

INDEPENDENT EXAMINATION OF THE SHAFTESBURY NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Philip Reese
Dorset Council

Brie Logan
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Examination Ref: 01/DH/SNP

11 May 2020

Dear Ms Logan and Mr Reese

SHAFTESBURY NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Shaftesbury Neighbourhood Plan (SNP) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for the Shaftesbury Town Council (STC) as Qualifying Body and a smaller number for Dorset Council. These are attached as an Annex to this letter.

1. Examination Documentation

I can confirm that I have electronic access to a complete copy of the submission SNP and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment Screening Statement, the Habitats Regulations Assessment, the Regulation 16 representations and the additional supporting evidence. I am satisfied that I have enough relevant evidence to enable me to undertake the examination.

Subject to my detailed assessment of the submission SNP, I have not identified any very significant and obvious flaws that might lead me to advise that the examination should not proceed.

2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area as soon as possible, subject to such a visit being in accordance with Government advice on travel, in regard to the Covid19 outbreak. This will assist in my assessment of the draft Plan, including the issues identified in the representations. When a date for the visit has been decided, the office will let you know.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of initial questions seeking further clarification from both Dorset Council and Shaftesbury Town Council. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided within **three weeks** of receipt of this letter.

5. Examination Timetable

As you will be aware, the intention is to examine the SNP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, in the current circumstances and bearing in mind I have raised a number of questions to which I must provide the opportunity for the preparation of an appropriate response, the examination timetable will be extended. Please be assured that I will seek mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the timing of my site visit and on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent responses, are placed on the websites of the Town Council and the Dorset Council.

Thank you in advance for your assistance.

Your sincerely

David Hogger

Examiner

ANNEX

From my initial reading of the submission draft Shaftesbury Neighbourhood Plan (SNP) and the supporting evidence, I have 6 questions for Dorset Council and 24 questions for Shaftesbury Town Council (STC). I have requested the submission of responses within **three weeks** of receipt of this letter.

Questions for Dorset Council (6)

1. Could Dorset Council confirm that the categorisation of shopping frontages will be reviewed as part of the Dorset Council Local Plan (LP) preparation and that consideration is likely to be given to the status of the former Cattle Market site (in terms of its retail frontage designation)?
2. Bearing in mind Dorset Council has recommended the deletion of policy SFHE1, I would nevertheless welcome some clarity.

There is reference in the policy (page 29) to circumstances when the local plan housing supply policies may not be considered to be up to date. Firstly, are there any LP housing supply policies that are out-of-date; secondly how would a decision maker know which policies are out-of-date (if there are any); and thirdly, if there are out-of-date policies, would a planning application for development outside the settlement boundary be supported if the assessments referred to in policy SFHE1 are all satisfactory?

3. There is a suggestion from one respondent that it should be a requirement of policy SFTC3 (page 23) that street lighting is dark night sky compliant. Is this an issue addressed in any other Dorset Council policy documentation and is there any justification for making a reference to it in this policy?
4. What is the status of the proposed eastern by-pass for Shaftesbury? Is it deliverable within the plan period? If not, is the inclusion of policy SFHE4 (page 36) reasonable and justified?
5. The National Planning Policy Framework (NPPF) states that Local Green Space should be 'demonstrably special to a local community and holds a particular local significance ...'. The Green Infrastructure Audit sets out, on page 5, an assessment of the areas in Shaftesbury. Is this approach compatible with similar assessments for other settlements in Dorset?
6. It is suggested in representation SY18 that there may have been irregularities regarding the formation of the 'new' Neighbourhood Plan Group. Is Dorset Council satisfied that there are no significant issues in this regard that I should be aware of?

Questions for Shaftesbury Town Council (24)

1. The SNP is an 'independent' document but if 'made' it will become part of the Development Plan for the area and will sit alongside the North Dorset Local Plan. The SNP should support the delivery of the strategic policies set out in the LP. Whilst there should be no repetition of LP policies, I would have expected a brief explanation of the relationship between the SNP and the LP and the way in which the SNP supports the delivery of strategic policies, for example, policies 2: Core Spatial Strategy and 18: Shaftesbury. Could the STC explain the approach it has taken in this regard and consider the inclusion of appropriate text on the matter?
2. There are no specific policies in the SNP regarding affordable housing provision or renewable energy. Is the STC satisfied that these issues are adequately addressed elsewhere, for example in the adopted LP?
3. It is not clear to me how 'a substantial housing supply' as referred to in Policy SFHE1 (page 29) has been defined by the STC.

