



# **Broadwindsor Group Parishes Neighbourhood Plan 2018 – 2031**

**A report to Dorset Council<sup>1</sup>  
on the Examination of  
the Broadwindsor Group Parishes Neighbourhood Plan**

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Independent Examiner**

**26 April 2019**

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<sup>1</sup> On 1 April 2019 the county's nine councils were replaced by two new organisations, Dorset Council and Bournemouth, Christchurch and Poole Council. This report, which was prepared largely on the basis of the submitted documents and the Regulation 16 responses, refers to 'West Dorset District Council' throughout, except in the 'Response' sections of Appendix 2.

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## Summary of this report

**It is clear that a great deal of commitment and effort has gone into the production of the Broadwindsor Group Parishes Neighbourhood Plan (BGNP), and that it is founded on a desire to provide suitable and environmentally friendly homes, local employment and local services, whilst protecting the Dorset Area of Outstanding Natural Beauty which is highly valued by the local community.**

**The vision and objectives convey comprehensively and clearly the key concerns of the BGNP. The policies of the BGNP further these objectives.**

**The Basic Conditions Statement sets out clearly and thoroughly the relationship between the policies of the BGNP and national and local policy. Sustainability has been addressed in the consideration of potential housing sites in the Strategic Environmental Assessment.**

**There is no doubt that in these respects the basic conditions have been fully addressed.**

**I make a small number of recommendations for modifications to the BGNP. These are mainly concerned with clarity, accuracy and internal consistency.**

**I recommend that, once modified, the BGNP should proceed to a referendum. The area of the referendum should be the Neighbourhood Plan Area.**

## Abbreviations

AONB	Area of Outstanding Natural Beauty
BGNP	Broadwindsor Group Parishes Neighbourhood Plan 2018-2031
BGNPSG	Broadwindsor Group Parishes Neighbourhood Plan Steering Group
BGPC	Broadwindsor Group Parish Council
HRA	Habitats Regulations Assessment
JLPR	Joint Local Plan Review for West Dorset and Weymouth & Portland
LPA	Local Planning Authority (WDDC)
NP	Neighbourhood Plan
NPA	Neighbourhood Plan Area
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SEA	Strategic Environmental Assessment
The Council	West Dorset District Council
The Framework	NPPF
The Parish Council	Broadwindsor Group Parish Council
WDWLP	West Dorset, Weymouth and Portland Local Plan 2011-2031 (adopted October 2015)
WDDC	West Dorset District Council

## 1. Introduction

- 1.1 The draft Broadwindsor Group Parishes Neighbourhood Plan 2018-2031 (BGNP) has been prepared by Broadwindsor Group Parish Council (BGPC). The designated Neighbourhood Plan Area (NPA) covers the three parishes of Broadwindsor, Seaborough and Burstock.
- 1.2 I have been appointed by West Dorset District Council (WDDC), with the consent of BGPC, to carry out the independent examination of the BGNP, in accordance with the relevant legislation<sup>2</sup>. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.
- 1.3 As required by the legislation, I am independent of BGPC and WDDC, I do not have an interest in any land that may be affected by the draft plan, and I have appropriate qualifications and experience. I am a chartered town planner and accredited mediator with wide experience in local and central government and private consultancy.
- 1.4 In carrying out this examination I have visited the locality, unaccompanied, and had regard to the following documents:
- Broadwindsor Group Parishes Neighbourhood Plan, Submission Draft, October 2018
  - Broadwindsor Group Parishes Neighbourhood Plan, Basic Conditions Statement, November 2018
  - Broadwindsor Group Parishes Neighbourhood Plan, Consultation Statement, November 2018
  - Broadwindsor Group Parishes Neighbourhood Plan Strategic Environmental Assessment Submission Stage Environmental Report, October 2018
  - Background and supporting documentation on the dorsetforyou and Broadwindsor Group Parish Council websites
  - Regulation 16 representations
  - West Dorset, Weymouth and Portland Local Plan 2011-2031 (adopted October 2015)
- 1.5 Representations on the BGNP were submitted by National Grid, South West Water, West Dorset District Council and five local residents. I have taken all these representations fully into account. WDDC also sent me a late representation made by Historic England. The fact that they sent it to me implies that they intended that I should take it into account. The representation is in fact a re-statement of Historic England's earlier advice, and does not raise any new issues. I consider the matters raised by Historic England in the appropriate sections of my report, below.
- 1.6 Where representations express support for the plan or make comments of a very general nature, I make no specific reference to them. I deal with the remaining representations under the appropriate policy headings below. In section 4, below, I list only those policies which require comment, either because of the representations or because I have identified matters which require modification.

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<sup>2</sup> Localism Act 2011

Town and Country Planning Act 1990 as amended

Planning and Compulsory Purchase Act 2004 as amended

The Neighbourhood Planning (General) Regulations 2012 as amended

Neighbourhood Planning Act 2017

- 1.7 Wherever possible, the examination of the issues by the examiner should be by consideration of the written representations. The examiner must cause a hearing to be held where it is necessary to ensure adequate examination of a particular issue, or where it is necessary to give a person a fair chance to put a case<sup>3</sup>. In this instance, the written representations are for the most part detailed, coherent, and supported by up to date evidence. In my view it was not necessary for a hearing to be held.
- 1.8 Throughout the process of preparing the BGNP between 2015 and 2018 the Broadwindsor Parishes Neighbourhood Plan Steering Group (BGNPNSG) sought to inform and involve the community. The means of doing so included: advertising in local media, house to house distribution of questionnaires and information, publication of minutes of Parish Council meetings and steering group meetings, public meetings, household and business questionnaire surveys, a call for sites to local landowners, and several roadshows.
- 1.9 It is clear that a great deal of commitment and effort has gone into the production of the BGNP, and that it is founded on a desire to provide suitable and environmentally friendly homes, local employment and local services, whilst protecting the Dorset Area of Outstanding Natural Beauty which is highly valued by the local community.

## **2. Location and characteristics**

- 2.1 The parish has a population of around 1400, concentrated in the village of Broadwindsor, which is set in an undulating rural landscape. There are 95 listed buildings within the NPA, 29 of them lying within the Broadwindsor Conservation Area. Broadwindsor is served by a community shop, a pub, a craft centre, a restaurant, a primary school, a community hall, a church, recreation areas and allotments. Drimpton, the next largest settlement, has a pub, a village hall, a church and a recreation ground.
- 2.2 Much of the Neighbourhood Plan Area is said to lie within the Dorset Area of Outstanding Natural Beauty (AONB). It is clear from the Vision and Objectives of the plan, from its policies, and from the supporting text, that the AONB is of the utmost importance in the planning of the area. However, nowhere in the plan is there a map showing the boundaries of the AONB, and it is not clear whether the villages are 'washed over' by the AONB designation. In the interests of clarity, I **recommend** that a map showing the extent of the AONB within the parish boundaries should be included in the plan, and that a reference to that map should be inserted at the end of the second sentence of paragraph 1.9.

