

**Blandford + Steering Group Meeting**  
**Wednesday 30<sup>th</sup> August 2017 at Noon**  
**The Community Room (BFTC)**

## **Meeting Notes**

### **1. Policy 1 and the 5 Year Land Supply situation**

- **Progress since the previous steering group meeting**

Neil sent an email to the Steering Group (29/8) outlining 3 possible options for Policy 1 resolution (see Appendix A).

Neil has prepared the legal advice for NDDC. Neil believes it is very straightforward for NDDC to pursue Op 1 if they wish (as per Planning Policy Guidance - online advice).

Neil is meeting with B+, NDDC (4pm 30/8) and Savills/Wyatts (5/9) to agree with each party that the 3 options being proposed are valid, and to fine tune where necessary.

- **Neil's Options Paper (see Appendix A):**

**Option 1: Retain Policy 1 in the Referendum NP and encourage a planning application for the Policy 1 provisions.**

Agreed by Steering Groups as favoured option.

**Option 2: Delete Policy 1 from the Referendum NP but encourage a planning application for the Policy 1 provisions.**

Agreed by Steering Group as fall-back position if Option 1 is not agreed.

The developer would absorb all the risk in this option so would require assurances from NDDC that an application would be favourably received. Option 2 would also be dependent on the developer submitting an application for the whole development + infrastructure.

**Option 3: Withdraw the NP, prepare a new NP for Reg 14 consultation, then submission and new examination and encourage a planning application for the Policy 1 provisions.**

Neil explained to the group that the NP in its current form does not give B+ any protection against future development applications. It was agreed by the group that while Option 3 might give longer term security against unwanted development for B+, it would be too high a risk and too costly, and would rely too heavily on an efficient working relationship with NDDC.

The Steering Group rejected Option 3. Neil to remove from discussion this pm with NDDC.

- **Next Steps**

Options for escalating the situation up to higher authorities were discussed. It was agreed by the group to await feedback from Neil on the meeting with NDDC before taking further (feedback and further advice from Neil now attached at Appendix B)

John Stayt proposed approaching/writing to Graham Carr-Jones (Leader of Council), Matt Prosser and Simon Hoare MP about the situation in attempt to influence NDDC. John believes David Walsh would not be helpful, and queried whether Stephen Hill should be cc'd into any communications.

Haydn proposed exposing NDDC's previous knowledge of the 5 Year Housing Land Supply shortfall, and the fact that they did not make the examiner aware of the situation during the examination, citing incompetence and mis-conduct on the part of NDDC.

Neil advised the group to contact political and higher authority bodies as a priority, including writing to the Secretary of State. Haydn also proposed writing to NALC.

## **2. B+ strategy for the meeting with NDDC, DCC & Savills on the 13/9**

See feedback & advice from Neil at Appendix B.

## **3. Savill's Press Release – Do we need a strategy? Agree a response?**

No response required.

## **4. Consultancy Budget(s) – Exception & Future Planning**

- **Estimated costs through to the meeting with NDDC/DCC/Savills**

Neil informed the group that a total of 5 days will be used up to the meeting on the 13<sup>th</sup> (+ Travelling).

5 days consultancy (£575.00 per day + VAT) = £3450

3 days travel to meetings on 30/8, 5/9, 13/9 (£75.00 per day + VAT) = £270.00

Total Cost = £3720.00 inc. VAT

(Apportioned as per MoU: BFTC 84% - £3124.80, B St M 12% - £446.40, Bryanston 4% - £148.80)

- **Forward estimate of consultancy time/costs that could be required to proceed with Options 1 or 2 (agenda item 1).**

The group agreed to provision for a contingency budget of 5 further consultancy days over the next 3-6 months.

5 days consultancy at 2017 price (£600.00 per day + VAT) = £3600

(Apportioned as per MoU: BFTC 84% - £3024.00, B St M 12% - £432.00, Bryanston 4% - £144.00)

## **5. AOB**

Carol raised concerns about the effect of the 5YHLS shortfall on policy 13. Neil's opinion was that Bryanston is relatively safe from unwanted development applications due to environmental and other boundaries, but this is not the case for B St M, Crown Meadows, Lower Bryanston Farm, and land to the south of the rdbt, all of which are now under possible threat.

## **6. Future Meeting Date**

For feedback from meeting on 13 Sept. Neil Available (via Facetime) 15/18/19 Sept – Sally to send out Doodle Poll.

## **7. Meeting Closed.**

## **APPENDIX A      Blandford + Neighbourhood Plan: Policy 1 Resolution**

This note has been prepared by RCOH Ltd to aid the process for the B+ NP team and NDDC reaching an agreement on how to proceed following the receipt of the final Examiner's report on the B+NP, and in the light of NDDC's new 5YHLS position.

There appear to be three options to resolving the Policy 1 problem. These are set out below, along with my analysis of their merits.