The text on page 28 refers to the LP requirement in the former District of 285 dwellings each year between 2011 and 2031 and refers to a target for Shaftesbury of 57 dwellings a year (at least 1,140 over the plan period – LP policy 18). As I understand it, that would be 110 dwellings over the expected provision, as set out in the LP. On what basis is this considered to be substantial?

4. The Dorset Council considers policy SFHE1 should be deleted primarily because it is not justified. What additional value does policy SFHE1 provide?

5. In policy SFHE2 (page 33) what is the justification for the figure of 10 or more dwellings being the threshold for including dwellings suitable for older people and those working at home in any proposed scheme? How would a decision maker know, for example, whether or not a dwelling is suitable for home workers?

Do bullet points 2, 3 and 4 also apply to large sites?

How would 'local connection', in the fourth bullet point, be defined?

Bearing in mind the requirements of the policy, is the 1ha threshold for large sites justified or is it too low?

6. Is it reasonable to continue safeguarding land to the south of the A30 for employment use (policy SFHE3 page 34) when I understand there has been no significant progress on implementation for over 10 years? (see representation SY14)

Does policy SFHE3 add anything to policy 11 of the LP?

7. Can STC confirm that all land uses identified on map SFHE3 (page 35) are subject to policy SFHE3? If that is the case, how will 'protection' be given to commercial properties, healthcare uses, schools and pubs?

Why is there no reference on the key to the magenta coloured designations?

Why is the former cattle market identified as employment land?

Is the employment allocation to the south of the A30 correctly identified (see Dorset Council representation)?

8. Does the STC agree that the boundary of Wincombe Business Park is incorrectly drawn (see representation SY19 from Dorset Council)?

9. Is the extent of the Blackmore Vale Dairy site justified? (see representation SY19)

10. On page 39 (penultimate paragraph), what is the 'national standards formula' referred to?

11. On page 41, in the second paragraph, is the reference to 'not needed for development' justified?

12. Paragraph 100 of the NPPF requires the designation of Local Green Space to only be used (among other things) where the green space is 'demonstrably special to a local community and holds a particular local significance (my under-lining). The list of Green Audit sites includes a column entitled 'How the space is demonstrably special' but there is no reference that I could find to 'particular local significance'. A majority of the sites are just referred to as being of 'recreational value'. On the evidence before me, I am not satisfied that all the identified 56 sites could accurately be described as 'demonstrably special' or having a 'particular local significance' (emphasis on the 'particular').

Therefore, I invite STC to reconsider which sites meet the NPPF criteria as referred to above.

13. What is the justification for including playing fields at Shaftesbury School and Shaftesbury Primary School as Local Green Space, when I understand they have no public use?

14. Does policy SFG12 (page 44) apply to the Shaftesbury Road allocation and if so, is this consistent with the policies of the adopted LP?

15. Is it reasonable and justified to require the consideration of microclimates in policy SFDH3 (page 68)?

16. With regard to policy SFDH5 (page 70), how would a decision maker know what is 'sufficient provision' with regard to car charging points? Does Dorset Council provide any advice on this issue?

17. What evidence is there that the requirements of policy SFDH5 (page 70), for example the provision of mature trees, would be viable or indeed feasible?

Do the adopted Dorset car parking standards include any advice on the size and layout of car parking spaces?

18. How would a decision maker know which materials 'celebrate the area's heritage' as required by policy SFDH7 (page 72)?

19. Does policy SFDH8 (page 73) on archaeological assessment add anything which is not addressed in policy 5 of the adopted LP?

20. How will the decision maker know what is the status of the Fields-in-Trust open space standards, as referred to in policy SFCL1 (page 79)? The document is listed in Appendix M but there is no indication in the supporting text to policy SFCL1 as to the weight that should be attached to it. Did North Dorset District Council ever publish any open space standards and if so, are they still valid?

21. With regard to Map SFCL1 (page 80) should Castle Hill Green, the Mound and St John's Churchyard be identified as informal recreation/amenity spaces (see representation SY18)?

22. Is map SFCL2 (page 83) correct with regard to Abbey House, Grosvenor Hotel and Castle Mound (see representation SY18)?

23. Is map SFCL3 (page 85) up-to-date and comprehensive (see representation SY18)?

24. The monitoring and review of Plans is an important component in the plan-making process, in order to ascertain whether or not the policies are effective. I could find no reference in the SNP to the monitoring of the policies or to the future role of the Town Council in this process. I would welcome the views of the STC as to why this issue has not been addressed in the SNP.