## **3. The basis for this examination**

### **3.1 *The basic conditions***

3.1.1 In brief, the basic conditions which must be met by the BGNP are:

- it must have regard to national policy and advice
- it must contribute to the achievement of sustainable development
- it must be in general conformity with the strategic policies in the development plan for the local area

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<sup>3</sup> Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 (as amended)

- it must be compatible with EU obligations, including human rights requirements
- the making of the plan must not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

3.1.2 I shall deal in more detail with each of these conditions below.

3.1.3 The examination is meant to be carried out with a 'light touch'. I am not concerned with the 'soundness' of the plan, but whether it meets the basic conditions.

3.1.4 The BGNP has been the subject of a full Strategic Environmental Assessment (SEA).

3.1.5 Consideration of the need for a Habitats Regulations Assessment was undertaken by West Dorset District Council in early October 2018. In their opinion there are no pathways for the policies and allocations in the BGNP to cause significant effects for any European sites.

### **3.2 Other statutory requirements**

3.2.1 When submitted to the local planning authority (LPA), a Neighbourhood Development Plan should be accompanied by a map or statement identifying the area to which the plan relates, a 'basic conditions statement' explaining how the basic conditions are met, and a 'consultation statement' containing details of those consulted, how they were consulted, their main issues and concerns and how these have been considered and where relevant addressed in the plan.

3.2.2 The submitted BGNP was accompanied by a map of the area to which the plan relates.

3.2.3 A basic conditions statement was submitted with the BGNP.

3.2.4 A consultation statement was submitted with the BGNP.

3.2.5 The BGNP must meet other legal requirements, including:

- that it is being submitted by a qualifying body (as defined by the legislation)
- that what is being proposed is a NP as defined in the legislation
- that the BGNP states the period for which it is to have effect
- that the policies do not relate to 'excluded development'
- that the proposed BGNP does not relate to more than one neighbourhood area
- that there are no other NPs in place within the neighbourhood area.

3.2.6 The requirements listed in paragraph 3.2.5 have all been met.

### **3.3 National policy**

3.3.1 National policy is set out in the National Planning Policy Framework (NPPF) originally published in 2012 and revised in July 2018 and February 2019. Paragraph 214 of the revised

version of the NPPF says that where a neighbourhood plan is submitted to the LPA under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 on or before 24 January 2019, as in this case, the policies in the 2012 NPPF will apply for the purposes of the examination.

3.3.2 The Framework is supported by web-based Planning Practice Guidance (PPG).

### **3.4 Existing development plan and proposed new local plan**

3.4.1 The existing development plan for Broadwindsor is the West Dorset, Weymouth and Portland Local Plan 2011-2031 (WDWPLP), adopted in October 2015.

3.4.2 In the WDWPLP Broadwindsor is listed as a settlement with a defined development boundary. Within the defined development boundary, residential, employment and other development to meet the needs of the local area will normally be permitted. Outside that boundary, development will be strictly controlled. Most of the development in West Dorset will take place around the larger and more sustainable settlements.

3.4.3 WDDC have embarked upon a Local Plan Review. A Preferred Options document was the subject of public consultation between August and October 2018. I discuss the implications of the Local Plan Review for housing at paragraph 5.16 below. Otherwise, at its present stage, the Local Plan Review appears to have little or no material bearing upon the issues before me in this examination.

## **4. Vision, Objectives and Policies**

### **4.1 Vision and Objectives**

4.1.1 In summary, the vision and objectives of the BGNP seek, amongst other things: to provide sufficient suitable and environmentally friendly homes, which fit into the Dorset Area of Outstanding Natural Beauty; to provide good schools, safe roadways and support for local employment and local services; to protect and enhance beautiful landscape, built heritage, rural character and environmental diversity; to support and improve community facilities and quality of life. The policies of the BGNP appear to me to further these objectives.

4.1.2 The relationship of the BGNP policies to national and local policies is set out comprehensively in the Basic Conditions Report.

### **4.2 Policy BGNP4A. Local Wildlife Corridors and Protected Species**

4.2.1 WDDC query the requirement for a Biodiversity Mitigation and Enhancement Plan to be submitted with any planning application on a site of more than 0.1 hectare. They feel that it is unnecessary, as it appears in their standard list of requirements for submitting a valid planning application.

4.2.2 I note that, strangely, the WDDC list also includes a less stringent (and on the face of it more reasonable) requirement, namely that a Biodiversity Appraisal accompanied by a standardised Biodiversity Mitigation Plan (BMP) is required for all greenfield or brownfield development sites over 0.1ha in size, where not currently used as existing residential or business premises.

4.2.3 The Parish Council wish to ensure that this requirement should be maintained within the NP area, should the WDDC list fail to be maintained in the future. Given the importance attached by the BGNP to biodiversity in this largely rural area, this does not seem to me to be an unreasonable position. However, in order to ensure that developers in the NP area are not treated less favourably than those elsewhere, I **recommend** that the final sentence of Policy BGNP4A should be amended to read: 'A Biodiversity Mitigation and Enhancement Plan must be submitted with any planning application for greenfield or brownfield development sites over 0.1ha in size where not currently used as existing residential or business premises, and with any planning application which is likely to give rise to an adverse impact on biodiversity'.

#### **4.3 Policy BGNP8. Meeting the area's housing needs**

4.3.1 The policy and its supporting text say that an appropriate level of housing growth will be an average of 4 to 5 dwellings per annum. WDDC query this figure, but they do not provide any convincing evidence for a different figure. WDWPLP does not give any targets for the parish or for individual settlements within it. The parish council rely upon their own research, a Housing Needs Review which examined a number of different indicators. I see no good reason to change the figure in the policy.

4.3.2 WDDC suggest the use of 'homes for first time buyers' rather than 'starter homes'. They give no convincing reason for this.

4.3.3 Paragraph 5.3 of the plan, and its accompanying footnote, purport to define the meaning of 'starter home' in law. There are definitions in Planning Policy Guidance and in the Housing and Planning Act 2016. There is a definition in the revised versions of NPPF (but not in the 2012 version, which is the relevant version for this examination). There may be other definitions.

