

**REPRESENTATIONS  
ON THE BLANDFORD + NEIGHBOURHOOD PLAN  
ON BEHALF OF CLEMDELL LIMITED**

## 1.0 INTRODUCTION

1.1 Clemdell Limited (“Clemdell”) objects to the Blandford + Neighbourhood Plan – Pre Submission Plan February 2016 (“the B+ Plan”), inter alia,

- it fails to comply with Basic Conditions;
- it is not evidence based;
- it strikes “at the heart of the Town Centre” (per LP1 Evidence Base);
- consultation was entirely judgemental to “bias responses” (per LPA advice).

1.2 Clemdell repeats its Representations as submitted on the Draft Blandford+ Neighbourhood Plan (“the Draft Plan”) (**App 1**). The Steering Group has failed to respond to requests for disclosure of core documents and, further, has now removed its Minutes and Agendas from its website. Some documents have been obtained, inter alia, by an initial Fol request and are exhibited hereto. A further Fol request to obtain basic and material information will be made.

1.3 This Representation focuses on additional concerns identified from the B+ Plan and, inter alia, the proportionate evidence available to the Steering Group but not included in its website Evidence Base, and the LPA’s “Comments on the Draft Blandford+ NDP” (“the LPA Comments (**App 2**)”). It is divided into three sections:

- Town Centre and Retail
- Housing Allocations
- Procedural Issues

which should be read together.

## 2.0 THE TOWN CENTRE AND RETAIL PROPOSALS

### Context

2.1 It is common ground that the Town Centre for the purposes of the B+ Plan is approximately the area shown on the B+ Plan Inset 3. This area is in Old Town Ward.

- 2.2 Old Town Ward is the most deprived ward in North Dorset as objectively assessed by the Government's Index of Multiple Deprivation ("the IMD") (a illustrating print from the IMD website is **App 3**) and ranks in the top 40% of deprivation in England . This rebuts the unevidenced assertion of the Draft Plan (at, inter alia para 3.8) that it is *"the north and east, where the social infrastructure problems are at their most acute"*. In fact the IMD evidences that Hilltop, the relevant ward, is the least deprived in the North Dorset area. (**App 3**)
- 2.3 In the LPA Comments, NDDC asked *"Is there any evidence of this?"* (**App 2**) No evidence to support deprivation in the north has been provided, and this contention has been removed from the B+ Plan and replaced, inter alia, by a similarly unevidenced para 3.17 *"on the basis of the growth strategy and allocations to the north and east it is considered prudent to retain this land for out of centre retail uses."*
- 2.4 Further, the Old Town Ward provides the core of employment opportunities in the B+ area with some 2,200 out of some 6,000 in the B+ area (**App 4**) according to the figures supplied by Dorset County Council up to 2013 and forwarded to the Steering Group. The Town Centre contains the bulk of that employment and additionally, by way of charity shops and other voluntary groups in the Town Centre, provides unpaid employment opportunities not reflected in the DCC figures.
- 2.5 The essence of the Steering Group's preconceived agenda is to reduce the Town Centre to a leisure centre. This is demonstrated, inter alia, as follows:
- This was first trailed in its Questionnaire at Q6 which asserted that *"The introduction of another out of the town centre supermarket could change the purpose of the town centre so that it becomes more of a leisure attraction"* (**App 5**);
  - Reinforced by the proposal to downgrade the protection provided to the Town Centre's retail offer by reducing the "anchor store" from a Primary Frontage in the Development Plan to a Secondary Frontage in the Draft and B+ Plans;
  - Sterilising Town Centre regeneration sites
  - Adding at page 10 of the B+ Plan that future retail provision for the area should be at what it calls the Tesco and Asda sites
  - Adding proposals for further stores out-of-town (and as shown in its Evidence Base an alternative "town centre" in the north)

These points are expanded upon below.

- 2.6 There is no assessment by the Steering Group of the effects of its strategy upon the services available to the most deprived ward and no mitigation proposals. Blandford Town Centre presently has a function as a retail, service and employment centre for the area. Thus the thrust of the B+ Plan is a strategic proposal that will, as stated in the Local Plan Evidence Base MWA Reports (SED016(**App 6**)), “*strike at the heart of the Town Centre*” prejudicially affecting residents and employment.
- 2.7 The starting point for considering conformity of Town Centre policies with Basic Conditions is the NPPF and PPG. As established by case law these documents are to be read as a whole.

