

Piddle Valley Neighbourhood Plan – West Dorset District Council Comments

Introduction

The Neighbourhood Planning section of the Government’s Planning Practice Guidance (PPG) provides advice on the key stages of neighbourhood planning and also provides, at paragraphs 065 to 068, some commentary on the ‘basic conditions’ that a draft neighbourhood plan must meet if it is to proceed to referendum.

Paragraph 067 states that a local planning authority should “provide constructive comments” on an emerging neighbourhood plan and advises that “if a local planning authority considers that a draft neighbourhood plan ... may fall short of meeting one or more of the basic conditions they should discuss their concerns with the qualifying body in order that these can be considered before the draft neighbourhood plan ... is formally submitted to the local planning authority”.

This document sets out West Dorset District Council’s comments on the Piddle Valley Neighbourhood Plan Consultation Draft (v7, published in September 2015) and focuses on the key issue of meeting the basic conditions. It should be noted, however, (as stated in Paragraph 053 of the neighbourhood planning section of the PPG), that “it is only after the examiner’s report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan ... meets the basic conditions”.

As outlined in Paragraph 65 of the neighbourhood planning section of the PPG, the basic conditions that a draft neighbourhood plan must meet are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- The making of the neighbourhood plan contributes to the achievement of sustainable development;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

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The Council has provided commentary on the extent to which the draft neighbourhood plan has had regard to national policies (primarily in the National Planning Policy Framework - NPPF, but also in Ministerial Statements) and to guidance issued by the Secretary of State (primarily the PPG).

The Council has provided commentary on whether the draft neighbourhood plan would contribute to improvements in environmental, economic and social conditions and on whether the Environmental Assessment of Plans and Programmes Regulations 2004 are likely to apply.

Commentary is provided on the extent to which the draft neighbourhood plan is in general conformity with the strategic policies of the development plan for the area, the West Dorset, Weymouth and Portland Local Plan.

In relation to neighbourhood plans, EU obligations relate primarily to the Strategic Environmental Assessment (SEA) Directive (2001/42/EC).

Neighbourhood Planning Regulations also prescribe that the making of a neighbourhood plan should not be likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012).

COMMENTS	SUGGESTED CHANGE/AMENDMENT
<i>The Plan Period</i>	
Page 2 indicates that the neighbourhood plan is intended to last for 15 years from adoption to 2031. This is aligned with the joint Local Plan for West Dorset, Weymouth & Portland, which covers the period to 2031.	No change suggested.
<i>Vision and Aims</i>	
Throughout the Plan there are mentions of the significant heritage assets that are present within the Neighbourhood Plan Area however there is no mention of heritage assets within the Aims.	It is recommended that a new aim is added to highlight the importance of the history / heritage assets in the area.
Aim: “To protect dark skies and prohibit light pollution from new developments” – Prohibit is a little strong as there are circumstances where it may be appropriate to have external lighting. Would it be contrary to policy if a development had a light adjacent to the front door?	Suggest changing the word “prohibit” to “limit” or “minimise”.

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COMMENTS	SUGGESTED CHANGE/AMENDMENT
<i>Policy 1. Local green spaces</i>	
<p>The plan needs to be clear how each designated Local Green Space (LGS) meets the requirements for LGS as set out in the NPPF.</p> <p>For example: Is land opposite Lower Farm, Plush too extensive to meet the NPPF criteria? What distinguishes this particular field from other parcels that frame the village views on the approach road?</p>	<p>Ensure that the designated Local Green spaces meet the definition / criteria set out in para 77 of the NPPF. Set this out in detail for each designated space in Appendix C referring specifically to the reason it is demonstrably special and what local significance it holds. Also ensure that it is not an “extensive tract of land” and ensure that it is in reasonably close proximity depending upon its purpose. See</p> <p>http://planningguidance.communities.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/</p>
<i>Policy 2. Significant views from settlements</i>	
<p>The second part to the policy seems to be aspirational and isn't likely to achieve a great deal, and may also result in the removal of characteristic vegetation within the valley landscape.</p>	<p>Move this last sentence to the supporting text, and make more explicit in what activities would be encouraged to open up views to the river. For example removal or repositioning of boundaries.</p>
<i>Policy 3. The open and undeveloped chalk downlands</i>	
<p>Support the intention in this policy, and it links strongly with the objectives of the Local Plan policies, however at present there is concern that it is too vague to readily apply as a development management policy.</p>	<p>Better definition of the character of the area that is to be conserved establishing exactly what about it should be protected, or defining the area on the maps would be useful. In addition, broadening the definition to “<i>Development that would...</i>” may be the intention; as engineering operations (bundling, excavations etc) can also significantly impact upon the open and undeveloped nature of the downlands.</p>

