



Appeal Decision

Inquiry held from 25 June 2024 to 5 September 2024

Site visits made on 17 July 2024 and 18 July 2024

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2024

Appeal Ref: APP/D1265/W/23/3336518

Land to the south of Alderholt, between Hillbury Road and Ringwood Road, and land to the west of Ringwood Road, Dorset, SP6 3DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Dudsbury Homes (Southern) Ltd against the decision of Dorset Council.
 - The application Ref is P/OUT/2023/01166.
 - The development proposed is a mixed use development of up to 1,700 dwellings including affordable housing and care provision; 10,000sqm of employment space in the form of a business park; village centre with associated retail, commercial, community and health facilities; open space including the provision of suitable alternative natural green space (SANG); biodiversity enhancements; solar array, and new roads, access arrangements and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by Dudsbury Homes against Dorset Council and by Dorset Council against Dudsbury Homes. These applications are the subject of separate costs decisions.

Preliminary Matters

3. The application was submitted in outline with all matters reserved apart from one access off Hillbury Road.
4. Parameter plans were submitted with the application showing layouts and land uses including the location of a new village centre and a second access off Ringwood Road. The parameter plans are the following:
 - 22-1126 PP-AMP P2 Parameters - Access and Movement Plan
 - 4256_LS_019 A Green Infrastructure Parameter Plan
 - 22-1126 PP-LU P3 Parameters - Land Use Plan
 - 22-1126 PP-DP P2 Parameters - Density Plan
 - 9148-D1-AIA Sheets 1-4 Prelim AIA
 - 4256_LS_012 E Landscape Strategy Plan

5. The Appellant intends the development to be carried out in general conformity with these plans, and they have been taken into account in this decision.
6. After the inquiry had finished sitting in Wareham on 16 July 2024 it was held open to allow for virtual closing submissions on 19 July; for costs submissions; for comments to be made on the July 2024 Written Ministerial Statement, the consultation draft NPPF and standard method calculation; and for comments on the Examiner's Report into the Alderholt Neighbourhood Plan, which was published in August 2024. The inquiry was closed in writing on 5 September 2024.

Main Issues

7. There are three main issues in this appeal. These are, firstly, housing land supply and the general policy context; secondly, the location of the development, having regard to the distances that would be travelled to employment, retail and social facilities; and thirdly, the effect of the scheme on the highway network.
8. Other matters were discussed at the inquiry, but they are not main issues and are addressed later in this decision.

Housing land supply and the general policy context

9. The development plan includes the Christchurch and East Dorset Local Plan Part 1 Core Strategy, which was adopted in 2014. This will be referred to in this decision as the Local Plan. The development plan also includes the saved policies from the 2002 East Dorset Local Plan.
10. Work on a new plan was taken forward by the former East Dorset Council and more latterly by Dorset Council as far as Regulation 18 stage. However, the Council decided early in 2024 to cease work on the emerging plan and to commence work on a different plan to be taken forward under the new system, for adoption in 2027. Work on that plan is at a very early stage.
11. The Local Plan is therefore 10 years old, with its replacement unlikely to be adopted for another three years.
12. An analysis of the housing land supply position under the current policy framework and existing standard method is set out in Annex 1 of this decision. From that analysis it can be concluded that housing land supply in East Dorset, based on a capped figure for local housing need derived from the current standard method, is likely to be within the range of 3.66 to 3.9 years against a 5 year housing land supply requirement. At 3.9 years, the 5 year housing land supply shortfall is 529 dwellings; at 3.66 years it is around 614. These are large figures and, as the housing need figure is capped, it does not represent the whole quantum of housing need. Moreover, evidence indicates that affordable housing need in Dorset as a whole (including affordable rented and affordable home ownership) is 1,717 dwellings per annum, a large proportion of the overall housing requirement. There is clearly a very significant housing need that is not being fully met.
13. On 30 July 2024, a new Written Ministerial Statement was published which expresses the firm intention to raise housing targets and facilitate housing delivery. This is now part of current national planning policy. Published alongside it were consultation drafts of a revised National Planning Policy

Framework to replace the 2023 version, and a new standard method for calculating local housing need. These could be subject to change, so the 2023 National Planning Policy Framework and the 2019 standard method set out in Planning Practice Guidance remain current at the time of writing. Nevertheless, the statements regarding housing delivery in the Written Ministerial Statement express a strong policy direction which should be accorded great importance.

