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Report on Shaftesbury Neighbourhood Plan 2019 - 2031

An Examination undertaken for Dorset Council with the support of the Shaftesbury Town Council on the January 2020 submission version of the Plan.

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Date of Report: 13 August 2020

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Main Findings - Executive Summary

From my examination of the Shaftesbury Neighbourhood Plan (the Plan / SNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Shaftesbury Town Council;
- The Plan has been prepared for an area properly designated – the Shaftesbury Neighbourhood Plan area as shown on Map NPSB (page 12 of the SNP);
- The Plan specifies the period to which it is to take effect – 2019 - 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Shaftesbury Neighbourhood Plan 2019-2031

- 1.1 Shaftesbury is an attractive historic hill-top town, which sits within a beautiful countryside setting. The slopes around the town provide long views across the rural hinterland, whilst within the town itself there are numerous examples of historic buildings and inviting open spaces. There is a reasonable range of community facilities available and I saw on my visit that there are a number of employment areas located around the town. It is clear to me why the vision of Shaftesbury Town Council (STC)¹ seeks to secure a thriving town whilst keeping its unique identity and character.
- 1.2 The SNP was launched at a public consultation event in January 2018. An Advisory Committee was established and since that time there has been a thorough process of consultation and publicity.²

¹ Page 13 of the SNP.

² See Consultation Statement (January 2020).

- 1.3 The SNP explains the purpose of the document; establishes the aims, objectives and vision of the STC; and sets out the policies under 5 distinct headings: The Town Centre; Housing and Employment; Green Infrastructure; Design and Heritage; and Community and Leisure. Each policy is accompanied by supporting text which explains in more detail the purpose of the policy and there are clear references, where necessary, to the supporting evidence.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the SNP by Dorset Council (DC), with the agreement of STC.
- 1.5 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation and examination of development plans and other planning documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;

- it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.³

³ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Dorset, not including documents relating to minerals and waste development, is the North Dorset Local Plan (NDLP) Part 1 (adopted January 2016) and the saved policies of the North Dorset District Wide Local Plan (2003). Work is underway on the preparation of the new Dorset Council Local Plan but this is still at a very early stage.⁴
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG.⁵

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Shaftesbury Neighbourhood Plan 2019 -2031, dated January 2020;
 - Map NPSB of the Plan (page 12) which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, dated January 2020;
 - the Basic Conditions Statement, dated December 2019;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment Screening Statement and Habitats Regulations Assessment, prepared by Dorset Council, dated July 2019; and
 - the requests for additional clarification sought in my letter of 11 May 2020 and the responses dated 1 June from DC and 1 June from STC.⁶

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 9 June 2020 to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

⁴ See www.dorsetcouncil.gov.uk

⁵ See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

⁶ View at: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/north-dorset/neighbourhood-planning/submitted-plans/shaftesbury-neighbourhood-plan-2019-2031.aspx>

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The SNP has been prepared and submitted for examination by STC, which is a qualifying body for an area that was designated by the former North Dorset District Council in November 2017.
- 3.2 It is the only Neighbourhood Plan for Shaftesbury and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2031.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement dated January 2020 summarises the consultation that has taken place. There have been, for example, public meetings, the distribution of information leaflets to all households in the Town, the use of social media, the use of questionnaires and the establishment of a pop-up shop in the town.
- 3.5 I am satisfied that the consultation process has been sufficiently thorough and that the opportunity to contribute to the preparation of the SNP has been available to all interested parties at the appropriate stages in the formulation of the document, including at both the Regulation 14 stage (1 August 2019 – 26 September 2019) and the Regulation 16 stage (7 February 2020 – 20 March 2020).
- 3.6 I note that some concerns were expressed regarding the formation of the Neighbourhood Plan Advisory Committee and also regarding the approach taken by STC in responding to my preliminary questions. However, I have

seen no robust evidence that there have been any irregularities in terms of procedures and processes and I have examined the SNP on that basis.⁷

Development and Use of Land

3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

3.9 Neither DC nor any other party has raised issues regarding a breach of, or incompatibility with, Human Rights and no representations have been made to that effect. From my independent assessment of the draft Plan and supporting evidence, I am satisfied that proper regard has been given to the fundamental rights and freedoms guaranteed under the European Convention of Human Rights and that the Plan complies with the Human Rights Act 1998.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Dorset Council, which found that there was no requirement to undertake an SEA (July 2019). The same conclusion was drawn with regard to the preparation of a Habitats Regulations Assessment. Having read the documents and noting that there were no objections from Natural England or other interested parties, I have no reason to disagree with these conclusions.

