Station site that do not accord with this policy will not be supported.

A THRIVING SOCIETY

13.13 POLICY EE1 Protection of existing employment sites

The Old Laundry and East Road trading estates in Bridport are key employment sites in addition to those already identified in the Local Plan (see Map 3 for their location and extent). Applications for B1, B2, B8 and similar uses will be permitted subject to proposals not having a significant adverse impact on surrounding land uses.

Retail uses will generally be supported at these two key employment sites if they have trade links with employment uses or if they are unneighbourly in character (such as tyre and exhaust centres, car showrooms and trade counters).

Other uses which do not provide direct, on-going local employment opportunities will not be permitted at these two sites.

COMMENT

This policy seeks to give the employment areas of the Old Laundry and East Road trading estates “Key Employment Site” status and therefore subject to the provisions of Local Plan Policy ECON2 - Protection of Key Employment Sites.

I have received representation that this level of policy protection would be inappropriate due to the mixed use of the sites which provide agricultural, employment and residential uses.

I have not been provided with evidence to justify this additional categorisation and in addition the wording of EE1 is not the same as Local Plan Policy ECON 2. I therefore conclude that the policy as currently worded does not meet the Basic Conditions and should be modified as follows:

POLICY EE1 Protection of existing employment sites

The Old Laundry and East Road trading estates in Bridport are important employment sites (see Map 3 for their location and extent). Applications for B1, B2, B8 and similar uses will be supported subject to proposals not having a significant adverse impact on surrounding land uses.

Retail uses will generally be supported at these two important employment sites if they have trade links with employment uses or if they are unneighbourly in character (such as tyre and exhaust centres, car showrooms and trade counters).

Other uses which do not provide direct, on-going local employment opportunities will not be supported at these two sites.

I have also received representation that The Crepe Farm Business Park annotation on Map 3 is incorrect. This should be checked and revised as necessary.

13.14 POLICY EE2 Provision for New & Small Businesses

1. Development proposals that provide working spaces which encourage homeworking and creative small businesses will be supported.

2. Support will be given for developments on sites that provide for:

a) Start-up businesses by enabling low cost facilities in cooperative clusters.

b) Businesses to operate from integrated home/ work locations, as long as they do not require a change of use.

c) Working from home, enabling extensions and small new buildings.

d) Enabling microbusinesses.

COMMENT

Paragraph 2 b) relates to permitted development and for clarity should be deleted from the policy.

13.15 POLICY EE3 Sustainable Tourism

1. Proposals for the development of tourist related accommodation and facilities will be supported and encouraged in the neighbourhood plan area where:

a) They demonstrate a positive impact.

b) Pedestrian and cycle routes within the town and to and from the surrounding countryside are protected and signposted.

c) They help reinforce the different characteristics of the neighbourhood plan area. (see Landscape & Heritage chapters)

2. All large-scale tourism developments, such as accommodation or

visitor attractions, will be required to submit a travel plan and encourage visitors to travel by sustainable means.

COMMENT

Dorset Local Plan addresses tourism development through policies ECON5, ECON6 and ECON7 and the policy as currently worded does not reflect those policies. For clarity the policy should be modified as follows:

POLICY EE3 Sustainable Tourism

Proposals for the development of tourist related accommodation and facilities will be supported and encouraged in the neighbourhood plan area where they are in conformity with the relevant policies in the Development Plan.

HOUSING

13.16 POLICY H1 General Affordable Housing Policy

1. Where the number of dwellings being built exceeds the threshold set by the Local Plan for provision of affordable homes, applicants will provide at least the minimum requirement of affordable housing as required by the Local Plan which is currently 35%.

2. If an applicant proposes to provide less than 35% affordable housing by claiming impaired viability, their claim shall be open to full financial and technical scrutiny by parish/town councils. Viability assessments should be submitted at the same time as the relevant planning application and should adopt an 'open-book' approach.

3. Where non-viability threatens the 35% target for affordable housing, the developer shall demonstrate that all options, including innovative and modern methods of construction, have been applied as fully as is practicable.

4. The affordable housing mix will be guided by the latest Bridport Area Housing Needs Assessment, and any subsequent change in demand for properties of different sizes as recorded on the local authority's Housing Register.

5. Within the neighbourhood plan area the exclusion of Starter homes from the mix of affordable housing will be supported.

6. A planning application to effectively extend an existing small site which provided no affordable housing may be supported only if it provides affordable housing at 35% of the cumulative total. If the cumulative total is 10 or greater then affordable homes will be built, if between 5 and 9 then a payment of cash in lieu may be made. The requirement lapses 5 years after completion of the existing site and applies to existing sites of fewer than 5 units.

COMMENT

Policy for the provision of affordable housing is contained within policy HOUS1. and does not need to be repeated in this plan. The requirement for viability assessments is supported in the NPPF, paragraph 57 however these would be reviewed by the “decision maker” who in this case would be Dorset Council. Whilst Criterion 4 indicates that the affordable housing mix will be guided by the latest Bridport Area Housing Needs Assessment this should also be clarified in the supporting text. criterion 5 of the policy H1 seeks the exclusion of starter homes from the mix of affordable housing. However, starter homes are a form of affordable housing supported by national policy. Whilst I understand the intention of criterion 6 the wording is confusing and the introduction of the 5-year time limit appears arbitrary.

The following text modification should be made to align with the policy modification:

“Whilst it is the local authority who must assess any claim of non-viability through the planning process and ultimately decide on its validity, Policies H1.2 and H1.3 require that they will now involve Town and Parish Councils in any viability assessment carried out in the neighbourhood plan area, and the developer will need to show how they have tried to avoid any loss of affordable home quota. Town and Parish Councils will thereby be fully informed and can consult with the community about it.” Page 23. This paragraph should be deleted.

“Policy H1.4 explains how proposals for the distribution of different sizes of affordable homes should be assessed. Policy H1.5 makes special mention of “Starter Homes”. Although classed by government as affordable housing, owners are able to sell them onto the open market in due course and if this happens, they are lost to the area’s affordable homes stock. In any case, at 80% of market value they are not really ‘affordable’ in the context of local income. While a neighbourhood plan cannot stop them being built, all other forms of affordable homes are preferable, and the policy makes this clear.” Page 23. This paragraph should be deleted and replaced with”

“Policy H1.4 explains how proposals for the distribution of different sizes of affordable homes should be assessed. The affordable housing mix will be guided by the latest Bridport Area Housing Needs Assessment”

For clarity and to meet the Basic Conditions, the policy should be modified as follows:

POLICY H1 General Affordable Housing Policy

1. For residential housing proposals affordable housing should be provided in accordance with the provisions of the relevant policy in the Development Plan.

2. The affordable housing mix will be guided by the latest Bridport Area

Housing Needs Assessment, and any subsequent change in demand for priorities of different sizes as recorded on the local authority's Housing Register.

3. The subdivision of sites to avoid the provision of affordable housing will not be permitted.

13.17 POLICY H2 Placement of Affordable Housing

1. At outline planning stage, the number of Affordable Housing units will be stated setting out the size, type and tenure of each of the units.