To briefly recap the NPPF:

- In the section headed “Ensuring the vitality of town centres”, para 23 says policies should “*recognise town centres as the heart of their communities and pursue policies to support their viability and vitality*”.
- In the section headed “ Promoting healthy communities”, para 70 says planning policies and decisions should ensure “*that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community*”;

To briefly recap the Town Centre PPG includes at Paragraph: 003 Reference ID: 2b-003-20140306 :

In the section headed “What should a town centre strategy contain?”: “*Any strategy should be based on evidence of the current state of town centres*

- *can the town centre accommodate the scale of assessed need for main town centre uses? This should include considering expanding centres, or development opportunities to enable new development or redevelop existing under-utilised space....*
- *how can parking provision be enhanced and both parking charges and enforcement be made proportionate, in order to encourage town centre vitality?*

*Strategies should identify changes in the hierarchy of town centres, including where a town centre is in decline.”*

2.7 The Development Plan states at Policy 16::

*“Town centre regeneration will embrace a range of town centre uses, not only retail and commercial but community and leisure as well as residential uses, and will be encouraged. An important element of town centre regeneration will be land to the south of East Street, including land around the existing retail store. On appropriate sites, all development and redevelopment schemes which support town centre regeneration, such as the extension of existing retail units south of Market Place and East Street, will be viewed positively within the recognised constraints of heritage and flooding considerations. The emerging Neighbourhood Plan for Blandford will have a key role to play in identifying regeneration opportunities in the town.”*

and saves the Inset Map (**App 7**) from the 2003 Local Plan as identifying the Primary and Secondary Frontages.

2.8 The response to the B+ Survey Q5: What type of retail do you think should be encouraged in the town centre? was 92% of respondents wanted a mix of retail outlets and specialist shops. (**App 5**)

2.9 The Draft Plan referred to the “retail core” and that Key Objective 2.6(4) was “To maintain and enhance the economic performance of the retail core”. That objective has been deleted from the B+ Plan. There are a number of exciting and vital regeneration opportunities within the Town Centre that will enhance the retail core and the retail offer, the Town Centre footfall and connectivity, and services to local residents. Such initiatives are omitted from the B+ Plan and proposals are introduced in an attempt to sterilise any sustainable initiative.

B+ Policy

2.10 The B+ Plan and its supporting documents have a clear strategy for the Town Centre. That strategy is contrary to national policy and to the Development Plan It therefore fails to comply with the Basic Conditions.

2.11 The LP1 Examination Library contains the most up to date evidence base of the state of Blandford Town Centre. These are the reports commissioned by the LPA from MWA and identified in the Library as SED016 (**App 6**) and, for the avoidance of doubt, provided to the Steering Group by Clemdell. Relevant extracts are quoted in Clemdell’s Representations on the Draft Plan (**App 1**). The most pertinent of these is that the combination of an extension of Tesco and an Asda as MWA concludes “that

*the impact will strike at the heart of the town's convenience goods offer*". (**App 6** page 11 paragraph 3.6). Clemdell's Representations (**App 1**) identify further evidence of the Town Centre's fragility and decline.

- 2.12 The B+ Plan at the top of Page 10 adds the following to the proposals in the Draft Plan

*" additional retail floorspace will be provided through:*

*n. the extension of the existing Tesco supermarket at Stour Park; and*

*o. the provision of a new supermarket off Shaftesbury Lane."*

To be clear - the Steering Group propose, as concluded by MWA, to "*strike at the heart*" of the Town Centre.

- 2.13 The proposal that future retail expansion should be located at Tesco and (proposed) Asda sites is deliberately misleading. Neither site will have an extant retail Planning Permission by the end of the B+ Plan consultation date in March 2016. As is well known, the site for the expansion of Tesco has been sold to a local technology company and is not available for retail use. The Development Plan Policy BL5 reserves the Asda site for Employment Development.. The Steering Group will not disclose any evidence to support the assertion at para 3.16 of the B+ Plan that: "*the Steering Group is advised interest in the site remains with regard to its extant permission.*"

- 2.14 Further, in its evidence to the Local Plan Examination B+ stated at ID3051 (**App 8**) paragraph 3.19 "*The consent for a major superstore development on one of the major employment locations at Shaftesbury Road in 2013 resulted in the loss of a most significant opportunity to boost higher value added business growth in the town*". That identifies two material points:

- That B+ considers the size of the Asda store to be a "major superstore" which should be compared to the need for "convenience stores" justifying the B+ Plan Policy 2(i) for a larger store than Asda;
- The loss of "*higher value added business growth in the town*" is a material consideration, but that the Steering Group fails to apply this constraint to either the formwe "Asda" or the former "Tesco" extension sites.

