



Motcombe Neighbourhood Plan 2017 to 2027

A report to Dorset Council

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Independent Examiner**

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Executive Summary

I was appointed by Dorset Council on 16 May 2019 with the agreement of Motcombe Parish Council, to carry out the independent examination of the Motcombe Neighbourhood Plan.

The examination was completed solely on the basis of the written representations received, no public hearing appearing to me to have been necessary. I made an unaccompanied visit to the area covered by the Plan on 18 June 2019.

Motcombe is a rural parish in North Dorset, with a population of around 1600 residents. The Parish Council began work on the preparation of a neighbourhood plan early in 2016, and it was formally submitted to the then North Dorset District Council in March 2019 (since when local government re-organisation has taken place in the area, with the result that the relevant local planning authority is now the new unitary Dorset Council).

The adopted Local Plan for the area designates Motcombe as a “larger village” which will be expected to deliver sufficient new dwellings to meet identified local and essential rural needs. The Neighbourhood Plan concludes that around 36 dwellings would be required to meet local needs over the period 2017-2027, a figure which takes account of existing planning permissions, and sites are identified in the Plan to satisfy that requirement. These allocations have an appropriately strong emphasis on affordability. Some of the assumptions underpinning this approach to the Plan are questioned by a number of the representations received, and I deal with these in the body of my report. The Plan also encourages the retention and small-scale expansion of existing sources of employment.

While planning carefully for the future growth of Motcombe, other policies in the Plan reflect the over-arching vision for the Parish, which is to keep it “as a separate and distinct village-based community, rather than it becoming a dormitory suburb of the neighbouring rapidly-expanding towns of Shaftesbury and Gillingham”.

Subject to a number of recommendations (principally for changes to the detailed wording of some policies), I have concluded that the Motcombe Neighbourhood Plan meets all the necessary legal requirements at this stage of its preparation, and consequently am pleased to recommend that it should proceed to referendum.

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Introduction

1. This report sets out the findings of my examination of the Motcombe Neighbourhood Plan (the MNP), submitted to the former North Dorset District Council (NDDC) by Motcombe Parish Council in March 2019. The Neighbourhood Area for these purposes is the same as the Parish boundary.
2. Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to help local communities shape the development and growth of their area, and the intention was given added weight in the National Planning Policy Framework (NPPF), first published in 2012 (the current edition being dated February 2019), which continues to be the principal element of national planning policy. Detailed advice is provided by national Planning Practice Guidance (PPG) on neighbourhood planning, first published in March 2014.
3. The main purpose of the independent examination is to assess whether or not the Plan satisfies certain “basic conditions” which must be met before it can proceed to a local referendum, and also whether it is generally legally compliant. In considering the content of the Plan, recommendations may be made concerning changes both to policies and any supporting text.
4. In the present case, my examination concludes with a recommendation that, subject to certain detailed recommendations, the Plan should proceed to referendum. If this results in a positive outcome, the MNP would ultimately become a part of the statutory development plan, and thus a key consideration in the determination of planning applications relating to land lying within the MNP area.
5. I am independent of the Parish Council and do not have any interest in any land that may be affected by the Plan. I have the necessary qualifications and experience to carry out the examination, having had 30 years’ experience as a local authority planner (including as Acting Director of Planning and Environmental Health for the City of Manchester), followed by over 20 years’ experience providing training in planning to both elected representatives and officers, for most of that time also working as a Planning Inspector. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.

Procedural matters

6. I am required to recommend that the Motcombe Neighbourhood Plan either
 - be submitted to a local referendum; or
 - that it should proceed to referendum, but as modified in the light of my recommendations; or
 - that it not be permitted to proceed to referendum, on the grounds that it does not meet the requirements referred to in paragraph 3 above.
7. In carrying out my assessment, I have had regard to the following principal documents:
 - the submitted MNP
 - the pre-submission version of the Plan
 - the Consultation Statement (undated)
 - the Basic Conditions Report (March 2019)
 - Housing Needs Review document (February 2019 version)
 - Site Assessments document 2017/18
 - the Strategic Environmental Assessment Screening Determination Statement (January 2019)
 - the representations made to the MNP under Regulation 16 (and, where appropriate, under

Regulation 14)

- selected policies of the adopted North Dorset Local Plan
 - relevant paragraphs of the National Planning Policy Framework
 - relevant paragraphs of national Planning Policy Guidance.
8. I carried out an unaccompanied visit to the Plan area on 18 June 2019, when I looked at the overall character and appearance of the Parish, together with its setting in the wider landscape, those areas affected by specific policies in the Plan, and the locations referred to by objectors. I refer to my visit in more detail elsewhere in this report.
9. It is expected that the examination of a draft neighbourhood plan will not include a public hearing, and that the examiner should reach a view by considering written representations¹. In the present case, I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against its suitability to proceed to a referendum. I should add that none of the representations received at the Regulation 16 stage included a request for a hearing.

