

B+ NP Qualifying Body's Response to Matters raised by the Examiner as part of the Agenda for the Blandford + Neighbourhood Plan 2011 – 2033 Hearing

Matter 4.5

"On behalf of Wates Developments Limited, which has land interests north of Black Lane, Genesis Town Planning contend that this land should have been included in the consultation process and that the site represents an opportunity to boost the supply of housing in the area. I wish to hear the reaction of DC and the B+ Qualifying Body to this representation. It appears that the site was not put forward in the 'call for sites' and has not been considered in the Site Selection Background Paper, updated January 2019, or in the Sustainability Appraisal. Nor has it been considered in the consultation process for the Plan. In the absence of such inclusion I am unclear about the scope for considering the site at this stage."

'Qualifying Body' Response

1. Consultation on the Neighbourhood Plan was undertaken both informally and formally and is set out in detail in the Consultation Statement and Appendices (January 2019). Information on the progress of the Plan was made available on the B+NP website and throughout the process regular updates were provided at Town and Parish Council meetings and minuted. The following summarises the timeline:

Dec 2017

The Blandford + Neighbourhood Plan Options for Moving Forward report published on the B+NP website

June 2018

The July 2018 informal consultations announced in the local press (see Appendix 7). A leaflet was delivered to households and businesses in Blandford Forum, Blandford St Mary and Bryanston. The information was launched on the B+ website, NDDC website and on the Blandford Forum Town Council Facebook page. A formal email (see Appendix 8) was sent to key stakeholders, local groups, press and media (see Appendix 9).

July 2018

Joint Blandford St Mary and Bryanston Informal Public Consultation Exhibition held at Hall and Woodhouse Centre and same Exhibition held in Blandford Forum at the Corn Exchange.

Online survey launched as part of Informal Consultations (see Appendix 10). Comments were also encouraged by email, by post or in person at the Exhibition events.

Amongst other things, this sought views on “Meeting future housing needs - How many and where?” and the information on the various options including all spatial options maps were made available¹.

August 2018

The outcome of the Informal Consultations in July 2018 published online, and an email update was sent to key stakeholders, local groups, press and media. An Outcome of Informal Consultations 2018 article was also published in the Town Council newsletter (see Appendix 14).

November/December 2018

Statutory Regulation 14 consultation undertaken

December 2018 – Regulation 14 response

First contact received from Genesis Town Planning (on behalf of Wates) in response to the Regulation 14 consultation. This requested their land to the north of Black Lane be included in the Policy B2 Mixed-use Allocation area (Inset B of the Proposals Map).

The QB reviewed the submission and the Regulation 14 Report (Consultation Statement Appendix 21) references the land which Genesis Town Planning submitted, thus:

“2.13 Representations have been received making land available for housing, a large area of informal public open space/landscaped parkland, a riverside walk/cycleway, and works to improve functionality of Pimperne stream. The area lies adjacent to the site boundary of the proposed allocation in Policy B2.

2.14 The purpose of the proposed allocation in Policy B2 is to deliver infrastructure and its delivery depends on the release of land for housing. The Neighbourhood Plan has accommodated the level of housing contained in the ‘specification’ agreed with NDDC and therefore does not need any further land to be made available to deliver the necessary infrastructure.”

March 2019 – Regulation 16 Response

The Regulation 16 Submission from Genesis Town Planning (on behalf of Wates) requests land is included in the allocation or allocated separately to provide additional housing, public open space and new vehicular access onto Black Lane.

The Blandford + Land Availability Paper demonstrates the comprehensive way in which land was considered to be available for development in the designated area. This approach was intended to ensure there was sufficient regard to land capacity outside of either AONB.

¹ <https://blandfordplus.org.uk/informal-consultation-website-information-and-reports/>

The supply of sites had been derived from latest SHELAA information published by North Dorset District Council in 2017, the previous SHLAA in 2010 and the Brownfield register.

With the agreement of NDDC all responses to their 'call for sites" (subject to redaction for GDPR purposes) were made available to the QB, as is custom and practice.

The land to the north of Black Lane had not been submitted as part of any of these exercises to the LPA and was therefore not 'available' for consideration by the Neighbourhood Plan.

Further, no contact was received from Genesis Town Planning as a result of any of the plan publicity between December 2017 and November 2018 (11 months) or during the July 2018 informal consultation in which views were sought on the spatial options.²

As is evidenced above, the "Qualifying Body" undertook considerable consultation during the making of the Plan. It was clearly no secret that the B+NP was being prepared; a point conceded by Genesis Town Planning in their Regulation 16 representation (page 3 – pdf page 87 of 99).