4.3.4 Footnote 1 of the BGNP gives a very broad definition, which approximates to the statutory definition except in one regard. It says that the restrictions applying to starter homes should apply for a minimum of 15 years. This figure is taken from the 'Government response to the technical consultation on starter homes regulations' (February 2017) (see Appendix 2 of this report, responses to EQ3). However, I am not aware that this proposal has yet been given legal force. If it has, then the definition in Footnote 1 can stand. If it has not, then the reference to the 15 year period should be deleted. I so **recommend**.

4.3.5 Policy BGNP8 sets out the local need and preference for smaller properties. It says that larger homes will require special justification and that they should be designed to allow for future subdivision. WDDC query the second of these requirements. Whilst it is an unusual aspiration, the policy does recognise that such a design might be impracticable.

#### **4.4 Policy BGNP10. Land south of Fullers, opposite Redlands Lane, Broadwindsor**

4.4.1 Planning permission has been granted for up to 22 dwellings on this site. The BGNP allocates only 'up to 10' dwellings. In the interests of accuracy, the policy itself, and the supporting text, including paragraph 5.23 and Table 5 ('Potential sites for inclusion') should be amended, and I so **recommend**.

#### **4.5 Policy BGNP11. Land at Manor Farm, Common Water Lane, Broadwindsor**

4.5.1 Paragraph 5.38 of the plan describes the setting of a proposed site for housing. A neighbouring building, Manor Farmhouse, is described as a 'Locally Important Building'. WDDC express concern about 'a Grade II Listed Building in close proximity to the site'. In response to my question (see Appendix 2, EQ4), it appears that WDDC are referring to Broadwindsor House, which is located about 60m to the south-east of the proposed housing site. Moreover, it appears from the Parish Council's response to my question that there may be a third building of importance, lying to the west of the site. Since a heritage assessment is required by the policy, it is important that the location of the buildings which are of concern should be accurately identified. I **recommend** that this matter should be resolved by discussion between WDDC and BGPC, and that the text of paragraph 5.38 should be amended if necessary.

#### **4.6 Policy BGNP14. Land East of Netherhay Lane, adjoining Drimpton**

- 4.6.1 On page 35 of the plan there is a section headed 'Site 7: Land East of Netherhay Lane: exception site for affordable housing'. This is incorrect. The site in question is numbered '7a' on the Policies Map and in all the relevant documentation supporting the plan. In the interests of accuracy and clarity I **recommend** that the heading on page 35 should be changed accordingly.
- 4.6.2 Following a 'call for sites', eleven sites for housing and employment were evaluated as part of the SEA. They included the whole of the important gap between Drimpton and Netherhay, known as 'Site 7'. Eight sites were taken forward into the plan, including part of Site 7, identified in the plan as 'Site 7a'. Site 7a is being promoted by the Broadwindsor Group Parish Community Land Trust for affordable housing development.
- 4.6.3 This proposed housing site has provoked concern and opposition from a number of respondents. The main issues are: that there is insufficient local demand to justify 15 dwellings on the site; the site falls within an important gap separating Drimpton from Netherhay; the development of the site would affect the setting of two Listed Buildings in Netherhay; concerns about the drainage of the site; concerns about the impact upon Netherhay Lane, a narrow road without footways which is used by walkers and joggers; concerns about sustainability, Drimpton having few facilities; concerns about the over-development of Drimpton; allegations that the allocation of the site lacks local support; that there is a more suitable alternative site; that the site is within the AONB; that there is a risk of pollution from sewage treatment. I deal with each of these matters in turn, below.

#### *Demand for dwellings*

4.6.4 The BGNP sets out the justification for its housing requirements, and there is no convincing evidence before me to suggest that the proposed development would exceed that which is necessary to cater for local need in the NPA.

#### *Effect upon the important gap separating Drimpton from Netherhay*

4.6.5 I have inspected the site from the public footpaths nearby. Whilst the development of the site would have a significant impact upon the important gap, I think that there would still be a meaningful degree of separation between the two settlements. The distance between the

proposed development and the nearest buildings in Netherhay would be at least 170 metres (see Appendix 2 of this report, responses to EQ7).

#### *Effect upon the setting of two Listed Buildings in Netherhay*

4.6.6 The distance between the Listed Buildings and the new development would be sufficient to preclude any sense of an overbearing presence or intrusion. Clearly the new development would constitute a new feature in the setting of the Listed Buildings, but at such a distance the visual impact would not be great.

#### *Drainage of the site*

4.6.7 The policy requires the provision of a drainage strategy to ensure that run-off from the site is suitably managed. This could be the subject of a planning condition if development were to be permitted on the site.

#### *Effect upon Netherhay Lane*

4.6.8 Netherhay Lane is a narrow road without footways which is used by walkers and joggers. According to the NP, the lane is not heavily trafficked, and the bus service which uses it is infrequent. Although the design of an access onto Netherhay Lane would require care, no more than 15 dwellings would be permitted on the site, and there is no convincing evidence before me to suggest that the traffic generated would be sufficient to constitute a significant threat to safety or to amenity.

#### *Sustainability*

4.6.9 Drimpton has few facilities, and it is likely that the occupiers of the proposed dwellings would be reliant upon private transport for many of their daily needs. To that extent the development would lack sustainability. However, this would be true for any site other than those on the edge of Broadwindsor, and there is a balance to be struck between the need for sustainability and the need to provide affordable housing within the NP area. The Parish Council have made a reasonable planning judgement taking into account the results of the SEA.

#### *Over-development of Drimpton*

4.6.10 Drimpton is a small settlement, housing around 25% of the NP area population (around 350 people). Broadwindsor houses around 40% (around 560 people). The results of the 'call for sites', and the findings of the subsequent SEA, led to the allocation of sites for up to 27 dwellings around Drimpton (46% of the total) and up to 32 around Broadwindsor (54% of the total). Based solely on the existing populations of the two settlements (leaving aside the lack of facilities in Drimpton) these are not unreasonable numbers. In any event, I do not think that the addition of 15 dwellings on this site adjoining the built up area of Drimpton would appear obviously disproportionate or overwhelming in the context of the existing development.

### *Lack of local support*

4.6.11 Objectors argue that a minority of local residents support this site. However, examination of the Consultation Statement shows that 177 people commented upon the various site options. 80 people found this site acceptable, 69 found it unacceptable, and 28 did not give an opinion. A majority of those who expressed an opinion were in favour.

### *Alternative site*

4.6.12 Objectors suggest that Site 14 (Land at Axe Mill, Netherhay) should be developed for housing as well as employment (its present designation). Whilst this would be an option, I saw that Site 14 is relatively isolated, and would be less sustainable than Site 7a.