A brief picture of the Neighbourhood Plan area

10. The parish of Motcombe lies in gently undulating countryside around four miles from Gillingham and three miles from Shaftesbury. The village itself is spread along a north-south road (The Street / Motcombe Road) which rises at each end, leaving the central part of the settlement in a shallow basin. For the most part, this axis is characterised by pre-war (including Victorian and much earlier) ribbon development on either side, although to the north of the historic core (a conservation area) there are several small culs-de-sac dating from the 1970's – 2000's. The present population of the parish is over 1600.
11. I was able to see from my visit (and noted from my reading of the background material supporting the Plan) that the village has a range of amenities serving what is clearly a thriving local community – in addition to its attractive setting (against the imposing backdrop of the Cranborne Chase escarpment to the east) and its network of open spaces immediately adjacent to the built-up areas, there are two churches, a primary school, a community shop / post office, a busy Memorial Hall (hosting a wide range of activities), playing fields, and the Coppleridge Inn, which has a public restaurant and accommodation. The well-known Port Regis preparatory school occupies a parkland site south of the main village.
12. In common with most rural locations, Motcombe residents have limited access to public transport, this being an hourly bus to both Gillingham (which has good rail connections to Salisbury / London and Exeter) and Shaftesbury, which run until the late afternoon. There is therefore a significant reliance on the private car for access to many amenities and services.
13. The village displays a wide range of built form, both in terms of massing, architectural design, materials and colour palette, with little consistency in orientation to the highway or boundary treatment. For the most part, the siting and overall design of the post-war housing are broadly sensitive to the wider context. This variety, together with the large number of listed buildings (32) adds to Motcombe's visual interest, enhanced by the extensive views across the Vale of Blackmore which are possible from the higher ground, especially from the north.

¹ Paragraph 9(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

The basic conditions

14. I am not required to come to a view about the ‘soundness’ of the plan (in the way which applies to the examination of local plans); instead I must principally address whether or not it is appropriate to make it, having regard to certain “basic conditions”, as listed at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The requirements are also set out in paragraph 065² of the Planning Practice Guidance. I deal with each of these conditions below in the context of the MNP’s policies but, in brief, all neighbourhood plans must:
- have regard to national policy and guidance (Condition a);
 - contribute to the achievement of sustainable development (Condition d);
 - be in general conformity with the strategic policies in the development plan for the local area (Condition e);
 - not breach, and otherwise be compatible with, EU obligations, including human rights requirements (Condition f);
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
 - comply with any other prescribed matters.
15. The Basic Conditions Report (BCR), prepared by Dorset Planning Consultant Ltd on behalf of the Parish Council, is dated March 2019. It begins by summarising the statutory requirements before taking each section and policy of the MNP and assessing its relationship with the national and local planning context, adding appropriate comments on general conformity. I will refer to specific elements of this document as necessary when considering the detailed provisions of the Plan.

Other statutory requirements

16. A number of other statutory requirements apply to the preparation of neighbourhood plans, all of which I consider have been met in this case. These are:
- that the Parish Council is the appropriate qualifying body (Localism Act 2011) able to lead preparation of a neighbourhood plan;
 - that what has been prepared is a Neighbourhood Development Plan, as formally defined by the Localism Act; that the plan area does not relate to more than one Neighbourhood Area; and that there are no other neighbourhood plans in place within the area covered by the plan;
 - that the plan period must be stated (which in the case of Motcombe is 2017 to 2027); and
 - that no “excluded development” is involved (this primarily relates to development involving minerals and waste and nationally-significant infrastructure projects).
17. I have also borne in mind the particular duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of “preserving or enhancing the character or appearance” of any conservation area.
18. A screening report is required in order to determine whether a neighbourhood plan needs to be accompanied by a Strategic Environmental Assessment (SEA), under the terms of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the qualifying body’s responsibility to undertake any necessary environmental assessments, but it is the Local Planning Authority’s responsibility to engage with the statutory consultees.

² Reference ID: 41-065-20140306

19. A Strategic Environmental Assessment and Habitats Regulations Screening Report was submitted to NDDC in November 2017 and subsequently made available to the statutory consultation bodies. As a result of the responses received, and having considered the relevant Regulations, NDDC concluded that an SEA was not required so long as a site ("Site 1"), earlier considered as a possible development opportunity, continued to be excluded from land allocations (see the SEA Screening Determination Statement dated 29 January 2019).
20. It is a requirement under the Planning Acts that policies in neighbourhood plans must relate to "the development and use of land", whether within the Plan area as a whole or in some specified part(s) of it. I am satisfied that that requirement is met.

National policy

21. National policy is set out primarily in the National Planning Policy Framework (NPPF), a key theme being the need to achieve sustainable development. The NPPF is supported by Planning Practice Guidance (PPG), an online resource which is continually updated by Government. I have borne particularly in mind the advice in the PPG that a policy in a neighbourhood plan should be clear and unambiguous, concise, precise and supported by appropriate evidence.

The existing Development Plan for the area

22. The current development plan for the area includes the North Dorset Local Plan Part 1 (adopted January 2016), together with a number of policies "saved" from the North Dorset District-Wide Local Plan 2003. For convenience, throughout my report I will refer to these simply as parts of the (adopted) Local Plan.
23. At 1st April 2019, the former Dorset County Council and its constituent district / borough councils were abolished, to be replaced by two unitary authorities, one of which is the new Dorset Council. The present position is that Dorset Council is in the process of embarking on an authority-wide local plan to take the place of those covering the five pre re-organisation districts and the former Dorset County Council's adopted Minerals Strategy and Waste Local Plan³. The former North Dorset District Council had begun a review of its Local Plan (adopted in January 2016), and published an "Issues and Options" document on which consultation ended in January 2018.
24. Basic Condition (e) requires neighbourhood plans to be "in general conformity with the strategic policies of the development plan for the area": this clearly means the *adopted* development plan. However, I bear in mind the advice at paragraph 009⁴ of the PPG, which says: "Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested."⁵

The consultation exercise (Regulation 14)

25. This regulation requires the Parish Council to publicise details of their proposals "in a way that is likely to bring [them] to the attention of people who live, work or carry on business in the area", and to provide details of how representations about them could be made. Regulation 15 requires

³ I note from the Basic Conditions Report that these two documents are currently at an advanced stage of review. Neither has any significant impact on the Neighbourhood Plan Area.

