

19 September 2013

Mr Richard Henshaw
East Dorset District Council
Council Offices
Furzehill
Wimborne
Dorset
BH21 4HN

By Email Only

Dear Mr Henshaw,

**STOURBANK NURSERIES, HAM LANE, WIMBORNE
LOCAL PLAN EXAMINATION IN PUBLIC
PROPOSED MAJOR MODIFICATION**

You are aware of my concerns regarding the draft Local Plan:

- A lack of engagement from you;
- A failure to objectively assess Green Belt and employment land evidence; and,
- A failure to then to apply this evidence at the appropriate (formative) stages of the site selection process.

This had prejudiced the consideration of Stourbank as a 5 hectare employment allocation and, in a wider context, Wessex Water's plans for the adjoining 7 hectares at the Little Canford Depot. In contrast, the Blunt's Farm allocation (where East Dorset has a financial interest) appears to have been progressed positively yet without any assessment of how 30 hectares of employment land can be accommodated on 31.2 hectares of forest whilst still mitigating the significant environmental constraints on and adjoining this site. Moreover, the take-up figures suggest a proposed land supply of some 30 years at Blunt's Farm, which is a substantial over provision for a plan that runs to 2028. There is also no certainty on the land assembly challenges, master planning, viability or infrastructure delivery costs. No developer has taken up the challenge of Blunt's Farm. No one from the Forestry Commission has appeared at the examination (in contrast to the large number of house builders and landowners attending to 'protect' their allocations).

The purpose of this letter is therefore to ensure that for the next examination session, on 24 September, you are fully aware of our case and the questions we would like answered. I am hopeful that, with this fuller exposition of the evidence for Stourbank, the case for an employment allocation will then be clear. If we do reach this conclusion, the next step is then to move to a Major Modification. I am hopeful that the Inspector may welcome a proactive stance from you in this regard, before the next session on 24 September, because otherwise she will have to consider the soundness of the plan as a whole, which is not what anyone wants.

Engagement

I know you are aware of your duties under paragraph 155 of the National Planning Policy Framework ("NPPF"), in particular the statement that "early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is **essential** (my emphasis). Paragraph 28 of the

NPPF is also relevant in highlighting the need for Council's to be proactive in supporting a prosperous rural economy – I have seen no evidence of any positivity from East Dorset in relation to the genuine business concerns (and opportunities) first raised with you by my clients, Mr & Mrs Glover, some years ago.

You appeared to suggest at the examination on 10 September that there has been “plenty of engagement”. That is not the case. I therefore wish to confirm:

1. That we have met once, on 20 April 2010. Since then I have sent numerous emails requesting a further meeting with you, or colleagues, but you have deferred all contact, suggesting that I should pursue our case through representations on the local plan. That is why I have had to take up so much examination time.
2. That you have never provided any feedback on the initial proposal document we emailed to you on 31 May 2010, entitled *Stourbank Park: A Compelling Case*. I have sought a response on many occasions. So far as I am aware, this is the only spatial, delivery-orientated document that is available for any of the employment sites in East Dorset. Equally, I note from your website that Whiteleaf Consulting has undertaken viability appraisals on all of the preferred residential sites, but not on the employment sites. This seems to be a major omission in the evidence base; not least in relation to Blunt's Farm, which faces substantial infrastructure challenges, and also a Stokes -v- Cambridge ransom in favour of the access land owned by East Dorset. Your property colleagues will be required to hold out for 'best value'.
3. That your lack of engagement has substantially prejudiced the consideration of Stourbank as a possible employment site. In turn, this has meant that we have been unable to explain our case to interested parties, leading to some inaccurate consultation responses. For example, I doubt any consultee would object to some modest intensification, to include a rural business centre (like the Glasshouse Studios at Fordingbridge). There is a big difference between large scale industrial or office accommodation and small scale space for rural enterprises developed in conjunction with the evolution of the horticultural business. You have not afforded us the opportunity to explain this case, nor have you made this distinction in any of your draft allocations, consultations or option studies.

Why does this go to the soundness of the plan? It would be harsh to find the whole plan unsound based on East Dorset not engaging properly or fairly with just one local stakeholder. However, by not engaging, East Dorset has clearly made invalid and unjustified assumptions in respect of the business needs and aspirations of the nursery; and, in relation to the assessment of evidence, this is clearly incomplete, and has not been undertaken in accordance with processes established by national guidance.

Green Belt Review

I raised questions on East Dorset's approach to the review of the Green Belt on 10 September and, of course, again on 17 September.

