

Filtered Data Export

Full name: Cllr Bob Nelson

Organisation (where relevant): Broadhembury Parish Council

Other party name (if relevant):

-

Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD12

1(b). Does your comment relate to one of the changes listed above?: Yes

1(c). If the comment is related to a site, please state the site reference here.:
Brhe_09

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not legally compliant. Please be as precise as possible.: The report's core legal-compliance concern is that the site selection / allocation process fails to demonstrate compliance with the strengthened statutory duty introduced by the Levelling Up and Regeneration Act 2023 (described in the report as a requirement for relevant authorities to "seek to further the purposes" of Protected Landscapes/National Landscapes), including the need for documented evidence showing the duty has been enacted in plan-making and site allocations.

Based on the report, the reasons are:

1. Failure to integrate the strengthened LURA 2023 duty into plan-making/site selection evidence

The report states there is no mention of the duty in the Site Selection Methodology (2024) despite post-dating LURA 2023.

It also states there is no specific consideration of the special qualities of the National Landscape (or Broadhembury's local expression of those special qualities) within the Broadhembury site assessment.

2. Lack of documented evidence showing how the allocation seeks to further the statutory purposes

The report says there is no clear consideration of how development might "further the purpose of designation" and no differentiation between mitigation and measures that further the purposes.

3. No evidence of alignment with the Blackdown Hills Management Plan objectives/principles/policies for this allocation decision

The report states there is no evidence of how Brhe_09 allocation aligns with Management Plan objectives/principles/policies.

4. Potentially flawed / inconsistent evidence base and reasoning used to justify Brhe_09

The report identifies inconsistencies in sensitivity scoring (e.g., Brhe_09 sensitivity "underestimated" and should be "high" using the matrix).

It also identifies inconsistencies in heritage judgements between sites (e.g., Brhe_05 versus Brhe_09 conclusions).

2(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification

will make this part of the Development in the Towns and Villages chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

Below are targeted modifications the representation could request, reflecting the report's findings. I've written them in a way you can paste into a representation.

Modification 1 — Add an explicit LURA 2023 “seek to further” requirement to SD12

What to modify: Strategic Policy SD12 (Broadhembury Brhe_09).

Why it makes it legally compliant: The report emphasises that the duty is now active, requires reasonable proportionate steps, and must be evidenced; SD12 currently frames matters largely as mitigation and “careful design”, without requiring demonstration of “seeking to further” statutory purposes.

Modification 2 — Require the “furthering” analysis at allocation stage (plan-making), not deferred to application

What to modify: The supporting text to SD12 and/or the site allocation evidence requirements.

Why it makes it legally compliant: The report argues that key impacts (especially on heritage setting and landscape) should be determined prior to allocation, and criticises the absence of evidence showing how the allocation itself meets the duty.

Modification 3 — If the above cannot be evidenced, delete or replace the allocation

What to modify: Remove Brhe_09 from SD12 allocations or replace with a bespoke dispersed/windfall strategy for Broadhembury.

Why it makes it legally compliant: The report concludes allocation of Brhe_09 is likely contrary to Management Plan policy/guidance and questions whether it can “seek to

further” statutory purpose at all; it suggests a bespoke dispersed strategy with windfalls supported by detailed assessment.

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not sound. Please be as precise as possible.: The report concludes the allocation risks undermining soundness because:

- it is based on inconsistent/biased site selection judgements;
- Brhe_09 sensitivity is underestimated and should be high;
- mitigation measures in SD12 are described as conceptually appropriate but unlikely to be achievable in practice, raising deliverability concerns and “misleading expectation of developability”.

Using the NPPF soundness themes (Justified / Effective / Consistent with national policy), the report supports the following unsoundness points:

A) Not justified (reasonable alternatives / proportionate evidence)

- The report identifies inconsistencies and an apparent bias leading to selection of Brhe_09 as preferred allocation.
- It argues that, using the sensitivity matrix properly, Brhe_09 should be “high” sensitivity and is the most susceptible, undermining the justification for choosing it.
- It also critiques “value” scoring that appears to rely mainly on the site lying outside the designation boundary, without a nuanced valued-landscape assessment.