- 2.15 The LPA Comments 3.19 (**App 2**) that: "*The view is presented that the north of Blandford is poorly served by convenience shops so the NDP seeks to retain the*

*ASDA site for 'out of centre retail uses'. Convenience shops tend to be smaller". The B+ Plan proposes "a gross floor area of approximately 2,500 sq.m" at Policy 2(i) compared with the lapsed Asda permission of 2,300 sq.m stated at para 3.16. (This appears to be substantially larger than the Town Centre anchor store)*

- 2.16 The context of the B+ Plan strategy can be found in the B+ Evidence Base "Land North East of Blandford Forum Framework Masterplan" under the heading "Land use strategy -Commercial/ Community gateway"

*"Commercial (potential for some office, small scale food retail) and community (potential for medical / health) uses will focus on the Salisbury Road. This location will allow a stronger visual presence and increase the prospect of viable development benefiting from the significant passing trade. This location represents the most sustainable location for these uses to encourage walking and cycling from within the new development and the adjoining existing neighbourhoods. The mixed-use development will focus around an urban square space to mark the new, welcoming gateway to Blandford and continue the historic growth pattern of mixed use clusters focused along Salisbury Road."*

- 2.17 To be clear, the B+ strategy is a proposal for a new "town centre" focussed around an urban square with a specific stated intention of attracting people and therefore trade from the existing Town Centre.

- 2.18 This is reinforced within the B+ Plan, which adds to the Draft Plan, at Policy 1– Land North & East of Blandford Forum *"a small number of convenience food and similar uses to serve the locality"* and by the unevidenced assertion at para 3.17 *"The north of the town is currently poorly served by convenience shops and on the basis of the growth strategy and allocations to the north and east it is considered prudent to retain this land for out of centre retail uses"*

- 2.19 At the edge-of-centre the B+ Plan at para 3.26 states: *"This policy allocates approximately 0.9 ha of land off East Street and Langton Road for a mixed use commercial and tourism scheme. It aims to encourage more visitors to the town as one element of a number of town centre regeneration initiatives..... (3.28) The site offers good visitor access."* This should be read with Policy 5(i) *"There is no loss in the total number of existing car parking spaces"*. With the statutory and legal constraints on the use of this site there is no land currently or possibly, available for

this policy.

- 2.20 Within the Town Centre the B+ Plan proposes to sterilise the Marsh & Ham Car Park by Policy 8. No stress test has been carried out and no evidence is produced to support para 3.43 that *“Comments received related to the shortage of town centre car parking and it has increased dramatically in the last year.”* The Steering Group’s agenda for the anchor store is only found in the Retail and the Town Centre background paper where, at page 8. The support and protection for the anchor store is proposed by reducing it to Secondary Frontage from the current Primary Frontage *“to allow more scope should the use of the building become available for an alternative use”*. Support for an “alternative use” can only mean non-retail. The effect on the vitality and viability of whole Town Centre from the encouragement in the B+ Plan to remove the anchor store is simply not considered. The context is that the B+ Plan passes this off as a *“minor change”* (Para 3.40).
- 2.21 At para 3.46 the B+ Plan states *“as another regeneration initiative, the Town Council is keen to address the improvement of traffic flow within the town centre.”* The LPA Comments (**App 2**) *“The Draft NDP should not include traffic management as an issue if there are no proposals in the document.”*. That comment applies equally to the B+ Plan.
- 2.22 Overall the B+ Plan has its purpose and effect to drive away Town Centre investment, unsettle Town Centre businesses and prevent regeneration.

### 3.0 STRATEGIC HOUSING ALLOCATIONS

- 3.1 The B+ Plan states at para 1.12 *“Blandford Forum Town Council has long sought to address social and other infrastructure weaknesses in the northern half of the town.”* Even if it were not the case that the northern half of the town was the least deprived per the IMD, para 1.12 is not evidenced.

On the contrary the Town Council’s Response to the LP1 Focussed Changes in September 2014 (ID278 (**App 9**)) is quite clear *“The Town Council support the Focused Changes”*. The Focussed Changes were the change to what the Steering Group call “Village Growth” as rejected by the Steering Group.