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COMMENTS	SUGGESTED CHANGE/AMENDMENT
<i>Policy 4. Important gaps between settlements</i>	
<p>Again, the intention of this policy is supported. However the final sentence “<i>Removal of redundant buildings...</i>” is unlikely to achieve very much; a more positive wording to support application which secure the removal of redundant buildings (that are not of historic or character value) and structures may be more effective.</p>	<p>Suggest amending the wording of the last sentence of Policy 4 to improve the chances of it delivering improvements. For example, “<i>Development which adds to the openness of these gaps for, example through the removal of redundant buildings and structures which do not contribute to local character or heritage, will be considered favourably</i>”.</p>
<p>The maps showing designations are not particularly clear.</p>	<p>Improving the clarity of the maps would aid in their interpretation and usefulness – we can assist in achieving this if necessary.</p>
<i>Policy 5. Improving wildlife areas</i>	
<p>The supporting text to policy 5 reads “<i>As a matter of course all planning applications for development on sites over 0.1ha in size, or involving the conversion or demolition of rural barns / farm buildings or similar structures, must be accompanied by a biodiversity appraisal</i>”.</p> <p>The threshold of over 0.1ha is inline with the requirements applied by the Dorset Local Planning Authorities. However, requiring a biodiversity appraisal for the conversion or demolition of rural barns will not be applicable outside of the AONB as permitted development rights enable the conversion of agricultural building to residential use without requiring planning permission.</p>	<p>No change recommended, for information only.</p>
<p>The policy requires development proposals to “<i>Development proposals should protect and enhance the biodiversity of the...</i>” Although this is supported, there may be instances where enhancement is not appropriate.</p>	<p>Consider amending to “<i>Development proposals should protect and where appropriate, enhance the biodiversity of the...</i>”</p>

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COMMENTS	SUGGESTED CHANGE/AMENDMENT
Policy 6. Features of historic interest	
<p>The protection of buildings and features of historic interest is supported however there needs to be a clear definition/statement setting out what constitutes “historic interest”. Are you referring to those formally listed heritage assets (listed buildings, conservation areas etc) or are you referring to a local designation/local listing? The generally accepted term for features that have a historic relevance and are worth preserving is “Heritage Asset” – see the glossary to the NPPF.</p>	<p>Consider exactly what is meant by “historic interest”. Define the term within the supporting text to the policy or maybe use the term “heritage assets”.</p>
Policy 7. Important community facilities	
<p>The second sentence of the policy states that <i>“Every effort should be made to work with the local community to investigate potential solutions before conceding the loss of one of these important community facilities”</i>. This approach is supported however as it relates to what is essentially procedure, it should be within the supporting text rather than policy.</p>	<p>Amend the text to indicate a requirement for applicants to meet and/or move the sentence to the supporting text. Suggested wording: <i>“Proposals which would result in the loss of an important community facility will have to demonstrate that every effort has been made to investigate potential solutions that would secure its retention.”</i></p>
Policy 8. Reducing Flood Risk and Sewage Inundation	
<p>This policy differs from the requirements of the Environment Agency (EA) adding further restrictions. For example the policy requires a flood risk assessment <i>“...for all proposals that are within 200m of either the flood risk zones 2 and 3 or indicative surface water flood risk areas...”</i></p> <p>The EA and the Local Plan require a flood risk assessment for development within flood risk zones 2 and 3. The policy could be considered too onerous placing burdens on developers where not backed up by appropriate evidence.</p>	<p>The requirement for flood risk assessments to support planning applications even outside of flood zones 2 and 3 goes above that required by the Environment Agency. Unless there is evidence to support this approach (viability, evidence of substantial flood risk...) it should be removed.</p>
<p>The last part of the policy requires developments to take opportunities to reduce the cause and impacts of flooding <i>“...where these are feasible and appropriate...”</i></p>	<p>It is appropriate to seek the implementation of flood mitigation opportunities however there will be instances where it is not viable to do so. Suggest adding mention of viability <i>“...where these are feasible, viable and appropriate...”</i></p>