Main Issues

4.2 I have approached the assessment of whether or not the SNP complies with the Basic conditions under two main headings:

- General issues of compliance of the Plan, as a whole; and
- Specific issues of compliance of the Plan policies.

⁷ In any event, such matters should be dealt with through internal complaints handling procedures of the qualifying body or local planning authority.

General Issues of Compliance of the Plan

National Policy, Sustainable Development and the Development Plan

- 4.3 The policies in the SNP are set out under five headings: The Town Centre; Housing and Employment; Green Infrastructure; Design and Heritage; and Community and Leisure. The accompanying Basic Conditions Statement (December 2019) establishes how the policies align with national and local policies and EU legislation. I am satisfied that an appropriate approach has been taken by STC to ensure that the document does not unnecessarily repeat national or local planning policies.⁸
- 4.4 The Aims, Objectives and Vision for the town are clearly set out in section 1.8 of the SNP and appear to broadly reflect the aspirations of the local community. There is a strong emphasis on securing sustainable development which respects the character of the settlement and protects the attractive setting of the town. The need for a vibrant economic sector, including in the town centre, and for improvements to the social and transport infrastructure are also clearly identified.
- 4.5 The need to achieve sustainable development is a key national objective and I am satisfied that all three dimensions of such development (economic, social and environmental) have been taken into account in the preparation of the SNP. Subject to the detailed comments on the individual policies that I set out below, I conclude that the SNP has had proper regard to national policy and guidance and will contribute to the achievement of sustainable development.
- 4.6 I conclude that the SNP is in general conformity with the strategic policies of the NDLP (January 2016) and that overall, it provides an appropriate framework that will facilitate the achievement of the stated aims and objectives. Subject to the modifications that I recommend below, I also conclude that the SNP meets the Basic Conditions. The policies (as amended) are supported by appropriate evidence, are sufficiently clear and unambiguous and can be applied consistently and with confidence.⁹

Specific Issues of Compliance of the Plan Policies

Introduction and Background

- 4.7 The section of the SNP entitled 'Introduction' explains the purpose of the document and how it should be interpreted; establishes the area that the SNP covers; summarises the aims, objectives and vision embodied in the SNP; sets out statistics on population growth; summarises the results of some of the public consultation undertaken; and explains how the SNP will help in addressing the issue of climate change.

⁸ NPPF, paragraph 16 f).

⁹ PPG Reference ID: 41-041-20140306.

- 4.8 The two Tables relating to population change (pages 10 and 11) appear rather 'marooned' in this early section of the document, especially as they have no supporting text. I agree with Dorset Council that, in the interests of clarity and brevity, these tables should be located within an Appendix and that just a short paragraph on population growth should be included in section 1.6. **PM1** is therefore recommended. In the interests of accuracy¹⁰, the figures in the third and fourth column of the first table should refer (in the column headings) to dwellings and not households. **PM2** is recommended accordingly.
- 4.9 There is currently no reference to the policies of the NDLP and although repetition should be avoided, I consider that it would be helpful and of value to indicate how the SNP relates to the NDLP. Consequently, I recommend **PM3**. Similarly, a reference to how the Basic Conditions have been met would be appropriate in order to demonstrate that the STC has correctly followed national advice on the matter¹¹, thus instilling further confidence in the robustness of the document. **PM4** is therefore recommended.
- 4.10 In the interests of clarity the first sentence in section 3.1 (page 26) should not describe the housing figure as a 'quota' – it is an 'at least' figure, not an upper limit. Consequently, the text should be amended as recommended in **PM5**.
- 4.11 The plan of the SNP boundary is clearly shown on Map NPSB (page 12) and the aims, objectives and vision are succinctly described in section 1.8. The summary of community views gives an indication of the public attitude towards planning issues in the town and the section on climate change provides a useful starting point for addressing the issue in more depth.

The Policies

The Town Centre

- 4.12 The map on page 19 defines the town centre and identifies the primary shopping area, the car parks and active shop frontages. Having visited the town, I consider the delineation of the Town Centre, the active frontages and the identification of the primary shopping area to be justified. I am aware that planning permission has been granted for a Lidl store on the former cattle market site.¹² As this is a matter of fact, the STC may consider it appropriate to up-date Map SFTC accordingly. Policy SFTC1 (page 20) sets out all the criteria for supporting development proposals in the town centre and I consider that an appropriately comprehensive approach has been taken and that overall the advice in Chapter 7 of the NPPF, regarding the vitality of town centres, has been heeded.

¹⁰ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

¹¹ See paragraph 1.7 above.

¹² Ref 2/2019/0769/FUL.