There is thus a clear conflict between the published position of the Town Council and

the Steering Group. The Steering Group is responsible, and subservient, to the Town Council. There is no evidence to identify how that conflict has been resolved.

- 3.2 At para 3.6 the B+ Plan it is stated that the strategic allocations in the B+ Plan “*complements the strategy and proposals of Policy 16 of the new Local Plan*”. As the Steering Group is well aware this is not true. The wording from the Draft Plan has been changed from “*this Vision does not accord with that of the emerging North Dorset Local Plan (NDLP1), at least in respect of the spatial implications of growth*” but the policies in the B+ Plan are the same with the same purpose and intent as the Draft Plan. (The Local Plan was adopted between the publication of the Draft Plan and the B+ Plan).

- 3.3 Therefore the LPA Comments (**App 2**) remain pertinent. They are founded in the PPG extracts and need to be restated, and addressed, in full:

*“Consequently, the policies which flow from this, notably in respect of development proposals to the north and north east of Blandford do not accord with the Local Plan. The Government’s Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065- . 20140306) clearly sets out the basic conditions which a Neighbourhood Development Plan must meet if it is to proceed to a referendum. These include the relationship between a NDP and a Local Plan (the NDP must be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)).*

*Guidance (Paragraph: 074 Reference ID: 41-074-2014030) is very clear on the matter of conformity with the strategic policies in the development plan. In particular, ‘whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy ’ and ‘the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*

*The Basic Conditions also refer to the need to help achieve sustainable development (Paragraph: 072 Reference ID: 41-072-20140306). Guidance says that ‘In order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions’. Comment made in respect of paragraph 1.14 above is pertinent here.”*

That pertinent and overarching comment referred to is: “*How can the reader understand the preferences for the options if he/she is not provided with the*

*background to the plan?”*

- 3.4 A further key point is that the B+ growth strategy has been recently publically examined and rejected at the Local Plan Examination. The numerous iterations of Sustainability Appraisals for the Local Plan considered the B+ Plan proposals in detail in the context of locating growth elsewhere in Blandford and in other North Dorset settlements. The Sustainability Appraisal was adopted on 15 January 2016 with the Local Plan. All iterations reject the B+ strategic allocation as unsustainable. B+, in a letter to Clemdell (**App 10**), asserted that *“the B+ alternative was not tested”*. Clemdell (**App 11**) responded, at point 3 giving the Local Plan Evidence Base references where the B+ strategy was considered *“COD010 and again in COD004 and SUD003 and SUD008”* and referred to the Basic Condition requiring *“the contribution of each policy to “the achievement of sustainable development” (PPG ID 41-065-20140306)”*
- 3.5 The B+ letter to Clemdell (**App 10**) states *“The development it proposes is in addition to that of the Local Plan as the group accepts that it has probably lost the battle for it to be accepted as an alternative strategy in the Local Plan”* and then goes on to assert that: *“The NPPF does not require evidence to justify an oversupply of housing;”*, That was addressed in detail in Clemdell’s response at point 2. At that time Clemdell did not have the LPA Comments (**App 2**), which were obtained in the initial Fol request, these cover similar ground and both should be addressed in full:

*“The Planning Advisory Service Neighbourhood Planning Advice Note 'Housing Needs Assessment for Neighbourhood Plans' says that 'neighbourhood plan housing policy needs to be underpinned by robust, objectively assessed data providing a picture of housing need at the level of the neighbourhood plan area'. That advice has been ignored in the Draft NDP. Does a Housing Needs Assessment (as recommended as good practice by the Planning Advisory Service) underpin the proposals? There is no reference to this if it exists.*

*National Guidance (Paragraph: 006 Reference ID: 2a-006-20140306) sets out that 'The neighbourhood plan should support the strategic development needs set out in Local Plans, including policies on housing and economic development. The level of housing and economic development is likely to be a strategic policy'. There is a clear implication that, since the housing needs underpinning LP1 are evidence based, any variation needs to be similarly evidence base.*

*Government guidance on preparing neighbourhood development plans clearly states*

*(Paragraph:040 Reference ID: 41-040-20140306) that 'Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention, and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.*

*It goes on to say (Paragraph: 042 Reference ID: 41-042-20140306)'A neighbourhood plan can allocate sites for development. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria'. There is no indication in the Draft NDP that this work has been done. Finally, it points out that policies should be clear and unambiguous and 'should be concise, precise and supported by appropriate evidence'."*

The B+ Plan, as with the Draft Plan, fails to address any of these points.