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<i>Policy 9. Road Safety Concerns</i>	
The inclusion of only two examples of road safety improvements are limiting. There may be other improvements that are more appropriate to certain circumstances.	Consider amending the wording of the last part of this policy to <i>"...the potential to improve highway safety should be considered as part of the application. Where improvements are viable and reasonable, they should be secured for example through..."</i>
<i>Policy 10. Car parking requirements</i>	
The second sentence of the policy needs clarification. What does "a lot of on-street parking" mean? Does it mean more than one car parked on the street or does it mean a restriction on access due to parked vehicles? What are the "local problems"? Do they relate to appearance / inability for people to park outside / congestion?	Explain the meaning of this part of the policy in the supporting text to reduce ambiguity.
<i>Policy 11. Development within the settlement boundaries</i>	
The approach to development within settlement boundaries needs reviewing.	Residential infill sites within the settlement boundary would need to provide a contribution towards affordable housing. This should be equivalent to the 35% level set out within the Local Plan policy HOUS1. Larger site that are included within the settlement boundary (ie allocated for development) can be assigned a specific use (eg employment, residential, community use...). If a range of uses are offered, the most commercially viable will usually be built. The default position will therefore be residential. Where the requirement is for the site to be for 100% affordable housing or for a higher proportion of affordable housing than that required by HOUS1, the site should be outside the settlement boundary and therefore would be considered as an exception to the normal policy position. It would be very difficult to secure anything other than 35% affordable housing on any site within the settlement boundary.

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<i>Policy 12. Development outside the settlement boundaries</i>	
<p>Generally the aim of this policy is supported however it should be noted that the Local Plan policies enable some types of development outside of settlement boundaries. An approach that restricts development to levels below that established in the Local Plan is not permitted for inclusion in a neighbourhood plan. However I think your approach is generally OK in relation to employment sites particularly as you have a large employment site within your area at Piddlehinton Enterprise Park. In relation to other types of development that are potentially suitable outside of development boundaries, there is a need to have a more flexible approach. For example, under the current policy there would not be scope to identify additional housing sites other than through a review of the Neighbourhood Plan or enable the construction of a new village hall outside of the settlement boundary?</p>	<p>The recommended approach would be to amend the policy slightly to enable a specific range of development types outside of settlement boundaries, such as new community facilities, essential infrastructure, affordable housing...</p>
<i>Policy 13. Housing</i>	
<p>The Local Plan states that all residential development sites should provide affordable housing (or a contribution towards its provision). Policy 13 does not deviate from this approach however there is a need to ensure that the policy is deliverable and based on evidence (of viability in this instance).</p> <p>The requirement that <i>“open market housing should comprise no more than 40% of the total dwellings”</i> on a site may impact negatively on the viability and hence deliverability of sites.</p>	<p>The evidence produced to support the Local Plan suggests that the provision of up to 35% affordable housing was viable at the time of the viability assessment. Requiring a greater percentage of affordable (60%) is likely to impact on the delivery of the sites. It is suggested that the requirement is reduced in line with the Local Plan or a viability assessment is produced for each site/the plan area.</p>
<i>Rural exception sites box – affordable housing definition</i>	
<p>The description sets out what local affordable housing is in the context of the neighbourhood plan. Having this as the opening statement in the box is confusing as it could be taken as the definition of affordable housing. I think you are trying to define a new term: ‘Local Affordable Housing’.</p> <p>However, with the above, it would be undesirable for the housing delivered on the site to be left vacant because no-one meeting the eligibility criteria was available.</p>	<p>Start the box with a statement along the lines of <i>“Rural exception sites are sites that will deliver Local Affordable Housing. Local Affordable Housing is...”</i> or alternatively add some supporting text to highlight what would happen if no-one was eligible for a dwelling under this definition.</p>