### **Option 1: Retain Policy 1 in the Referendum NP and encourage a planning application for the Policy 1 provisions**

This option will require NDDC to consult for six weeks all those consulted during the Reg 16 stage on its proposal not to accept the Examiner's recommendation to delete Policy 1, as per PGG § 41-092-20161116 and § 41-093-20161116. The consultation will be confined to that specific matter and no other NP matters. NDDC would be obliged to explain its reason for not accepting the recommendation. NDDC may also choose to propose a modified policy wording, if it considers that it may strengthen its management of the impacts of the development, especially on the AONB, although B+ considers the current policy to be fit for this purpose. NDDC is not obliged by the NP Regulations or by amendments to the 1990 Act to either re-open the examination or to commence a new examination of the NP.

Given Policy 1 has been scrutinized in great detail by many of the Reg 16 consultees in their representations and at the Public Hearing, it is very unlikely their views will have changed to the extent to warrant a further examination. NDDC may therefore publish and consider the new representations and then, following consultation with B+, make its final decision on the Referendum version of the NP.

Should NDDC take this route, then assuming it announced its decision and commenced the new consultation period by the end of October, it may then be able to make its final decision either in December or in early January. This would mean a Referendum in early February, although the NP would carry significant weight as a material consideration, as per S1 of the 2017 NP Act (amending S70 of the 1990 Act), once NDDC had made its decision on the NP.

The developer may be encouraged to submit an outline planning application for the comprehensive 'Policy 1' scheme during this process on the understanding that the application may not be determined by NDDC until the NP has been made. That will enable the developer to maximize the opportunity to deliver new homes within the next five years, rather than losing 6+ months, if the application is not submitted until the NP has been made.

With NDDC and B+ now both committed to delivering Policy 1, the developer will have the confidence to invest in compiling the necessary application documentation for submission.

The risk of this option is that a new objection is raised that NDDC does not feel able to counter in making its final decision on the NP. It may wish to arrange a new examination, with the outcome remaining uncertain.

However, it is important to note that the previous examiner did not conclude that the provisions of Policy 1 were inherently unsustainable, but rather the new Local Plan was a more appropriate means of making a strategic allocation. As B+ has already pointed out, and the examiner admitted, this is a matter of planning judgement, and there is precedent for made NPs making such allocations (e.g. Newport Pagnell). In addition, her comments on the primary school commitment were inaccurate and the County Council has continued to state its commitment to securing the new school as quickly as possible.

The 5YHLS position has had an important bearing on this matter. The threat of unplanned development in the District, and in the B+ area, and the significant contribution that the Policy 1 scheme can make to rectifying it, are valid material considerations that justify NDDC needing to come to a different view on Policy 1. As neither of the Examiner's reasons for recommending the policy is deleted from the NP are sufficient to counter the 5YHLS threat, NDDC is therefore entitled to adopt a new position on this matter.

### **Option 2: Delete Policy 1 from the Referendum NP but encourage a planning application for the Policy 1 provisions**

In this option, the NP proceeds to its Referendum shortly but without Policy 1. B+ may accept this proposal, but only on the condition that NDDC agrees to consider Policy 1 (and its SA/SEA and deliverability evidence) as an important material consideration in its assessment of the NPPF §14 sustainability tests, which will carry significant weight in the 'tilted balance' of those tests. Although B+ cannot guarantee the application will be approved in due course, it would want to know that any refusal was made on the deficiencies of the application and not on the key development principles set out in Policy 1.

The developer will also want this same confidence, in order to be willing to invest in making the application in the absence of a supportive planning policy framework. He will be relying on the 5YHLS position engaging NPPF §14 via §49, and the case made by B+ in the NP and its evidence base, to justify the application, especially in relation to the NPPF §116 AONB tests.

If the developer is not confident of a favourable outcome, either via NDDC or via an appeal decision, then he may not make the application at this time, in which case the scheme will make no contribution to the 5YHLS. Worse, it is also possible that the developer may bring forward an application for the housing scheme only, on the non-AONB land to the east, as the national and local policy barriers for such a proposal are lower. This latter scenario may undermine the chance to secure the north land for the school etc. in the short-medium term.

### **Option 3: Withdraw the NP, prepare a new NP for Reg 14 consultation, then submission and new examination and encourage a planning application for the Policy 1 provisions**

This option is similar to Option 1, but rather than consult on Policy 1, B+ and NDDC agree to use the opportunity to add one or more new policies to more effectively manage development in the area in the time it takes NDDC to adopt a new Local Plan or to take other actions to secure its 5YHLS position.

As that position is unlikely to drop below a 3YHLS level, the made NP will ensure that NPPF §14 is not engaged in determining housing development applications for two years after it is made.

At present, the NP contains no policies to discourage major housing development proposals in the B+ area beyond those already provided for by Policy 16 of the Local Plan. The settlement boundary provisions of Policy 2 of the Local Plan will be deemed 'out of date' by NPPF §49. Along with other parts of the District, the B+ area may be especially vulnerable to such proposals as the town is defined as one of the four 'main towns' where housing growth is focused on the current spatial strategy. Unless NDDC is able to find other ways to quickly rectify the 5YHLS, its position is unlikely to be resolved until the adoption of the new Local Plan, which may be three years or more away.