### *Impact upon the AONB*

4.6.13 The site is within the AONB, as are most of the sites assessed by the SEA. The policy requires that appropriate landscaping should be provided to avoid the development being prominent in long-distance views.

### *Risk of pollution*

4.6.14 There is no convincing evidence before me to suggest that a properly designed, installed and maintained sewage treatment plant would pose a significant risk of pollution.

### *Summary*

4.6.15 Taking all these matters together, I consider that the Parish Council have properly identified the adverse effects of developing the site, as set out in the SEA, and have assessed the balance between those adverse effects and the benefits of development. They have made a reasonable planning judgement that the site should be developed to help provide the affordable housing needed within the NP area. The policy seeks to mitigate the impact of any scheme by requiring appropriate design and landscaping, safe access, a drainage strategy, and the protection of trees and hedgerows.

## **4.7 Policy BGNP16. Land at Brent Paddock, Netherhay**

4.7.1 WDDC are concerned that the development of this housing site would have an impact upon the setting of a Listed Methodist Chapel. However, there is existing development between the site and the chapel, which lies some distance to the south, and the policy requires that buildings on the site should not exceed the height of that development. Given that restriction, it is highly unlikely that development of this site could have a material impact upon the setting of the Listed Building.

4.7.2 WDDC say that 'there is now a requirement for a Heritage Assessment'. This requirement does not appear in the policy or the supporting text. If the Parish Council consider that such an assessment is required, it should be mentioned in the policy.

#### 4.8 **Policy BGNP17. Land at Axe Mill, Netherhay**

- 4.8.1 WDDC are concerned about the preservation of the hedgerows along Axe Lane and on the southern boundary of the site, because of the proximity of the Listed Methodist Chapel. The policy contains two clauses relating to hedgerows. They are worded differently, one being concerned with screening outdoor storage and parking, the other being concerned with biodiversity. It would be helpful to combine the two clauses, and to add a requirement that any hedgerows or trees that are removed or damaged should be replaced. I so **recommend**.

#### 5. **Other matters**

- 5.1 Once made, the plan will be a formal part of the Development Plan. It is therefore vital that it can be fully understood by any interested reader, including those with no prior knowledge of the area. Maps must therefore be clear and legible and easily understandable. Not all of the maps in the BGNP meet these tests, and some should be improved or replaced (see below).
- 5.2 Map 2 ('Sites of Special Scientific Interest and Ecological Networks') is so small and complex that in practice it is unreadable. I **recommend** that it be replaced by a map which is fit for purpose.
- 5.3 Map 3 ('Assessment of Settlements and Gaps') is very difficult to read, because of the scale, the choice of colours, and the choice of notation. I **recommend** that the map should be revised in the interests of clarity.
- 5.4 Map 4 ('Flood risk from rivers') has no key, and therefore lacks clarity and intelligibility. I **recommend** that a key should be provided.
- 5.5 The key ('Legend') to the Policies Map for the Broadwindsor area (page 42) contains a reference to 'RES'. There is no explanation for these initials. They presumably mean 'Rural Exception Site'. I **recommend** that either these words should appear in the key, if relevant, or that the notation should be removed from the key to the Broadwindsor area map. Ideally, precisely the same key should be used for all three pages of the Policies Map, and this is not the case at present.
- 5.6 In Table 2 ('Proposed Local Green Spaces') the note against site LGS19 says 'Common Land designated DWT as a wildlife site ...'. The meaning of this is not immediately clear. No explanation of the initials 'DWT' appears in the plan. The word 'by' appears to have been omitted from the note. The note should be amended to read 'Common Land designated by Dorset Wildlife Trust as a wildlife site ...' and I so **recommend**. (See Appendix 2 of this report, response to EQ6.)
- 5.7 In the interests of accuracy and clarity, I **recommend** that the word 'of' be inserted after the word 'diversion' in Policy BGNP4 (Green Way Community Path and Common Water Lane).
- 5.8 In the interests of accuracy and clarity, I **recommend** that the word 'providing' be replaced by the word 'provided' in Policy BGNP5 (Important Gaps).
- 5.9 In paragraph 2.37, in the interests of accuracy and clarity, I **recommend** that the word 'discretely' should be replaced by the word 'discreetly'.

- 5.10 Paragraphs 5.1 to 5.3 of the plan deal with housing. Paragraphs 5.4 to 5.7 deal with employment. Paragraph 5.8 deals with both. Paragraphs 5.9 and 5.10 deal with housing. Paragraph 5.11 deals with employment. I see no logical reason for interweaving the two subjects in this way. The plan would in my view be clearer and easier to use if the two subjects were separated. However, this is not a matter which bears upon the basic conditions and I make no formal recommendation on the matter.
- 5.11 Policies BGNP10 to BGNP12 and Policies BGNP14 to 17 deal with individual sites for development. It would help users of the plan to identify the sites on the Policies Map if the site reference numbers were included in the policy headings, and I so **recommend**.
- 5.12 Paragraph 5.13 of the BGNP says that the WDWPLP identifies Broadwindsor as the main focus for new development, and that 'it would follow that most, if not all, new housing and employment should be located at this village'. The subsequent text describes the process of site selection, and deals with the allocated sites in detail. Sites for up to 32 dwellings have been allocated around Broadwindsor, and sites for up to 27 dwellings and an employment site have been allocated around Drimpton. Whilst it can be inferred that the relative dearth of suitable sites put forward around Broadwindsor has led to this outcome (and it is stated in paragraph 5.30), it would be helpful if the reasons for the greater than expected focus on Drimpton were clearly explained in or immediately following paragraph 5.13, and I so **recommend**.
- 5.13 Paragraph 5.30 of the BGNP says that the Local Plan strategy suggests that 'at least 70% of growth [should be] within or close to Broadwindsor'.
- 5.14 However, paragraph 3.3.27 of the local plan says merely: 'This plan does not include targets for development in these [the rural] areas'. Policy SUS2 of the Local Plan says: 'Development in rural areas will be directed to the settlements with defined development boundaries, and will take place at an appropriate scale to the size of the settlement. Settlements with no defined development boundary may also have some growth to meet their local needs'. These statements fall well short of the interpretation given in the BGNP, and there is no reference to 70% of development taking place within or close to Broadwindsor.
- 5.15 The Parish Council accept that there are no references to 70% in the Local Plan (see Appendix 2 of this report, responses to EQ2). The 70% figure is derived from the Parish Council's attempt to interpret the SUS2 proposals that growth should be directed to the settlements with defined development boundaries and working out what this might mean in terms of the ideal distribution.
- 5.16 The Parish Council also rely upon advice given by WDDC and the emerging Local Plan Review. However, the Local Plan Review's Preferred Options document says: "The local plan review's strategic allocations provide the main development opportunities and are fundamental to delivering sufficient development. These are located at Beaminster, Bridport, Chickerell, Crossways, Dorchester, Lyme Regis, the settlements on Portland, Sherborne and Weymouth (including an area north of Littlemoor that lies partly within West Dorset) and are indicated in Table 3.3. Redevelopment and infill opportunities on sites within the defined development boundaries (DDBs) of the main towns and other settlements will also contribute towards meeting the requirements. Development opportunities in rural areas will be focused primarily at the larger villages and should take place at an appropriate scale to the size of the

village (unless identified as a strategic allocation). Neighbourhood development plans will also bring forward new development, and may allocate additional sites, or extend an existing (or add a new) development boundary to help deliver growth. Away from existing settlements, development opportunities will be more limited and focussed on those activities that will help meet essential rural needs and support the rural economy.”