- 4.13 Policy SFTC2 (page 22) sets out the appropriate uses for shops in the primary shopping area. It was suggested by a respondent that the proposed Lidl store, referred to above, should be shown as part of the Primary Shopping Area. However, bearing in mind the store is not yet built, such a move could be premature. In any event, it has been confirmed in the response from Dorset Council that the situation regarding town centre policies will continue to be reviewed while work on the Dorset Council Local Plan progresses. Recent legislation has made significant changes to the Use Classes (including retail) and these changes should be reflected in the SNP. This is a matter of fact and therefore appropriate updates should be included in the SNP. I consider this to be a matter for the Town Council and Dorset Council to address.
- 4.14 Policy SFTC3 (page 23) contains measures for preserving and enhancing the character of the town centre which are fully appropriate. Finally, in this section, Policy SFTC4 (page 24) supports the provision of additional car parking in the town centre and the provision of vehicle charging points. Concerns were raised regarding parking provision in the town. However, Policy SFTC1 does require sufficient parking to be available and NDLP Policy 23 requires parking to be provided in accordance with the Council's parking standards. I am satisfied that the issue is adequately addressed and the policies justified.
- 4.15 The desire to retain and enhance a vibrant town centre, whilst at the same time respecting the setting and character of the town, is a key aspiration of the STC and I am confident that within the policy framework proposed there is every likelihood of success. In the interests of accuracy, however, it should be made clear that Policy SFTC3 applies only to the town centre and I recommend accordingly in **PM6**.
- 4.16 I consider that the policies relating to the town centre are in general conformity with the strategic policies of the NDLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Housing and Employment Policies

- 4.17 There is currently no proposal to alter the settlement boundary of Shaftesbury and I consider there is no benefit in confirming that approach in Policy SFHE1 (page 29). The first sentence of the policy should therefore be deleted, and the second sentence should be amended accordingly. It would also assist the decision maker if the relationship between the policy and the introductory supporting text was clearer and therefore I propose the inclusion of additional text in the paragraph above the policy, as recommended in **PM7**. With regard to the other elements of the policy, I accept that some of the matters are addressed in the policies of the NDLP (for example in Design Policy 24). However, Policy SFHE1 addresses the issues together in a single policy, which I consider will be of benefit to decision makers.

- 4.18 It was suggested by a respondent that the settlement boundary should be re-drawn to accommodate further growth but, bearing in mind the content of the current Development Plan documents and the fact that work is underway on the Dorset Local Plan, I consider that there is no clear justification for such a move and that if necessary the issue should be addressed as part of the aforementioned Local Plan preparation.
- 4.19 The second sentence in the fourth paragraph on page 30, concerning the new Dorset Council Local Plan lacks clarity and should be amended accordingly. In the interests of accuracy, the word 'following' should be deleted in the fourth paragraph. These changes are recommended in **PM8**.
- 4.20 I note that Dorset Council suggests the deletion of Policy SFHE1 primarily because it considers the policy adds nothing to the relevant local plan policies. However, I consider the policy (as proposed to be modified) succinctly summarises the position in a way that, understandably, is not achieved in the NDLP and should therefore be retained.
- 4.21 Policy SFHE2 (page 33) lacks clarity, for example in terms of phasing, and I recommend that it is amended in order that the decision maker is clear as to the requirements of the policy. The last bullet point should be deleted as it is repetitious. These modifications are recommended in **PM9**.
- 4.22 Dorset Council considers that Policy SFHE3 duplicates NDLP Policy 11: The Economy, but I consider that it is sufficiently distinct as it focusses on employment provision in Shaftesbury and provides added detail for consideration by the decision maker. However, I do agree that Map SFHE3 (page 35) is confusing and I consider that it should only show existing employment areas (shaded yellow) and safeguarded employment land (hatched). There should also be, as an addition to the existing note entitled 'Map of employment areas', a cross-reference to Policy SFTC1 and a note that other employment generating uses, such as healthcare, schools and community facilities are protected under Policies SFCL1 and SFCL2, but that if the facilities are genuinely no longer required alternative community/employment uses would be supported. These changes are recommended in **PM10**.
- 4.23 Also the map SFHE3 should be amended to accurately show the employment allocation to the south of the A30; the boundaries of the Wincombe Business Park and the Blackmore Vale Dairy; and it should not show the cattle market as an employment area because that is now an incorrect designation. I recommend accordingly in **PM11**.¹³
- 4.24 Concern was expressed by a representor regarding the fact that the employment allocation to the south of the A30 has remained unimplemented for several years. It was suggested that the policy should be amended to allow a mixed use scheme to come forward. However, I

¹³ See Regulation 16 representation from Dorset Council for accurate delineations.
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am advised that there is a high demand for floorspace on Shaftesbury's industrial estates¹⁴ and that unmet demand exists. Certainly, on my visit, the employment areas that I saw appeared to be thriving. I have not seen any compelling evidence that would lead me to conclude that the employment allocation is surplus to requirements and should be deleted.