2. The location of Affordable Housing will be stated at the reserved matters or full stage of the planning application.

3. Affordable housing and open market housing will be fully integrated into, and evenly distributed within, all developments in such a way that once completed any quality and location differences are indiscernible.

COMMENT

At the outline stage of a planning application a Section 106 Agreement usually secures the percentage and tenure of the affordable housing to be provided. It is only at reserved matters / full application stage that the numbers, size, type and location are secured. This is because detailed layouts are drawn up (and final numbers determined) only at the reserved matters / full application stage. A requirement to provide the level of detail set out in point 1 of this policy would be overly onerous. In order to meet the Basic Conditions, the policy should be modified as follows:

POLICY H2 Placement of Affordable Housing

Affordable housing and open market housing will be fully integrated and evenly distributed across sites in such a way that once completed any quality and location differences are indiscernible.

13.18 POLICY H3 Affordable Housing exception Sites

1. The preferred mix of affordable houses will be guided by the latest Bridport Area Housing Needs Assessment, and any subsequent changes to trends in household composition identified by the local planning authority.

2. Small numbers of open-market homes may be included as part of an Affordable Homes Exception Site development.

If the development is phased, then the approved proportion of open-market to affordable homes will apply for each phase.

COMMENT

Rural Exception Sites are defined as follows:

“Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.”

Paragraph 64 d) of the revised NPPF introduces “entry -level exception “sites, defined as

“Entry-level exception site: A site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 71 of this Framework.”

Paragraph 71 states:

“71. Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is

already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and
- b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework and comply with any local design policies and standards.”

Criterion 1 of Policy H3 should apply to all homes on the site not just affordable homes. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

POLICY H3 Rural Exception Sites and Entry Level Exception Sites

Rural exception sites will be supported where:

1. The preferred mix of housing is guided by the latest Bridport Area Housing Needs Assessment and any subsequent changes to trends in household composition identified by the local planning authority. (Small numbers of open-market homes may be included where cross subsidy is required for delivery of the affordable housing element).

If the development is phased, then the approved proportion of open market to affordable homes will apply for each phase.

2. Entry Level Exception Sites will be supported.

13.19 POLICY H4 Housing Mix & Balanced Community

To ensure a balanced community, proposals for developments of 10 or more homes will contain a mix of housing types and sizes to meet a range of needs. The preferred mix will be guided by the latest Bridport Area Housing Needs Assessment, and any subsequent changes to trends in household composition identified by the local planning

authority.

COMMENT

The decision to choose a threshold of 10 units for this policy does not seem to be based on any evidence provided in support of the Plan.

The supporting text on page 44:

“A policy ensuring that new housing developments deliver the preferred mix of sizes and types must take into account that this cannot be made to work on very small sites, and sites where there are other practical constraints such as the character of its surroundings. The requirement to adopt the preferred mix therefore applies to developments of 10 or more homes and takes into account the overall housing need within the neighbourhood plan area.”

Should be modified to reflect the modified policy, as follows:

“A policy ensuring that new housing developments deliver the preferred mix of sizes and types must take into account that this cannot be made to work on very small sites, and sites where there are other practical constraints such as the character of its surroundings. The requirement to adopt the preferred mix therefore applies to major housing developments and takes into account the overall housing need within the neighbourhood plan area.”

For clarity and to meet the Basic Conditions, the policy should be modified as follows:

POLICY H4 Housing Mix & Balanced Community

To ensure a balanced community, major housing applications will contain a mix of housing types and sizes to meet a range of needs. The preferred mix will be guided by the latest Bridport Area Housing Needs Assessment, and any subsequent changes to trends in household

composition identified by the local planning authority.

13.20 POLICY H5 Retirement Living Development

1. A new or extended retirement living development will:

a) Be located within a defined development boundary and be of an appropriate scale in relation to its setting.

b) Be located so as to afford reasonably level and easy access to shopping and social facilities whether on foot or by use of mobility scooter or similar.

c) Demonstrate a proven need for the development in the neighbourhood plan area or its closely surrounding parishes.

COMMENT

I have no comment on this policy.

13.21 POLICY H6 Housing Development Requirements

1. At the outline planning application stage proposals for 10 or more homes will demonstrate that they comply with all of the following requirements:

a) The proposed development will integrate and connect with neighbouring communities.

b) The variety of size, form, tenure, and type of homes will meet a range of needs and will help create a balanced and mixed community as described in Policy H4.

c) For a development scheme involving provision of public amenities (e.g. schools, health-care etc.), the phasing and schedule of these amenities will be such that they are commissioned in step with the demand created by the overall (or phased, where applicable)

development completion.

2. Additionally to b) above, for a development scheme of 50 or more homes, binding agreement will be made that the scheme will be constructed and commissioned such that each phase includes 35% affordable housing (or alternative figure if substantiated by viability assessment). Where more than 35% affordable housing in any phase is built this can be offset by a proportional reduction in subsequent phases.

3. At the Reserved Matters stage of a planning application where the provision of serviced plots for self-build is applicable, the location of such plots will be detailed, and the location of such plots should be integral with the overall development.

Development proposals will make transparent any costs for the maintenance of private or common areas within the development for which residents will become liable.

COMMENT

The decision to choose a threshold of 10 units for this policy does not seem to be based on any evidence provided in support of the Plan. Private maintenance costs are not a land use matter.

The supporting text for this policy should be modified to reflect the policy modification.

“Policy H6 has four clauses. H6.1 applies to developments of 10 or more homes and concentrates on ensuring even a small-scale new development fits in with and benefits the neighbourhood. H6.2 is additional to H6.1 for larger developments and ensures its affordable housing provision is met in step with completing other homes. H6.3

is for a development of any size on which there will be a self-build provision. H6.4 applies to all developments, with a focus to reduce the

risk of affordability becoming impaired over time due to higher than expected “estate management” or similar fees which sometimes apply on new developments, by making sure they are clearly declared in advance.” Page 46 should be modified as follows:

“Policy H6 seeks to ensure that even a small-scale new development fits in with and benefits the neighbourhood, that larger developments ensure that affordable housing provision is met in step with completing other homes and encourages development of any size to make a provision for self-build.

For clarity and to meet the Basic Conditions, the policy should be modified as follows:

POLICY H6 Housing Development Requirements

1. At outline, major housing applications should demonstrate that they comply with all of the following requirements:

a) The proposed development will integrate and connect with neighbouring communities.

b) The variety of size, form, tenure, and type of homes will meet a range of needs and will help create a balanced and mixed community as described in Policy H4.

c) where a proposal involves the provision of public amenities (e.g. schools, health-care etc.), the phasing and schedule of these amenities will be such that they are commissioned in step with the demand created by the overall (or phased, where applicable) development completion.

2. For a phased development each development phase should include no less than the % of affordable housing agreed with the Council for the whole site (unless substantiated by viability assessment).