5.17 This approach does not appear to me to differ significantly from that set out in the WDWPLP. It is in my view inappropriate for the BGNP to suggest or imply that the 70% figure is in any way derived from established or emerging local plan policy. Whilst it might seem reasonable for the Parish Council to adopt their own 70% target for the purposes of the BGNP, it seems pointless to do so when the dearth of suitable development sites makes it impossible to achieve within the plan period.

5.18 I therefore **recommend** that paragraphs 5.13 and 5.30 be revised to reflect accurately the wording of the WDWPLP.

5.19 WDDC say that ‘it is normal practice’ that the defined development boundary for Broadwindsor should be redrawn to incorporate the housing sites allocated by the NP. However, I do not consider that to be sufficient justification for extending the boundary; for example, it would not be appropriate in the case of rural exception sites, and there may be other good reasons for not re-drawing the boundary. The issue does not weigh greatly in my consideration of the basic conditions, and is one which can readily be resolved by discussion between WDDC and BGPC.

## **6. Conclusions on the basic conditions**

6.1 For the reasons set out above, I conclude that, subject to my recommended modifications, the BGNP has appropriate regard to national policy and advice, conforms with the strategic policies of the development plan for the local area, and will contribute to the achievement of sustainable development.

6.2 There is no evidence before me to suggest that the BGNP is not compatible with EU obligations, including human rights requirements.

6.3 There is no evidence before me to suggest that the BGNP has any significant adverse effect on any ‘European site’, or that it breaches the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

## **7. Formal recommendation**

7.1 I have concluded that, provided that the recommendations set out above are followed, the BGNP would meet the basic conditions.

7.2 I therefore recommend that the BGNP, as modified, should proceed to a referendum.

7.3 There is no evidence to suggest that the area of the referendum should be anything other than the Neighbourhood Plan Area, as defined by Map 1 of the BGNP.

*Brian Dodd*

Brian Dodd, BA MPhil MRTPI  
Chartered Town Planner and Accredited Mediator  
26 April 2019

## APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	BGNP reference	Recommendation
2.2	Paragraph 1.9	Add to the plan a map showing the extent of the AONB within the parish boundaries, and insert a reference to that map at the end of the second sentence of paragraph 1.9.
4.2.3	Policy BGNP4A	Amend final sentence to read: 'A Biodiversity Mitigation and Enhancement Plan must be submitted with any planning application for greenfield or brownfield development sites over 0.1ha in size where not currently used as existing residential or business premises, and with any planning application which is likely to give rise to an adverse impact on biodiversity'.
4.3.4	Page 23, Footnote 1	If the 15 year restriction period has now been given legal force, the footnote can stand. If not, the words 'for a minimum 15 year period' should be deleted.
4.4.1	Policy BGNP10	Amend the policy and the supporting text, including paragraph 5.23 and Table 5 ('Potential sites for inclusion') to show that the site has permission for up to 22 dwellings.
4.5.1	Policy BGNP11	The location and identity of the nearby sensitive buildings should be resolved by discussion between WDDC and BGPC, and the text of paragraph 5.38 should be amended accordingly if necessary.
4.6.1	Policy BGNP14	Change the heading on page 35 to site '7a'.
4.8.1	Policy BGNP17	Combine clauses (d) and (g), and add a requirement that any hedgerows or trees that are removed or damaged should be replaced.
5.2	Page 10, Map 2	Replace with a map which is easily readable and understandable.
5.3	Page 15, Map 3	Replace with a map which is easily readable and understandable.
5.4	Page 22, Map 4	Replace with a map which is easily readable and understandable.
5.5	Page 42, Policies Map	Either replace 'RES' with the words 'Rural Exception Site' in the key, or remove 'RES' if not relevant.
5.6	Page 8, Table 2, LGS19	Amend note to read: 'Common Land designated by Dorset Wildlife Trust as a wildlife site ...'
5.7	Policy BGNP4	Insert the word 'of' after the word 'diversion'.
5.8	Policy BGNP5	Replace 'providing' by 'provided'.
5.9	Paragraph 2.37	Replace 'discretely' by 'discreetly'.
5.11	Policies BGNP10-12 and 14-17	Include the site reference numbers in the policy headings.
5.12	Paragraph 5.13	Explain the reasons for the greater than expected focus on Drimpton in or immediately following paragraph 5.13.
5.18	Paragraphs 5.13 and 5.30	Revise these paragraphs to reflect accurately the wording of the WDWPLP.

