

SECTION 78 APPEAL

Appeal: APP/D1265/W/23/3336518

LPA ref: P/OUT/2023/01166

Site: Land to the South of Ringwood Road, Alderholt

Appellant: DUDSBURY HOMES (SOUTHERN) LTD

LPA: DORSET COUNCIL

Rule 6 Parties: ALDERHOLT PARISH COUNCIL

ACTION FOR ALDERHOLT

Neighbourhood Plan Topic Paper

June 2024

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1. Introduction

- 1.1 This Topic Paper on the Alderholt Neighbourhood Plan (ANP) has been prepared by Jo Witherden BSc(Hons) DipTP DipUD MRTPI of Dorset Planning Consultant Limited on behalf of Alderholt Parish Council (APC), in consultation with Dorset Council (DC) and Intelligent Land on behalf of the Appellant, Dudsbury Homes (Southern) Limited (DH).
- 1.2 The focus of the Topic Paper is on the issue of prematurity and the weight to be accorded to the Neighbourhood Plan as it progresses through Examination as may be anticipated during the course of this Appeal. The paper expands upon the matters of agreement and disagreement between the parties and the relevant evidence relating to these, as set out below.
- 1.3 The Topic Paper has been prepared and provided at the request of the Inspector made during the CMC held on 2nd May 2024. APC note that the direction that this paper be prepared has not been recorded in the post-CMC Note, but the Inspector was clear in his request for such a paper to be prepared.

Matters of Agreement

- 1.4 The Local Planning Authority publicity period on the draft plan is scheduled to expire on 25 June 2024. NPPF paragraph 49b, which refers to when an emerging plan is at “an advanced stage”, is expanded on NPPF paragraph 50, which refers to the end of the local authority publicity period on the draft plan (as being a point after which refusal of planning permission on grounds of prematurity could be justified). Both APC and DC agree that this means the NP will have reached an advanced stage at the time of the inquiry sessions, but DH’s does not agree.
- 1.5 The Consultation Statement (CDD.34) provides evidence on the extent to which there are unresolved objections at the current (submission) stage. However it is possible for further objections to be raised during the Regulation 16 consultation, and as such the extent to which there are unresolved objections to relevant policies in the ANP can be further clarified following the close of the Regulation 16 consultation on 25 June 2024.

- 1.6 The Basic Conditions Report (CDD.36) provides evidence on the degree of consistency of the relevant policies in the ANP to the NPPF at the current (submission) stage, but has not been agreed with the Appeal parties and has yet to be independently examined. The degree of consistency of the relevant policies in the ANP to the NPPF is a matter which is subject to independent examination and the Examiner's report will include, as part of the testing of the Basic Conditions, whether the plan has had due regard to national planning policy, including the NPPF. The report will be provided to the Inspector on receipt should the appeal decision still be pending.
- 1.7 The ANP contains policies and allocations to meet a housing requirement that has been agreed with Dorset Council through the preparation of the ANP (see Appendix 1). The Housing Target is a matter that may be subject to examination as it is not contained within an adopted Local Plan. Both Dorset Council's and the Appellant's response to ANP Policy 7 (which refers to the Housing Target) are contained in Appendix A1 (page 8) and A15 (page 60) of CDG 26. DC confirmed their support for the policy, whilst DH disagreed but did not seek to suggest an alternative figure.

Matters of Disagreement

- 1.8 Whether the ANP seeks to restrict development of the appeal site.
- 1.9 Whether the Appeal proposals are so substantial, or its cumulative effect would be so significant, that to grant permission would undermine / prejudice the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging ANP.
- 1.10 The degree of consistency of the relevant policies in the ANP to the NPPF at submission stage.
- 1.11 The significance of the unresolved objections to relevant policies in the ANP at submission stage.

2. Background

National Planning Policy

- 2.1 NPPF paragraph 48 sets out the factors that should be taken into account in determining the weight to be given to emerging policy. This should be based on assessment of:
- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 2.2 NPPG Paragraph: 007 Reference ID: 41-007-20190509 notes that an emerging neighbourhood plan is likely to be a material consideration in many cases. The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals. All representations on the proposals should have been submitted to the local planning authority by the close of the local planning authority's publicity period.
- 2.3 Paragraphs 49 and 50 of the NPPF deals with when it may be justified to refuse a planning permission on the grounds of prematurity. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both::
- the proposal is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - the emerging plan is at an advanced stage.

- 2.4 Paragraph 50 explains that refusal of planning permission on grounds of prematurity will seldom be justified in the case of a neighbourhood plan before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
- 2.5 NPPG Paragraph: 007 Reference ID: 41-007-20190509 notes that Section 70(2) of the Town and Country Planning Act 1990, requires that, in dealing with an application for planning permission, the authority shall have regard to the post-examination draft neighbourhood development plan, so far as material to the application.

Key stages and the status of the Neighbourhood Plan

- 2.6 The Neighbourhood Plan area (encompassing Alderholt Parish) was designated by the former East Dorset District Council at its Full Council meeting on 25 March 2019.
- 2.7 The Regulation 14 Pre-Submission Consultation ran between 4 December 2023 and 19 January 2024, in line with the requirements of a consultation period of at least 6 weeks.
- 2.8 The Neighbourhood Plan was formally submitted to Dorset Council on 29 April 2024. Following the necessary checks and liaison with the Parish Council, Dorset Council confirmed by letter dated 13 May 2024 that they were satisfied that the proposed Plan is compliant with the relevant legal requirements and that they intended to commence the Regulation 16 consultation.
- 2.9 The Regulation 16 Consultation started on 15 May and runs for a period of 6 weeks until 25 June 2024.
- 2.10 An Examiner was agreed by the Parish Council on 3 June 2024 and they are expected to be formally appointed by Dorset Council prior to the conclusion of the Regulation 16 consultation. A decision on the Examiner's recommendations, including whether the Plan should proceed to referendum, must then be taken within 5 weeks of the report's receipt (unless otherwise agreed by the Parish Council), and this decision is delegated to the Planning Portfolio Holder in Dorset Council.

3. Neighbourhood Plan policies relevant to this appeal

- 3.1 The Submission version of the Neighbourhood Plan contains 19 policies. These are included in the table below, and the Alderholt Parish Council and Dorset Council have indicated those that they consider to be relevant to this appeal. The Appellant sees no purpose in this table given their case and have therefore declined to indicate which, if any, policies may be relevant.

		APC	DC
Policy 1.	Settlement pattern, layout and densities	✓	✓
Policy 2.	People-friendly streets and paths		✓
Policy 3.	Parking Provision		✓
Policy 4.	Respecting local character in the design		✓
Policy 5.	Environmental performance and sustainability		✓
Policy 6.	Landscaping	✓	✓
Policy 7.	Meeting Local Needs - Housing	✓	✓
Policy 8.	The Village "High Street"	✓	✓
Policy 9.	The Trailway		
Policy 10.	Meeting Local Needs - Employment	✓	✓
Policy 11.	Revised Village Envelope	✓	✓
Policy 12.	Alderholt Nursery, East of Ringwood Road		
Policy 13.	Paddock South of Daggons Road		
Policy 14.	Land South of Blackwater Grove		
Policy 15.	Safeguarding Local Facilities		
Policy 16.	Important Local Green Spaces	✓	✓
Policy 17.	Key Landscape Features	✓	✓
Policy 18.	Important Views		
Policy 19.	Non-designated Heritage Assets around Alderholt		