⁴ Reference ID: 41-009-20190509

⁵ During the "fact-checking" of a draft of my report, the Parish Council drew my attention to the fact that Dorset Council's Cabinet formally resolved (on 25/6/19) to halt work on the NDLP in order to concentrate on the replacement document.

the submission to the Local Planning Authority of a statement setting out the details of what was done in this respect, and how the qualifying body responded to any matters which arose as a result of the consultation process.

26. The Consultation Statement (undated) sets out the stages which the MNP's Working Group followed, from initial meetings with residents held in April 2016; a village fete held in June that year; and a comprehensive household survey (593 questionnaires) in October 2017 seeking views about the overall vision for Motcombe and key aspects of village life. Nearly half of the Parish's households responded, the information received also covering local amenities, housing needs, attitudes towards future development etc. This was followed by a three-week consultation period in April-May 2018 concentrating on residents' attitudes to 25 possible sites for future housing development, guided by the Working Group's own view of those (six) which were best suited to meet the identified needs (I will return to this exercise a little later in my report).
27. The final round of consultation, based on the pre-submission version of the draft Plan, took place over a six-week period in October-November 2018; the Statement records the Working Group's responses to the various responses received.
28. I am satisfied, having read the Consultation Statement, that the requirements of Regulation 14 have been fully met by the Working Group's activities.

General observations about the Plan

29. The following points may be helpful in understanding the way I have approached my report on the Plan and the observations and recommendations which I make upon it:
 - the recommendations I make concentrate on the policies themselves, since that is what the basic conditions relate to;
 - I have addressed the policies in the order that they appear in the submitted plan and have set out my views about each of them, irrespective of whether or not any modification is thought necessary;
 - my recommendations for changes to the policies and any associated or free-standing changes to the text of the Plan are highlighted in ***bold italic print***.
30. The Plan document begins with a summary of the opportunities provided by having a neighbourhood plan and continues with a brief history of the Parish and a description of what makes it the place it is today. It explains that the household survey provided much of the guidance for what Motcombe needs for the period up to 2027, while recognising that a review of the MNP might be needed if there are any significant changes either to national planning policy or to the local context following the review of the policies in the North Dorset Local Plan.
31. The vision underpinning the Plan is succinctly given as: *"To keep Motcombe as a separate and distinct village-based community, rather than it becoming a dormitory suburb of the neighbouring rapidly-expanding towns of Shaftesbury and Gillingham"*. This statement is expanded by more specific objectives relating to parish amenities and green space; housing; employment; design; and highways and transport, each of which is then followed (in Part 3 of the document) by a more detailed exploration of the issues and opportunities involved, this material providing the supporting text for the individual policies. An appendix sets out the evidence base which informed the plan-making process, including reference to other relevant information.

32. Overall, the Plan document is set out in a very straightforward manner, with generous use of plans, tables and photographs, making it user-friendly and easy to navigate.

Representations received (Regulation 16)

33. 58 representations were made in response to the submitted Plan⁶. Highways England and the planning advisor to the Cranborne Chase AONB placed on record that they had no objections (I note here that similar responses from Natural England and the Environment Agency were received at the SEA “screening” stage). Dorset Council made a number of observations which I will deal with under the relevant policy heads.
34. 45 (nearly all identical) letters were sent in by local residents objecting to the decision to allocate land beside Shire Meadows, Motcombe Road (MOT9 – “Site 4”) in preference to a site at Shorts Green Farm (“Site 13”); whereas the promoters of Site 4 strongly support its allocation, but have a number of detailed objections to other elements of the Plan. The owners of land west of Little Elms support its allocation for housing (MOT12), but object to its intended restriction to affordable housing. I will deal with each of these, and one or two other representations, in due course. Two members of the public wrote to support the allocation for housing of land at Sunset Ridge (MOT10).

The Neighbourhood Plan’s approach to determining housing need

35. Policy 2 of Part 1 of the adopted North Dorset Local Plan is the core spatial strategy for the District. In summary, it identifies the area’s four main towns as the principal focus of future growth, with Stalbridge and 18 “larger villages” (of which Motcombe is one) meeting local needs. Outside these identified settlements, the remainder of the District will be subject to countryside policies where development will be strictly controlled, unless it is required to enable essential rural needs to be met.
36. Local Plan Policy 6 describes the overall housing requirements for North Dorset during the Plan period (2011-2031), reiterating that the vast majority of the growth will be in the four main towns and allocating broad minimum housing numbers to each. Elsewhere, *“the level of housing and affordable housing provision will be the cumulative number of new homes delivered to contribute towards meeting identified local and essential rural needs. At least 825 dwellings will be provided in the countryside (including Stalbridge and the villages) during the period 2011 – 2031”*. Settlements such as Motcombe therefore do not have specific “targets” for identifying land (either for housing or employment uses).
37. A Housing Needs Review (HNR) was carried out on behalf of the Parish Council by Dorset Planning Consultant Ltd in July 2018, and this was updated in February 2019. It records the fact that the approach it adopts is similar to that taken in relation to four other large villages in the former North Dorset area, and which was accepted by the then District Council and by neighbourhood plan examiners (including myself, in relation to Fontmell Magna and Hazelbury Bryan). While the adopted Local Plan is the starting point for the exercise, the document lists eight other sources of data which were used to inform its conclusions.
38. To summarise, the HNR adopts a pro-rata approach to identifying Motcombe’s contribution to meeting the rural requirement, including an “uplift” to take into account the latest (2015) needs

⁶ I include here that made after the closing date by Symonds and Sampson LLP, which I have agreed to consider following consultation with Dorset Council

assessment for the North Dorset housing market area; an allowance to reflect the work done in connection with the local plan review; and a further adjustment to take into account the latest Government advice in relation to the use of a “standard” methodology for assessing the minimum housing need in an area. Without therefore taking into account any local factors which may be specific to Motcombe, the HNR concludes that a target of between 2.8 and 3.6 homes a year would be an appropriate starting-point for the Parish to work on for planning purposes.