At the Reserved Matters stage of a planning application, where the provision of serviced plots for self-build is included, the location of such plots will be agreed.

13.22 POLICY H7 Custom-Build and Self-Build Homes

1. A minimum of 4% of the dwelling plots on developments of 25 or more homes will be made available for custom-build and self-build homes.

2. Where serviced plots have been made available and marketed appropriately at a reasonable price for a minimum of one year from granting of full or reserved matters planning permission and have not sold, the requirement on the site will lapse.

COMMENT

Criterion 1 requires a minimum of 4% of the dwelling plots on developments of 25 or more units to be self-build however I have not been provided with evidence to support this %. It is not clear whether the potential viability and housing delivery implications of the proposed approach put forward in Policy H7 of the neighbourhood plan have been considered. The time scales included in criterion 2 appear arbitrary.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY H7 Custom-Build and Self-Build Homes

The provision of Custom Build and Self Build Homes is supported. For major applications the inclusion of 4% of serviced plots is encouraged.

13.23 POLICY H8 Community-Led Housing

1. As an exception to normal policy for the provision of housing set out in the local planning authority Local Plan, applications for community-led housing will be supported for small-scale sites providing that:

a) The development provides a mix of dwelling types and sizes compatible with the needs defined by the constitution of the CLT.

b) The land is held in trust as a community asset by a Community Land Trust.

2. Where a community-led development may include government-defined affordable housing, the preferred mix of that housing will be guided by the latest Bridport Area Housing Needs Assessment, and any subsequent changes to trends in household composition identified by the local planning authority.

COMMENT

I am unclear as to whether in addition to supporting Community Led Housing developments the intention of this policy is to support such developments on Rural Exception Sites. Policy Criterion H3 already covers Rural Exception Sites and any Community Led scheme for an exception site would have to comply with the requirements of Policy H3.

A neighbourhood plan can impose policies for the control of the use of land not its ownership. The supporting text of Policy H8 should be clarified follows:

“Policy H8 supports the principle that Community-Led Housing development is supported in the neighbourhood plan area. Any such housing will be in conformance with expected CLT practice. “

For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY H8 Community-Led Housing

Community-led housing will be supported.

13.24 POLICY H9 Principal Residence Requirement

- 1. A Principal Residence is defined as one occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working (or working away from home).**
- 2. The sale of new open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a Principal Residence.**
- 3. Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition or legal agreement which requires that a home is occupied only as the Principal Residence of those persons entitled to occupy it.**

COMMENT

During the course of my examination I sought additional clarification on this policy from the Qualifying Body as follows:

“The Neighbourhood Plan Area for includes a number of distinct settlements. The impact of second home ownership between settlements within the Neighbourhood Plan Area appears to differ. Having looked at the evidence regarding the number of second homes within the Bridport Neighbourhood Plan Area there seems to be some discrepancy between the data set out in the Bridport Area parishes imported from "West Dorset" tab of DCC Empty Property Data, 2 Oct 2017 and the data within the NP evidence base.

Please provide clarification on the apparent difference between the figures and Is there any additional existing evidence, specific to the Neighbourhood Plan Area to support this policy including impact on house prices?”

I received a detailed response from the QB, and this information is available to view fully on Dorset Council's website. The evidence supplied include reference to the Office of National Statistics (ONS) figures and this included the following:

“The ONS figures are updated only every ten years with the most recent census having been in 2011, however even that shows roughly double the second home population known to DCC, at 10.6% across the NP Area. Moreover by comparing the 2011 census data with the equivalent from the two previous censuses, 2001 and 1991, an extrapolation can be carried out to give an indication of the likely trajectory of this figure, which (using even the most benign linear model for an increase) suggests that by 2021 the figure is likely to be at least 15%, as shown in the HNA. This we believe is sufficiently intrusive to be detrimental to the stability and sustainability of the area.”

In terms of variation across the neighbourhood plan area, I received the following response:

“b) Variation in Second Home Ownership between Settlements.

While all five parishes within the NP area have significant numbers of houses “with no usual residents” by the Census definition, the proportion as measured in 2011 varied from 8.6% to 16.4% (probably 11% to 19% today, assuming a linear growth in the number of such properties since 2001). The lowest density is Allington parish and the highest is Symondsburry parish, which contains both the village and also much of the coastal settlement West Bay, both popular with visitors.

It could be argued that the need for a policy to curtail the growth of second homes is less justifiable in the parishes with lower proportions, however the Neighbourhood Plan development team have taken the view that placing a restriction in any particular area (whether defined by parish, postcode or any other means) will simply displace the problem across its border to a neighbouring one, because no part of the NP area is far from any other. It was also felt that as a communally developed plan, it would be divisive to apply policies unevenly across the plan area.

For these reasons draft Policy H9 is applied without exception to the NP Area as a whole. The second home proportions for each of the five parishes, with projections to 2021, are shown in Figure 1 & 2.”

In terms of additional evidence including impact on house prices I received the following response:

“No numerical evidence is presented upon the impact on house prices, because we believe that it would be too speculative (a “what if” scenario”). However, it is, we believe, self-evident that if the growth in properties being used as second homes is restricted, more of them will be available as main residences to the local home-buying market. As market prices are driven by availability, the effect will be to put a brake on increases in the cost of a new home.”

I have given very careful consideration as to whether or not I can find that this policy meets the Basic Conditions. My concerns relate to how the policy can meet the Basic Conditions particularly having regard to the NPPF – “delivering a wide choice of quality homes” and “delivering sustainable development” together with how the policy meets the requirements of the Human Rights Act 1988 and other European Legislation.

I accept that it is not easy to pull together the various information and statistics relating to ownership/ occupation of houses within any parish area however the imposition of a Principal Residence policy has serious implications and it is necessary to ensure that there is strong evidence to support the imposition of such a restriction. It should also be noted that such a restriction would not apply retrospectively nor to existing housing stock.

The evidence base for the policy clearly shows that there is community support for this policy however, Dorset Council state in their representation:

“Based on this previously available data (on council tax records from 2016/17) it is estimated that 5.2% of properties in West Dorset and 5.4% of properties in the Bridport Town Council area were second homes. This raises the question of whether a policy seeking to establish a principal residence requirement in the Bridport area is needed or justified”.

Considering the additional evidence, it is clear that second home ownership differs across the neighbourhood plan area with Symondsburry being the most affected.

I have also considered in detail Mr. Justice (now Lord Justice) Hickinbottom’s judgment in R (RLT Environment Ltd) v Cornwall Council in relation to Policy H2 of the St. Ives Neighbourhood Development Plan. He concluded:

“that Policy H2 is in pursuit of legitimate public interests identified in article 8(2), namely the interests of the economic well-being of the country, and for the protection of the rights and freedoms of others.”

I have also considered carefully the potential for unforeseen consequences on the local housing market and the future delivery of affordable housing.