- 4.25 With regard to Policy SFHE4 (page 36), I am advised that there is no schedule for the delivery of the Shaftesbury eastern by-pass¹⁵ but note that there is interest at government level in considering the improvement of links between the M4 and the Dorset coast. I note the objection from the Cranborne Chase AONB¹⁶ Partnership Board regarding the safeguarding of the by-pass route. However, the by-pass is a well-founded local aspiration and until further work is undertaken, I consider it would be premature to delete reference to the potential for a new road as set out in the policy, although I acknowledge that there are concerns over deliverability and potential consequences for the AONB. This approach is strengthened by the fact that there is significant support for a by-pass in the local community. In the interests of accuracy, the route should be 'protected' (not preserved) and, in the interests of clarity, the word 'early' should be deleted from the policy. I recommend accordingly in **PM12**.
- 4.26 Subject to the proposed modifications, it can be concluded that the policies on Housing and Employment have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Green Infrastructure Policies

- 4.27 The context regarding green infrastructure is set out on page 39 of the SNP but there are references in the penultimate and last paragraphs to 'national standards'. The STC has confirmed that these are the Fields in Trust Standards and this should be made clear. The necessary changes are recommended in **PM13**.
- 4.28 Policy SFGI1 (page 42) seeks to protect important and locally valued green spaces (LGS). These spaces are listed in Appendix L and this should be made clear in the first sentence of the policy and at the start of the third paragraph in the policy. These changes are recommended in **PM14**.
- 4.29 Paragraph 99 of the NPPF confirms that any area of LGS should be of 'particular importance' to the local community and paragraph 100 requires LGS to be reasonably close to the community it serves; demonstrably special to the local community; local in character; and not extensive in size.

¹⁴ See Town Council's response to my Question 6 to them.

¹⁵ Council's response to my questions.

¹⁶ Area of Outstanding Natural Beauty.

- 4.30 Further advice is contained in the PPG, starting at Paragraph 005 Reference ID: 37-005-20140306. In particular I note that the objective of LGS is to 'provide special protection against development for green areas of particular importance to local communities'.¹⁷
- 4.31 In my initial questions to STC, I queried the justification for the large number of LGS proposed. In response, STC strengthened the Table of Sites in Appendix L by providing further clarity around the justification for the sites. The revised Table summarises, in the fourth column, why the space is special to the local community and columns 5 to 9 indicate why they have particular local significance.
- 4.32 Most of the identified LGS areas are relatively small recreation grounds, play areas, gardens, churchyards, allotments and incidental open space. A majority of the sites are owned by the Town Council or Dorset Council.
- 4.33 During my visit to the Neighbourhood Plan Area, I viewed sites proposed for LGS designation including sites 10 and 14 (school playing fields) and site 11 (tennis courts owned by Southern Academy Trust). It is reasonable to interpret NPPF paragraph 100 (a) as requiring land designated as LGS to 'serve' the community. However, I note that the playing fields are not currently available for community use outside school hours and that the tennis courts have restricted public access. Firstly, because they are not available for widespread public use, it is difficult to conclude that these sites serve 'the community', particularly in terms of land use (notwithstanding PPG makes clear public access is not necessarily a prerequisite¹⁸). Secondly, I consider it cannot accurately be claimed that they are demonstrably special or are of particular local significance, for example in terms of recreational value to the community. I note that there is an aspiration to enable community use outside school hours but as far as I am aware this does not currently occur. I do acknowledge that the two playing field sites may have other attributes, for example in terms of their contribution to the character of the locality (sites 10 and 14) but this matter is adequately covered by Policy 24: Design of the North Dorset Local Plan, which provides protection for 'mature trees and hedgerows and other landscape features'. I consider that none of the three sites display a sufficiently high level of value, for example in terms of beauty, historic significance, tranquillity or richness of wildlife and therefore conclude, on the evidence before me, that there is insufficient justification for designating these three sites as LGS. I recommend the deletion of sites 10, 11 and 14 from the list and the consequent amendment of Map SFGI1 (**PM15**).
- 4.34 In terms of meeting government advice, as primarily set out in paragraph 100 of the NPPF, I am satisfied that all the other sites identified as LDS (i.e. excluding sites 10, 11 and 14), are reasonably close to the community they serve, are local in character and are not extensive in size.

¹⁷ PPG Reference ID: 37-005-20140306.

¹⁸ PPG Reference ID: 37-017-20140306.