39. When local considerations (including past building rates) are factored in, the HNR concludes that the housing target for Motcombe for the period April 2017 to March 2027 should be 3.6 dwellings per annum, or 36 in total. When existing planning permissions are allowed for (27* dwellings), the resultant need is nine dwellings, “plus additional as required to promote affordable housing delivery”. This last element reflects the HNR’s assessment that at least 20 dwellings are needed, either on larger open-market sites or “exception” sites, to provide affordable homes in an area where local house prices are beyond the reach of many local people. * [I note here that paragraph 4.6 of the Plan gives this as totaling 28 dwellings: the figure shown in Appendix 23 is 27, and ***I recommend that this minor discrepancy be corrected***].
40. Paragraphs 4.1-4.5 of the Plan incorporate the HNR’s findings as to both the overall housing target and the desirable mix to reflect the specifics of local need. Paragraph 4.3 states that *“the viability assessments underpinning the Local Plan suggested that, in villages like Motcombe, it should be possible to build 40% of homes of [for which I read “on”] larger sites as affordable. If site-specific constraints or circumstances mean this....is not possible....then a different mix that maximizes the number of locally-needed affordable homes may be accepted”*.
41. The specific policies dealing with housing need are MOT7 - MOT12. Between them these set down the overall approach taken in the Plan, including relevant locational criteria; identify three sites (all outside the defined settlement boundary) predominantly for open-market housing; and allocate further land, also outside the existing settlement boundary, as an affordable rural “exception” site. Objections have been made to some of these policies, and I will deal with them under the respective headings.
42. It is, however, convenient here to refer to an objection by Wyatt Homes, who question some aspects of the methodology adopted by the HNR. I do not consider it necessary for me to comment on each of the points they raise, since their conclusion is one which seems to me reasonable in principle. This is that, in order to deal satisfactorily with any uncertainty surrounding the housing needs calculations at the wider North Dorset level, the MNP should treat the 3.6 dwellings per annum as a minimum figure. I make a formal recommendation on this point when dealing with policy MOT7. In addition, Wyatt draw attention to a conflict between this policy and Local Plan policy 8, dealing with affordable housing – again, I shall come back to this in due course.

The site assessment process

43. Most representations to the submitted draft of the MNP come from around 45 local residents who object to the way the selection of the housing allocations was carried out. This has led those concerned to challenge “the validity and legality” of the Plan. More particularly, they object to the eventual choice of “Site 4” at Shire Meadows, Motcombe Road (the subject of policy MOT9) in preference to one nearer to the village core, “Site 13”, known as Shorts Green Farm. The principal grounds for the objection are:
 - although the draft plan was well presented by the Parish Council at its open sessions,

“the opportunity for respondents to be actively involved in the emergence of the Plan was not made clear, contrary to paragraph 080 of guidance given by the Secretary of State⁷”. Residents were not told that their responses “would, and should have made a difference to the Plan”. The Parish Council “misled respondents into thinking that to question, challenge, suggest changes to, or indeed oppose the Draft Plan as it was presented, would result in Motcombe not having a Plan”;

- 39 residents nevertheless wished the removal of Site 4, adding that they had supported their case professionally. More generally, they say, the Parish Council should have acknowledged that 68.3% of respondents voted that at least some changes were needed to the Plan “and that these should have been consulted upon and the Plan amended to reflect the responses”;

- changes were in fact made to the Plan before submission, but as a result of consultation with landowners rather than the residents, resulting in “easement of the conditions and criteria which residents have been led to believe have been set in the Plan”. The Parish Council has allowed itself to “succumb to lobbying from Wyatt Homes” to the extent that “we believe Wyatt Homes have had undue influence on MPC to promote their interest in Shires Meadow”.

44. It is not within my brief as an examiner to comment on the broader allegations relating to the motivation of the Parish Council, although I would point out that any suggestions of impropriety are clearly serious, especially when voiced in public, and that there are other mechanisms for pursuing them further if that is thought necessary.

45. Paragraph 047 of national Planning Practice Guidance says that “*a qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:*

- *is kept fully informed of what is being proposed;*
- *is able to make their views known throughout the process;*
- *has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order;*
- *is made aware of how their views have informed the draft neighbourhood plan or Order”.*

46. I have already said that I consider the statutory requirements in relation to pre-submission consultation and publicity (Regulation 14) to have been met, having regard to the content of the Consultation Statement. I do not see any reason to modify that conclusion in the light of the specific guidance at PPG 047.

47. As far as the site selection process is concerned, PPG paragraph 042⁸ states: “*A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria*”. These are therefore matters which it is within the discretion of the qualifying body to examine in detail. While there may be scope for disputing the judgements arrived at, it seems to me that the Working Group’s approach overall is rational and clearly explained, and thus that the PPG’s expectations are fully met. It is for the neighbourhood planning process to

⁷ This is a reference to the summary paragraph dealing with the neighbourhood planning process, set out in Planning Practice Guidance. The objections also refer to paragraph 047, which deals specifically with local consultation.

⁸ Reference ID: 41-042-20170728

determine the “best fit” in dealing with detailed matters of this kind, having regard to the full range of local considerations and its chosen set of criteria.