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<p>The overall definition of affordable housing does not fit with the definition in the NPPF. The NPPF specifically says that <i>“Homes that do not meet the above definition of affordable housing, such as ‘low cost market’ housing, may not be considered as affordable for planning purposes.”</i> The inclusion of ‘low cost market’ dwellings within the definition is therefore contrary to the NPPF. The intention to secure these dwellings as affordable in perpetuity is noted.</p> <p>The inclusion of ‘low cost market’ dwellings in the definition of affordable housing creates a number of questions where there is no detail in the Neighbourhood Plan. What proportion of market value constitutes affordable housing? Would the price be fixed to average wages in the area? Would these approaches actually be ‘affordable’ in perpetuity?</p> <p>In accordance with the strategic objectives of the Local Plan, all sites should contribute towards the provision of affordable housing at the 35% rate. If the ‘low cost market’ element was to be counted as part of the affordable housing mix (ie part of the 35%), this would be contrary to the approach in the Local Plan. The only way it can contribute is if the units could be secured in perpetuity and therefore counted as part of the intermediate element of affordable housing.</p> <p>There are a number of concerns raised about the management of any ‘low cost market’ housing schemes. The schemes would need to be secured in perpetuity through a S106 legal agreement. The Council is unlikely to take on the management of this approach and therefore alternative arrangements would need to be put in place. Alternatives include involving a registered provider who could take on the freehold of the scheme and manage the arrangements through a lease. A nomination board including local representatives could then be set up to allocate the housing to new tenants.</p>	<p>Consider reviewing the approach to affordable housing provision to bring it in line with the NPPF definition and Local Plan position.</p> <p>Alternatively, engage with a registered provider to secure the provision of ‘low cost market’ housing in perpetuity to enable it to remain ‘affordable’ to local people as intermediate affordable housing.</p>
<p>All of the sites identified as rural exception sites will need to be reviewed to take on board landscape and heritage impacts. If it is considered appropriate to continue with the sites (in whole or in part) the development boundary should be redrawn to place the site outside thus enabling a higher proportion of affordable housing to be delivered.</p>	

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<i>Policy 14. Land at Austral Farm, Alton Pancras</i>	
<p>This site is likely to be problematic in delivering what the community wish of it. The site is significant as a heritage asset by virtue of its relationship with the nearby listed buildings and its inclusion within the conservation area. It is also of historic value in its own right. Development of the site would therefore need to take these heritage constraints in to account raising the development costs.</p> <p>The most financially viable development is generally market residential. If small business units are to be provided alongside 60% affordable housing, the scheme is unlikely to be viable.</p>	<p>Revise the policy wording in the light of the potential impacts on the significance of nearby heritage assets.</p> <p>Consider identifying what type of development is most appropriate for the site, employment or residential. If employment, allocate the site (or part of the site) specifically for this use otherwise only residential development will take place.</p> <p>The settlement boundary should be redrawn to exclude the site so that greater than the 35% affordable housing can be delivered.</p> <p>Consider the response from Conservation in relation to the site to ensure that the heritage impacts are taken into account.</p>
<p>There are no principle landscape issues with this site; however this is a large site (1.3ha) with the potential to accommodate a large number of dwellings (up to 40) at a standard village density (30dph).</p>	<p>If it is not the intention for this level of development to come forward, and for areas of the site to remain undeveloped (e.g. the historic orchard to the north) this should be made clear in the policy with a ceiling figure of dwellings, to allow for such principles to be upheld during any future planning application.</p> <p>Other explicit design parameters could also be put forward, for example limiting the scale to two-storey rather than “modest”.</p>
<i>Policy 15. Land at West Cottage, Piddletrenthide</i>	
<p>The proposed site is located within the conservation area. In addition, a large proportion of the site is located within a Locally Registered Park and Garden. The impact on these heritage assets needs to be considered.</p>	<p>Review the allocation of the site to reflect the significance of the heritage assets. Consider the response from Conservation in relation to the site to ensure that the heritage impacts are taken into account.</p>