In terms of being 'demonstrably special' I consider that it is primarily up to STC to demonstrate this requirement and I note that Planning Policy Guidance on the matter confirms that 'whether to designate land is a matter for local discretion'.¹⁹ There is no evidence before me that would lead me to conclude that these sites are not 'special' to the local community. On balance, I consider that the revised Table in Appendix L satisfactorily describes and assesses all the proposed areas of LGS, with the exception of the three sites referred to in the previous paragraph. Because of their relatively small scale and taking in to account their current uses, I consider that the designation of the remaining sites does not undermine the aim of plan making.

- 4.35 My conclusion on this matter is strengthened firstly by the fact that should there be a threat to the playing fields/tennis courts, any loss of such space has to be fully justified as set out in paragraph 97 of the NPPF. And secondly Policy SFCL1 on community facilities already affords appropriate protection to these sites.
- 4.36 For reasons of clarity and justification, it is therefore recommended, in **PM16**, that the list in Appendix L of the submitted Plan is replaced by the clarified list STC appended to its response to my initial Questions – subject to the deletion of sites 10, 11 and 14 and the inclusion of a sub-heading over columns 5 to 9 (particular local significance) to aid clarity.
- 4.37 In the interests of accuracy the site numbers on Map SFGI1 (LGS Sites) should be amended accordingly and this is recommended in **PM17**.
- 4.38 The Town Council has acknowledged that there is a discrepancy regarding the boundary of the proposed LGS known as Rolt Millennium Green (site 27).²⁰ The Regulation 16 response from Atlas Planning Group on behalf of Ms Yvonne Hellier (SY1) includes Figure 2: Ownership Map. This identifies the part of the proposed LGS that is owned by Ms Hellier, which largely consists of hardstanding and a garage building. I consider that there is no justification for including this privately owned land within the LGS because it fails to meet the necessary requirements. Therefore, the land in the ownership of Ms Hellier (as shown on the aforementioned Figure 2) should be removed from the designation. This modification is recommended in **PM18**.
- 4.39 Policy SFGI2 (page 44) seeks to ensure that development respects the topography and landscape setting of the town. The references to the accompanying map, in the first paragraph, should be corrected and I recommend this in **PM19**. The second and third paragraphs of the policy are confusing and should be clarified as I set out in **PM20**.
- 4.40 The protection and enhancement of the green infrastructure network is satisfactorily addressed in Policy SFGI3 (page 49). Similarly, the need to

¹⁹ PPG Reference ID: 37-013-20140306.

²⁰ E-mail dated 19 March 2020 from STC Business Manager to Dorset Council.

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protect and improve the quality of the dark night skies is justified, especially bearing in mind the proximity of the Cranborne Chase AONB. Policy SFGI4 (page 50) is therefore justified.

- 4.41 Green Infrastructure policies are a key component in ensuring that the attractive character and setting of Shaftesbury is retained and further enhanced. To that end, the associated policies (as amended) have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions

Design and Heritage Policies

- 4.42 The Design and Heritage chapter is a key element in the SNP because it is clear that the local community highly values the character and appearance of the town. It is therefore right that the SNP sets out appropriate policies to ensure that all new development will be of a high quality design that contributes successfully to protecting and enhancing local character. The assessment of the eight character zones provides a valuable guide to the decision maker on the characteristics to be taken into account and the design issues to be addressed. On a minor point, I note that the 8th character zone spans both sides of Grosvenor Road (not just the east side as described in the title). I invite STC to consider clarifying the text with regard to the area covered by this character zone.
- 4.43 Policy SFDH1 (page 66) confirms that development should take into account the character area assessments that I referred to above and is justified.
- 4.44 The objective of ensuring that new development is sustainable is covered by Policy SFDH2 (page 67). Whilst the first sentence of the policy is clear the remainder of the policy contains 'encouragements'. In order to provide greater clarity to the decision maker, the last two sentences should be moved to the supporting text, leaving just the first sentence as the policy. This is recommended in **PM21**.
- 4.45 Policy SFDH3 (page 68) provides clear advice regarding the scale, positioning and orientation of buildings. Concern was expressed by a representor, regarding the reference to 'microclimates' but bearing in mind the topography of the town and the fact that it is only a consideration to be taken into account (i.e. detailed evidence is not expected in all development proposals), then I am satisfied that such a reference is appropriate.
- 4.46 The design of public open space is the theme of Policy SFDH4 (page 69) and accords with the advice in paragraph 96 of the NPPF which supports the provision of a network of high quality open spaces.
- 4.47 Whilst it is appropriate to address the issue of parking, Policy SFDH5 (page 70) refers to both the Council's adopted parking standards and those in the Manual for Streets. This could cause confusion and therefore

only reference to the Council's standards should be included because it can be assumed that these are the standards which have 'local' support, and which can be applied consistently across Dorset. **PM22** therefore recommends the deletion of the reference to the Manual for Streets.