48. I have noted the reservations about the methodology raised by Symonds and Sampson LLP on behalf of the owners of land designated Site 5 (north-east corner of Frog Lane/Motcombe Road) in the site assessment exercise. These say that, while the criteria used are themselves well-founded, some are more important than others and so they should have been weighted. In addition, the absence of a village-wide landscape character assessment means that the visual impact of the development of specific sites cannot be properly judged. Had these deficiencies not been evident, the objectors say, Site 5 would have scored better than some others.
49. It is clearly the case that site selection processes such as this can never be an exact science, although there will often be scope for improvements to be made in the methodology underpinning them. It seems to me likely, however, that two of the published criteria in particular would have guided the Plan working group in a way which would have taken some account of the two factors referred to by the last-named objectors – namely the extent to which sites strengthened the village character and retained key views. Some further safeguards are provided by the development management elements of the individual policies, which would come into play on a case-by-case basis. I conclude from this that the broad comparative approach to site selection is fit for purpose.
50. Turning to the controversy over sites 13 (Shorts Green Farm) and 4 (Shire Meadows, Motcombe Road), I am aware of the fact that the former “scored” better than the latter in the published Sites Assessment document, and I have not seen any document which addresses in detail the process which led the Parish Council ultimately to conclude that site 4 should nevertheless be selected for inclusion in the submitted version of the Plan. To that extent, I have some sympathy with the objectors’ concerns about the absence of a clear, published audit trail. That said, I consider that the Plan itself is in fact very clear on the point: having set out at Table 4 the six scoring criteria which were used in the exercise, paragraph 4.11 states:
- “The sites that appeared to score generally well against these objectives were made the focus of the options stage consultation (with checks also carried out to ask if any rejected options should be reconsidered). This helped identify the sites that were considered to be more suitable for development than others, and potential issues that may have been overlooked. One of these sites was Shorts Green Farm, where an outline planning application had been submitted for its development in January 2018. This triggered further detailed investigation on flood risk associated with that site, and although it may be possible to mitigate the risk by including measures to control the holding and dispersal of surface water, the fact remained that a significant part of the site is within a flood risk area and Government guidance is clear that development in such locations should be avoided where alternative sites at lesser risk are available. For that reason, the site has been excluded from this Plan, and it is unlikely that the outline application will be approved. If approval were to be given, the Parish Council would consider the implications of the decision on this Neighbourhood Plan”.*
51. This conclusion is also recorded in the Consultation Statement, and I do not consider that any further comment on the principle is necessary. However, as a separate matter, I agree with the view expressed by Wyatt Homes to the effect that the last sentence of paragraph 4.11 introduces uncertainty, which at this stage of the Plan’s preparation I consider especially unhelpful (and unnecessary). ***I recommend that the last sentence of paragraph 4.11 be deleted.***

The policies

Policy MOT1: Important community facilities

52. The preamble to this policy (Plan paragraphs 3.1-3.11) describes the eight facilities which, together with certain local green spaces, the household survey suggested are important to village life. This summary also records the desire to expand the capacity of the Memorial Hall and its car park; the need to do something similar in relation to the community shop, café and post office (which might involve possible relocation – something which could be considered in a future review of the Plan); the aspiration to improve safe access to the primary school; and the possible future need for extra local burial space.
53. Policy MOT1 signals the intention to retain these valued community facilities where possible, and support for appropriate modernisation or diversification, subject to reasonable planning safeguards. The policy flags the need for the local community to be consulted as necessary and includes an expectation that new development will be required to contribute towards meeting these social objectives through planning conditions and obligations. While this is expressed in very general terms, the policy acknowledges that this is something which has to take account of national policy and guidance on the matter.
54. Policy MOT1 receives clear support from national and local planning policies, for example at NPPF paragraph 83 and Local Plan policy 13.

Policy MOT2: Local flood alleviation

55. Flooding has been an issue in the village and a recent flood alleviation scheme is in place, the details being shown on a map at Appendix 2 to the Plan. This policy simply states that “development should not impact on the effective operation” of the scheme: while in principle this is clearly desirable, I consider that the policy as currently set out lacks the precision needed to make it an effective tool in terms of development management. ***I recommend that further guidance on the matter be provided (either in the policy or the supporting text), with the information needs of potential applicants for planning permission especially in mind.***

Policy MOT 3: Public rights of way network

56. This policy reflects the importance of the local public rights of way network to local residents by supporting proposals that would enhance or extend it. This includes, where feasible, new routes as part of development schemes. While there is no reference to any priority projects in geographical terms, it gives broad effect to NPPF paragraph 98 and Local Plan policy 13.

Policy MOT4: Local green spaces

57. Policy MOT4 takes into account NPPF paragraph 76: *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space, local communities will be able to rule out new development other than in very special circumstances”*. Paragraph 77 of the NPPF goes on to say that the Local Green Space designation will not be appropriate for most green areas or open space, and should only be used where three criteria are met, namely:
 - *where the green space is in reasonably close proximity to the community it serves;*

- where the green area 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; and
- where the green area concerned is local in character and is not an extensive tract of land

58. I visited each of the four areas for which policy MOT4 would provide special protection; and having considered the explanatory material at paragraphs 3.19-3.23, I have no reason to question the appropriateness of their proposed designation. The policy states that any development within the areas concerned will only be supported where it would enhance their enjoyment and not undermine their importance; any development adjoining them must respect the reasons for their designation. I note that certain areas of woodland have not been included as formal local green spaces on the grounds that the NPPF criteria are not fully met: this is evidence that the Plan working group have been selective and imposed the necessary discipline on the exercise.

Policy MOT5: Woodlands

59. This policy seeks to protect and manage sustainably the deciduous woodlands of the Parish. Additional planting is proposed within the area of the Gillingham Royal Forest. This general approach reflects national policy at NPPF paragraph 170 and policy 4 of the Local Plan.