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<p>There are some landscape issues with this site as currently proposed. The eastern portion of the site lies within a Locally Registered Park and Garden, and a significant reduction of trees would be required to accommodate the number of dwellings proposed in this area. In addition, the change in the character of the rural approach to the village would be significant with the introduction of ten dwellings on this rural village edge location.</p>	<p>A lower number of units (up to four) could potentially be accommodated in the western portion of the site (in the area currently housing the tennis courts) without significant landscape impacts, but this would be on the proviso that they were low density, small in scale (two-storey maximum) included robust tree planting, and that similar provisions in relation to the character of the access and street lighting are made in the policy.</p>
<p><i>Policy 16. Kingrove Farm, Piddletrenthide</i></p>	
<p>The proposed site is located within the conservation area. The impact on this heritage asset therefore needs to be considered.</p>	<p>Review the allocation of the site to reflect the impact on the conservation area. Consider the response from Conservation in relation to the site to ensure that the heritage impacts are taken into account.</p>
<p>The supporting text to the policy makes statements about the access to the site being via land in separate ownership. The only alternative access is stated as being “<i>not suitable for additional vehicular traffic</i>”. This potentially creates a ransom situation.</p>	<p>Consider rewording the text to remove the potential ransom situation to enable the site to be delivered. Suggested text: “<i>A preferred approach would be via Whightman’s...</i>”.</p>
<p>There are no principle landscape issues with the site.</p>	<p>The south western boundary would need to be strengthened with robust planting (more than simply a hedgerow) in order to visually contain development at this site as at the surrounding settlement edge. The re-use of existing buildings and consideration of dwelling height are noted and supported.</p>
<p><i>Policy 17. Land at South View, White Lackington</i></p>	
<p>I have not been able to visit this site to consider it in detail, but note the comments of the Dorset AONB Team in relation to the potential for development rising onto the elevated valley sides. Such an effect would detract from the character of the valley landscape and the AONB, and I would support the AONB Team in this view.</p>	<p>Take on board the comments from the AONB Team in reviewing this site.</p>

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Policy 18. Enterprise Park and Bourne Park	
The first bullet point of the policy states that the site “ <i>should remain a site for small-scale start up businesses</i> ”	Suggest removing the term ‘start up’ as it is restrictive and instead encourage small-scale businesses that suit the relatively remote rural location.
There are no principle issues with this policy, but it may be relevant to mention the site-wide management plan that was conditioned as part of the changing uses of the site in 2000. (see planning application 1/E/00/000004 via http://webapps.westdorset-weymouth.gov.uk/PlanningApps/Pages/Search.aspx)	The principles established in this plan still apply, and the policy could usefully reference continuing these principles with any new development that comes forwards. It may also be appropriate to reference the updating of this management plan in the supporting text to the policy as a means of securing the sensitive landscaping of the enterprise park going forwards.
The policy states that access to Bourne Park should not be via London Row. This is not mentioned in the supporting text to the policy.	There needs to be justification within the supporting text for this requirement.
It should be noted that the Enterprise Park site as shown in hatched on the proposals maps is slightly larger than the site designated as a key employment site in the Local Plan.	For information, no action required.
Policy 19. New farm buildings	
The first part of the policy reads “ <i>The provision of new agricultural buildings to improve the operational efficiency and long-term viability of farms and reduce the number of farm vehicle movements along the adopted roads in the Valley will be supported...</i> ”	The policy should make it clear whether a proposal should improve all three of these criteria (operational efficiency, long-term viability and farm vehicle movements) to be acceptable or whether it just has to meet one or two.
There are concerns around the blanket use of the term ‘redundant buildings’ in the second part of this policy. The redundant buildings considered for removal could be suitable for re-use or conversion both of which would be supported by the NPPF.	Further criteria should be introduced to suggest the re-use/conversion of buildings should be considered. In addition, outside of the AONB, permitted development rights allow for the reuse of agricultural buildings for a range of other uses without the need for planning permission.

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<i>Policy 20. Re-use of redundant farm buildings as dwellings</i>	
This policy will not apply outside of the AONB due to permitted development rights	
<i>Policy 21. The character and design of new development</i>	
There are no principle issues with this policy, however the final sentence of the first paragraph could be being somewhat stronger.	If the intention is to conserve character through consistency in plot size, density, scale and massing, tree cover and landscaping, the final sentence shouldn't be limited to character change through "over-intensive development". It could perhaps read " <i>It should not significantly change the character e.g. through over-intensive development</i> ".
Important to note that some extensions and porches can be carried out under permitted development and therefore this policy will not apply in all instances.	
<i>Policy 22. External lighting</i>	
<p>The final sentence of this policy seeks to use planning conditions to control external lighting that may be required in the future. External lighting does not normally require planning permission and therefore will be difficult to control. The NPPF places restrictions on the use of planning conditions and therefore it may be considered unreasonable to use them when fitting external lighting is not considered development.</p> <p>Should the policy apply to minor domestic light fittings? Should the policy apply to large scale industrial uses? How do you assess whether the "<i>development may give rise to pressure for external lighting...</i>"?</p>	Consider removing this requirement.