14. In July 2024 the Council published an annual position statement on the 5 year housing land supply for the whole of Dorset, reflecting Dorset's local authority reorganisation. This calculates that, with an annual requirement of 1,793 homes, there is a deliverable housing land supply of either 5.24 years, or 5.32 years. This is disputed by the Appellant, whose consultation response suggests a supply of 4.09 years. At the time of writing the annual position statement has not been considered by the Planning Inspectorate and it cannot carry much weight.
15. Under the proposed standard method recently published for consultation by the government, the annual housing requirement for Dorset would be 3,230 homes, which would mean 2.77 years' supply on the Council's supply figures and 2.16 years on the Appellant's figures, and under these proposals the Council would not be able to fix its housing land supply figure through an annual position statement. This would indicate a much more severe shortage of housing land in Dorset than that calculated under the current standard method or the Council's annual position statement.
16. But for the reasons given above, neither the annual position statement nor the consultation standard method provides a firm basis for calculating housing land supply at the present time, so this appeal decision is based on the current standard method as applied to East Dorset. This formed the basis of both the Appellant's and the Council's detailed evidence on housing land supply.
17. Against the background of a shortage in housing land supply, the Local Plan policies which are most important for determining the application are out of date having regard to paragraph 11d) and footnote 8 of the National Planning Policy Framework. That is not to say necessarily that their broad objectives are no longer relevant; rather, that they might not address present needs. These include the policies which constrain the ability to meet housing need.
18. Local Plan Policy KS2, cited in the Council's reasons for refusal, is one of those policies. The policy is discussed later in this decision in connection with local facilities and journey distances, but at this point it is necessary to consider its role. Policy KS2 contains a settlement hierarchy which aims to concentrate the greater proportion of development at the higher order settlements. Alderholt, a fourth tier Rural Service Centre, is not one of them. The broad objective of the policy, which is derived from Local Plan Objective 6 and from the National Planning Policy Framework, is still relevant: to minimise the number and length of journeys and align development with infrastructure. The scale of development proposed in the appeal scheme is evidently in excess of that envisaged for a Rural Service Centre. Nevertheless, meeting a current housing shortfall might, depending on land availability, constraints and opportunities, require stepping outside the settlement hierarchy of a 10 year old plan.
19. The Alderholt Neighbourhood Plan, which has been examined but has not yet been subject to referendum, allocates a modest amount of land for housing on the basis of a figure of 16 dwellings per annum. Taking into account existing

supply, the Neighbourhood Plan requirement amounts to 50 additional dwellings to 2034. These figures originate from discussions with the Council based on a consideration of local need adopted to Alderholt on a pro rata basis.

20. The Examiner's Report has been published following an examination undertaken through written representations, and it states that the plan complies with the Basic Conditions including national planning policy and guidance. Its housing target and supply meet the Basic Conditions and there is no housing shortfall at the level of the Neighbourhood Plan. Policy 7 of the Neighbourhood Plan resists the development of greenfield sites for open market housing outside the village envelope and the Inspector's report rejects an allocation for housing on "Alderholt Meadows", in essence the appeal site.
21. Full regard must be given to the post-examination draft of the Neighbourhood Plan. Clearly much effort has been put into its production and it has now reached an advanced stage. The appeal scheme would conflict with the scale of its housing provision and with Policy 7. But the limited breadth of the Neighbourhood Plan's terms of reference must be recognised. Strategic concerns such as the wider housing land supply shortage are not within the Neighbourhood Plan's remit. Its housing figures have been arrived at in the absence of an up-to-date local plan which, had one existed, would have provided it with an appropriate strategic context, including an analysis of wider housing needs and housing supply. The Neighbourhood Plan is only required to comply with the existing Local Plan, but the Local Plan policies that are most important for determining this appeal are out of date. There is a wider housing land supply shortage, and a significant one.
22. It follows that the proposed level of housing provision in the Neighbourhood Plan, and the wording of Policy 7 which resists the development of greenfield sites for open market housing outside the village envelope, have been formulated in the absence of an up-to-date local plan strategy for meeting wider housing needs. The recent Written Ministerial Statement makes it clear that housing need in England cannot be met without planning for growth on a larger than local scale. For all these reasons the Neighbourhood Plan, whilst an important consideration, does not preclude the consideration of options and proposals at Alderholt for meeting those wider housing needs.
23. Turning to delivery, the appeal scheme would add a relatively small proportion of its 1,700 dwellings to the housing land supply within the 5 year period. Its ability to deliver in the shorter term would, like many schemes, be affected by a number of factors, not least the time it takes to discharge planning conditions and meet the terms of the s106 obligation. But where there is a shortfall in housing land supply, and policies which are most important for determining the application are out of date, national policy does not express a bias against large housing schemes that might only deliver towards the end of the 5 year period and beyond. Such schemes will still contribute towards housing supply. The appeal scheme would make an important contribution towards maintaining a rolling 5 year housing land supply during a period when evidence clearly indicates that the supply shortage would otherwise continue.

Conclusion

24. The Written Ministerial Statement sets a clear policy direction to deliver a greater number of homes where they are needed. The Local Plan is old and does not provide an adequate framework for addressing these identified needs

either over the 5 year housing supply period or in the longer term. The housing provision in the emerging Neighbourhood Plan has been set in the context of the out-of-date Local Plan and is not in a position to consider wider housing need and the housing supply shortfall. The conflict with the Neighbourhood Plan's housing requirement and Policy 7 must be seen in that context.