My decision is one of planning balance and whilst I acknowledge the concern expressed by the community, taking a reasonable approach to the evidence before me I am not satisfied that the % of second homes identified and reasonably projected for the BANP is sufficiently high to justify the imposition of a Principal Residence Requirement Policy has been met within the neighbourhood plan area. On the basis of my conclusion the policy should be deleted. The supporting text should be revised as follows:

“Control of Second Homes

The community has raised concerns about the number and the impact

of second homes (including holiday homes), particularly when there are local people in need of housing. Homes standing empty for much of the time have a depressing effect on a community's economic and social well-being. The latest national census (in 2011) showed that across the neighbourhood plan area more than 1 in 10 homes were normally unoccupied, with much higher concentrations in some localities within the plan area. 1 in 4 property sale transactions across the neighbourhood plan area in 2017-18 were as second homes suggesting a rising trend.

Current evidence does not support a policy which says new housing development may be used only as the occupants' main homes (a "Primary Residence restriction"). This is because the current level of second and holiday home ownership has been judged insufficiently intrusive and the consequences of such a policy insufficiently researched.

The extent and potential impact of introducing a second and holiday home policy will now be made the subject of a Project, to assess the situation with a view to introducing an appropriate policy, if justified, in a future revision of this neighbourhood plan."

13.25 POLICY CF1 Protection of existing Community Infrastructure

Existing community buildings, infrastructure and ancillary facilities will be protected and enhanced unless it can be demonstrated that there is no local need for the facility or that the facility is no longer viable.

Where existing facilities are no longer viable alternative community use to meet local needs should be explored in the first instance.

COMMENT

I have no comment on this policy.

13.26 POLICY CF2 New Community Services & Facilities

Proposals for new and improved utility infrastructure will be encouraged and supported where they meet the identified needs of the community and are in line with the wider provisions of this neighbourhood plan.

COMMENT

I have no comment on this policy

13.27 POLICY CF3 Allotments

Existing allotment sites in the neighbourhood plan area will be protected from development and opportunities to provide additional provision where suitable sites can be identified and in response to defined need will be supported.

COMMENT

I have no comment on this policy.

HERITAGE

I have received representation that there is an error in the third paragraph in the second column on page 58 which indicates that there are no Scheduled Monuments in the neighbourhood plan area. However, I have been informed that this is not the case. This error should be corrected.

13.28 POLICY HT1 Non-Designated Heritage Assets

The Joint Councils Committee has prepared (and will maintain) a list of buildings, features and structures in the neighbourhood plan area which are considered to be 'non-designated heritage assets' and should be treated as such for the purpose of applying national and Local Plan policies including Policy ENV4 of the Adopted Local Plan (2015).

Any development proposals that would affect the character, setting or integrity of non-designated heritage assets should:

- a) Be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed; and**
- b) Be sympathetic to the building, structure or feature concerned and propose its creative reuse and adaptation; and**
- c) Otherwise respect the approach set in Policy ENV4 of the adopted Local Plan (2015).**

In cases where the complete or partial loss of a non-designated heritage asset is justified, developers should ensure that recording and interpretation is undertaken to document and understand the asset's archaeological, architectural, artistic or historic significance.

The list of non-designated heritage assets is available at:

<https://www.bridport-tc.gov.uk/bridport-area-neighbourhood-plan-evidence/>

COMMENT

The policy regime for the determination of non-designated Heritage assets is set out in national policy. The neighbourhood plan does not need to repeat this policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY HT1 Non-Designated Heritage Assets

The Joint Councils Committee has prepared (and will maintain) a list of buildings, features and structures in the neighbourhood plan area which are considered to be 'non-designated heritage assets' and should be treated as such for the purpose of applying national and Local Plan policies including Policy ENV4 of the Adopted Local Plan (2015).

The list of non-designated heritage assets is available at:

<https://www.bridport-tc.gov.uk/bridport-area-neighbourhood-plan-evidence/>

13.29 POLICY HT2 Public Realm

Development proposals that have a negative impact or ‘harm’ the qualities of the public realm across the neighbourhood plan area, will not be supported

COMMENT

It is unclear how this policy would be applied in the determination of a planning application. For clarity the policy should be modified as follows:

POLICY HT2 Public Realm

Proposals that have a negative impact or “harm” the qualities of the public realm as identified in the Neighbourhood Characteristics of this plan will not be supported.

13.30 POLICY HT3 Shopfront Design

1. Proposals for new or replacement shop fronts in the neighbourhood plan area will be permitted provided that they are designed in accordance with the relevant policy in the Local Plan (ENV14), any Shopfront Design Guidance for West Dorset; and the Shopfront Design Guidance for the Bridport area contained in Appendix A.

High quality shopfronts in the neighbourhood plan area should be maintained and enhanced by:

a) Retaining shopfronts of quality, either original to the building, or of a particular value. If this is not physically possible, the replacement should use appropriate design and materials.

b) Requiring all new or altered shopfronts, including signs, to relate well to the original framework and scale of the building within which they are

placed.

c) Retaining or reinstating original fascia, pilasters or columns forming the shop surrounds, including where shop units are combined. Open shopfronts with a traditional glazed screen add variety to the street scene and will be supported.

d) Choosing materials that relate well to the building and are of high quality. The use of timber will be encouraged whilst the use of aluminium or plastics discouraged.

e) Providing wherever possible for separate access to any residential accommodation on other floors,

f) Including provision of suitable access for people with disabilities,

g) Including provision of storage for refuse and recycling bins where feasible.

2. In the Bridport, West Bay and Bradpole Conservation Areas, additional provisions will apply:

a) Encouraging the retention of shopfronts where they are original to the building and/or contribute to the appearance and character of the shopping parade or street scene in which they are situated,

b) Requiring all new shopfronts and advertisements to relate well to existing buildings and street scene, be of a high-quality design with appropriate materials that preserve and enhance the character of the area.

COMMENT

I have no comment on this policy.

LANDSCAPE

13.31 POLICY L1 green Corridors, Footpaths, Surrounding Hills & Skylines

1. Development shall not detract from, and will, where practical, enhance the local landscape character, surrounding hills and skylines. It shall do this by:

a. Being located on sites that do not adversely affect the wider landscape setting.

b. Being designed in such a way as to positively exploit the site features using form, scale materials and an architectural approach appropriate to the site context.

2. Development that adversely affects the character or visual quality of the local landscape will not be supported.

3. Where development may be visually prominent or adversely affect landscape character, production of a Landscape and Visual Impact Assessment (LVIA) will be required.

COMMENT

A key characteristic of the neighbourhood plan area is that it lies entirely within the Dorset AONB, washing over Bridport itself and all the surrounding parishes. Although the AONB is mentioned in the supporting text, the importance of this nationally designated landscape is not reflected in Policy L1. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

POLICY L1 green Corridors, Footpaths, Surrounding Hills & Skylines

1. Proposals must preserve and enhance the natural beauty of the Dorset AONB by:

a. Being located on sites that do not adversely affect the wider landscape setting.

b. Being designed in such a way as to positively exploit the site features using form, scale materials and an architectural approach appropriate to the site context.