Had the land been promoted either through the NDDC SHELAA process or to the Qualifying body at a formative stage of planmaking (i.e. prior to the Regulation 14 stage in November 2018) then there would have been an opportunity to consider the land. As it was, it was not promoted.

Inclusion of this site at such a late stage when the promoter had ample opportunity to engage with the neighbourhood plan process or with the adjacent landowner (whose land it would appear they require access over) would have necessitated a further Regulation 14 consultation stage.

Given the significance this land promoter places on their sites relationship with the adjacent land promoted by Wyatt Homes, they could have sought an alternative route by undertaking a joint promotion; they did not.

As a stand-alone site, the land is not required for the Plan to meet its housing or infrastructure needs. The Land Availability Assessment indicates there is a significant stock of land in and around Blandford with hard commitments and other smaller sites available.

As with the initial assessment of other sites, the Wates land would not deliver the specification in full or in part, and it was therefore not considered necessary to give it detailed consideration. This was a representation that sought an additional allocation of land rather than as part of a comprehensive proposal.

In its judgement, the DC and the Qualifying Body consider the housing and infrastructure requirements of the Plan are capable of being reached by virtue of the policies and allocations in the Submission Plan. They see no justification for allocating additional sites, otherwise where would planmaking end?

² Preliminary Development Options

QB response to Matter 4.8

“Detailed matters are set out in Examination document BLAN 12 – North Dorset District Council’s Regulation 16 Consultation Response. This document sets out suggested corrections, additions, etc. It would be helpful if the B+ Qualifying Body provides me with a response to these suggestions (copied to other participants) by Friday 8 November at the latest.”

‘Qualifying Body’ Response

The ‘QB’ accepts all suggested minor modifications by DC in their BLAN 12 to bring the Plan up to date given the passage of time since submission.

The QB invites the Examiner to consider all these suggested minor modifications as falling within the scope of Section 4B Paragraph 10(3)(e) of the Town & Country Planning Act 1990 (as amended).

Matter 4.9.

“The Duty under Section 19 (1A) of the Planning and Compulsory Purchase Act to ensure that climate change mitigation and adaptation are core objectives integrated across all local planning policy”.

‘Qualifying Body’ Response

Local planning authorities are bound by the legal duty set out in Section 19 of the 2004 Planning and Compulsory Purchase Act, as amended by the 2008 Planning Act, to ensure that taken as a whole, planning policy contributes to the mitigation of, and adaptation to, climate change. This duty signals the priority to be given to climate change in plan-making.

In discharging this duty, the Plan should be in ‘general conformity’ with paragraph 149 of the NPPF and ensure that policies and decisions are in line with the objectives and provisions of the Climate Change Act 2008 (Section 1) and support the National Adaptation Programme. For the sake of clarity, this means that both local plans and neighbourhood plans should be able to demonstrate how their policies contribute to the requirements of the Climate Change Act.

To date, most neighbourhood plans have not included policy on climate change mitigation, and some that have tried have encountered difficulties at examination in navigating the viability test and the perceived limitations on policy such as for energy efficiency and building fabric. Policies such as those related to the provision of green and blue infrastructure, if well considered however, have multiple benefits not least in improving health and well being but also adaptability to the changing climate.

The 2019 NPPF places increased reliance on neighbourhood plans to fill gaps that could be left by Local Plans that may have been adopted prior to the new NPPF or

updated Planning Practice Guidance such as the new National Design Guide and forthcoming National Design Code, both of which are material planning considerations (1st October 2019 - HLWS1803/HCWS1840).

In addition, the Government has recently passed into law the legally binding national target of net zero carbon emissions by 2050 and the need to plan new development in ways to avoid vulnerability to climate change impacts in line with NPPF paragraph 150. These are issues which will become ever more prominent during the life of this Plan.

The QB would like to direct the Examiner to the Sustainability Appraisal (SA) framework in the SA Report. The framework includes 'climate change' and undertakes an assessment of each policy against this heading.

The 'QB' will be happy to discuss at the hearing how applicants may be alerted to the requirements established by the National Design Guide and forthcoming National Design Code, the former framing a response to climate change, both mitigation and adaptation, under a wider contribution to 'sustainable development'. This might be through additional policy emphasis or through supporting text in the Submission Plan. The QB is however, mindful of introducing a perceived new requirement into the Plan on which stakeholders have had no opportunity to comment.