The consequence of this option will be a longer delay to the making of the NP, as it must return to its Reg 14 Pre-Submission stage. Assuming this decision is made in September, then it ought to be able to complete a new Pre-Submission Plan by the end of December, as the remaining policy content will stay much as it is, with perhaps a new policy redefining the settlement boundary and another establishing the approach to managing development around its edge. In which case, the new NP could be submitted by the end of March for an examination commencing in late May, but this time with NDDC and B+ in full agreement on its policy content and evidence base. With an efficient and successful examination, the new NP may be able to go to Referendum in September 2018.

The most obvious challenge for this option is the willingness and ability of the B+ team to go through this process again, with no guarantee that the desired outcome will be achieved. Other NP projects in this situation have secured new grant funding from the Locality programme, but this still requires the B+ team to want to stick with the project for another year. It also assumes that the developer will be willing to bring forward a planning application for the Policy 1 scheme. And it assumes that NDDC will be able and willing to refuse applications for housing schemes in the interim, in the expectation that the NP will play an important role as a material consideration to influence appeal decisions.

### **Next Step**

This note is intended to inform the meetings of RCOH with the B+ team and NDDC, prior to their joint meeting with the developer on 13 September. It is proposed that at each meeting, the options are refined as necessary, their merits are challenged and validated, and a preference is expressed by each party. Given some of its content, the note will not be shared with the developer, but RCOH will seek his views on the options at the meeting scheduled for 5 September.

After those meetings, RCOH will modify this note as necessary and add a final section that summarises the preferences of each party for how to proceed, to be circulated in advance of the 13 September meeting. The focus of that meeting can then be on achieving a consensus on how to proceed.

**Neil Homer, RCOH Ltd**

**August 2017**

## **APPENDIX B      Feedback from Meeting with NDDC (30/8)**

(Email from Neil Homer 31/8)

Sally et al,

At yesterday's meeting, NDDC took Option 1 off the table. They maintain their principle objections to Policy 1 and the 5YHLS situation is not significant enough to force them to think otherwise, despite no obvious plan to deal with speculative applications or with how to find land for a new school. I have asked them to put this all in writing to you urgently.

They believe that you and we misunderstood their intentions of the last meeting, which was simply to inform you that the 5YHLS position had been lost and to encourage you to take the NP to its referendum without Policy 1. I have spoken to Jon this morning, and he disagrees and believes that the goodwill shown by Hilary Jordan to find a solution has been withdrawn under pressure from other officers since then.

This leaves Option 2. Hilary seemed to think that if an application was made by Wyatts for the Policy 1 scheme, some of the NP evidence base on infrastructure needs may assist in making the case for the scheme. Ed said nothing on this, and they were able to offer no comfort that an application would be considered positively. They did not take seriously the threat that Wyatts would submit an application for the housing element only.

I will discuss this with Wyatts/Savills next Tuesday, but I'm coming to the view that an application for all the Policy 1 land may stand a better chance if NDDC hasn't formally decided on your NP than if it has. This is because you can maintain your dispute with the Examiner's report (see below) and they won't have formally decided that your NP has not met the basic conditions. If they had, I can't see how they could cite anything to do with Policy 1 in their consideration of the application.

I am now more convinced that NDDC has such problems with Policy 1 that it will not select it in the new Local Plan either, and will probably prefer many other sites around BSM and maybe even Crown Meadows. They were able to say nothing about the Local Plan timetable, so you're not going to know their formal position on this for another year.

So, I think you should now run three initiatives in parallel. Firstly, make use of your political connections, as discussed yesterday, to see if they are willing and able to force Option 1 back on to the table. I very much doubt they will but there's no harm in trying.

Secondly, inform NDDC that the NP referendum decision matter is not resolved so they should not make that decision until it is, demand NDDC responds to your criticisms of the Examiner's report and invite the SoS to intervene (I will now draft your letter).

Thirdly, work with Wyatts and DCC to encourage an outline application to be made for determination by NDDC before the NP is decided. Yours and DCC's focus will be on making the NPPF §116 case (development in the AONB) but Wyatts will have to be willing to do so knowing that a refusal is likely and they'll have to take it to appeal. They probably won't be able to hang around for long, as I'm sure other speculative applications will be made in the next year.

I do not think you should withdraw the NP as it remains an important material consideration, especially in relation to NDDC's own offices site, the policy on which the examiner supported. NDDC cannot make its formal decision on the NP without your support, and this can be withheld by you indefinitely.

I also think that you should focus your likely anger on how you work behind the scenes, unless you think that going public on this will make it more rather than less likely that NDDC will change its mind on Option 1 or that they will approve the application. This is your call.

I now see no purpose in NDDC attending the 13 September meeting, but you may want to use it to meet with Wyatts and invite DCC (education and waste) to attend. I'll discuss that with them next week, but can let NDDC know that they're no longer required and get DCC along.

Finally, I suggest you wait until I've spoken with Wyatts and you've received the NDDC letter before triggering the second and third actions, as they will depend on what we learn from Wyatts and the arguments used by NDDC against Option 1.

Not the news you wanted, I know, but all is not lost yet.

Best regards,

Neil