B) Not effective (deliverability / realistic mitigation)

- The report states that achieving SD12-style mitigation (screening, design to preserve spaciousness, retain enclosure patterns, protect views, maintain rural approaches and dark skies) is highly unlikely for up to 10 dwellings on Brhe_09.
- It highlights a tension between SD12’s desire for pedestrian improvements and the valued character of unlit, path-less rural lanes, making “enhancements” potentially harmful to special qualities.
- It concludes the site is “unlikely to be deliverable” and risks a “misleading expectation of developability.”

C) Not consistent with national policy / statutory context (Protected Landscape duties)

- The report says the process does not evidence how allocation aligns with the duty to seek to further Protected Landscape purposes and does not reference special qualities/Management Plan policies in a meaningful way.

3(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

Option 1 (Preferred): Delete Brhe_09 and replace with a dispersed strategy Why sound: Addresses justification and effectiveness by avoiding an allocation considered highly sensitive/poorly evidenced and adopting the report's recommended strategy.

Option 2: Retain Brhe_09 but strengthen SD12 so the allocation is demonstrably deliverable and evidenced Why sound: Attempts to fix effectiveness and justification problems by front-loading assessment and tightening criteria. Key additions (drawing directly from report concerns):

- Require a site-specific Landscape/Heritage evidence package before allocation is confirmed (not deferred).
- Require retention of key views (church tower approaches), indented vegetated edge, small enclosure pattern, and dark skies, with measurable design requirements.
- Replace vague "opportunities to enhance pedestrian access" with a requirement that any measures must not suburbanise rural lanes (no standard kerbs/lighting unless clearly justified and designed to conserve tranquillity). This responds to the report's lane character concern.

Full name: Jan Keeling

Organisation (where relevant): Broadhembury Parish Council

Other party name (if relevant):

-

Proposal:

5. Development in the Towns and Villages

1. To which part of the Development in the Towns and Villages chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: SD12

1(b). Does your comment relate to one of the changes listed above?: No

1(c). If the comment is related to a site, please state the site reference here.:

Brhe_09

2. Do you consider that this part of the Development in the Towns and Villages chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Development in the Towns and Villages chapter is not legally compliant. Please be as precise as possible.: On behalf of Broadhembury Parish Council.

Broadhembury Parish Council has commissioned an independent consulting report to determine whether your site selection process has been carried out in a systematic and consistent way, and whether you have complied with the law relating to Protected Landscapes. The report is attached and it forms the detail of our submission to the Planning Inspectorate. It elaborates on our submission to you in March 2025 in response to your first consultation and is consistent with our first comments to your department in 2023.

In summary, the report documents that sites have been reviewed in an inconsistent and 'apparently biased' way and that your legal duty to further the purposes of a Protected Landscape as enacted in LURA (23) has not been observed and complied with. The Broadhembury Parish Council believes that these points go way beyond any question of the plan's 'soundness'; if found to be substantial at Inquiry than they risk placing your Authority in legal jeopardy.

I would emphasise that since the drafting of the various documents which contribute to your plan, your department has approved for Outline Permission, the alternative site which you discard in your Local Plan assessment. This is also the site preferred by the Parish Council. It is the one which will cause the least harm to the Protected Landscape and where mitigation can be most effectively designed.

2(c). Please set out the modification(s) you consider necessary to make this part of the Development in the Towns and Villages chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Development in the Towns and Villages chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

We would urge you to give personal and serious consideration to the points made in the report and reconsider the site allocation proposal in the Local Plan for Broadhembury as a result. If you are unable to do this we shall pursue our arguments at Public Inquiry and, since we believe a point of law is at stake, we shall pursue the argument beyond if unable to persuade the Inspector of the merits of our case.

3. Do you consider that this part of the Development in the Towns and Villages chapter is sound?: No