

**Broadstone Neighbourhood Forum**

# **Broadstone Neighbourhood Development Plan**

A report to Borough of Poole of the Independent Examination of  
the Broadstone Neighbourhood Development Plan

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## Overall Finding

This is the report of the Independent Examination of the Broadstone Neighbourhood Development Plan. The plan area is the entire Broadstone Neighbourhood Area within the Borough of Poole. The plan period is 2013-2033. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the plan area.

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”<sup>1</sup>
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Broadstone Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Broadstone Neighbourhood Forum (the Neighbourhood Forum), a qualifying body designated by the Borough of Poole on 12 February 2013, able to prepare a neighbourhood plan, in respect of the Broadstone Neighbourhood Area which was formally designated by the Borough of Poole also on 12 February 2013. The Neighbourhood Forum will remain a qualifying body until 23 February 2018, and an application has been submitted (dated September 2017) to the Borough of Poole to renew that designation.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement which are presented as appendices to the Plan, has been approved by the Neighbourhood Forum for submission of the plan and accompanying documents to the Borough of Poole. The Borough of Poole arranged a six-week period of publication that closed on 22 December 2017. The Borough of Poole has submitted the Neighbourhood Plan to me for independent examination.

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

## Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.<sup>2</sup> The report makes recommendations to the Borough of Poole including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The Borough of Poole will decide what action to take in response to the recommendations in this report.
6. The Borough of Poole will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the Borough of Poole. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted<sup>3</sup>.
8. I have been appointed by the Borough of Poole with the consent of the Neighbourhood Forum, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Neighbourhood Forum and the Borough of Poole. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced

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<sup>2</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

<sup>3</sup> Paragraph 198 National Planning Policy Framework 2012

Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>4</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>5</sup>

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>6</sup> The National Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

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<sup>4</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>6</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

## Basic Conditions and other statutory requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>7</sup> A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>8</sup>

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>9</sup> All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

15. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.<sup>10</sup> I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

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<sup>7</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

<sup>8</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>9</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

<sup>10</sup> In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

16. The Neighbourhood Plan relates to the area that was designated by the Borough of Poole as a neighbourhood area on 12 February 2013. A map of the Neighbourhood Plan boundary is included as Figure 0.2 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>11</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>12</sup> All requirements relating to the plan area have been met.
17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;<sup>13</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>14</sup> I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>15</sup> The front cover of the Submission Version Plan clearly states the plan period to be 2013-2033.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>16</sup> It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as,

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<sup>11</sup> Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Section 38B (2) Planning and Compulsory Purchase Act 2004

<sup>13</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004

<sup>14</sup> Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

<sup>15</sup> Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

<sup>16</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.

21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.<sup>17</sup>

## Documents

23. I have given consideration to each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Broadstone Neighbourhood Plan 2013-2033 Submission Draft September 2017
- Broadstone Neighbourhood Plan Basic Conditions Statement 2017 (included as appendix 5.10 of the submission plan)
- Broadstone Neighbourhood Plan Consultation Statement 2017 and appendices (included as appendices 5.5 and 5.6 of the submission plan)
- Broadstone Neighbourhood Plan Habitats Regulation Assessment and Strategic Environmental Assessment Screening Report July 2015
- Broadstone Neighbourhood Plan Habitats Regulation Assessment and Strategic Environmental Assessment Screening Report July 2017
- Representations received during the Regulation 16 publicity period
- The Poole Core Strategy (2009)
- Poole Site Specific Allocations and Development Management Policies (2012)
- Delivering Poole's Infrastructure Development Plan Document (DPD) (2012)
- Proposals Map (2012)

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<sup>17</sup> See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Poole Local Plan First Alteration (2004) – saved policies
- Poole Local Plan Pre-Submission Draft submitted to the Planning Inspectorate 24 November 2017 for examination
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance DCLG (April 2017) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource DCLG (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*].
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

## Consultation

24. The submitted Neighbourhood Plan includes at appendices 5.5 and 5.6 a Consultation Statement (2017) and Consultation Statement appendices which outline the process undertaken in the preparation of the plan. In addition to detailing who was consulted, and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

25. The plan preparation process began with an initial 'drop-in' consultation day on 4 May 2013 which was followed by a resident's survey designed to establish community values and aspirations. A

wide range of mechanisms have been used to enable interested parties to be informed about plan preparation as it has progressed including: use of the Neighbourhood Forum website; posters displayed on noticeboards; a stall at a family fun day with residents and young people's surveys; press releases and through the Broadstone Link magazine; through presentations at the Forum's Annual General Meetings; a shopper survey; open consultation day events; and other meetings with stakeholder organisations. A full public consultation was undertaken June to August 2015 that included a leaflet drop to 5000 properties.

26. Pre-submission consultation in accordance with Regulation 14 was undertaken in the period between 13 April and 31 May 2016 and included a display in Broadstone library, a regular street stall, and a public meeting. The consultation was advertised through the local press, social media, and community noticeboards as well as on the Borough of Poole and the Forum's websites. Comments were submitted by 42 individuals and organisations. The observations made are comprehensively presented as Appendix C of the Consultation Statement where responses, and amendments to the Neighbourhood Plan, are set out. The suggestions have been reflected in a number of changes to the Plan that was approved by the Neighbourhood Forum for submission to the Borough of Poole.
27. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication that concluded on 22 December 2017. Representations from 73 different parties were submitted during the publicity period. The majority of representations were supportive of the policies of the Neighbourhood Plan.
28. Sport England has confirmed it has no specific comments on the Neighbourhood Plan. The representations of Highways England; Historic England; Natural England; the Environment Agency; and of the Dorset and Wiltshire Fire and Rescue Service do not necessitate any modification of the Plan to meet the Basic Conditions.
29. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part. Where appropriate I refer to those representations that relate to policies of the Neighbourhood Plan in the later section of my report relating to the Plan policies.

30. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) Explains how they were consulted;
  - c) Summarises the main issues and concerns raised by the persons consulted; and
  - d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.<sup>18</sup>
31. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. It is evident great care has been taken to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

## **The Neighbourhood Plan taken as a whole**

32. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the background and supporting documents and copies of the representations provided to me.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to

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<sup>18</sup> Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

33. The Basic Conditions Statement states *“No issues have been raised in relation to the possible contravention of Human Rights in the preceding consultations, and given the conclusions on the plan’s general conformity with the strategic policies of the Local Plan and regard to National Planning Policy, it is reasonable to conclude that the making of the plan should not breach human rights”*. I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>19</sup> I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.

34. No analysis has been undertaken to establish the impact the objectives and policies of the Neighbourhood Plan will have on persons with protected characteristics (as identified in the Equality Act 2010). From my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

35. The objective of EU Directive 2001/42<sup>20</sup> is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’<sup>21</sup> as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.<sup>22</sup>

36. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Neighbourhood Forum to submit to the Borough of Poole either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not

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<sup>19</sup> The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

<sup>20</sup> Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

<sup>21</sup> Defined in Article 2(a) of Directive 2001/42

<sup>22</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

required. The Borough of Poole issued a Screening Report in July 2015 concluding with the opinion that *“the same quantity and scale of development would take place with or without the Neighbourhood Plan. The Plan will simply provide additional guidance for protection of open space, the mix of housing provision, improving the local centre and other material considerations relating to the design, siting and changes of land use”*. The stage 1 screening assessment for SEA concluded that there will be no significant environmental effects arising from the Broadstone Neighbourhood Plan that were not covered in the Sustainability Appraisal of the Poole Local Development Plan. *“It is concluded therefore that the Broadstone Neighbourhood Plan does not require a full SEA to be undertaken”*. The Screening Opinion conclusion was reached following consultation with the three statutory bodies (the Environment Agency, Natural England, and Historic England). I have noted the Neighbourhood Plan has been re-screened in respect of SEA in July 2017 reaching the same conclusion as the July 2015 Screening. The three statutory bodies have again confirmed their agreement with the conclusion of the Screening Opinion. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

37. The Screening Report prepared by the Borough of Poole in July 2015 stated Habitats Regulations Assessment (HRA) was undertaken to identify any significant adverse impacts of the Neighbourhood Plan on the following European sites: the Dorset Heathlands SPA and Ramsar site; Dorset Heaths SAC; and Poole Harbour SPA and Ramsar site. The Screening Report states *“A full screening of the policies showed that there would be no significant effect on European sites and their integrity would be retained.”* The Screening Opinion confirms that Natural England has been consulted and agrees with this conclusion. I have noted the Neighbourhood Plan has been re-screened in respect of HRA in July 2017 reaching the same conclusion as the July 2015 Screening. Natural England has been consulted and has confirmed agreement with the conclusion of the re-screening. I am satisfied that the requirements in respect of Habitats Regulations Assessment have been met.

38. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste

Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

39. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

40. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The Borough of Poole as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).<sup>23</sup>

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

41. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans<sup>24</sup> which requires plans to be “*consistent with national policy*”.

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<sup>23</sup> National Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

<sup>24</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

42. Lord Goldsmith has provided guidance<sup>25</sup> that *'have regard to'* means *"such matters should be considered."* The Guidance assists in understanding *"appropriate"*. In answer to the question *"What does having regard to national policy mean?"* the Guidance states a neighbourhood plan *"must not constrain the delivery of important national policy objectives."*
43. The Basic Conditions Statement includes, in Section 3, a Table which I am satisfied demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
44. The Neighbourhood Plan includes a positive vision for Broadstone. This includes the statement *"Broadstone will be a sustainable and attractive neighbourhood"*. The vision includes an economic component *"the village centre will have a vibrant economy"*. Reference is also made to social factors through reference to *"residents of all ages feel welcome and safe"*, *"a strong sense of community"*, and *"full of vitality for residents and visitors to enjoy"*. The vision also includes environmental considerations referring to *"a high level of satisfaction with their environment, both public and private"*, and *"an attractive public space"*. These statements are consistent with the underlying principles of the Framework, specifically, the need to jointly and simultaneously seek economic, social and environmental gains through the planning system.
45. The vision is supported by nine core objectives of the Neighbourhood Plan which are stated to derive from *"breaking the vision down into separate components"* to *"link back to the three strands of sustainable development"*. In this way the core objectives provide a link between the vision and the policies of the plan. The core objectives relate to green space; wildlife corridors and biodiversity; high quality design; housing needs; retention of the character and role of the Fairview estate; flats and mews style dwellings; larger homes; retail and service offer; and social and cultural assets. Figure 2.3 of the Neighbourhood Plan presents the relationship between Key Issues, Planning Principles, Core Objectives and the Policies. This Figure is most helpful in understanding the relationships between parts of the Neighbourhood Plan. No recommendation of modification of the vision

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<sup>25</sup> The Attorney General, (Her Majesty's Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord's Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England's Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

or objectives of the Neighbourhood Plan is necessary to meet the Basic Conditions.

46. The Neighbourhood Plan includes, at Section 4, an “*Implementation and Monitoring*” section. The Monitoring Plan presented in the form of a Table, at Section 4.2, is an example of good practice and will provide a suitable basis for Plan review.
47. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to ‘*have regard to*’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*”
48. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.<sup>26</sup> The Guidance states, “*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*”<sup>27</sup>.
49. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a

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<sup>26</sup> Paragraph 14 National Planning Policy Framework 2012

<sup>27</sup> National Planning Practice Guidance (Ref ID:41-072-20140306)

contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

50. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Figure 2.3 of the Neighbourhood Plan confirms the alignment of each of the Neighbourhood Plan policies with the aims of the Framework for each dimension of sustainability. The Table included in Section 3 of the Basic Conditions Statement provides additional relevant detail.

51. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate quality; will enhance social and economic facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:

- Guard against loss of six public open spaces;
- Designate 'The Green' in Lytchett Drive as Local Green Space;
- Ensure new development conserves or enhances biodiversity;
- Establish design principles for new development;
- Ensure new residential development contributes to balance within the housing stock;
- Maintain the character and role of the Fairview Estate;
- Establish development principles for the central shopping area;
- Establish design principles for extension of homes;
- Encourage employment in the central shopping area;
- Guard against loss of community and sports facilities.

52. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether 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)

53. The Framework states that the ambition of a neighbourhood plan should “support the strategic development needs set out in Local Plans”.<sup>28</sup> “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.<sup>29</sup>

54. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”<sup>30</sup>

55. I am required to consider whether 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 Borough of Poole has confirmed that the Development Plan applying in the Broadstone neighbourhood area and relevant to the Neighbourhood Plan is:

- The Poole Core Strategy (2009)
- Poole Site Specific Allocations and Development Management Policies (2012)
- Delivering Poole’s Infrastructure Development Plan Document (DPD) (2012)
- Proposals Map (2012)
- Poole Local Plan First Alteration (2004) – saved policies T12 Coach & Lorry Park, CF1 School Sites, E1 Allocated Employment Land

56. The Borough of Poole has confirmed the following policies are considered strategic for the purposes of neighbourhood plan preparation:

Core Strategy (2009)

PCS1: Principal locations for economic investment

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<sup>28</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>29</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>30</sup> National Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20140306

PCS4: Isolated employment sites  
PCS5: Broad Locations for Residential Development  
PCS6: Affordable Housing  
PCS7: Care Homes  
PCS13: Retail growth outside the town centre.  
PCS15: Access and Movement  
PCS17: The A3049 East-West Corridor  
PCS19: Other Prime Transport Corridors and Main routes  
PCS20: Accessible and Inclusive Places  
PCS23: Local Distinctiveness  
PCS25: Self Reliant Communities  
PCS26: Delivering Locally Distinctive, self-reliance places  
PCS27: Safer Communities  
PCS28: Dorset Heaths International Designations  
PCS31: Sustainable Energy - General  
PCS32: Sustainable Homes  
PCS33: Environmental Performance of Commercial Buildings  
PCS35: Energy & Resources Statements  
PCS36: Joint Working  
PCS37: The Role of Developer contributions in shaping places

#### Site Specific Allocations & Development Management Policies (2012)

DM1: Design  
DM2: Heritage Assets  
DM3: Shopping  
DM5: Tourism and the Evening Economy  
DM6: Accommodation for an Ageing Population  
DM7: Accessibility and Safety  
DM8: Demand Management  
DM9: Green Infrastructure and Biodiversity

#### Delivering Poole's Infrastructure Development Plan Document (DPD) (2012)

IN1: Poole's Infrastructure Delivery Framework  
IN2: Developer Contributions

57. The Borough of Poole is preparing a new local plan to replace the Core Strategy and other local plan documents. The Poole Local Plan, once completed, will set a new plan for Poole to meet needs and guide development to 2033. The Poole Local Plan was submitted to the Planning Inspectorate on 24 November 2017 for examination, the outcome of which will not be known for some time. This emerging plan

document does not currently form part of the Development Plan for the area. The Guidance states, Neighbourhood Plans can be developed before or at the same time as the local planning authority is producing its Local Plan. I take this to apply to production of an updated Local Plan. Although a draft neighbourhood plan is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan preparation process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

58. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there to introduce a degree of flexibility.*”<sup>31</sup> The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

59. The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*”<sup>32</sup>

My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

60. Consideration as to whether 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)

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<sup>31</sup> Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

<sup>32</sup> National Planning Practice Guidance (ID ref: 41-074 201 40306)

has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## The Neighbourhood Plan policies

61. The Neighbourhood Plan includes 10 policies. The policy titles as they appear within the policy text boxes are:

Policy BP1: Designating public open spaces

Policy BP2: Protecting Lytchett Drive Local Green Space

Policy BP3: Enhancing biodiversity in Broadstone

Policy BP4: Securing high quality design and sustainability

Policy BP5: Balancing the housing stock

Policy BP6: Housing on the Fairview Estate

Policy BP7: Development principles for the central shopping area of Broadstone

Policy BP8: Well-designed extensions

Policy BP9: Encouraging employment opportunities in the central shopping area of Broadstone

Policy BP10: Protecting community facilities in Broadstone

62. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*<sup>33</sup>

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<sup>33</sup> Paragraphs 184 and 185 National Planning Policy Framework 2012

63. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”<sup>34</sup>
64. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.<sup>35</sup>
65. “A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”<sup>36</sup>
66. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.<sup>37</sup> Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

### **Policy BP1: Designating public open spaces**

67. This policy seeks to designate areas of land in six locations as Public Open Space.

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<sup>34</sup> National Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306

<sup>35</sup> National Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

<sup>36</sup> National Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20140306

<sup>37</sup> Section 38B (3) The Planning and Compulsory Purchase Act 2004 as amended by Schedule 9 of the Localism Act 2011