- 3.6 In mitigation of its strategic allocation the B+ Plan, in the context of the Development Plan's core Spatial Strategy and asserting (the unevidenced) weaknesses in the northern half of the town states at para 1.13:

*"Whilst the Steering Group and Councils therefore objected to those proposals prior to the adoption of the Local Plan, they now accept them reluctantly as part of the future planning for this area. However, in recent weeks, further housing demand survey work (as part of the East Dorset Strategic Housing Market Assessment – see the evidence base) has indicated that the District will need an additional 900 new homes up to 2031 to be able to meet local needs. This important evidence, and the unresolved issues in the north of the town, has helped shape the Pre-Submission Plan."*

- 3.7 The B+ Plan fails to mention that the revised SHMA for North Dorset (**App 13**) was published in August 2015 – six months before the B+ Plan. It was the subject of an exchange between the LPA and the Local Plan Inspector (INS025 (**App 14**)) and then fully considered in the Inspector's Report (**App 15**), inter alia:

*"32. Since the close of the hearing sessions I have been advised that the Eastern Dorset Strategic Housing Market Assessment 2015 (SHMA)<sup>21</sup> concludes that the revised objectively assessed need for North Dorset is 330 dwellings a year – as opposed to the 285 figure on which the housing policies of LP1 are based. The Council has considered the implications of this new evidence (which I have not tested and which has not been tested at any other local plan examination)*

*43. With regard to the 5 year supply of housing, it is anticipated by the Council that*

*2,060 dwellings will be delivered within 5 years<sup>25</sup> (412 a year). This figure needs to be compared to the proposed requirement which, using the Council's calculations would be 1,595 dwellings<sup>26</sup>. I am therefore satisfied that a deliverable 5 year supply of housing (plus 5% buffer) can be demonstrated<sup>27</sup>. I am also satisfied that sufficient land is identified to deliver housing for years 6 to 10<sup>28</sup>. In terms of the period between 2026 and 2031 the Council is proposing to increase supply by adjusting the capacity of the broad locations of growth. At south east of Blandford St Mary, additional land has been identified and the capacity would consequently increase by 150 dwellings..... On this basis I am satisfied that the current overall housing need up to 2031(as identified in the submitted LP1) can be met and no substantive evidence was submitted that would lead me to conclude otherwise.*

*51..... The Annual Monitoring Report (AMR) will review and update the trajectory in due course but at the current time it is clear that the delivery of houses will meet or exceed the annual target up to 2023/24."*

The review of the Local Plan is to commence in March 2016 which will take account of the SHMA across the competing sites in the District. Albeit that as the Inspector notes an additional 150 dwellings have already been allocated in Blandford, the Inspector concludes that the revised OAN will be fully met *"by adjusting the capacity of the broad locations of growth"*

3.8 For completeness, in considering the second leg of the B+ Plan's justification being *"unresolved issues in the north of the town,"* the LPA Comment (**App 2**) *"This is an unsubstantiated statement"* continues to apply. There is no evidence and no pre-existing unresolved issues..

3.9 In further justification of its alternative strategy the letter from B+ (**App 10**) states *"NDLP1 main modifications (MM14) allows for growth beyond the bypass"* in the full knowledge that this was caveated. Therefore Clemdell's response (**App 11**) pointed out the context, albeit it was known to the Steering Group:

*" 4 The LP1 potential for proposals beyond the by-pass can only be read in context. The Development Plan now reads at para 8.12 "with additional greenfield sites beyond the bypass [MM14] being brought forward **after** that date." That date being after 2031 ie after the expiry of the Neighbourhood Plan period.*

*Further para 8.13 now reads (by specific reference to the Blandford+ Plan): "This will*

deal with **nonstrategic** matters to supplement the policies contained in this Local Plan, .which can include additional greenfield sites beyond the bypass.[MM14]” .....