2. Proposals that do not preserve and enhance the AONB will be refused.

3. Where development may be visually prominent or adversely affect landscape character, production of a Landscape and Visual Impact Assessment (LVIA) will be required.

13.32 POLICY L2 Biodiversity

1. Development proposals will be expected to demonstrate how they will provide a net gain in biodiversity and, where feasible, habitats and species, on the site, over and above the existing biodiversity situation.

2. If significant harm to biodiversity resulting from a development cannot be avoided (For example through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission will not be supported.

3. Wildlife corridors and priority habitats (see Maps 6, 7, 8) will be recognised and protected from development proposals that would result in their loss or harm to their character, setting, accessibility, appearance, quality, or amenity value.

COMMENT

I have received representation that Map 7 incorrectly identifies an area to the west of Bridport at Dogholes as woodland and that:

“As a consequence of this error, the land in question has been incorrectly further identified as a ‘wildlife corridor and priority habitat’. To address the identified error, land east of Bridport at Dogholes should be omitted from Map 7”.

In it also unclear from map 6 what “Designated Biodiversity Areas” means. Whether this is proposed or existing designations.

For clarity and to meet the Basic Conditions map 6 should be renamed and policy L2 modified as follows:

POLICY L2 Biodiversity

1. Development proposals will be expected to demonstrate how they will provide a net gain in biodiversity and, where feasible, habitats and species, on the site, over and above the existing biodiversity situation.

2. If significant harm to biodiversity resulting from a development cannot be avoided (For example through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission will not be supported.

3. Wildlife corridors and important habitats have been identified on Maps 6, 7, 8 and proposals that would result in their loss or harm to their character, setting, accessibility, appearance, quality, or amenity value should be avoided.

13.33 POLICY L3 Local green spaces

Local Green Spaces in the neighbourhood plan area identified on the designated spaces map (see Map 9), will be protected from development except where there is an existing building structure within the space and the works are needed to maintain its viability/use into the future (For example a church, sports pavilion); or where the proposed development will be for the benefit of the community and will preserve the particular local significance of the space for which it was designated. Essential small-scale utility infrastructure may be supported so long as the existing use and community value of the space is not detrimentally affected.

COMMENT

“The NPPF states:

99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating 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 Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

100. The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

During the course of my examination I sought additional clarification on this policy from the Qualifying Body as follows:

“The Bridport Area Neighbourhood Plan proposes the designation of a number of Local Green Spaces. Whilst I have been provided with information regarding how the areas meet the NPPF tests I cannot locate the information confirming that the owners of the proposed Local Green Spaces have been consulted or a copy of their responses. This in particular relates to the following sites:

- *Watton Hill Bradpole- Symondsburry Estate*
- *Area known as Happy Island Bradpole / Bridport-The Co-op, Travis Perkins, Mr Ted Seal, Spray Copse Farm*
- *Cooper's Wood and Field, Allington -Woodland Trust*
- *Allington Hill Allington-Woodland Trust*

Please can I be provided with this information.”

I have been provided with the necessary evidence that the owners of the sites above were contacted during the consultation process and that the Woodland Trust raised no objection. Following representation in relation to the Happy Island designation was revised.

An objection was received from the representatives in relation to Watton Hill, namely that as private land with no public access it was not appropriate to designate this area:

“The BANP (Page 67) includes a table which suggests that ‘Watton Hill’ accords with the criteria set out by NPPF Paragraph100(b). Our response each of these criteria is as follows:

•Beauty – There is nothing which distinguishes the site in terms of its beauty from many others on the out skirts of Bridport, or in the surrounding area. The BANP assessment provides no evidence to demonstrate that the site is demonstrably special and holds a particular local significance.

•History – The site is not of any historic or archaeological significance. Reference to historic value in the BANP assessment refers to findings outside of the site.

•Recreation – The site is not in recreation use. Contrary to the BANP assessment, my client confirms that no access is permitted to the wood

referred to, or the fields except via footpaths.

•Tranquility – The site is adjacent to the urban area of Bridport. It is therefore subject to traffic noise and other disturbances, so cannot be considered tranquil. The BANP assessment refers to the site offering a ‘sense of spaciousness’. Spaciousness is not tranquility.

• Wildlife – The site is in agricultural use and there is no evidence that it is of value in terms of biodiversity.

We conclude that there is no compelling evidence to demonstrate that the proposed designation of Watton Hill meets the requirements set out by national policy which requires that the area in question be ‘demonstrably special to the local community and holds a particular local significance’.

Whilst Local Green Space does not need to be in public ownership having considered this site carefully I am not satisfied that it “is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife;”. I find that the Watton Hill designation does not meet all of the NPPF tests and should therefore be deleted from the policy.

There does not appear to be any supporting text to Policy L3. It would be helpful to provide some context to the policy itself and perhaps the strong protection given to such areas by the NPPF.

The list of proposed Local Green Spaces should be included within the policy.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY L3 Local green spaces (LGS)

The following sites, identified on map 9 are designated as Local Green Spaces

A Allington Hill

B Asker Meadows

C Borough Gardens

D Community Orchard

E Coneygar Hill

F Cooper's Wood and Field

G Court Orchard Play Area

H Flaxhayes Play Area

I Happy Island

J Jellyfields Nature Reserve

K Jubilee Green

M Pageants Field

N Peter Foote Play Area

O Railway Gardens

P Riverside Gardens

Q Skilling Oval Play Area

R The Gore

S Walditch Village Green

T Wanderwell Nature Reserve

U Wellfields Drive Green Area

Inappropriate development within any designated LGS will only be permitted in very special circumstances.

Map 9 should also be modified to reflect the changes to the policy.

13.34 POLICY L4 green gaps (Anti-Coalescence Measures)

1. To retain the distinctive identities of the existing individual settlements within the parishes of Allington, Bradpole, Bothenhampton & Walditch, Symondsbury, Bridport and West Bay, and to prevent them merging together, development proposals within the green gaps currently separating these settlements will be resisted where the proposal would diminish the gaps or threaten coalescence of settlements (see Map 10).

2. Proposals for development across the neighbourhood area will be required to retain the character and setting of the area and should seek to avoid coalescence between the settlements of Pymore, Allington, Bradpole, Bothenhampton, Bridport, Eype, Symondsbury, Walditch and West Bay.

COMMENT

The Bridport Area Neighbourhood Plan Area lies within the Dorset AONB where development must conserve and enhance the natural beauty and landscape quality of the area. Policy SU2 of the adopted Local Plan sets out the distribution of development and other than for identified local need will be directed to settlements with defined settlement boundaries where:

“residential, employment and other development to meet the needs of the local area will normally be permitted.”

In addition:

“Settlements with no defined development boundary may also have

some growth to meet their local needs”.