- 4.48 Policy SFDH6 (page 71) includes some detailed architectural and design guidance which, bearing in mind the character of the town, is reasonable and appropriate.
- 4.49 There is a reference in Policy SFDH7 (page 72) to using materials that 'celebrate' the area's heritage. This wording could be unclear to a decision maker and therefore it is recommended in **PM23** that the word 'celebrate' is replaced by the word 'respect'.
- 4.50 The protection of archaeological remains is covered by Policy SFDH8 (page 73). Whilst there is a risk of repetition with existing 'higher level' policies (e.g. Policy 5 of the NDLP), I am satisfied that bearing in mind the history of the settlement the circumstances in Shaftesbury justify the inclusion of this policy.
- 4.51 Policy SFDH9 (page 74) provides support for the protection of locally important buildings but the wording lacks clarity, in particular with regard to the stipulation 'wherever practicable'. Therefore, I recommend that the wording is changed as set out in **PM24**.
- 4.52 The Design and Heritage policies are an important component of the SNP and (as amended) they have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions, ensuring that the quality of the built environment will continue to improve.

Community and Leisure Policies

- 4.53 Support for community facilities is given in Policy SFCL1 (page 79) and protection is afforded to key tourist facilities in Policy SFCL2 (page 82). Both policies reflect advice in the NPPF (e.g. paragraphs 92 and 83c).
- 4.54 In terms of the use of Fields in Trust open space standards, I am satisfied that this aligns with the approach taken in the adopted Local Plan. I am also satisfied that the areas identified on Map SFCL1 (page 80) as informal recreation/amenity spaces are justified. Similarly, the designations on Map SFCL2 (page 83) regarding key tourist facilities, are appropriate but should also include the Hardy Way and White Hart Link footpaths, as these are strategic routes which are more likely to be used by visitors and tourists. The necessary changes are recommended in **PM25**.
- 4.55 Cycling and walking are important leisure activities and it is appropriate that improvements to the network are supported, as set out in Policy SFCL3 (page 84). STC has proposed an up-date to Map SFCL3 (Existing

and Proposed Footpaths and Cycleways)²¹ and the inclusion of such a factual up-date is justified and therefore recommended in **PM26**.

- 4.56 With the recommended modifications, the Community and Leisure policies would meet the Basic Conditions.

Issues with no Explicit Policies in the SNP

- 4.57 A number of issues have been raised by respondents, which are not explicitly addressed in the SNP. However, I am mindful that repetition between local plan and neighbourhood plan policies should be avoided and conclude that the following matters are adequately addressed at national level, in the NDLP and implicitly in a number of SNP policies. These are examples from the NDLP:
- sustainability and sustainable drainage (NDLP policies 3: Climate Change and 13: Grey Infrastructure);
 - renewable energy (NDLP Policy 22: Renewable and Low Carbon Energy);
 - affordable housing (NDLP Policy 8);
 - biodiversity (NDLP Policies 4: The Natural Environment and 15: Green Infrastructure); and
 - climate change (NDLP Policy 3).

Implementation and Monitoring

- 4.58 It is important that the implementation of the SNP policies is monitored in order to ensure that they remain relevant and effective. However, there is no reference in the SNP to the role of the STC, working in partnership with DC, in this process. Therefore, it is recommended that an additional section is added after the current page 85 (Footpath and Cycleways Map) which confirms the role of STC in terms of monitoring and review (**PM27**).

Presentation

- 4.59 Although these are not matters which have influenced my conclusions it is, firstly, important that the plans within the document are easy to read and as up-to-date as possible at the time the SNP is made. And secondly any cross-references within the document itself should be correct (for example the reference in the first paragraph of Policy SFGI2 should be to Map SFGI2; and in the Index of policies on page 9 it should be SFGI1 in the ninth line - not SFHE1). These are matters of proof-reading and presentation for the Town Council to address.

²¹ See response SY19A.

5. Conclusions

Summary

- 5.1 The Shaftesbury Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. I conclude that the Shaftesbury Neighbourhood Plan, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. Therefore, I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is clear that a significant amount of work has been undertaken by the Town Council to ensure that the SNP appropriately reflects the aspirations of the local community. The document is thorough, sufficiently detailed and based on a clear analysis of the evidence that has been gathered. It is presented in an attractive and inviting way and the efforts of the Town Council in this regard should be recognised. There is no reason to doubt that the Plan, if made, will become a valuable element in the Development Plan for the locality.