The Inspector has been quite careful to go further than LP1 in stressing that any housing “proposal would accord with the agreed spatial approach;” which is “development within the ‘settlement boundary’” (paras 33 and 76). LP1 Appendix B.1 states: “Policy 2 – Core Spatial Strategy states that the settlement boundaries around the four main towns, Stalbridge and the larger villages as shown on the Proposals Map of the North Dorset District Wide Local Plan (2003) will be retained.” The Core Spatial Strategy rejects the strategic allocations proposed in the Blandford+ Plan.“

It is material to note that the B+ Plan fails to reference this strategic constraint so that any consultation on the B+ Plan strategy is invalidated. As the LPA Comments (**App 2**) state: “How can the reader understand the preferences for the options if he/she is not provided with the background to the plan?”

- 3.10 It is clear that what B+ has described as Village Growth (which are the Focussed Changes supported by Blandford Town Council (**App 9**)) is the core strategic policy of the Development Plan. It may be possible for the Steering Group to reluctantly (per para 1.13) accept that strategy however it is in breach of the Basic Conditions to undermine them. The NPPF requires two relevant points such that::

- The B+ Plan must provide positive support for the Local Plan
- The B+ Plan is not the forum for rewriting the Core Spatial Strategy:

“Critically, it will mean that neighbourhoods should: develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan” (NPPF para 16)

- 3.11 Those two points in the NPPF are reinforced in PPG under the heading “What should a Neighbourhood Plan address? A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development (as outlined in paragraph 16 of the National Planning Policy Framework)” (PPG ID 41-004-20140306)

- 3.12 The Draft Plan, at para 3.8, also justified its strategic housing allocation as “it is necessary to use available and suitable land on the northern and eastern edges of the town” to deliver infrastructure investment. The LPA Comment (**App 2**) is clear

that: *“This is an unsubstantiated statement”*. The justification is now restated in para 3.10 of the B+ Plan as the equally unevidenced *“it will enable the delivery of a number of other vital land uses and infrastructure for the town to especially meet the needs of the main town areas north of the town centre”*

It is important to note that diverting infrastructure resources from the Development Plan locations to the (IMD defined) least deprived part of the B+ area is not supporting *“the strategic development needs set out in the Local Plan”* and the Core Spatial Strategy of the Development Plan. Further it implies that the B+ Plan can in some way deliver or direct this infrastructure – it cannot.

- 3.13 The Housing and Planning Bill will, if approved, give a B+ Plan housing allocation “permission in principle” and without any infrastructure commitment. The LPA Comments (**App 2**) are pertinent: *“it should be made clear that a whole range of considerations (NPPF, Local Plan etc) have to be taken into account when planning decisions are being made by the District Council. It should also be pointed out that those decisions will be made by the District Council”*
- 3.14 Whilst considering the matter of infrastructure delivery it should be noted that the LPA Comments (**App 2**) give an estimate of the maximum CIL that could be transferred to the B+ Councils over the plan period. Since that estimate the NDDC Cabinet determined on 22 February 2016 to redraft the CIL Plan for consultation including to reduce the level of CIL in Blandford, zero rate further types of development, the Starter Homes initiative will exempt dwellings, and the Local Plan location sites currently emerging or going through the planning process are likely to be approved prior to the adoption of North Dorset CIL.
- 3.15 Therefore the prospect of infrastructure delivery of the types or in the locations included in the B+ Plan is minimal. The proposal to relocate infrastructure in the (IMD) defined least deprived area of B+ will undermine the Development Plan strategy to deliver it in support of the Local Plan allocations and is contrary, inter alia, to NPPF para 16. Further, it goes to the LPA Comment (**App 2**) *“The presentation of Town Growth and Village Growth is judgmental and could bias responses”*. It is also contrary to PPG *“Must a community ensure its neighbourhood plan is deliverable? If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable.”* (PPG ID 41-005-20140306)

- 3.16 In determining the unsustainability of the B+ spatial strategy, inter alia, the North Dorset – Core Strategy & Development Management DPD - Initial Sustainability Appraisal Report states on page 241 *“The area to the north east is similar but also includes an area of grade 2 agricultural land which is of higher productive value.”* (App 16). That is not referenced in the B+ Plan and is another example of the overarching LPA Comment (App 2) *“How can the reader understand the preferences for the options if he/she is not provided with the background to the plan?”*

NPPF para 112 is clear: *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

- 3.17 It is worth noting another point on the sustainability of the B+ Plan strategy as it is touched upon in the LPA Comments (App 2) *“Where is the evidence that safe access can be put into place from the bypass to the proposed development? Have the costs of bridging the bypass been taken into account”* In its evidence to the Local Plan Examination (App 8) opposing another site (paras 3.16 to 3.18) the Steering Group states *“The user experience of such bridges is known to be poor and most pedestrians and cyclists will attempt to cross the roads at grade”*. The conclusion of B+ on that site applies more obviously to the B+ Plan’s Policy “3.18 *This is simply not good town planning. The result will be a remote housing estate*”