Outside defined development boundaries, policy SU2 also states:

“development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints”

I have considered the evidence provided to support this policy, the existing policy framework and other policies within the BANP including H3 Rural Exceptions Sites (as modified) and consider that there is already considerable protection for the areas identified through AONB designation and there is an opportunity for conflict with policy H3. I have also received representation that Policy L4 will in effect create a “Green Belt” preventing further development contrary to national policy. For clarity and to meet the Basic Conditions the policy should be modified as follows;

POLICY L4 green gaps (Anti-Coalescence Measures)

1. The distinctive identities of existing individual settlements within the parishes of Allington, Bradpole, Bothenhampton & Walditch, Symondsbury, Bridport and West Bay should be retained. Proposals within the green gaps identified on Map 10 must demonstrate through appropriate Landscape Visual Impact Assessment (LVIA) that the proposal would not diminish the visual gaps between settlements.

2. Proposals for development across the neighbourhood area will be required to retain the character and setting of the area and should seek to avoid coalescence between the settlements of Pymore, Allington, Bradpole, Bothenhampton, Bridport, Eype, Symondsbury, Walditch and West Bay.

13.35 POLICY L5 enhancement of the environment

1. New green infrastructure areas will be sought as part of development,

to assist with flood protection, to add to public enjoyment and health and to create corridors for wildlife.

2. Proposals for new housing development should include good quality outdoor space, both private and community gardens, and contribute to providing tree cover and improving biodiversity.

COMMENT

For clarity the policy should be modified as follows:

POLICY L5 enhancement of the environment

Appropriate to the scale of development, proposals for new housing development should:

1. include good quality outdoor space, both private and community gardens, and contribute to providing tree cover and improving biodiversity and

2. make provision for green infrastructure.

CENTRE OF BRIDPORT

13.36 POLICY COB1 Development in the Centre of Bridport

Development in the Centre of Bridport which meets the following design and planning principles will be supported subject to satisfying other policies in the Plan where it:

a) Improves the town centre environment for pedestrians, cyclists, users of buggies, wheelchairs and mobility scooters;

b) Gives greater priority to bicycles and pedestrians by reducing the impact of traffic movement from motor vehicles in the town centre;

c) Enhances the character and appearance of the town centre,

considering the heritage and history of the urban area;

d) Provides an improved setting for the open-air markets and other similar events and festivals and

e) Would not cause a deterioration in air quality.

COMMENT

I have no comment on this policy.

13.37 POLICY COB2 Ropewalks Car Park & Bus Station Car Park

1. Redevelopment of the car park sites for a mix of town centre uses will only be supported subject to the following provisions:

a) A broadly equivalent amount of public car parking is provided within Bridport Town Centre, or within walking distance of the Centre of Bridport.

2. The proposed redevelopment of these sites must:

a) Be fully described and illustrated through a Design & Access Statement that has been subject to a wide consultation with residents and businesses in the Bridport area; and

b) Demonstrate compliance with Appendix A of this Plan (Shopfront Design Guidance); and

c) Have detailed regard to the Bridport Conservation Area Appraisal and relevant West Dorset Local Plan design policies; and

d) In its approach to replacement car parking, have appropriate regard to best practice design guidance such as 'Car Parking: What Works Where' (English Partnerships, 2006); and

e) Demonstrate how any relevant planning issues identified through

community engagement and consultation would be satisfactorily addressed.

3. Any redevelopment proposals should comply with Policies CoB3 and AM5.

COMMENT

The policy as currently worded is overly restrictive. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY COB2 Ropewalks Car Park & Bus Station Car Park

1. Redevelopment of the car park sites for a mix of town centre uses will be supported subject to the following provisions:

a) A broadly equivalent amount of public car parking is provided within Bridport Town Centre, or within reasonable walking distance of the Centre of Bridport.

2. The proposed redevelopment of these sites should be described and illustrated through a Design & Access Statement and applicants are encouraged to undertake consultation with residents and businesses in the Bridport area; and

b) Demonstrate compliance with Appendix A of this Plan (Shopfront Design Guidance); and

c) Have detailed regard to the Bridport Conservation Area Appraisal and relevant West Dorset Local Plan design policies; and

d) In its approach to replacement car parking, have appropriate regard to best practice design guidance such as 'Car Parking: What Works Where' (English Partnerships, 2006); and

e) Demonstrate how any relevant planning issues identified through community engagement and consultation have been satisfactorily

addressed.

3. Any redevelopment proposals should comply with Policies CoB3 and AM5.

13.38 POLICY COB3 Small Business Support

1. Any significant enlargement of A1 to A5 retail units, or the merging of multiple units will be resisted within the defined Bridport Town Centre.

2. Redevelopment proposals will be supported where, through the design of the ground floor retail units, they encourage small, local, and/or independent traders to locate in the town centre. Smaller retail floorplates (< 280sq m) can often be more attractive to small, local, and/or independent retailers than large format units and therefore redevelopment proposals should include a significant proportion (a minimum of 80%) of such units.

COMMENT

I have assumed that it is the intention that this policy will apply to the area identified as Bridport Town Centre as shown on the local plan policies map and a map showing this designation should be included in the plan. Other than where external alterations are proposed or the building in question is a Listed Building, planning permission would not be required for the development described in point 1. of the policy. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY COB3 Retail Development Bridport Town Centre

1. Due to the impact on the appearance and character of the town centre and where planning permission is required, proposals for the significant enlargement of A1 to A5 retail units, or the merging of multiple units will be resisted within the defined Bridport Town Centre.

2. Redevelopment proposals will be supported where, through the design of the ground floor retail units, they encourage small, local, and/or independent traders to locate in the town centre. Smaller retail floorplates (< 280sq m) can often be more attractive to small, local, and/or independent retailers than large format units and therefore redevelopment proposals should include a significant proportion (a minimum of 80%) of such units.

13.39 POLICY COB4 St Michael's Support for the Creative Industries

In the provision of new commercial floorspace at the St Michael's Estate, proposals will be supported which seek to retain a broadly comparable area (7,951m²) of workspace for small and startup businesses and particularly for those in the creative industries.

COMMENT

I have no comment on this policy.

DESIGN FOR LIVING

13.40 POLICY D1 Harmonising with the Site

1. A housing development will be required to respect and work in harmony with:

a. the local landform and microclimate

b. the existing pedestrian, cyclists and motorised network

c. existing features that are locally significant or important for local character, historical, ecological or geological reasons

d. neighbouring land uses.

2. Opportunities to incorporate features that would enhance local character, or the historical, ecological or geological interest of a site,

should be taken if practical and appropriate.

COMMENT

I have no comment on this policy.

13.41 POLICY D2 Programme of Consultation

Proposals for 50 or more homes will not be supported unless the proposer is able to demonstrate a meaningful programme of community consultation across the neighbourhood plan area on the scope and extent of the proposed development.

COMMENT

The NPPF encourages developers to engage in meaningful consultation on proposals at an early stage:

“40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

128. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the

community should be looked on more favourably than those that cannot.”

Whilst consultation with the local community is good practice and in the applicant’s interest it is not a mandatory requirement.

The supporting text to this policy should be modified to reflect the modified policy.