David Hogger

Examiner

Appendix: Modifications (27)

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Pages 10 and 11	<p>Relocate the two Population Tables on pages 10 and 11 to a new Appendix N: Population Statistics on page 133.</p> <p>Add Appendix N to list of Appendices on page 87</p> <p>Include new paragraph on population growth in section 1.6 to read:</p> <p>The first population Table in Appendix N shows the anticipated population growth in the town from 2011 to 2031 and this equates to about a 38% increase. The second Table highlights an 18% increase in Shaftesbury’s population from 2011 to 2016, which is the highest in Dorset.</p>
PM2	Page 10	<p>In the Table, at the head of the third and fourth columns, replace household(s) with dwelling(s).</p>
PM3	Page 12 Before section 1.7	<p>Add new paragraphs of introductory text to read:</p> <p>Strategic Planning Policies</p> <p>In preparing the 2016 Local Plan, North Dorset District Council looked to its main towns (including Shaftesbury) to function as the main service centres and to be the main focuses for growth. As part of this work, consideration was given to the amount of development that was needed and would be appropriate for each town. Local Plan Policy 2: Core Spatial Strategy identifies Shaftesbury as one of the four main towns in North Dorset, where growth will be focussed.</p> <p>For Shaftesbury, it has long been recognised that the potential for expansion is limited by the landscape and</p>

		<p>biodiversity constraints. There are only a limited number of potentially developable sites where the town could grow.</p> <p>The main planning objectives for the town are included in Policy 18 of the Local Plan, whilst Policy 12 of that document supports town centre enhancement and growth.</p> <p>A number of more detailed policies from the earlier 2003 Local Plan have been saved, for example in relation to safeguarding the character of the town.</p> <p>The Neighbourhood Plan has to work within the strategic framework provided by the adopted Local Plan. Our aims very much fit within this framework and should ensure that changes to the town and surrounding area are positive ones that respect the environment and unique history of the area.</p>
PM4	Page 12 After section 1.7	<p>Add a new paragraph to read:</p> <p>Basic Conditions</p> <p>Legislation requires Neighbourhood Plans to be accompanied by a Basic Conditions Statement which confirms, for example, that the document meets legal requirements, has regard to national and strategic policies; and will contribute to the achievement of sustainable development. A copy of the Statement can be found on Dorset Council’s web-site.</p> <p>https://www.dorsetcouncil.gov.uk/shaftesbury-neighbourhood-plan</p>
PM5	Page 26	<p>Delete entire paragraph below ‘The context’ and replace it with:</p> <p>Policy 6 of the North Dorset Local Plan advises that the scale of housing development in Shaftesbury will be at least 1,140 homes between 2011 and 2031. That figure is not an upper limit.</p>

PM6	Page 23 Policy SFTC3	Start the policy: In Shaftesbury Town Centre Any street lighting....
PM7	Page 29 Supporting text and Policy SFHE1	Add the following wording to the end of the paragraph above Policy SFHE1: All of these changes will potentially impact on the town's sensitive environment and for that reason inappropriate development outside the settlement boundary will be resisted. Where development outside the boundary is proposed it will have to be accompanied by detailed supportive evidence, as referred to in the following policy. Amend start of Policy SFHE1 to read: No changes should be made to the settlement boundary while there remains a substantial housing supply in comparison to the adopted Local Plan requirement. In those circumstances where it can be clearly demonstrated that the Local Plan housing supply policies are not considered up-to-date and an application.....
PM8	Page 30	Amend the second sentence of the fourth paragraph to read: The new Dorset Council Local Plan is will consider the role of Shaftesbury and will be subject to a public examination. subject to detailed examination and will look at how Shaftesbury strategically fits within the wider area. Amend the last sentence of the fourth paragraph to read: In the meantime the following Policy SFHE1 tries to.....
PM9	Page 33 Policy SFHE2	Modify the start of Policy SFHE2, to read: The following key principles should be applied to any future proposed small to medium size housing sites (i.e. up to 1 hectare in size): Replace first bullet point with: - They should be integrated into an