**APPENDIX 2 – EXAMINER’S QUESTIONS TO WWDDC AND BGPC, AND THEIR RESPONSES**

**NEIGHBOURHOOD PLAN EXAMINATION SERVICE**



**EXAMINATION OF THE BROADWINDSOR GROUP PARISHES  
NEIGHBOURHOOD PLAN (WEST DORSET DISTRICT COUNCIL)**

**QUESTIONS FROM THE EXAMINER TO WEST DORSET DISTRICT COUNCIL AND BROADWINDSOR  
GROUP PARISH COUNCIL**

<p><b>EQ1</b></p>	<p>WDDC question the need for the reference to 0.1ha in Policy BGNP4A. In West Dorset, are Biodiversity Mitigation and Enhancement Plans routinely required on sites over 0.1ha, even if there is no good reason to suppose that there will be an adverse impact on biodiversity?</p> <p>What is the justification for this requirement?</p>
<p><b>RESPONSE</b></p>	<p><u>Dorset Council response</u></p> <p>Within the Adopted West Dorset, Weymouth &amp; Portland Local Plan 2015, paragraph 2.2.19 of the supporting text to Policy ENV2 Wildlife and Habitats states that:</p> <p>“In order to comply with all relevant government legislation on biodiversity and Natural England advice, an appraisal scheme has been set up in Dorset by the DCC natural environment team; if required, a Biodiversity Appraisal accompanied by a Biodiversity Mitigation Plan (BMP) should be submitted alongside the planning application. This standardised process is the councils’ preferential scheme but developers can, if they so wish, demonstrate in other ways how they have met the statutory and policy requirements.”</p> <p>West Dorset, Weymouth &amp; Portland, Planning Application Requirements (February 2016) clarifies further:</p> <p>“A Biodiversity Appraisal accompanied by a standardised Biodiversity Mitigation Plan (BMP) is required for all greenfield or brownfield development sites over 0.1ha in size, where not currently used as existing residential or business premises. A BMP covers habitat as well as protected species matters.”</p> <p>Whilst we support policy BGNP4A in principle we would question the need for a Biodiversity Mitigation and Enhancement Plan for sites larger than 0.1 ha to be mentioned within the policy as it already forms part of the Council’s validation checklist and on this basis would replicate a well-known process.</p> <p>Planning Application Requirements (February 2016):  <a href="https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/submit-planning-application/pdfs/wdwp/validation-checklist-wdwp.pdf">https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/submit-planning-application/pdfs/wdwp/validation-checklist-wdwp.pdf</a></p> <p>For further information on biodiversity appraisals in Dorset:  <a href="https://www.dorsetforyou.com/article/401489/Biodiversity-Appraisal-in-Dorset">https://www.dorsetforyou.com/article/401489/Biodiversity-Appraisal-in-Dorset</a></p> <p><u><i>Broadwindsor Group Parish Council response</i></u></p> <p>We based the plan on the advice on the website (as listed above). We are also aware that a similar 0.1ha threshold has recently been made in a similar policy in the Holwell NP (also West Dorset) and in other North Dorset plans, and supported by Natural England.</p>

	<p>Although the 0.1ha requirement may be in the validation list, the validation list is not policy and it only legally applies if it is reviewed at least every two years (NPPF para 44) – so the current validation list is not legally compliant and the PC has concerns that there will be future times when the LPA does not keep it under review as it should, hence the preference to include this in the policy.</p>
<p><b>EQ2</b></p>	<p>Paragraph 5.13 of the BGNP says that the Local Plan (West Dorset, Weymouth and Portland Local Plan 2011-2031) ‘identifies Broadwindsor as the main focus for new development ... it would follow that most, if not all, new housing and employment should be located at this village’. Paragraph 5.30 of the BGNP says that the Local Plan strategy suggests that ‘at least 70% of growth [should be] within or close to Broadwindsor’.</p> <p>Where are these statements made in the Local Plan?</p> <p>Paragraph 3.3.27 of the Local Plan says: ‘This plan does not include targets for development in these [the rural] areas’. Policy SUS2 of the Local Plan says ‘Development in rural areas will be directed to the settlements with defined development boundaries, and will take place at an appropriate scale to the size of the settlement. Settlements with no defined development boundary may also have some growth to meet their local needs’.</p> <p>These statements appear to fall well short of the interpretation given in the BGNP.</p> <p>Are there any other relevant references in the Local Plan?</p>
<p><b>RESPONSE</b></p>	<p><u>Dorset Council response</u></p> <p>In the adopted local plan, Broadwindsor has a defined development boundary (DDB) but no other settlements within the NP area do. As such, as the largest and most sustainable settlement within the area, the council would advise that it should be the focus for new development. There are no targets set for each settlement within the local plan.</p> <p><u>Broadwindsor Group Parish Council response</u></p> <p>There are no exact references to 70% in the Local Plan – the basis for this was the Parish Council’s attempt to interpret the SUS2 proposals that growth should be directed as the settlements with DDBs and working out what this might mean in terms of the ideal distribution. The current population spread (as referenced in 5.13 of the NP) is estimated to be about 40% of the population living in Broadwindsor and Hursey, 25% at Drimpton and Netherhay and the remainder at smaller settlements. The Local Plan Review is suggesting a 5% growth in the rural parishes that have settlements with a DDB and a 2% growth in those without (see below), which would at this level crudely indicate a 5:2 (71.4%) split. However as the parish populations are larger in the parishes with the larger settlements the figure would more likely higher than this. We were not sure whether the 5% or 2% target would be applied to Burstock as that parish does not include a settlement with a defined boundary in the Local Plan – but we have had the following advice from the LPA.</p> <p>We had therefore used the wording ‘would suggest’ which we felt reflected the thrust of what was being suggested at a strategic level – but it was not intended to imply that the adopted Local Plan goes as far as to say exactly what the split is. We were also mindful of the feedback we have had throughout from the LPA that more development should be at Broadwindsor – and we have tried to explain in pages 5-6 of the Basic Conditions Statement why more sites were not included which also resulted in the inclusion of Policy BGNP13</p>

With reference to the housing requirement the District Council have provided the following informal view of the likely indicative housing target should the Parish Council formally request such a figure (WDDC response received by email 29/3/19):

### **Adopted and Emerging Local Plan Policy**

The currently adopted Local Plan is the West Dorset, Weymouth & Portland Local Plan, which was adopted in October 2015. This Local Plan was produced before the 2018 NPPF and before the March 2018 draft NPPF were published. It does not therefore set out any housing requirement figures for neighbourhood plans in its strategic policies.

The councils consulted on how housing requirement figures for neighbourhood plans might be established in paragraphs 3.6.13 to 3.6.21 and Question 3-ix (on pages 97 to 99) of the Preferred Options document for the Local Plan Review.

The proposed approach sought to reflect the overall strategy for the pattern and scale of development (set out in Policy SUS2: Spatial Strategy of the Preferred Options document) and any relevant housing or mixed use allocations (listed in Table 3.3: Housing Allocations of the Preferred Options document).

Tables 3.3 and 3.4 confirm that the full assessed local need for housing can be met in the ten locations in the top two tiers of the settlement hierarchy, which are:

- the 'main towns' of Dorchester and Weymouth (including Littlemoor and Chickerell); and
- the 'market and coastal towns' of Beaminster, Bridport, Lyme Regis and Sherborne; the settlements on Portland; and the village of Crossways.

No sites are allocated in the Preferred Options document at locations in the third and fourth tiers of the settlement hierarchy, which are:

- settlements with Defined Development Boundaries (DDBs), where growth will be directed to in rural areas; and
- settlements without DDBs in rural areas, which may have some growth to meet their local needs.