“Who is consulted and how will depend upon the type and scale of the development and developers should identify all stakeholders and potentially impacted parties as the first step in establishing a consultation programme.

A statement setting out who was consulted, showing the findings and how these have influenced the design, should be submitted for developments of 50 or more homes.” Page 77 should be modified as follows:

“Who is consulted and how will depend upon the type and scale of the development and developers should identify all stakeholders and potentially impacted parties as the first step in establishing a consultation programme.

In addition to the requirements of the local validation list, it is good practice for a statement setting out who was consulted, the findings and how these have influenced the design to be submitted for developments appropriate to the scale of that development.”

The policy does not meet the Basic Conditions and should be modified as follows:

POLICY D2 Programme of Consultation

Applicants are encouraged to enter into a meaningful programme of community consultation appropriate to the scale of development,

13.42 POLICY D3 Internal transport links

Proposed new residential development should incorporate the following:

- 1. Walkable and accessible neighbourhoods suitable for people of all abilities, with a plan for public transport access as appropriate.**
- 2. Ensuring that everyone has reasonable access to facilities, including for the passage of push-chairs, prams, wheelchairs and mobility scooters.**
- 3. The design of streets and access ways such that they are well-connected, able to be understood, and respect opportunities for future growth.**
- 4. In residential areas, or where pedestrian activity is high, a design that aims to keep traffic speed below 20mph unless otherwise specified by accredited road safety consultants.**

COMMENT

I have no comment on this policy.

13.43 POLICY D4 Mix of uses

1. Proposals for development of new buildings or change of use within settlements should, where practical, contribute towards an appropriate mix of uses, through a balance of homes, open spaces, local services, community facilities and employment workspace. In particular:

- a) The scale and design requirements of the proposed uses should not adversely affect local character**
- b) Where commercial premises are part of an overall development scheme, the potential noise and disturbance should not affect neighbouring uses**

c) The likely generation of trips by car and other vehicle movements should be accommodated without harm in terms of safety and noise.

d) Wider potential impacts, for example on wildlife, protected habitats or human health should be taken into account in the design.

2. For developments of 50 or more homes a masterplan for the site will be required.

COMMENT

It is good practice to provide a masterplan for major housing schemes. Dorset council's adopted Design and Sustainable Development SPD seeks a masterplan on larger scale developments, which it indicates would be in the region of '100 or more homes'. Policy D4 sets the threshold for a masterplan as 50 homes and I have not been provided with any evidence to justify this difference. The figure of 50 in the supporting text on page 78 should be replaced with 100, to reflect the policy modification.

For clarity and to meet the Basic Conditions the policy point 2. should be modified as follows:

2. For developments of 100 or more homes a masterplan for the site will be required.

POLICY D5 efficient use of land

Development should make efficient use of land, and layouts that create wasted or leftover land will not be supported.

a) The design and management of outdoor spaces within and adjoining settlements should fully utilise the opportunities for:

- Recreation and social interaction*
- Dealing with surface water drainage and alleviating flooding*

- *Providing new or enhancing existing wildlife habitats.*
- *Incorporating landscape solutions to soften the urbanising impact of new development*

b) Development of brownfield sites for housing will be supported provided the land is not of high environmental value.

c) Application for residential development above commercial ground floors will be supported.

COMMENT

I have no comment on this policy.

13.44 POLICY D6 Definition of streets and spaces

Proposals for new residential development in the plan area should incorporate:

a) A strong sense of enclosure should be achieved through a common building line and appropriate building height to street width ratio.

b) The use of street trees or appropriate boundary features (walls or hedges) in areas where a sense of enclosure is needed but cannot be achieved through a strong building line.

c) Adequate parking provision should be made, and that is designed so as to not dominate the street scene.

COMMENT

This policy is overly restrictive and does not have regard for national policy and guidance. For clarity and to meet the Basic Conditions it should be modified as follows;

POLICY D6 Definition of streets and spaces

Proposals for new residential development in the plan area should create a sense of place through:

- a) A strong sense of enclosure, considering building lines and appropriate building height to street width ratio.***
- b) The use of street trees or appropriate boundary features (walls or hedges) in areas where a sense of enclosure is needed but cannot be achieved through strong building lines.***
- c) The provision of parking to the required standard so that it does not dominate the street scene.***

13.45 POLICY D7 Creation of secure areas

1. New developments should:

- a) Have the main access to a building at the front, facing the street or communal entrance courtyard***
- b) Make sure doors and windows face onto the street and other places where surveillance is needed.***
- c) Avoid that blank walls enclose public areas***
- d) Provide a basic level of privacy at the rear of homes either through sufficient rear garden depth or orientation and screening to prevent direct overlooking. Private areas should be clearly defined through appropriate boundary treatment, and care taken to limit opportunities for intruders to gain easy access to the rear of buildings and other private spaces.***

2. Exceptions to a) and b) may be permitted where the development is a gated community or there are other compensatory measures taken in the design to increase security.

COMMENT

I have no comment on this policy.

13.46 Policy D8 Contributing to the local character

Proposals for new development (residential and commercial) in the Plan area should seek to maintain and enhance local character as follows:

a) New development should be influenced by the local building forms and traditions, materials and architectural detailing that are significant in the local area, and maintain or, where appropriate, enhance local character. Exceptions may be the use of modern design and materials that contrast with yet complement local character.

b) New developments will enhance the local character, although this does not imply simply duplicating existing developments which, in themselves, may not be of good quality.

c) Where a development is proposed in or on the edge of an existing settlement, any new routes will respect their place in the hierarchy within the overall network, and the design of the development should be influenced by the need to define or soften the transition between areas of different character.

d) Where new plots are being formed, these should reflect the existing grain and pattern of development where these form a significant characteristic in the street scene, unless this would conflict with other policies.

e) New developments should not be disproportionate in size to adjoining buildings in the locality, unless warranted by its proposed use and position on the street.

f) Innovation in building design and materials in a way that supports local distinctiveness and the other objectives for good design and

sustainable development will be supported.

g) Buildings should normally be no more than two storeys in height, (with use of the roof space with dormer windows as a useable living space being accepted), unless heights of neighbouring buildings dictate the appropriate height for a new or extended building and the proposed design causes no impairment of light or visual impact.

COMMENT

For clarity I have deleted policy D9 and policy D8 should be modified as follows:

Policy D8 Contributing to the local character

Proposals for new development (residential and commercial) in the Plan area should demonstrate high quality architecture and seek to maintain and enhance local character as follows:

a) New development should reflect the local building forms and traditions, materials and architectural detailing that are significant in the local area, and maintain or, where appropriate, enhance local character. Exceptions may be the use of modern design and materials that contrast with yet complement local character.

b) New developments should enhance the local character, although this does not imply simply duplicating existing developments which, in themselves, may not be of good quality.

c) Where a development is proposed in or on the edge of an existing settlement, any new routes will respect their place in the hierarchy within the overall network, and the design of the development should be influenced by the need to define or soften the transition between areas of different character.

d) Where new plots are being formed, these should reflect the existing

grain and pattern of development where these form a significant characteristic in the street scene, unless this would conflict with other policies.

e) New developments should not be disproportionate in scale to adjoining buildings in the locality, unless warranted by its proposed use and position on the street.

f) Innovation in building design and materials in a way that supports local distinctiveness and the other objectives for good design and sustainable development will be supported.

g) Buildings should normally be no more than two storeys in height, (with use of the roof space with dormer windows as a useable living space being accepted), unless heights of neighbouring buildings dictate the appropriate height for a new or extended building and the proposed design causes no impairment of light or visual impact.