On 10 September I asked the simple question: where is the Local Green Belt Review? Your first response was to direct me to your website and then, when pressed, you listed two documents: OD19 and OD23. These documents are not a Local Green Belt Review:

- OD19 – This is the Colin Buchanan Strategic Green Belt Review (February 2006) for the entirety of the South West Region, looking, in particular, at the case for major urban extensions. On 17 September I referred the Inspector to paragraphs 1.1.4 where it is clear that this document “does not determine the precise locations of review of Green Belt” and “[t]he reviews undertaken by the JSA's are not comprehensive in that they have not reviewed the principle of the establishment of the Green Belt in the first place, but have provided advice

on potential release areas” with a specific focus on land that “might be considered for release to accommodate an urban extension”. The review concludes that the work done at that time was “an insufficient basis on which to identify potential locations for development” (paragraph 6.1.2) and that “There is a need for more careful analysis of the areas of search in order to assess capacity in relation to the quality of the landscape and general issues of sustainability” to reflect “a lack of clarity in the ways this understanding is brought together with the analysis of Green Belt purpose” (paragraph 6.1.4).

We note that OD19 goes on to set out a Green Belt review method (Section 3). Paragraph 3.2.4 states that “[t]he starting point for review is to examine each part of the three Green Belts [in the South West Region] to determine the relative importance of each of the five criteria and identify a ranking of criteria for each Green Belt”. In other words, this is work that needs to be undertaken by East Dorset to provide the necessary evidence on which objective assessments can be made (ie a Local Green Belt Review). In turn, this will inform the allocation of sites and decisions on long-term, defensible Green Belt boundaries.

- OD23 – This is the South East Dorset Strategy (November 2005) which, given its date, needs to be read in the context of the Buchanan report quoted above. I note Figures 9, 10 and 11, which are large scale plans, but seem to apply gaps and edges to all of the (housing and employment) sites between Wimborne and the Airport. The analysis/evidence is not on a scale that can be used for making decisions on the choice of sites and it seems that all sites are equally affected by these Green Belt constraints. Why does Holmwood, Coppins Nursery or West Parley have any less impact on ‘openness’ than Stourbank?

Having not received a sound answer, as explained in the two bullets above, I posed the same question on 17 September: where is the Local Green Belt Review? You responded by listing the following documents, none of which is a Green Belt Review, and none satisfies or addresses the methodology proposed in Section 3 of OD19:

- ED62 – This is entitled *East Dorset Housing Options Master Plan Report*, prepared by Broadway Malyan. It deals with the selected housing sites only – not employment. It is unclear how the area of search provided by East Dorset relates to the strategic review undertaken by Buchanan (see Appendix 5 of OD19). Could you please clarify?
- ED63 – This is similar to ED62, but only applies to Verwood.
- ED64 – This also a master plan report for the proposed new neighbourhoods.
- ED65 – This is a new neighbourhoods baseline report. As an aside, Figure 5, on the Ferndown Longham Gap, suggests that the Holmwood House designation ought to be retained in order to preserve the ‘sense of gap’. I mention this only to underscore the fact that Stourbank clearly has a lower impact than this site.
- ED66 – This is the Whiteleaf Consulting *Viability Overview Report* that has nothing to do with a Local Green Belt Review and which only applies to the proposed housing sites. There is no viability report for Blunt’s Farm.
- ED68 – this is a Christchurch report.

In short, these are all site specific, master plan documents. They deal with the proposed housing sites for allocation, not the non-preferred or employment sites (like Stourbank). East Dorset has therefore missed a step in the local plan preparation process by not first looking at the Green Belt to assess where changes could be made. This would be guided by the strategic work summarised at Appendix 5 of OD19 – which provides a starting point, but because many sites are affected by gaps and edges a more fine grained assessment is required. In other words, the starting point should be an assessment of the Green Belt as a whole. This work could be undertaken alongside an assessment of the other

key strategic constraints (such as the AONB, SSSIs and any other nationally significant constraints), which would then help to narrow down an area of search.

I am unable to trace the selection of the 'area of search' in the Broadway Malyan work to a comprehensive, objective assessment of the Green Belt at the local level. As a result, there has not been a comparative assessment of the various sites: in fact, the employment sites are excluded from the area of search; even in spite of the fact that I note that the draft Regional Spatial Strategy proposed an area of search for 20 hectares of employment land west of Ferndown (ie presupposing a local review of the Green Belt in this area, which includes Stourbank). This means that the overall site selection process cannot be justified in a fair and open manner and it means that the assessment of defensible Green Belt boundaries has to be undertaken in piecemeal fashion. This is not a sound approach and it means that the consideration of Stourbank as a potential employment site for removal from the Green Belt has been substantially prejudiced.