Settlements with DDBs in rural areas defined through the Local Plan and / or Local Plan Review (i.e. in the third tier of the settlement hierarchy) are typically the larger, more sustainable settlements with some facilities.

Settlements without DDBs in rural areas (i.e. in the fourth tier of the settlement hierarchy) are typically the smaller, less sustainable settlements with fewer facilities. Although not defined on the policies map, the smaller settlements where growth to meet local needs should be focused are listed in Figure 3.9 of the Preferred Options document. All of these settlements have a population of 200+.

The Preferred Options document proposes different approaches to establishing housing requirement figures for neighbourhood plans according to the level of the settlement hierarchy at which any relevant settlement sits.

In relation to settlements in the top two tiers of the settlement hierarchy, Paragraph 3.6.19 of the Preferred Options document says:

*"For any neighbourhood area containing one of the ten locations in the top two tiers of the settlement hierarchy, it is proposed that any housing requirement figure would be the sum of: completions since 2016; extant planning permissions; housing allocations; capacity on major sites within DDBs identified in SHLAA; and a windfall allowance on minor sites."*

Paragraph 3.6.19 of the Preferred Options document confirms that “neighbourhood plans for these settlements would not need to identify any additional land to meet the overall plan review area housing need figure”. This paragraph also goes on to clarify that the deletion of (or proposing a different use on) a non-strategic housing site may be acceptable, provided that sufficient housing provision was made on other sites. Paragraph 3.3.8 of the Preferred Options document confirms that sites of more than 50 dwellings are ‘strategic allocations’, which cannot be changed through a neighbourhood plan.

In relation to settlements in the third tier of the settlement hierarchy, where no allocations are identified in the Local Plan Review, Paragraph 3.6.20 of the Preferred Options document says:

*“In rural areas (i.e. excluding the settlements in the top two tiers of the settlement hierarchy), it is proposed that a housing requirement for any neighbourhood area containing a settlement with a DDB defined through the local plan or local plan review should plan for a level of housing growth which would increase the population of the neighbourhood planning area by a minimum of 5% over a 20-year period.”*

In relation to settlements in the fourth tier of the settlement hierarchy, where no allocations are identified in the Local Plan Review, Paragraph 3.6.20 of the Preferred Options document says:

*“Any neighbourhood area which does not contain a settlement with a DDB defined through the local plan or local plan review, should plan for a level of housing growth which would increase the population of the neighbourhood planning area by a minimum of 2% over a 20-year period.”*

#### **Plans in Preparation for Settlements in Rural Areas with DDBs**

Each NP should result in an increase in population of at least 5% over 20 years. This can be calculated by:

- Establishing the current population (mid-2016 population estimates) of the parishes covered by the relevant NP;
- Dividing it by the average household size (which in West Dorset is 2.15 people per dwelling); then
- Multiplying that figure by 0.05 (i.e. 5%).

#### **Broadwindsor**

The result of applying this calculation to Broadwindsor NP is set out in the table below.

Neighbourhood Plan	Parishes Covered	Current Pop'n	Calculation	
Broadwindsor	Broadwindsor & Seaborough	1,440	1,580 / 2.15 x 0.05	
	Burstock	140		
	<b>Total</b>	<b>1,580</b>		

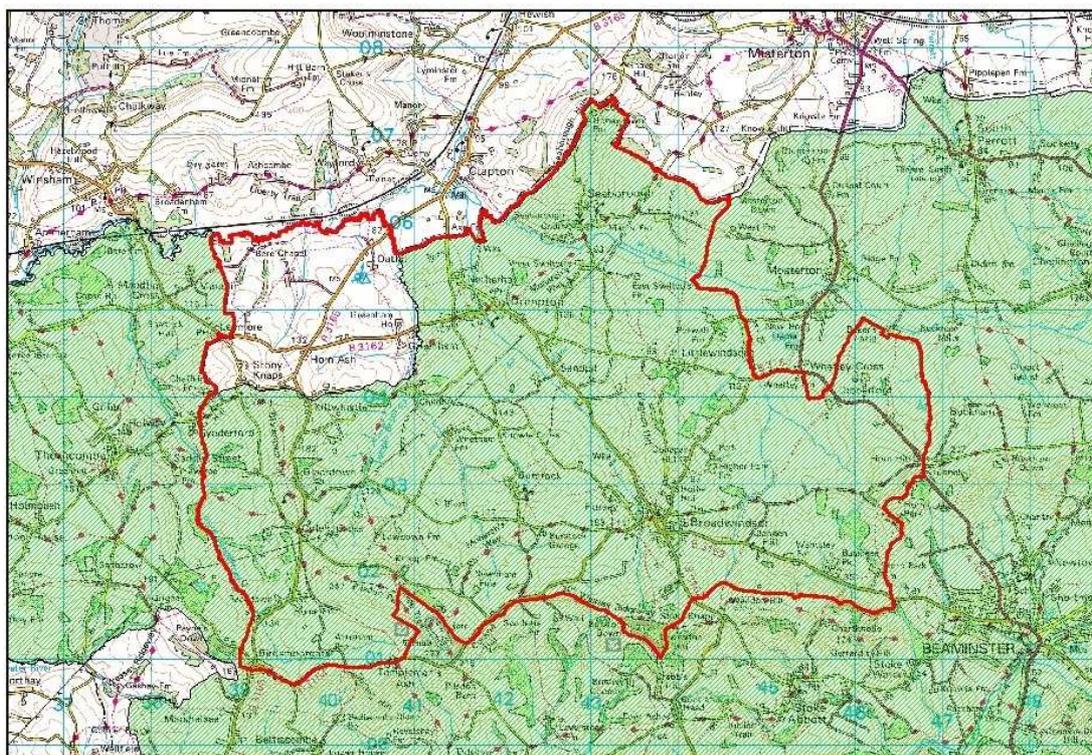
This calculates as a housing need of 2 dwellings (1.837) per annum.

#### Caveats

- This is a response to an informal request for further information (i.e. not a response to a formal request to supply the neighbourhood plan group with a housing figure).