Policy MOT6: Local wildlife enhancement

60. Policy MOT6 supports national and local policies to protect and enhance biodiversity. It lists four situations where a development proposal should be accompanied by a biodiversity mitigation and enhancement plan. While there are no issues in terms of the basic conditions, I consider that there should be some separation of the concepts of protection and enhancement, and clarification that the subject of the policy relates both to fauna and flora (the word “wildlife” might be taken by many to mean just the first of these). ***I therefore recommend that policy MOT6 be re-titled “Protecting and enhancing local biodiversity”, and that the opening words of the policy itself should read “Development should protect and, wherever practicable, enhance biodiversity through an understanding of the natural assets that may be affected by development.....”.***

61. In addition, to reflect a suggestion made by Dorset Council, ***the second paragraph of the policy should make it clear that a mitigation and enhancement plan would only be needed when the development concerned requires planning permission.***

62. I accept the general point made by Wyatt Homes that plans should not duplicate policies which are still in force elsewhere. However, I am satisfied that policy MOT6 adds relevant detail to Local Plan policy 4, and thus that there is no strong case for its deletion.

Policy MOT7a: Local views

63. This policy simply states that “the layout and design of development should minimise adverse impacts on views from public rights of way over open countryside, and preserve and enhance such views where possible”. Paragraphs 3.29 and 3.30 of the Plan gives examples of important locations, but these are limited in detail and there is no reference to them on the Policies Map. In addition, paragraph 3.31 sets out the circumstances where a landscape and visual impact

assessment would be required to accompany a development proposal. Wyatt Homes consider that this reference should be removed, since it differs from the information requirements for planning applications set out by Dorset Council (dated 2 April 2019 and accessible online). I accept that there is no reference to a visual impact assessment in the Council's published list of requirements, but consider that that of itself ought not to preclude the Plan from drawing attention to a specific issue seen as important locally. Paragraph 3.31 clearly sets out the justification for additional assessments to be made in sensitive locations, and I make no recommendation for its removal.

64. Wyatt also say that the policy itself should be deleted, since it could constrain the delivery of allocated housing sites. In addition, it duplicates some of the scope of Local Plan policy 4. If the policy is to be retained, they say it should be restricted to views obtained from public rights of way within the Cranborne Chase AONB: this seems to me to result in an unnecessarily limited application of the policy's intention. I come to the same conclusion about duplication with Local Plan policy 4 (which makes no explicit reference to public views) as I did with policy MOT6.
65. However, I consider policy MOT7a to be of only limited practical value as it stands, due in particular to its lack of specificity. ***I recommend that reference is included in the policy to the location of those views which are of particular significance, and that these are also shown on an appropriately-scaled map.***

Policy MOT7b: Dark skies

66. This policy, together with the supporting material at paragraph 3.32, provides clear guidance about the steps that need to be taken to protect the existing low levels of light pollution in the area. While the objective is not one which is found in either national or Local Plan policies, there is nothing here which gives rise to any issue so far as the basic conditions are concerned.

Policy MOT7: Meeting the area's housing needs

67. Earlier in my report, I considered The Neighbourhood Plan's approach to determining housing need. The advice at paragraph 040 of the PPG⁹ is that *"there is no 'tick box' list of evidence required for neighbourhood planning. 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 ..."*. In addition, where neighbourhood plans contain policies relevant to housing supply, *"these policies should take account of latest and up-to-date evidence of housing need...."*. I consider that, so far as the MNP's approach to the identification of housing need is concerned, these requirements are met.
68. Policy MOT7 sets out the intention to deliver "in the region of 3.6 dwellings per annum, averaged over the Plan period". ***As previously suggested, and in order to provide some flexibility to respond to changed circumstances over the next few years, I accept the burden of the representation made by Wyatt Homes on this point and recommend that the first sentence of the policy read: "The amount of housing growth supported is intended to deliver at least 3.6 dwellings per annum over the Plan period".***
69. The policy goes on to require affordable housing to be provided "on all major developments, to comprise at least 40% of the total number of dwellings". While supporting the provision of affordable housing in principle, Wyatt point out that the specifics of policy MOT7 conflict with

⁹ Reference ID: 41-040-20160211

adopted Local Plan policy 8: this makes it clear that the requirement for (ideally) on-site affordable housing only applies to development comprising at least 11 new dwellings.

70. However, the adopted Local Plan pre-dates the current version of the NPPF. Paragraph 63 of the current document states: "Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)". I am therefore satisfied that the current wording of MOT7 does not present any difficulties from the point of view of the basic conditions.
71. The third element of policy MOT7 concerns the intended mix of housing. This is also subject to an objection from Wyatt, again on the grounds that the details conflict with the Local Plan (this time policy 7). The issue of housing mix is something which it seems to me is justifiably primarily a matter for local discretion, so long as it is based on up-to-date information – indeed, LP policy 7 says as much. I note in any event that Wyatt do not question, in its own terms, the reliability or conclusions of the Housing Needs Review of February 2019. For these reasons, I do not see that there is a sound reason for recommending any change to this aspect of policy MOT7.
72. With the modification I have recommended in this section of my report, I consider that policy MOT7 would meet the basic conditions.