To illustrate our case further, in relation to 'openness, I have drawn the Inspector's attention to page 42 of the East Dorset Landscape Character Assessment 2008 which states that "a large group of glasshouses lie south of Ham Lane close to the river but are screened to view by intervening woodland." The implication is that any development here, at Stourbank, will have a low impact on the Green Belt – and it must be borne in mind that, for assessment purposes, it is the impact of the proposed 'inappropriate development' not the existing development (eg glasshouses), which is relevant. In addition, it is worth remembering that 'regeneration' is the fifth Green Belt purpose listed in paragraph 80 of the NPPF. We believe that among the housing and employment sites proposed by East Dorset, this fifth purpose applies uniquely to Stourbank. The site comprises 250,000 sq ft of glasshouses that are more than 40 years old. Along with the Little Canford Depot, Stourbank is the only previously developed site that is under consideration (and is therefore sequentially preferable). The nursery business must be allowed to evolve in order to avoid a derelict (and potentially contaminated) site at some point in the future. In this way, the Local Plan will provide a response to a problem and an opportunity; thereby supporting a valuable local business, but also the wider rural economy by providing an employment offer to accommodate local, small to medium sized enterprises (SMEs); such as IT, marketing, accountancy, law, a farm shop and rural entrepreneurs who would not wish to locate on the Ferndown or Uddens Industrial Estates. The wider planning case for 'out of town' business parks has been well-established for many years, and indeed is reflected in the proposed allocation of Baillie Gate and Woolsbridge, so any in principle objection on this ground is not valid. Moreover, in terms of accessibility, there is little to choose between the houses, facilities and services within walking distance of any of the other proposed employment sites relative to Stourbank.

Why does this go to the soundness of the plan? In short, because:

- Decisions have been made ahead of the evidence being available. The evidence should provide the needs, opportunities and constraints upon which new policies and site allocations are then proposed.
- Stourbank has not been properly or objectively assessed in Green Belt terms and the conclusions of the Sustainability Assessment for this site are therefore fundamentally wrong.
- The case for Stourbank being removed from the Green Belt is better (or at least no worse) than most/all of the preferred housing and employment sites. In this sense, the weightings in the Sustainability Assessment do not necessarily need to change, just the conclusion that Stourbank is as sustainable as the other sites and should, therefore, be carried forward as an allocation in the Major Modifications to follow. This conclusion on Stourbank is endorsed by East Dorset's own evidence on Stourbank, which states "[n]one of the physical constraints identified are considered insurmountable in principle" (page 35 of CD4.11). If Blunt's Farm is indeed found to comprise an over provision (in terms of site capacity and take-up rates) then Stourbank is an obvious location to accommodate, say, a 5 hectare allocation to make up the residual employment land requirement. This could be 10 hectares if the Little Canford Depot is added to the equation, leaving 20 hectares of employment land at Blunt's Farm on a 30.2 hectare "overall site area" (page 26 of CD4.11).

- The business case for a planning policy response is unique to the Stourbank and Little Canford site – this is both an opportunity and a potential problem, that merits a positively planned for response in the Local Plan.

To support what I see as the correct approach to the Green Belt, I would like to draw your attention to a fairly recent appeal decision relating to the extension of Birmingham Business Park into the West Midlands Green Belt. I was responsible for this case when I was a Director at Arlington Securities. I would refer you to paragraph 111 et seq of the Inspector's Report to the Secretary of State, dated 5 August 2008 (Ref: APP/Q4625/A/08/2061177). This underscores the approach recommended in Section 3 of OD19. Employment land policies and take-up rates were also major considerations at this appeal.

Employment and the Economy

I have set out our case in my Hearing Statement and I am aware that Stourbank will be discussed at the examination on 24 September 2013. Through my appearances at the examination on 10 and 17 September I have already forewarned you of many the key questions that need to be answered. To ensure you come to the examination with pre-prepared answers, here are the questions again:

1. Why has East Dorset made decisions on the choice of employment sites ahead of the Employment Land Review Stage 2 and 3? This is contrary to the *Employment Land Reviews Guidance Note*, published by the Government in 2004, and is akin to taking the wrong approach to the calculation of the housing need and housing land supply. On employment land, qualitative matters are as important as the overall quantum, because only in this way do you match the allocated supply to actual or forecast need/demand. Where is the economic evidence to support the (industrial) type of uses proposed at Blunt's Farm and where is the evidence to support the case for, and the delivery of, an employment land strategy focused predominantly on a very large extension to an already large site?
2. What is the evidenced take-up rate of employment land at the Ferndown and Uddens Industrial Estates over the last 10 years? On this basis, what is the predicted take-up rate of the 30 hectares of employment land at Blunt's Farm? Based on our experience we have estimated the take-up rate at 1 hectare per annum (about 5,000 sq m of built accommodation). Hence 30 hectares equates to 30 years' supply, which clearly goes way beyond the plan period (2028).
3. How can you justify expanding the existing 54 hectares at Ferndown and Uddens by a further 30 hectares? Conventional thinking in the planning of business parks tends to limit their size to c50 hectares in order to offer choice and flexibility and reduce the impacts of concentrating growth in a single area (not least in relation to road access). A well-documented example of this approach is the Regional Investment Site policies set out in the Regional Spatial Strategy for the West Midlands; which allocated, among other sites, Birmingham Business Park and Blythe Valley Business Park, both limited to 50 hectares. See, for example, paragraph 52 of the Birmingham Business Park appeal referenced above.
4. The table in Appendix D of the Workspace Strategy 2012 (page 67) records an employment land allocation of 30 hectares (ie net) for Blunt's Farm. This is certainly the target requirement as it has been carried forward in to policy. Could you please explain how the extra 10 hectares came to be added?
5. Could you also please confirm the overall (gross) area of Blunt's Farm? Page 26 of CD11.4 lists this as 31.2 hectares. Our master planners, Space Strategy, can corroborate this figure. Our measurement is 31.27 hectares (for the site as a whole – ie gross). Therefore, with 30 hectares of employment land (net), where is the space to provide mitigation for:

- a. The internationally designated Slop Bog and Uddens Heath SSSI, which is within 400m of Blunt's Farm?
- b. The Site of Nature Conservation Interest comprising the northern tip of the site?
- c. Screening on the A31(T)?

In any event, the triangular nature of the site does not provide for an efficient master plan layout. The eastern tip, perhaps comprising 5 hectares, will not be developable.

Why does this go to the soundness of the plan? In short, because:

- Decisions have been made ahead of the evidence being available. The evidence should provide the needs, opportunities and constraints upon which new policies and spatial concepts (eg the Broadway Malyan master plans) are formulated.
- The Council has 'over provided' employment land at Blunt's Farm and, in any event, this proposed allocation has no room to accommodate 30 hectares of employment and provide sufficient buffer land to mitigate the related environmental impacts (as listed above).
- The possible allocation of 5 hectares at Stourbank Park has not been properly assessed. The Sustainability Assessment needs to be revisited in light of the evidence. There is a fundamental case for the allocation of Stourbank because this is an established rural business in need of diversification.
- There are clear advantages (and probably a necessity) in redistributing some of the 30 hectare allocation at Blunt's Farm. This can be accommodated at Stourbank without any harm to the employment objectives of the plan – indeed, such greater choice and flexibility of supply ought to assist economic diversification, particularly in relation to rural enterprises.
- The delivery of Blunt's Farm is highly questionable – the allocation is likely to be ineffective. No viability evidence has been provided, yet the evidence openly lists the major infrastructure constraints; then there are the land assembly and valuation issues raised by the fact that East Dorset own and control the site access.

I do feel that the inevitable conclusion is that the draft Local Plan is unsound in terms of its approach to the economy and employment. This is a significant failing, given the "significant weight" that planning authorities should place on the need to support economic growth (NPPF, paragraph 19). The Green Belt evidence is also lacking, certainly in relation to the three proposed employment sites in East Dorset, although the Broadway Malyan master planning work (ED62 to 68) may be sufficient to save the need for a complete reappraisal of East Dorset's proposed housing sites. We are therefore looking at a targeted Major Modification – relating, so far as my representations are concerned, solely to Stourbank. I hope that is the case because I have no interest in delaying the adoption of the Local Plan.

Next Steps

Can I please ask you to give very serious consideration to taking land from the Blunt's Farm allocation and redistributing it as an employment allocation at Stourbank? This would be by Major Modification and would require only a limited re-visiting of the Sustainability Appraisal (it is not unusual to reweight such appraisals once a case is expressed more fully or as further evidence comes to light). For example, through the engagement provided by the examination in public, I have explained that Stourbank would comprise a mixed horticultural and small, rural business undertaking. This is a fundamentally different proposition to what East Dorset may have imagined – ie, there are no plans to make Stourbank an industrial estate. This could be controlled by policy wording that limits the size and/or uses that would be allowed at Stourbank. We have recently secured such an approach (by draft condition) via pre-application discussions on the 5 hectare Crow Lane employment site at Ringwood (New Forest District). Similar processes (albeit at the other end of the scale) were used to

justify our August 2012 planning permission at Silverstone Circuit and, historically, to justify the release of Birmingham Business Park from the Green Belt in 1986. For Birmingham, the extension plans debated at the appeal in 2008 have very recently been the subject of a Local Plan allocation, taking this land out of the Green Belt.

Please can I ask you to give the matters raised in this letter some very serious attention.

I look forward to hearing from you.

Finally, you will see that I have copied this email to Jenny Neale in the hope that she will bring these matters to the attention of the Inspector.

Yours sincerely,

RICHARD CUTLER BSc (Hons) MSc MRICS MRTPI MBA

cc Jenny Neale, Programme Officer

Mr & Mrs Brian Glover, Stourbank Nurseries