68. Borough of Poole Open Space and Green Infrastructure Service support the proposed designations. Other representations refer to the importance of retaining open space and how it enhances the quality of life locally. Whilst some representations refer to additional open spaces it is beyond my role to recommend a modification to include additional areas of land in the policy.
69. Paragraph 74 of the Framework states *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: • an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or • the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or • the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*
70. The Framework states *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities”* and that planning policies should be based on robust and up-to-date assessment of needs. The Framework also states *“Planning policies should protect and enhance public rights of way and access.”*
71. Strategic Policy DM9 guards against loss of public open space and urban greenspace identified on the Proposals Map. Strategic Policy DM9 has regard for the balanced criteria based approach of national policy. The site descriptions and amenity value and open space assessment grid set out in Appendix 5.3 of the Neighbourhood Plan provide proportionate evidence to support the proposed policy approach of Policy BP1 and the choices made.
72. Policy BP1 includes the imprecise terms *“additional sites”* and *“designated to be protected”*. Supporting text in paragraph 3.1.9 explains *“This protection relies on relevant policies contained in the Borough of Poole’s Local Plan...”*. This imprecise reference to another Plan document does not provide a practical framework for decision making. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

73. A land use designation can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Public Open Spaces are presented on Figure 3.2 in the Neighbourhood Plan at a scale that is insufficient to identify the precise boundaries of each Public Open Space proposed for designation. Normally this would be a fatal flaw such that the designations should not proceed at this time as consultation has been undertaken on an imprecise basis. However, the Submission Draft Neighbourhood Plan is available in digital form on the Borough of Poole website where it is possible to enlarge Figure 3.2 sufficiently so that individual properties are identifiable. On this basis I consider the areas of land concerned have been adequately identified. I recommend a modification so that maps of the areas of land designated as Local Green Space are included in the Neighbourhood Plan at a scale sufficient to identify precise boundaries.

74. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Policy DM9. I find the Neighbourhood Plan policy is seeking to provide additional local application of strategic policy without undermining that policy.

75. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities and conserving and enhancing the natural environment. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 1:**

**In Policy BP1:**

**Replace the text before (i) with “Proposals for development that would result in the loss of public open space in the following locations, identified on the Proposals Map, will not be permitted except:**

- **where replacement open space of an equivalent or greater area and value is provided in the same locality; or**
- **there is an overriding requirement for the development for essential community purposes:”**

**Maps of each location at a scale sufficient to identify adjoining property boundaries should be added to the Neighbourhood Plan and referred to in the final sentence of the policy.**

### **Policy BP2: Protecting Lytchett Drive Local Green Space**

76. This policy seeks to designate The Green in Lytchett Drive as a Local Green Space.
77. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Space is presented in the inset to Figure 3.2 in the Neighbourhood Plan at a scale that is sufficient to identify the precise boundaries of the Local Green Space proposed for designation. Appendix 5.3 also includes Figure 17 which is at a scale to identify site boundaries and the accompanying description also assists precise identification. On this basis I consider the area of land concerned has been adequately identified. I recommend a modification so that the inset map of the area of land designated as Local Green Space included in Figure 3.2 should include street names to assist identification.
78. The Borough of Poole Open Space and Green Infrastructure Service refer to an overlap with the new Local Plan. This would not prevent the designation proposed by Policy BP2. Other representations refer to the importance of the Lytchett Drive green space and its contribution to the character of the area. Factors referred to include protection of wildlife; children's play; dog walking; contribution to the sense of community as a location for street parties and other gatherings; and a compensatory factor for small garden sizes.
79. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or*

*reviewed, and be capable of enduring beyond the end of the plan period.”*

80. The wording of the policy does not reflect the terms of the designation of Local Green Spaces set out in paragraph 76 of the Framework where it is stated “*local communities will be able to rule out new development other than in very special circumstances*”. It is not appropriate for the Policy to seek to establish an alternative description of the designation. I have recommended a modification in this respect.

81. In respect of the area of land intended for designation as Local Green Space I find the Local Green Space designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended designation has regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

82. The Framework states that: “*Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.”<sup>38</sup>*

I find that the intended Local Green Space designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

83. I now consider whether there is sufficient evidence for me to conclude that the area proposed for designation as Local Green Space is demonstrably special to a local community and hold a particular local significance. The Neighbourhood Plan sets out, in particular at paragraphs 3.1.16 and 3.1.17 a justification for the designation. The justification is more extensively set out in Appendix 5.3. Regulation 16

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<sup>38</sup> Paragraph 77 National Planning Policy Framework 2012

representations have confirmed this justification. I conclude the area proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

84. I find the area proposed as Local Green Space is suitable for designation, and subject to the recommended modification, has regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space. The policy is in general conformity with the strategic policies included in the Development Plan, and provides a distinct local approach to that set out in Strategic Policy DM9 without undermining that policy. I consider that subject to the modification recommended this policy meets the basic conditions.

**Recommended modification 2:**

**In Policy BE2:**

- **replace “as a community asset” with “where new development is ruled out other than in very special circumstances”**
- **delete part B**

**Add street names to the inset map of the area of land designated as Local Green Space in Figure 3.2.**

**Policy BP3: Enhancing biodiversity in Broadstone**

85. This policy seeks to establish that new development should demonstrate in specified ways that it conserves or enhances biodiversity having regard to identified wildlife corridors and stepping stones, natural features and character of the area. The policy also seeks to establish that development which would affect biodiversity should be accompanied by a Biodiversity Appraisal.

86. The Borough of Poole Open Space and Green Infrastructure Service supported by the Biodiversity/Nature Conservation Service, suggest an adjustment of the policy title and a greater focus on enhancement in Part B of the policy. Modification is not necessary in these respects to meet the Basic Conditions. Other representations include support for the enhancement of biodiversity. Detailed comments include reference to the Natural Environment and Rural Communities Act 2006; the need for additional named access paths; the fact that some existing trees are not native species; and a request that paving of gardens should be

discouraged. These detailed comments do not necessitate any modification to the policy to meet the basic conditions.