Policy MOT8: Locational criteria for new development

73. Taking into account existing planning permissions at February 2019, which would deliver a total of 27 dwellings over a total of nine small sites, the Plan identifies three new sites for housing, while noting that other opportunities may arise for infill within the settlement boundary and the conversion of redundant rural buildings. In addition, the Plan provides for a specific "rural affordable housing exception site" (at policy MOT12). Paragraphs 4.7 – 4.12 explain the way the site assessment exercise for potential new allocations was handled (an issue to which I referred earlier in my report), with Table 4 succinctly describing the six criteria involved.
74. The three sites selected, dealt with in policies MOT9, 10 and 11, are expected to yield a total of 15 new dwellings, which is more than the identified need (nine, after taking account of existing permissions). An assumption is also made that at least four of these would be affordable, and further affordable accommodation as rural exceptions would also be considered, as would agricultural workers' dwellings in the normal way. Policy MOT8 gives effect to all these objectives, which clearly align with both national and local policies governing the location of new housing in areas such as Motcombe.
75. Paragraph 4.15 notes that the release of further greenfield sites may be necessary in the future were the supply figures to suggest it, a matter which would be addressed in a review of the MNP. There is a disconnect between this statement and the last paragraph of the policy itself, which states: "In the event of the housing supply policies becoming out of date, the further release of greenfield sites should meet the site assessment criteria in Table 4 and not give rise to any significant adverse environmental impacts" – a formulation which does not imply that any decisions to react positively to new greenfield development must await a review of the Plan. Given the fact that all planning applications would need to be determined on their merits at the time that they are submitted (which would include a consideration of the prevailing housing land supply position), ***I recommend that the ambiguity be removed by the deletion of paragraph 4.15 of the supporting material.*** This would also have the effect of meeting one objector's concerns that Sites 20/21 (not included in the final assessment) might still be considered favourably at

some point.

76. Dorset Council suggest a small improvement to the wording of the reference to the conversion of existing buildings (fourth indent of the policy). However, MOT8 does not seek to establish any development management criteria, being no more than a list of the categories of land which, between them, go to make up the identified land supply. For this reason, I have concluded that no change to the wording is needed.

Policy MOT9: Housing site – roadside adjoining Shire Meadows

Policy MOT10: Housing site- Sunset Ridge, Elm Hill

Policy MOT11: Housing site – The Nursery, The Street

77. These policies identify three of the four sites which are allocated for development in the Plan. They also set out the key physical factors which their development will be required to take into account. Given their scope, there is nothing in these site-specific policies which gives rise to any issues in relation to the basic conditions.
78. I have already referred to the considerable objection to the selection of the land at Shire Meadows in preference to that at Shorts Farm, and the assessment process which led to that decision. Wyatt Homes support this allocation in principle, but object to its being identified for “about 10 dwellings including at least 4 affordable homes”, preferring a reference to “at least 10 dwellings”, with no reference to their affordability.
79. It seems to me inherently undesirable for the Plan to make any assumptions about the capacity of an individual site to accommodate development in a satisfactory way (having regard in this case to the six factors set out in the policy), which would be the effect of the Wyatt amendment. I have already commented on the issue of the threshold for the provision of affordable housing, and consequently make no recommendations for altering the wording of the preamble to policy MOT9.
80. Wyatt request the deletion or modification of requirement d), which reflects their representation in respect of policy MOT6. Given my own comments in relation to that policy, ***I recommend that Policy MOT9 requirement d) be re-worded broadly as Wyatt suggest: “A net gain in biodiversity being secured through any measures that may be required as part of an approved biodiversity mitigation and enhancement plan prepared in the light of policy MOT6”. For consistency, the same formulation should be employed in policies MOT 10 and 11.***
81. Wyatt’s suggested amendment to requirement e) would seek to provide a safe pedestrian access to The Street “as far as practical and viable”. The addition of the underlined phrase runs the risk of appearing to downgrade the importance of pedestrian safety and convenience, and I do not consider it to be a helpful modification. The generic phrase “as far as practical” seems to me sufficient to deal with the point.
82. Wyatt also add that should there be a need to identify further land for housing during this examination, this could be met by extending the allocated site at Shires Meadows to the south. It has not been proven necessary to take this suggestion further.
83. Dorset Council suggest cross-referencing each of the sites with the site references numbers used on the Policies Map. ***This is a desirable modification and I recommend that it be adopted.***

Policy MOT12: Rural affordable housing exception sites

84. The rationale behind the identification of land west of Little Elms (known as Site 18) as a rural affordable housing exception site is fully explored in the Plan at paragraphs 4.23 and 4.24. The allocation is, however, subject to an objection made on behalf of the owners of the land, who say that the only basis on which they have promoted its development is as open-market housing, adding that it is a better site for this purpose than the land at Shire Meadows.
85. I have noted that some concerns have been expressed about the Parish Council's failure to give proper consideration to these representations at the appropriate time. The objection is not based on a critique of the need for locally-affordable housing. Moreover, the suggestion that the allocation demonstrates that the site is suitable for *any* type of housing ignores the important observation at paragraph 4.23, namely that the "exceptions" policy relates to land "which would not normally be used" for the purpose. I therefore make no recommendation in response to these objections.
86. The last paragraph of policy MOT 12 says that "alternative" rural affordable housing sites may be supported in certain circumstances. ***It seems to me from the context that this ought properly to refer to "additional" such sites, and I make a recommendation accordingly.***

Policy MOT13: Meeting the area's employment needs

87. Table 7 lists a total of 18 sites (including, for example, the schools but not farms, self-catering holiday accommodation and home-working). Survey work revealed little or no demand for new land to be allocated to provide further employment opportunities; the policy therefore supports the retention and limited expansion of existing sources of jobs, subject to reasonable environmental and other safeguards. It meets the basic conditions, especially given the terms of NPPF paragraphs 83 and 84 and Local Plan policies 11 and 30.

Policy MOT14: Grosvenor Estate cottages

88. In a number of places, the Plan explains the historic influence of the Grosvenor family on the development of Motcombe. This policy acknowledges the significant influence of the "Westminster" style of mainly semi-detached estate cottages, handsomely built in brick and stone. Appendix 4 lists 33 locations for these dwellings, scattered throughout the parish; policy MOT14 states the intention to protect and enhance them (as undesignated assets, most not being listed) wherever practicable.

Policy MOT15: Building patterns, density and landscaping

Policy MOT16: Building size, styles, materials and detailing

Policy MOT17: Street layout

89. There have been no objections to these three policies, which provide clear guidance to prospective developers without at the same time being over-prescriptive. They meet the basic conditions.