For completeness, the B+ Plan fails to provide any evidence in response to the LPA question. It now simply gives a vanilla response at para 3.7 *“there are opportunities to establish a safe pedestrian and cycling crossing of the bypass”*

- 3.18 Stripping away the smoke-screen around its strategy, the proposals are driven for the reasons set out in the B+ Plan para 3.7 *“The land comprises two main parcels in the single ownership of a consortium of landowners which have a development agreement in place and have made the land available for the purposes of the Neighbourhood Plan”*, and at 3.15 *“the landowner consortium has made it clear that the land will only be made available for this comprehensive, mixed use scheme, which is accepted,”*

This implies that the Steering Group can accept the terms of a planning application, which it cannot. To support the landowner consortium the Steering Group has to claim that there are unspecified problems in the north and north-east of the town

which will be addressed by its alternative spatial strategy. There is absolute silence from the Steering Group when NDDC ask “*Is there any evidence of this?*” (**App 2**)

- 3.19 Responses to the LPA Comments are ingenuous. The Steering Group simply sticks to its pre-conceived agenda. So that the conflict with Basic Conditions is not addressed and remains.

#### 4.0 **PROCEEDURAL ISSUES**

##### Basic Conditions

- 4.1 To mitigate the legal challenge to the B+ Plan the Local Planning Authority and/or the Examiner has to consider with reasons, how the B+ Plan complies the Basic Conditions.
- 4.2 Three Basic Conditions are of particular pertinence.
- *“having regard to national policies and advice contained in guidance issued by the Secretary of State” which is explained in PPG “What does having regard to national policy mean? A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. The National Planning Policy Framework is the main document setting out the Government’s planning policies for England and how these are expected to be applied.” (PPG ID 41-069-20140306) “Which national policies are relevant to a neighbourhood plan or Order? Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans or Orders should support the strategic development needs set out in Local Plans including policies for housing and economic development” (PPG ID 41-070-20140306)*
  - (It is worth repeating NPPF paragraph 16 here: “*Critically, it will mean that neighbourhoods should: develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan*”)

- *“the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development” which is explained in PPG “What must a qualifying body do to demonstrate that a draft Neighbourhood Plan or Order contributes to sustainable development? This basic condition is consistent with the planning principle that all planmaking and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or Order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions. There is no legal requirement for a neighbourhood plan to have a sustainability appraisal.....” (PPG ID 41-072-20140306)*
- *“the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).” Which is explained in PPG: “What is meant by ‘general conformity’? When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following: • whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with • the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy • whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy • the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach” (PPG ID 41-074-20140306)*

4.3 The Steering Group has not yet published for consultation its Basic Conditions Statement. As stated in PPG *“the basic conditions statement is likely to be the main way that a qualifying body can seek to demonstrate to the independent examiner that its draft neighbourhood plan or Order meets the basic conditions”*. (PPG ID 41-056-

20140306)

- 4.4 There is no way, other than through FoI, that stakeholders can understand how the Steering Group reconciles the B+ Plan with Basic Conditions and thereafter properly comment upon this iteration of the B+ Plan and that Statement. However it is clear from the LPA Comments (**App 2**), obtained by FoI, that the LPA is of the view that the Draft Plan was materially defective. Given that no substantive changes have been made in the B+ Plan, the LPA will need to clearly and transparently, demonstrate that the changes it makes to the B+ Plan will align the B+ Plan with Basic Conditions.
- 4.5 From the LPA Comments (**App 2**) that must include the deletion of the B+ north/north-east strategy. The Steering Group relies in terms upon that strategy to justify the B+ Plan policies that have the purpose and effect of undermining the Town Centre – but in any event they are in conflict with the Basic Conditions.

#### Consultation

- 4.6 There is an overarching concern that comes out from the LPA Comments (**App 2**) *“How can the reader understand the preferences for the options if he/she is not provided with the background to the plan?”* that applies throughout the Steering Group’s activities from its first pre-conception of a B+ Plan to date.

#### 5.0 **CONCLUSION**

- 5.1 The B+ Plan fails to align itself to conform with the Basic Conditions. It now rests with the LPA to undertake that task.