		<p>existing built-up area;</p> <p>Clarify the second bullet point:</p> <ul style="list-style-type: none"> - The mechanisms that will be used to ensure that planning obligations and conditions are monitored and complied with are should be set out clearly; <p>In the second part of Policy SFHE2 replace introductory sentence as follows:</p> <p>Large sites over 1ha in size should be properly master planned. This means:</p> <p>On sites of 100 dwellings or more:</p> <ul style="list-style-type: none"> - The development should be ... <p>Amend the penultimate bullet point to read:</p> <p>Information on the variation in scale of building heights (including information on the impact of local topography and views); all landscape features to be retained; and proposed green spaces, corridors and landscaping; is should be clearly identified set out for all phases prior to the commencement of development.</p> <p>Delete the last bullet point of the policy:</p> <p>The mix of housing should include dwelling types likely to be suitable for older people and also for those working from home.</p>
PM10	Page 35 Map SFHE3	<p>Modify Map SFHE3 to identify only those uses covered by Policy SFHE3 (i.e. existing and proposed employment areas).</p> <p>There should also be (as an addition to the existing note entitled 'Map of employment areas') a cross-reference to Policy SFTC1 and an addition to the note stating that, other employment generating uses, such as healthcare, schools and community facilities are protected under Policies SFCL1 and SFCL2 but that if they are genuinely no longer required, alternative community/employment uses would be supported.</p>

PM11	Page 35 Map SFHE3	Modify Map SFHE3 to accurately show the boundary of the employment allocation to the south of the A30; the correct boundary of the Wincombe Business Park; and the agreed boundary of Blackmore Vale Dairy. The employment designation on the former cattle market site should be deleted.
PM12	Page 36 Policy SFHE4	Amend the first part of Policy SFHE4 to read: The bypass corridor to the eastern side of the town will be preserved protected and its early provision supported.
PM13	Page 39	Modify the penultimate and last paragraphs by inserting Fields in Trust between 'national' and 'standards' in both cases.
PM14	Page 42 Policy SFGI1	In the first and last paragraphs of the policy add the following to the two identical references in parenthesis: (as referenced in the separate GI audit document attached as Appendix L).
PM15	Page 123 Appendix L and Map SFGI1 (page 43)	Delete the two school playing field sites and the tennis courts from the list of LGS and from Map SFGI1 – sites 10, 11 and 14.
PM16	Page 123 Appendix L	Replace the current Appendix L with the more comprehensive Table that was forwarded by the Town Council in response to my initial Questions. On the amended Table include a row across the top of columns 5 to 9 to read: Particular Local Significance.
PM17	Map SFGI1 (page 43)	Amend the reference numbers on the Map in light of the deletion of sites 10, 11 and 14.
PM18	Page 123 Appendix L Site 27	Amend the boundary of Rolt Millennium Green to remove land currently owned by Ms Hellier from the LGS, as shown on Figure 2 that was included in the Regulation 16 response from Atlas Planning Group (SY1).
PM19	Page 44	Correct the Map number reference in the first

	Policy SFGI2	paragraph: SFGI2.
PM20	Page 44 Policy SFGI2	Modify the second and third paragraphs of Policy SFGI2 to read: On the steep slopes (as shown on map SFGI2) any development that does not will preserve the remaining open or wooded areas and their distinct rural character, and further building in this area will generally be resisted. On the shallow slopes and plateau edge (as shown on map SFGI2), the design, scale and location of the development should not adversely affect the generally undeveloped character of the slopes and should respect the highly sensitive nature of the plateau edge. It should not
PM21	Page 67 Policy SFDH2	Place the last two sentences of the policy in the supporting text leaving the policy to read: Development should be sustainable, safe, inclusive and accessible in design.
PM22	Page 70 Policy SFDH5	Delete reference to Manual for Streets.
PM23	Page 72 Policy SFDH7	Amend policy: celebrate respect.
PM24	Page 74 Policy SFDH9	Revise the policy to read: Locally important historic buildings, identified in this Plan, should be conserved and enhanced. Support will be given wherever practicable to the protection and enhancement of the locally important historic buildings identified in this plan.
PM25	Page 83 Map SFCL2	Update the Key Tourist Facilities Map to include the Hardy Way and White Hart Link footpaths (as proposed by STC in its response to my initial Questions).

PM26	Page 85 Policy SFCL3	<p>Update Map SFCL3 Existing and Proposed Footpaths and Cycleways.</p> <p>To reflect the current situation as set out by STC in response to Examiner’s Questions.</p>
PM27	Page 85	<p>Add a new paragraph under the new title of Monitoring and Review to read:</p> <p>Shaftesbury Town Council, as the body responsible for leading the Neighbourhood Plan process, will consider the need to monitor this plan on a yearly basis. As part of this process the Town Council will consider the progress made on the preparation of the Dorset Council Local Plan; whether there have been any significant changes to National Planning Policy; and the views of local residents and businesses. Progress on the various projects identified in this Plan, together with the effectiveness of the policies, will also be assessed. It is likely that a review of this Plan in partnership with Dorset Council will commence when the new Dorset Council Local Plan has been adopted, as this will update the overarching strategy for how Shaftesbury will develop in the future.</p>