Policy MOT18: Car-parking solutions

90. Local opinion appears to be divided on whether car-parking is a significant issue in the village. The basic conditions statement (but not the Plan document itself – at least, not explicitly) acknowledges that the parking requirements set out in policy MOT18 are slightly higher than the adopted (former) county-level standards. Dorset Council suggest that the approach taken in relation to the Milborne St Andrew Neighbourhood Plan (where I was also the examiner) be adopted here. In my report on that Plan, I said this:

“It is clearly outside the ability of a neighbourhood plan to achieve anything worthwhile in relation to improvements to public transport, and for that reason I do not consider that Policy MSA8 is flawed when judged against the basic conditions. That having been said, it seems to me that it is over-prescriptive and that the justification for departing from a county-wide approach to parking requirements is weak. The Plan suggests (paragraph 5.11), that car ownership levels in two and three – bedroomed houses are already higher than the projections for 2026 – but I do not see that that, of itself, is a strong reason for abandoning the county guidelines.

I respect the discretion which neighbourhood plans have been given to reflect local circumstances “on the ground”; but in this case, it is most unlikely that Milborne St Andrew is any different from scores of similar villages in Dorset, such that there is a clear case for departing from an accepted approach to parking provision. I therefore recommend that Policy MSA8 be amended to remove the need to comply with the figures set out in Table 5”.

91. ***For broadly the same reasons, I make the same recommendation in relation to MNP policy MOT18. The supporting text should include reference to the continuing appropriateness of using the old county-level figures.***

Policy MOT19: Motcombe to Gillingham cycleway

92. An alignment for this long-term project, which would convert an existing bridle-way into an all-weather cycle route, is shown on the policies map. MOT19 safeguards the line, while allowing for the possibility that an alternative is identified at some time in the future.

Sundry matters

93. Paragraph 4.25 of the Plan makes reference to the settlement boundary. It notes that the existing line was established in 2003 (in the then North Dorset Local Plan) and is felt to still be relevant for planning purposes. No adjustments have been made to allow for the proposed new development sites. As I suggested in my examination of the Milborne St Andrew NP, where a similar approach was adopted, there is scope here for conflict between the Neighbourhood Plan and the adopted Local Plan (which includes a presumption against development in rural areas beyond settlement boundaries). I can see no disadvantage in the Plan adopting what is generally-accepted best practice in this respect. Wyatt Homes take a similar view.
94. ***I therefore recommend that the settlement boundary shown on the Policies Map be amended to include the Parish Council’s reasonable interpretation of the anticipated land - take in relation to the various housing allocations, excluding the rural affordable housing exception site the***

subject of policy MOT12. Paragraph 4.25 should be re-written in order to give effect to this change. The second bullet point of Policy MOT8 should also be amended to read “(as revised and shown on the Policies Map)”.

95. At present, policy MOT6 is followed by policies MOT7a and 7b, and then policy 7. **I recommend that policies MOT7a and 7b be re-numbered MOT6a and 6b, to preserve continuity.**
96. Finally, Dorset Council suggest that the map on page 1 of the Plan be amended in order to show the northernmost parts of the Parish, and to improve the identification of the parish boundary. They also suggest that the “Magic” map on page 13 include reference to Gillingham Royal Forest. **These are both helpful improvements and I recommend that they be accepted.**

Conclusions on the basic conditions

97. I am satisfied that the Motcombe Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area. There is no evidence before me to suggest that the Plan is not compatible with EU obligations, including human rights requirements.

Formal recommendation

98. I have concluded that, provided that the recommendations set out above are followed, the Motcombe Neighbourhood Plan would meet the basic conditions, and I therefore recommend that, as modified, it should proceed to a referendum. Finally, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan Area, but I have been given no reason to think this is necessary.

David Kaiserman

David Kaiserman BA DipTP MRTPI
Independent Examiner

23 July 2019

APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner’s report paragraph	NP reference	Recommendation
39	Para 4.6	<ul style="list-style-type: none"> • Correct discrepancy in number of dwellings covered by existing planning permissions
51	Para 4.11	<ul style="list-style-type: none"> • Delete last sentence
55	Policy MOT2	<ul style="list-style-type: none"> • Improve precision of policy by providing further guidance on what is required of potential applicants
60	Policy MOT6	<ul style="list-style-type: none"> • Re-title and amend opening words of policy
61	Policy MOT6	<ul style="list-style-type: none"> • Minor re-wording of second paragraph
65	Policy MOT7a	<ul style="list-style-type: none"> • Include reference to location of significant views and show them on a map
68	Policy MOT7	<ul style="list-style-type: none"> • Amend first sentence to show 3.6 dwellings per annum as a minimum
75	Policy MOT8	<ul style="list-style-type: none"> • Delete paragraph 4.15
80	Policy MOT9	<ul style="list-style-type: none"> • Re-word d) to relate to amended policy MOT6 • Make same changes to MOT 10 and 11
83	Policies MOT9, 10 and 11	<ul style="list-style-type: none"> • Cross reference each of the sites with the site reference numbers used on the Policies Map
86	Policy MOT12	<ul style="list-style-type: none"> • Amend “alternative sites” to “additional sites” in final paragraph
90-91	Policy MOT18	<ul style="list-style-type: none"> • Remove the need to comply with parking standards that are higher than former county-level standards and add explanatory supporting text
94	Policies Map and Policy MOT8	<ul style="list-style-type: none"> • Amend settlement boundary to include housing allocations in Policies MOT 9,10 & 11, and amend paragraph 4.25 and second bullet point of MOT8 to reflect this.
95	General	<ul style="list-style-type: none"> • Re-number policies (MOT7a and 7b as 6a and 6b)
96	Pages 1 and 13	<ul style="list-style-type: none"> • Minor improvements to maps