87. It is confusing and unnecessary for a policy to state “*in Broadstone*”. The Neighbourhood Plan as a whole applies throughout the Plan area. I have recommended a modification in this respect. The term “where appropriate” is imprecise. The term “*well designed*” is also imprecise and in any case Policy BP4 relates to design. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
88. The Framework states development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland should be refused unless the need for, and benefits of, the development in that location clearly outweigh the loss. I have recommended a modification so that the policy has regard for national policy.
89. Part B of the policy includes the term “affect biodiversity”. The Framework sets out ways in which planning policies should minimise impacts on biodiversity, and establishes an approach to the determination of planning applications based on avoidance, mitigation, and as a last resort compensation. I have recommended a modification so that the policy has regard for national policy.
90. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Strategic Policies PCS15, DM1, DM7, and DM9. I find the Neighbourhood Plan policy is seeking to provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.
91. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with; conserving and enhancing the natural environment. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 3:**

**In Policy BP3:**

- delete “be well designed and”

- continue (i) after “biodiversity” with “unless it is clearly demonstrated the need for, and benefits of, development in that area clearly outweigh the loss.”
- In (ii) delete “Where appropriate” and continue after “corridors” with “unless it is clearly demonstrated this is not appropriate”
- In B continue after “mitigated” with “or as a last resort, compensated”

#### **Policy BP4: Securing high quality design and sustainability**

92. This policy seeks to establish that development proposals should demonstrate adherence to stated design principles. The policy also requires proposals in Conservation Areas to demonstrate how they preserve or enhance the area.
93. Representations include suggestions that the policy should include reference to specific design standards; seek improvement of the Broadway including for pedestrians and mobility scooter users; discourage impermeable driveway surfaces; and consider private outdoor space in the context of tree canopies. One representation states there have been too many poor-quality buildings in the 1960’s to 1980’s, and another representation presents an adverse opinion in respect of the design of two recent developments. These representations do not necessitate any modification to the policy to meet the basic conditions.
94. The term “*should encourage*” and “*should consider*” are imprecise. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
95. The policy includes sustainability requirements in part A (ii) of the policy. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “*From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*”. Whilst the Ministerial

Statement only applies to new dwellings these are likely to be the most common form of development proposal occurring within the Plan period. The terms “*minimise*”, “*low*”, and “*maximise*” are in any case imprecise. I have recommended a modification to delete the sustainability requirements.

96. The Framework states, Local Planning Authorities should look for opportunities for new development within, and within the setting of, Conservation Areas to enhance or better reveal the significance of the Conservation Area. I have recommended a modification so that the policy has regard for this aspect of national policy

97. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Strategic Policies PCS23, DM1, and DM2. I find the Neighbourhood Plan policy is seeking to provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.

98. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design, and conserving and enhancing the natural environment. Subject to the proposed modification this policy meets the Basic Conditions.

#### **Recommended modification 4:**

##### **In Policy BP4:**

##### **In Part A**

- **before “Proposals” insert “To be supported”**
- **delete “encourage high quality”**
- **delete “consider” and insert “demonstrate consideration of”**
- **delete “where appropriate” and insert “unless it is demonstrated to be inappropriate where trees are to be lost”**
- **replace (i) (b) with “demonstrate proposals will not result in adverse impact on residential amenity”**
- **delete part A(ii)**

##### **In Part B**

- **after “within” insert “,or within the setting of,”**

- before “the Conservation Area” insert “or better reveal the significance of”

### **Policy BP5: Balancing the housing stock**

99. This policy seeks to establish that new residential development will be encouraged subject to stated criteria relating to defined Inner and Outer Zones.

100. Representations refer to the need for a balanced range of housing stock and include particular references to the need for accommodation for young families including starter homes; elderly retired including those requiring sheltered accommodation or care homes; people living alone or with one other person who are not elderly; and ‘downsizers’. Another representation questions why recent sheltered accommodation schemes are for elderly occupants only. The Neighbourhood Planning Act establishes a duty for Government to produce guidance on how local development documents should meet the needs of older and disabled people. This guidance is currently being drafted but not yet published. Paragraph 50 of the Framework refers to the need to plan for a mix of housing based on current and future demographic trends, market trends, and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes). I have noted the Housing Needs Assessment prepared in August 2015 and presented as Appendix 5.4 of the Neighbourhood Plan identifies a need/demand for smaller dwellings and an increase in older person households. Whilst Policy BP5 distinguishes between 1 and 2 bed dwellings and those of 3 bedrooms and above, it is not necessary for the policy to refer to sections of the community with specific characteristics to meet the basic conditions.

101. The majority of representations strongly support the policy with two making specific reference to support of the zonal approach, whilst another representation questions whether this will achieve a harmonious feel in areas. Two others oppose loss of properties of architectural quality to make way for flats purely on the basis that they are located in the inner zone. Another representation refers to infrastructure constraints on conversion of larger properties to smaller units, and another representation refers to impact on businesses, GP practices, schools, and car parking and congestion. It is beyond my

role to recommend a modification to introduce entirely new additional policy elements seeking to oppose loss of particular types of properties in defined areas, or seeking infrastructure improvements to accompany residential development proposals. Another representation proposes a mix of types of property everywhere rather than encouraging smaller properties in the inner zone and larger properties in the outer zone. The zonal approach of the policy is sufficiently justified in terms of pedestrian accessibility to shops and services, and does include flexibility of approach through provision for demonstration of a contribution to balancing the housing stock where there is a proposed departure. Representations do not necessitate any modification to the policy to meet the basic conditions.

102. The term “*encouraged*” does not provide a basis for decision making. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

103. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Strategic Policies PCS5, DM6. I find the Neighbourhood Plan policy is seeking to provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy. I have noted the Housing Needs Assessment prepared in August 2015 and presented as Appendix 5.4 of the Neighbourhood Plan identifies a need/demand for smaller dwellings and an increase in older person households. Proportionate, robust evidence supports the choices made and the approach taken.

104. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 5:**

**In Policy BP5 delete “*encouraged*” and insert “*supported*”**

## Policy BP6: Housing on the Fairview Estate

105. This policy seeks to resist “*development to bungalows*” on the Fairview Estate where this includes additional floorspace which involves an increase in ridge height, unless this is outweighed by other significant material considerations.
106. The term “*other significant material considerations*” is imprecise, and it is confusing and unnecessary for one policy to include this term when all planning applications “*must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.<sup>39</sup> I have recommended a modification in this respect so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
107. In supporting the policy, a number of representations include comment that it would be inappropriate to overdevelop this area, and that its characteristics benefit the community including provision of a pool of smaller single storey properties close to the town centre suitable for older active people, particularly for those not seeking sheltered accommodation, and as a location for downsizing which in turn releases a supply of larger properties elsewhere for families. Another representation states it is important to retain the character of the area and another states uniformity is desirable. A further representation states increasing ridge heights alters the character of the area and can seriously affect the privacy of nearby properties. Another representation refers to the importance of not allowing low rise retirement dwellings as have been developed in Fontmell Road.
108. Two representations state conversion to chalet bungalows should be allowed, and another refers to desirability of areas containing mixed age groups. A further representation refers to a desire to provide accommodation for a carer making reference to the fact other people have already “*gone into the roof*”. Another representation opposes a blanket ban raising ridge heights and states plans that will not detract from the character of the area should be considered. Further representations state residents should be allowed to extend their homes tastefully and that the area would benefit from a variety of house styles, and does not have special character. Two

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<sup>39</sup> Paragraph 196 National Planning Policy Framework 2012

representations state there are other flat areas with bungalows within walking distance to local amenities.

109. The text supporting the policy at paragraph 3.5.4 refers to the retention of a viable pool of small bungalows that are suitable for elderly residents. Paragraph 3.5.2 refers to importance of retaining a pool of relatively small 1 and 2 bed bungalows to facilitate downsizing that would potentially release larger family properties, and also refers to the positive contribution towards attaining a balanced housing stock. The Neighbourhood Planning Act establishes a duty for Government to produce guidance on how local development documents should meet the needs of older and disabled people. This guidance is currently being drafted but not yet published. Paragraph 50 of the Framework refers to the need to plan for a mix of housing based on current and future demographic trends, market trends, and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes). I have noted the Housing Needs Assessment prepared in August 2015 and presented as Appendix 5.4 of the Neighbourhood Plan identifies a need/demand for smaller dwellings and an increase in older person households. This does not represent sufficient evidence to justify why the extension of homes on the Fairview Estate, in particular, should be prevented in order to continue to contribute to this plan area-wide need.
110. Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) as amended. Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission. An Article 4 Direction is a mechanism whereby a Local Planning Authority can exceptionally modify permitted development rights however no such Direction is in place in the Fairview Estate area. Properties on the Fairview Estate could be significantly extended utilising permitted development rights. Policy BP6 would only apply to development proposals that are not permitted development. Policy BP6 would not prevent proposals for extensions that do not involve an increase in ridge heights. The policy does not serve the stated purpose of retaining a viable pool of small bungalows.

111. The text supporting Policy BP6 at paragraph 3.5.4 refers to retention of the specific character of the Fairview Estate. The Framework states *“local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”* and *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”*.

112. The Fairview Estate identified in the policy has not been designated by the Borough of Poole as a Conservation Area where it is desirable to preserve or enhance the special architectural or historic interest of an area nor does the area include Listed Buildings. Appendix 5.3 to the Neighbourhood Plan (Evidence Base) states *“Evidence gained from earlier field work and characterisation studies shows that the most recent part of the Fairview Estate, as delineated in Figure 25 has not seen any alterations to ridge heights in contrast with other bungalow areas, for example Cheam Road and Steepleton Road.”* My visit to the delineated area has confirmed the predominant characteristic of the area is the harmony of the street scene arising from the well-ordered regularity and conformity of low-pitch roofscapes of single storey height. However, I consider insufficient evidence has been provided to justify the degree of prescription implicit in control of *“an increase in ridge height”*. I do consider sufficient case has been produced to require proposals to reinforce local distinctiveness by demonstrating how they retain the significance of single storey buildings in the streetscape of the Fairview Estate.

113. I have recommended a modification that requires proposals to not adversely affect the amenity of adjacent occupiers so as to be in general conformity with Development Management Policy DM1. As recommended to be modified the policy is in general conformity with the other strategic policies included in the Development Plan, and in particular Strategic Policy PCS5 and PCS23. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. I find the

Neighbourhood Plan policy is seeking to provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.

114. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 6:**

**Replace Policy BP6 with “To be supported proposals for conversion or replacement of single storey homes on the Fairview Estate, identified on Figure 3.5, must demonstrate how they retain the significance of single storey buildings in the streetscape, and do not adversely affect the amenity of adjacent occupiers”**

**Policy BP7: Development principles for the central shopping area of Broadstone**

115. This policy seeks to establish development principles in respect of development proposals in the Central Shopping Area defined on Figure 3.6.
116. Several representations refer to the importance of a successful local centre not least in generating footfall/visitors and as a hub to be nurtured. A representation states development should not overwhelm the ‘village feel’, and another refers to the need to maintain the character of the central area. One representation agrees buildings should not be greater than four storeys high whilst a further representation considers four storey developments are too high, but recognises a recent development has set a precedent. One representation refers to the effect of tall buildings blocking winter sunshine. Other representations refer to the proportion of charity shops being too great; trees; parking including the importance of the improved facilities for short visits; traffic congestion and access improvements, including for bicycles; pedestrianisation; the importance of green space and trees; need for wider pavements and a café culture; space for arts and crafts to be presented; desirability of a 20mph speed limit on the Broadway and pedestrian rights of way; free short-term parking; encouragement of use of Broadstone Way for through traffic; consideration of commercial traffic access and deliveries, including impact on conservation areas. Two

representations state the telephone exchange is ugly and that older buildings with character should be retained. A further representation states the trend to a reduction in retail units should be accepted and conversion to office or residential use accepted. I have earlier in my report explained my role is to assess whether the submitted Neighbourhood Plan meets the basic conditions and other requirements. It is beyond my role to recommend modification of the plan to include additional policy components. Representations do not necessitate any modification to the policy to meet the basic conditions.