13.47 POLICY D9 High quality architecture

Development will create high quality architecture appropriate to the type of building and architectural style through:

a) Ensuring buildings have an appropriate ratio of wall area to window area

b) Ensuring buildings have a sense of proportion, elegance, scale, symmetry and rhythm

c) Incorporating an appropriate richness of detail.

d) In an alteration or extension to an existing building, the design and materials used should respect the character and appearance of the original building (this does not preclude incorporation of a modern yet complementary design).

COMMENT

This policy sets criteria which are subjective and without the evidence provided by a Design Statement prepared for the different parishes areas covered by the Neighbourhood Plan would make the use of this policy in the determination of a planning application problematic. It also duplicates to a significant degree the requirements of policy D8. I have modified policy D8 to reflect the need for high quality architecture and therefore policy D9 should be deleted.

13.48 POLICY D10 environmental performance (see also Policies CC2, CC3)

1. Owners and developers are encouraged to design to last and incorporate measures to reduce energy use and carbon emissions both during construction and over the lifetime of the home. Proposed new residential developments in the Plan area should incorporate measures to improve their environmental performance, such as:

a) Adopt energy conservation in the construction phase of new buildings (including the use of local materials to avoid transport impacts)

b) Avoid using those materials most harmful to the environment (those given a 'D' or 'E' rating in the Green Guide to Specification).

c) Use southerly facing roof slopes for solar thermal and/or photovoltaic installations, where possible integrated into the roof design, subject to the appropriate level of heritage and conservation assessment.

d) Maximise opportunities for natural lighting and ventilation to buildings and does not reduce daylight levels to an unacceptable level

2. Proposals that employ modern innovative technologies and methods of construction to, for instance, reduce construction costs, speed up construction, and minimise energy consumption during the building's

lifetime, will be preferred over proposals which merely conform to building regulations.

3. Owners and developers are encouraged to use sustainable drainage systems. to help deal with surface water drainage and alleviate flooding wherever practicable in the design of development. In areas with known flooding issues, or where extensive areas (greater than 5 square metres) of hard surfacing are required, the hard surfacing should be permeable.

4. Where practical, owners and developers are encouraged to have systems in place to collect rainwater for use, also the use of grey water, and those that have a communal space

5. Where practical, new homes should be designed to Lifetime Homes Standards.

COMMENT

A number of the elements within this policy cannot be requirements for applicants to make this clear the policy should be modified as follows:

POLICY D10 environmental performance (see also Policies CC2, CC3)

Applicants are encouraged to design buildings to last, employing modern innovative technologies and methods of construction to, for instance, reduce construction costs, speed up construction, and minimise energy consumption and carbon emissions during the building's lifetime, such as:

a) Adopting energy conservation in the construction phase of new buildings (including the use of local materials to avoid transport impacts)

b) Avoiding using those materials most harmful to the environment (those given a 'D' or 'E' rating in the Green Guide to Specification).

c) Using southerly facing roof slopes for solar thermal and/or

photovoltaic installations, where possible integrated into the roof design, subject to the appropriate level of heritage and conservation assessment.

d) Maximising opportunities for natural lighting and ventilation to buildings

e) In areas with known flooding issues, or where extensive areas (greater than 5 square metres) of hard surfacing are required, using permeable materials.

f) including systems to collect rainwater for use, also the use of grey water

g) designing homes to Lifetime Homes Standards.

13.49 POLICY D11 Mitigation of Light Pollution

Proposals for external lighting schemes in any new development should seek to minimise light pollution by:

a) Use of the lowest light levels compatible with safety, fittings that emit no upward light, low reflectance ground surfaces and use of spill-over lighting where possible. Development proposals will demonstrate that these measures have been observed.

b) Arranging external lighting will be arranged such that it does not shine onto windows of nearby homes.

COMMENT

Paragraph b) lacks clarity and should be modified as follows:

b) External lighting should be arranged to avoid shining into the windows of nearby homes.

13.50 POLICY D12 Building for Life

Proposals for new housing developments of 10 or more homes will be assessed against the 12 objectives in the guidance published in the latest edition of “Building for Life” published by the Design Council and should obtain the Building for Life quality mark with at least nine “green” levels. Proposals that attain at least nine “green” levels will be supported.

COMMENT

Whilst using “Building for Life” standards is supported by the NPPF the policy, as currently worded is overly onerous seeking to introduce additional requirements which exceed the requirements of national and local policy and which could impact negatively on the viability of a proposal, failing to have regard for national policy and guidance.

To reflect the modified policy the following paragraph should be deleted from the supporting text:

“Developments with 10 or more houses

in the neighbourhood plan area will be expected to achieve 9 ‘green traffic light’ assessments from the above 12 aspects.” Page 84.

In order to meet the Basic Conditions, the policy should be modified as follows:

POLICY D12 Building for Life

Applicants for new housing developments are encouraged to assess their proposals against the 12 objectives in the guidance published in the latest edition of “Building for Life” published by the Design Council. Proposals for large scale residential development should obtain the Building for Life quality mark and the achievement of nine “green” levels is encouraged.

13.51 POLICY D13 HAPPI (Housing our Ageing Population: Panel for Innovation) Principles

Proposals for new housing schemes which make provision for elderly persons' accommodation, such as housing for over 55s or sheltered housing, will demonstrate they meet Housing our Ageing Population: Panel for Innovation (HAPPI) principles as part of the planning applications.

COMMENT

This wording of this policy does not meet the Basic Conditions. It seeks to introduce a requirement which does not have regard for national policy and guidance. In order to meet the Basic Conditions, the policy should be modified as follows:

POLICY D13 HAPPI (Housing our Ageing Population: Panel for Innovation) Principles

Proposals for new housing schemes which make provision for elderly persons' accommodation, such as housing for over 55s or sheltered housing, are encouraged to demonstrate how they meet Housing our Ageing Population: Panel for Innovation (HAPPI) principles as part of the planning applications.

SECTION 5

Conclusion and Recommendations

- 1. I find that the Bridport Area Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 3. The Bridport Area Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Plans in place within the Neighbourhood Area.*
- 4. The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*
- 5. The policies and plans in the Bridport Area Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development Plan, currently the West Dorset, Weymouth & Portland Local Plan adopted by West Dorset District Council on the 22nd of October 2015.*
- 6. I therefore conclude that the Bridport Area Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

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8th October 2019

