

Response ID ANON-K5YE-VPMX-9

Submitted to Knightsford Neighbourhood Plan 2023 to 2033
Submitted on 2025-01-22 11:54:05

Part 1: personal details

1 Are you responding as an individual or agent?

Agent (I'm responding on behalf of someone else)

2 What is your name?

What is your title?:

Mr

What is your first name?:

Hywel

What is your surname?:

James

3 What is your job title and organisation?

What is your job title (if relevant)?:

Associate Director

4 What is your email address?

Email:

[REDACTED]

5 What is your address?

What is your address?:

[REDACTED]

What is your postcode?:

[REDACTED]

6 What is your phone number?

Phone number:

[REDACTED]

Part 1A: your client's details

7 Please provide details of who are you representing

Name of person or organisation:

Woodsford Farms

Address of person / organisation:

C/O Agent

Part 2: your representation

8 Please write your comments / representation in the box below

Comments:

Please see enclosed the Representation to Knightsford Pre-Submission Neighbourhood Plan.

9 Would you like to attach a file in relation to your response?

File upload:

Knightsford Pre-Submission Neighbourhood Plan - Representations on behalf of Woodsford Farms.pdf was uploaded

10 Do you wish to be notified of Dorset Council's decision to 'make' or refuse to 'make' the neighbourhood plan at the Regulation 19 stage?

Yes

Knightsford Neighbourhood Plan

Representations on behalf of Woodsford Farms

January 2025

1. These representations have been prepared on behalf of Woodsford Farms in response to the Submission Draft Knightsford Neighbourhood Plan (“the Draft Neighbourhood Plan”) Consultation (conducted under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)).
2. Woodsford Farms is a significant landowner within the Civil Parish of Woodsford.
3. These representations make comments on the following elements of the Draft Neighbourhood Plan:
 - i. Vision (under paragraph 3.1.1)
 - ii. Policy 11 – Important local views and landmarks
 - iii. Policy 12-- Development in proximity to heritage assets
4. These representations have regard to the mandatory documents provided in support of the Draft Neighbourhood Plan. From the information provided as part of the Regulation 16 consultation, there does not appear to be any evidence base documentation prepared to support the Draft Neighbourhood Plan.
5. The principal focus of these representations is whether the Draft Neighbourhood Plan is legally compliant and meets the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

Overview

6. The National Planning Policy Framework, December 2024 (herein, “the Framework”) sets out the Government’s planning policies for England and how these are to be applied, and this must be taken into account in preparing development plan documents (including Neighbourhood Plans).
7. Paragraph 239 of the current version of the Framework outlines the transitional measures for preparing neighbourhood plans. In line with the provisions of this paragraph, the Draft Neighbourhood Plan will be examined under the provisions of the previous version of the Framework, which was published in December 2023. These representations are framed in this context and any reference to “the Framework”, henceforth, refers to the December 2023 version.
8. Paragraph 37 of the Framework states that:

“Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.”

9. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) as follow (inter alia):

“a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).”

“d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

e. the making of the order (or 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).”

“g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)”.

10. These requirements are considered later in these representations.
11. In addition, paragraph 31 of the Framework requires all policies (including policies within Neighbourhood Plans) to be underpinned by relevant, up-to-date evidence. As there is no evidence provided to support the Draft Neighbourhood Plan, it is not possible to undertake a robust assessment of its policies.

Vision

12. The Vision for the Draft Neighbourhood Plan is set out under paragraph 3.1.1. It concludes with the statement:

“Development opportunities will be sustainable and in line with the needs and wishes of the parishes, respecting the area’s historic and rural character.”

13. However, in considering development opportunities, Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) sets a legislative requirement for development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
14. In our representation to Regulation 14 version of the Draft Neighbourhood Plan, it was highlighted that the statement indicating development opportunities will be *“in line with the needs and wishes of the parishes”* requires clarification to ensure that it does not appear to seek to override the legal requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).
15. No amendments have been made to the Vision in preparing the Regulation 16 version of the Draft Neighbourhood Plan. Consequently, the Draft Neighbourhood Plan remains non-compliant with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).

16. To ensure conformity with Section 38(6) of the Planning and Compulsory Act 2004 (as amended), the Vision should be amended as follows:

“West Knighton, West Stafford, Tincleton and Woodsford parishes will continue to be thriving communities. They will be rural, tranquil, friendly, attractive and safe. Development opportunities will be sustainable and ~~in~~ ~~line with the needs and wishes of the parishes,~~ respecting the area’s historic and rural character.”

Policies

Policy 11 – Important Local Views and Landmarks

17. Policy 11 of the Draft Neighbourhood Plan requires locally valued views to be protected, with the specific views subject to the requirements of this policy outlined within Table 2 of the Draft Neighbourhood Plan. As outlined earlier in these representations, the Draft Neighbourhood Plan is not supported by any evidence to justify the approach taken – therefore, it cannot be concluded that the views referenced under Table 2, and subject to the requirements of Policy 11, are important locally or appropriately described.
18. Indeed, representations from Woodsford Farms in response to the Regulation 14 consultation draft identified that Woodsford Castle (viewpoint W-V2) does not stand, as stated in the Regulation 14 Draft Neighbourhood Plan, in ‘splendid isolation’. The Draft Neighbourhood Plan has amended the description of Woodsford Castle as standing in ‘relative isolation’ in response to the representations submitted, but no evidence has been provided to justify this description.
19. As outlined within Woodsford Farms’ Regulation 14 representations, there is a converted grain store, a substantial old stone building and various other former dairy buildings located almost immediately to the west and very close to the W-V2 viewpoint, and a number of dwellings beyond that. Accordingly, the use of the term ‘isolation’ to describe Woodsford Castle is not accurate, regardless of any caveats introduced.
20. In summary, the Draft Neighbourhood Plan’s description of Woodsford Castle (viewpoint W-V2) is not supported by any evidence and is inaccurate. On this basis, it is inconsistent with paragraph 31 of the Framework.