117. The terms “*will be expected to*” and “*where feasible*” do not provide a basis for decision making. The requirement to “*harmonise with the architecture of the existing building*” would not apply in the case of a redevelopment proposal. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

118. The Policy seeks to provide an additional level of detail or distinct local approach to that set out in Strategic Policy PCS23 and DM1. The Framework states “*local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*” and “*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness*”. The policy seeks to reinforce local distinctiveness whilst avoiding unnecessary prescription referred to in paragraphs 60 and 59 of the Framework.

119. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Strategic Policies PCS23, PCS26 and DM1. I find the Neighbourhood Plan policy is seeking to provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.

120. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with ensuring the vitality of town centres and requiring good design. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 7:**

**In Policy BP7:**

- **insert “To be supported” before “Development”**
- **replace “will be expected to” with “must”**
- **in (i) after “building” continue “where alterations or extensions are proposed”**
- **in (v) Replace “Where” with “Unless it is demonstrated they are not”**

**Policy BP8: Well-designed extensions**

121. This policy seeks to establish four criteria for the assessment of proposals for extensions or alterations to buildings (including loft/roof space conversions). The policy also requires that extensions to dwellings in the Tudor Road, or Ridgeway and Broadstone Park Conservation Areas must demonstrate how they preserve or enhance the conservation area.

122. Several representations refer to local examples of poorly designed extensions and the importance of good design and sensitivity to local characteristics and setting, as well as the maintenance of privacy. These representations do not necessitate any modification to the policy to meet the basic conditions. One representation considers the policy “*discriminates new requests against existing properties that have already been extended*”. The policy will apply to all properties whether they have been previously extended or not.

123. The policy uses the term “*will be permitted*”. With regard to the issue of decision making the Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. This basis for decision making should be made clear. Policies should use the term “will be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate

otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.

124. The Framework states *“local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”* and *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”*. The policy seeks to reinforce local distinctiveness whilst avoiding unnecessary prescription referred to in paragraphs 60 and 59 of the Framework.
125. A Conservation Area is a designated heritage asset. The Framework sets out at paragraphs 131 to 134 the approach to be adopted in respect of designated heritage assets and at paragraph 137 states *“Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance and better reveal their significance”*. Part B of the policy does not have sufficient regard for the balanced approach to proposals leading to less than substantial harm to designated heritage assets set out in the Framework whereby public, not private, benefits are to be considered. I recommend Part B of the policy is modified to have greater regard for national policy.
126. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Strategic Policies PCS23, DM1 and DM2. I find the Neighbourhood Plan policy is seeking to provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.
127. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has

regard to the components of the Framework concerned with requiring good design, and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 8:**

**In Policy BP8:**

- **delete “permitted” and insert “supported”**
- **in Part B delete “preserve or enhance the Conservation Area” and insert “enhance or better reveal the significance of the Conservation Area, and where there is less than substantial harm to the significance of the Conservation Area this should be weighed against the public benefits of the proposal”**

**Policy BP9: Encouraging employment opportunities in the central shopping area of Broadstone**

128. This policy, which will apply within the central shopping area defined on Figure 3.6, seeks to establish two principles against which proposals for, or affecting, employment uses will be assessed.

129. Representations refer to the importance of local employment in particular the vibrancy and attraction of a variety of small/independent businesses; the need to encourage small businesses to trade on floors above shops; the benefit of attracting shoppers from outside the area; changing retail trends; rental levels, competition, and the opening of an M&S shop; the importance of sufficient local parking facilities; the need to retain sports facilities at The Junction; the need to resist conversion of retail property to residential use; and employment opportunities for school leavers and young people. One representation states an opinion charity shops do not increase employment opportunities for the community. These representations do not necessitate any modification to the policy to meet the basic conditions

130. The policy includes the term “*permitted*”. The policy uses the term “will be *permitted*”. With regard to the issue of decision making the Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. This basis for decision making should be made clear. Policies should use the term “will be supported”

in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.

131. The term “*town centre type uses... including retail, leisure and office uses*” is imprecise and does not correspond to the text under Figure 3.6 that refers to “*retail, commercial and community uses*”. Annex 2 of the Framework includes a definition of ‘main town centre uses’. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

132. The Poole Core Strategy identifies Broadstone local centre as performing a significant role due to the comprehensive range of facilities and services on offer. Core Strategy Policy PCS22 states new development will support an uplift in the quality, vitality, diversity and success of local centres. The Core Strategy in Picture 6.4 indicates the broad location of Broadstone local centre. Figure 3.6 of the Neighbourhood Plan, which is referred to in Policy BP7, defines the central shopping area at a scale where individual properties can be identified.

133. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, and in particular Strategic Policies PCS22 and DM3. I find the Neighbourhood Plan policy is seeking to provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.

134. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong competitive economy and ensuring the vitality of town centres. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 9:  
In Policy BP9:**

- delete “permitted” and insert “supported”
- delete “town centre type” and insert “main town centre”

**In the text under Figure 3.6 delete “retail, commercial and community” and insert “main town centre”**

### **Policy BP10: Protecting community facilities in Broadstone**

135. This policy seeks to resist the loss of existing community and public sports facilities unless evidence is submitted to show that they are either unsuitable for their current use and unviable/no longer practical to retain, or surplus to requirements.
136. Representations identify changes in provision, and emphasise the present and future importance of conveniently accessible community facilities in the local area to health and community welfare and the avoidance of isolation. One representation states new community facilities should be encouraged, whilst another considers there are too many community facilities and advocates consolidation. One representation encourages multiple registrations as assets of community value, and another suggests better use of school open space. A further representation refers to the reducing relevance of some facilities in the context of an ageing population. Another representation states the library and sports centre are important community facilities. Another representation identifies the opportunity to increase parking provision by conversion of The Junction car park to low-rise multi-storey. These representations do not necessitate any modification to the policy to meet the basic conditions
137. The term “*protected from development*” is imprecise and would preclude development proposals to improve the facilities. The Framework states planning policies should “*ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.*” The term “*the Council’s*” is also imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
138. The Framework states planning policies should “*guard against unnecessary loss of valued facilities and services, particularly where*

*this would reduce the community's ability to meet its day-to-day needs". A requirement for at least equivalent replacement provision where a building or site is unsuitable for its use, and acceptance of loss where a use is demonstrated to be surplus to requirements have sufficient regard for this national policy approach. A requirement for replacement provision where a use is demonstrated to be "unsuitable and unviable" does not however have sufficient regard for national policy which requires careful attention to viability, and requires plans to be deliverable.*

139. The Framework states "*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: • an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or • the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or • the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*" The limitation on application of Policy BP10 to "*public*" sports facilities is not sufficiently justified. I have recommended a modification in this respect.

140. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and in particular Strategic Policies PCS25, PCS26 and DM9. In recommending the inclusion of the list of facilities to which the policy applies Policy BP10 will satisfy the requirement to be precise and will provide an additional level of detail to that set out in the strategic policy without undermining that policy.

141. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 10:**

**In Policy BP10:**

- **In Part A replace the text before the colon with "Development proposals that will result in the loss, or part loss, of the following community and sports and**

**recreational facilities will not be supported unless it is demonstrated that the facility is either”**

- **before “Council’s” insert “Borough of Poole”**
- **include the list of facilities on page 67 of the Neighbourhood Plan within the policy text.**

## Summary and Referendum

142. I have recommended 10 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

143. I am satisfied that the Neighbourhood Plan<sup>40</sup>:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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);
  - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and

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<sup>40</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>41</sup>

**I recommend to Borough of Poole that the Broadstone Neighbourhood Development Plan for the plan period up to 2033 should, subject to the modifications I have put forward, be submitted to referendum.**

144. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>42</sup> I have noted the consultation area shown on Figure 0.2 of the Neighbourhood Plan includes areas to the west and south of the Neighbourhood Plan area, and paragraph 0.2.10 refers to a leaflet sent in June 2015 to all households “*in the ward*” also being sent to “*some in neighbouring streets*”. Paragraph 1.1.1 of the Neighbourhood Plan states “*The area to be covered by the Broadstone Neighbourhood Plan was agreed with the Borough of Poole when the Neighbourhood Forum was first approved in February 2013. The plan boundary is the same as Broadstone Ward boundary (Figure 0.4). Consultation also included two areas outside the ward (one in Creekmoor Ward and the other in neighbouring East Dorset) where residents regard themselves as belonging to Broadstone. Both areas were given the opportunity to contribute to the development of the plan through the consultation process.*”

145. I have seen nothing to support the view residents of the consultation areas outside the Broadstone Ward regard themselves as “*belonging to Broadstone*”. The basis for inclusion of those areas, and exclusion of the next immediately adjacent streets, or exclusion of other surrounding areas, has not been presented. The additional consultation areas have, in any case, not been precisely defined as it is not possible from Figure 0.2 to identify which properties are included in the additional consultation areas. This would present an obstacle to precise definition of the electorate for referendum purposes. I have noted elements of the evidence base that supports the Neighbourhood Plan relate to the Neighbourhood Area only. I have given consideration to the nature of the policies proposed in the Submission Plan. Some of

<sup>41</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>42</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

those policies would have direct impact only on residents of the Neighbourhood Plan Area and I can see no case that residents outside the Plan area should have an equal influence over the outcome of a referendum with residents who are directly affected by those policies. Whilst some policies, in particular relating to the Central Shopping Area, will have relevance to people living beyond the Neighbourhood Area, including but not exclusively those in the additional consultation areas, I do not consider this factor outweighs the other factors I have identified that lead me to conclude the referendum area should be based on the Broadstone Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the Borough of Poole as a Neighbourhood Area on 12 February 2013.**

#### Annex: Minor Corrections to the Neighbourhood Plan

146. A number of consequential modifications to the general text, and in particular the justification of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.
147. The Borough of Poole Open Space and Green Infrastructure Service and the Biodiversity/Nature Conservation Service within Environmental Services have in Regulation 16 representations suggested a number of adjustments to general text. It is beyond my role to recommend modifications in these respects as they are not necessary to meet the Basic Conditions. I am, however, able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>43</sup> I recommend the following minor changes only in so far as it is to correct an error or where it is necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework:
- Adjustment to paragraphs 1.1.4 and 1.3.11 to clarify the designations of named areas;
  - Adjustment to paragraphs 1.3.12 and 3.1.6 to more accurately describe the effect of Fields in Trust status;

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<sup>43</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

- Adjustment of Figures 3.1 and 3.2 to include missing sections of public open space and designated land;
- Adjustment of Figure 3.3 to clarify correct designations.

**Recommended modification 11:  
Modification of general text will be necessary to achieve consistency with the modified policies, and to correct identified errors including those arising from updates**

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23 January 2018  
REPORT ENDS