	<ul style="list-style-type: none"> <li>• This is a housing figure supplied from a draft local plan and not an adopted local plan. The figure is therefore only ‘indicative’.</li> <li>• The proposed approach is set out in a preferred options plan which is at an earlier stage of plan making, the weight determined subject to NPPF 2019 paragraph 48.</li> <li>• The calculation is based on data that will regularly change and will require updating (i.e. updated population estimates).</li> <li>• The Council supports neighbourhood planning groups that use locally derived data to calculating their housing need target (i.e. a local housing needs assessments) as an alternative to a local plan figure.</li> </ul>
<p><b>EQ3</b></p>	<p>Paragraph 5.3 of the plan, and its accompanying footnote, purport to define the meaning of ‘starter home’. There are definitions in Planning Policy Guidance and in the Housing and Planning Act 2016. There is a definition in the revised versions of NPPF (but not in the original 2012 version, which is the relevant version for this examination). There may be other definitions.</p> <p>Which definition does the BGPC rely on?</p> <p>Where is the reference to ‘a minimum 15 year period’ to be found?</p>
<p><b>RESPONSE</b></p>	<p><u>Dorset Council response</u></p> <p>The foreword and policy BGNP8 make reference to “Starter homes”. Starter homes have a specific definition and generally refer to homes which are available at a minimum 20% discount on market value and to first-time buyers under the age of 40. We would suggest the reference to “Starter homes” be omitted. It may be more accurate to refer to them as “homes for first time buyers” instead. There would be consequential changes to the foreword if these changes were accepted.</p> <p><u>Broadwindsor Group Parish Council response</u></p> <p>We did consider the District Council’s response and suggested alternative wording (above), alongside the wording and intent of the Housing and Planning Act 2016, and felt that using the term starter home in the context of the 2016 Act was suitably clear and appropriate.</p> <p>The reference to 15 years is based on the Government response to the technical consultation on starter homes regulations  <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/589806/Government_response_to_the_starter_homes_technical_consultation.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/589806/Government_response_to_the_starter_homes_technical_consultation.pdf</a> where they state in para 15 that “We have considered carefully the arguments for a longer period and as a result the restricted period will be 15 years. The detailed operation of the restricted period will be set out in the regulations”</p>
<p><b>EQ4</b></p>	<p>Paragraph 5.38 of the plan describes the setting of a proposed site for housing. A neighbouring building, Manor Farmhouse, is described as a ‘Locally Important Building’. WDDC express concern about ‘a Grade II Listed Building in close proximity to the site’. From the documents before me, the location of the listed building referred to by WDDC is not clear.</p> <p>Where is it in relation to the site?</p>

<p><b>RESPONSE</b></p>	<p><u>Dorset Council response</u></p> <p>The Councils conservation team can confirm that the listed-building in question is the Grade II listed Broadwindsor House, which is located 60m to the south-east of the allocation site. The scale, materials and proportions of any new buildings on the allocation site should be selected to ensure that the Listed-building maintains its primacy within its wider setting. It should be noted that Historic England state that <i>“effects on the setting of listed-buildings are not limited to areas where the building can be viewed by the public”</i></p> <p>*The red star denotes the location of the Grade II listed Broadwindsor House.</p>  <p>© Crown Copyright and database right (2019). Ordnance Survey Licence number 100060963</p> <p><u>Broadwindsor Group Parish Council response</u></p> <p>We think there may have been some confusion on this as in their options stage response (email dated 10/10/17) WDDC refer only to the Old Manor House/Vicarage which is approx 60m west of the western end of the site. They stated “There is a grade II listed building (Old Manor House/Vicarage) that is in close proximity to the proposed site and its setting may be affected if the existing buildings on-site are replaced or increased in height”. However Broadwindsor House is about the same distance as the crow flies (approx 60m to the SE) and we have been fully aware of this in our deliberations. In both cases there is intervening development.</p>
<p><b>EQ5</b></p>	<p>What are the boundaries of the AONB?</p> <p>Are the settlements in the NP area ‘washed over’ by the AONB?</p>
<p><b>RESPONSE</b></p>	<p><u>Dorset Council response</u> (<u>agreed by Broadwindsor Group Parish Council</u>)</p> <p>In the map below, the green wash denotes the extent of the Dorset AONB and red line the extent of the neighbourhood plan area. The settlements of Broadwindsor, Netherhay, Drimpton, Burton and Seaborough are ‘washed over’ by the AONB.</p>



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<b>EQ6</b>	In Table 2 ('Proposed Local Green Spaces'), does 'DWT' stand for 'Dorset Wildlife Trust'?
<b>RESPONSE</b>	Dorset Council response <a href="#"><i>(agreed by Broadwindsor Group Parish Council)</i></a>  Yes
<b>EQ7</b>	What is the straight line distance between the northern edge of Housing Site 7a and (a) the nearest building and (b) the nearest curtilage in Netherhay?
<b>RESPONSE</b>	<u>Dorset Council response</u>  The straight line distance between the northern edge of housing site 7a and Orchard Lodge (the nearest building) is approximately 174 meters and to the nearest curtilage approximately 132meters.



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The Councils conservation team would also like to take this opportunity to clarify their earlier objection to site 7a made during the regulation 16 consultation. The Conservation Officer has commented that: *“My response to site 7a was based upon the earlier allocation of the whole of this site for development and the impact of development within a small corner of the site will not have the same effect of filling in the gap between Drimpton and Netherhay. I am happy with the much reduced area of allocation.”*

Broadwindsor Group Parish Council response

Our measurements from the mapping system on which the plans are plotted are much the same - The Lodge is the closest building at 179m distance – the edge of its curtilage (which is closest) is 127m (which is larger than the gap along the Crewkerne Road between Orchard Lodge and the first house in Orchard Close which is 72m)

**EQ8**

Paragraph 5.25 refers to a planning application expected to be submitted in Spring/early Summer 2018.

Has such an application been made?

If so, what was the outcome?

<b>RESPONSE</b>	<p><u>Dorset Council response</u></p> <p>As at 1 April 2019 no planning application has been submitted on site 7a Land east of Netherhay Lane.</p> <p><u>Broadwindsor Group Parish Council response</u></p> <p>There has been a delay in progressing this application as it has taken over a year to sort the legal agreement between the CLT, Yarlington Homes (a Housing Association) and the landowner. The signing of this agreement is very imminent in which case it is hoped that a planning application can be submitted shortly.</p> <p>We were surprised at the Reg16 consultation response by the District Council (referred to above) given that the whole field is identified in the SHLAA as having potential for a rural affordable housing site of up to 15 homes, and the CLT have had a pre-application discussion meeting with a senior officer of the development management team as well as numerous meetings with the housing enabling team and no concerns about the site selection have been raised. The CLT have also received over £35K from the Council to cover legal costs (April 2016); initial surveys (July 2017) and most recently the planning fees (May 2018). The CLT did get in touch with the case officer based on Reg 16 response who felt this potential deletion of the allocation could be seen as a negative sign in any future planning decision, which is why we hoped to clear up any misunderstanding that may have arisen from WDDC's earlier response. We are therefore happy to see the Conservation Team's clarification on their (presumably withdrawn) concerns about this site in their response to EQ7.</p>
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