Policy 12 – Development in proximity to heritage assets

21. Policy 12 of the Draft Neighbourhood Plan outlines requirements with respect to development in proximity to heritage assets. The opening paragraph of the policy identifies that development proposals should seek to minimise the impact on the significance of heritage assets in accordance with the Framework. In this context, it is important to note the provisions of paragraph 16f of the Framework, which states that development plan documents should:

“serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

(Emphasis added)

22. Given that Policy 12 of the Draft Neighbourhood Plan defers to the Framework with respect to decision making in relation to the impact on the significance of heritage assets, there is no clear purpose for this aspect of the policy as it duplicates requirements already set out in the Framework.
23. Accordingly, Policy 12 is inconsistent with paragraph 16f of the Framework.
24. Notwithstanding the above, Policy 12 also references a requirement to *“where feasible and appropriate, raise awareness of that asset”* with a number of factors subsequently listed that are required to be considered. The wording of the opening paragraph of Policy 12 is not clear whether the factors listed are de-coupled from the initial requirement to minimise harm to the significance of heritage assets in accordance with the Framework.
25. Based on the current wording, the policy requirements are ambiguous, which is inconsistent with the requirements of paragraph 16d of the Framework.
26. If the policy purposefully does not de-couple the requirements to minimise harm to the significance of heritage assets and requires a consideration of how heritage assets would be experienced in their wider landscape, it would be inconsistent with the Framework, as follows:
 - i. Paragraph 200 of the Framework requires applicants to describe the setting of any heritage assets affected by the proposed development, including any contribution made by their setting.
 - ii. The definition of ‘Setting of a heritage asset’ at Annex 2 of the Framework is as follows:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

(Emphasis added)

The definition of ‘Significance (for heritage policy) at Annex 2 of the Framework is as follows:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. [...]”

On this basis, in accordance with the Framework, it cannot be concluded that the wider landscape (identified by Policy 12 as being separate from the setting) contributes towards its significance.

- iii. Following the aforementioned initial requirement of paragraph 200 of the Framework (point i, above), the same paragraph of the Framework states that the level of detail provided in relation to the significance of any heritage assets must be: *“proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*.

(Emphasis added)

27. If Policy 12 was to set a requirement to consider the role of a heritage asset in its wider landscape (beyond the immediate setting) as part of assessing the impact on the significance of said heritage asset, this would be inconsistent with paragraph 200 of the Framework. It would assume, by definition, that the wider landscape would impact the significance of all heritage assets and would prejudice the undertaking of a ‘proportionate’ assessment of the significance of heritage assets to consider the impact of development proposals.
28. Furthermore, it is also notable that the definition of ‘Setting of a heritage asset’ at Annex 2 of the Framework states that the setting of a heritage asset would change as its surroundings evolve. Accordingly, the requirement under the first bullet point of Policy 12 to have regard to how a heritage asset *“would have been experienced”* is inconsistent with the Framework.
29. In summary, notwithstanding the duplication of national policy and consequential inconsistency with paragraph 16f of the Framework, if the policy is to be retained it should be restructured as follows to rectify any ambiguity and ensure that the Policy 12 is consistent with the Framework and, consequently, meets the Basic Conditions for Neighbourhood Plans:

New development in proximity to a heritage asset should:

1. Look to minimise harm to its significance in line with national policy; and
2. Where feasible and appropriate, raise awareness of that asset through consideration of:
 - how the heritage assets are ~~and would have been~~ experienced in their immediate setting and wider landscape;
 - the scale and extent of setback required to retain views of the asset and ensure that the proposed development is less dominant in the streetscape;
 - the orientation of the development, inclusion of paths and green space / corridors to draw attention to, and raise awareness of the heritage asset;

– the use of architectural details and materials that complement that used on the heritage asset.

Summary

30. The Draft Neighbourhood Plan requires modification for the following reasons:
 - a. The vision of the Draft Neighbourhood Plan conflicts with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).
 - b. The list of viewpoints within Table 2, which are subject to the requirements of Policy 11, are not supported by evidence and, in the case of viewpoint ref. W-V2, is inaccurately described. Such an approach is inconsistent with paragraph 31 of the Framework.
 - c. Policy 12 duplicates national policy and is, accordingly, inconsistent with paragraph 16f of the Framework. Notwithstanding this, the wording of the policy is ambiguous and, if retained, requires re-structuring and modification (as proposed earlier in these representations) to avoid conflict with paragraph 200 of the Framework.
31. Without amendments to address the above matters, the Draft Neighbourhood Plan would conflict with the Planning and Compulsory Purchase Act (2004) (as amended) and would be inconsistent with the Framework. Consequently, it would not satisfy the Basic Conditions.