25. Against the background of a housing supply shortfall, the scheme would contribute 1,700 new homes including some 625 affordable homes and a care home. This contribution would come late in the 5 year period and beyond, because of the time needed to obtain subsequent detailed approvals and consents, but would make an important contribution towards maintaining a rolling 5 year housing land supply. Housing provision is an extremely important benefit of the scheme.
26. Environmental matters are discussed later in this decision, but (having regard to footnote 7 of the National Planning Policy Framework), the policies that protect assets or areas of particular importance do not provide a strong reason for refusing the development.
27. In all the circumstances, national policy as set out in paragraph 11d) of the NPPF is that planning permission should be granted for the proposed development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

The location of the development, having regard to the distances that would be travelled to employment, retail and social facilities

28. Alderholt is a moderately large 20th Century village surrounded by countryside. Its function as a Rural Service Centre is recognised by Policy KS2 of the Christchurch and East Dorset Local Plan. Under this policy, residential development is allowed of a scale that reinforces its role as a provider of community, leisure and retail facilities to support the village and adjacent communities.
29. Alderholt provides a range of homes with gardens in an attractive area, and though it has no obvious village centre, it offers a modest range of facilities. These include, among other things, a Co-op store and Post Office, a hall, a first school, a good children's play area, an attractive cricket / sports ground and a vehicle repair garage. It is very clear from the evidence of the Parish Council and Action4Alderholt that residents value what Alderholt has to offer.
30. It would therefore be unfair to describe Alderholt as unsustainable, and as there are no benchmark criteria against which to gauge degrees of sustainability, the term is unhelpful and is not used again in this decision. Self-containment is also unhelpful as a goal in a physically and digitally interlinked world in which almost nowhere is self-contained. As would be expected in a village on the fourth tier of the Local Plan's settlement hierarchy, people from Alderholt use larger centres to access services not available in the village. Some of the negative impacts of the village's location have been mitigated by the growth of remote working, online ordering, and the slowly increasing number of electric vehicles in the fleet.
31. Nevertheless, issues of inconvenience and potential social disadvantage do still exist. Residents need to travel some considerable distance to reach the large

food stores, shopping centres, leisure and entertainment facilities and business and employment establishments of Salisbury and Bournemouth, Wimborne Minster, Ringwood and Verwood. These journeys are almost entirely made by car. Residents must travel out of the village to a health centre and a pharmacy. Children need to leave the village and travel a long distance to attend middle school in Cranborne, 4.5 miles away, and secondary school in Wimborne Minster, around 15 miles distant. The village has lost its scheduled bus service and there is no public transport. The nearest main railway station is at Salisbury, around 14 miles away.

32. The scheme would bring some of these missing services into the expanded village. Policy KS2 specifically allows for residential development in Rural Service Centres and, notwithstanding the Council's argument at the inquiry, it does not preclude the provision of new community, leisure and retail facilities. The development would deliver a village centre which, having regard to the Appellant's suggested condition and the s106 obligation, would commit the scheme to provide a maximum of 1,258 square metres of gross floorspace for the sale of goods, retail services, the sale of food and drink, and hot food takeaways. It would also require a public house or restaurant, a community building for provision for indoor sport, recreation or fitness, a health care centre providing the facility for NHS primary care services and a certain amount of office floorspace. It would contain an employment area of 10,000 square metres, located on the eastern side of the proposed development, which would provide employment opportunities locally that do not currently exist. In addition, the scheme would provide a new area of at least 4.5 ha for formal sports. The new development would be linked to the existing village by attractive walking routes.
33. There would also be investment in school provision. The two different options set out in the s106 agreement are discussed later. The option to expand St James' First School on its current site would be unlikely to make much difference to the current pattern of journeys. However, the option to contribute towards the delivery of a primary school on a new site would mean that children would no longer have to travel to Cranborne Middle School. It would also open up the possibility, subject to formal agreement, for children to move on to secondary education at the Burgate School in Fordingbridge rather than undertaking the long bus journey to Wimborne.
34. The development would support a bus service for seven years. This would be half hourly in the peak periods and hourly at other times and would link Alderholt with Cranborne, Fordingbridge and Ringwood. It would provide the opportunity for those without access to a car to reach the facilities in these centres. It would not provide a comprehensive service to all the various towns, or facilitate late nights out, but would create a useful public transport spine route within and through the expanded village to nearby towns.

Conclusion

35. The intention of the scheme to provide a good basic range of facilities for the existing and new community is recognised. There would be better retail, community and employment facilities than exist now, and the provision of a bus service for an initial seven years would be a benefit. The scheme would help to reduce some of the existing social disadvantage and inconvenience arising from trips for educational, health and employment purposes. Thus

although the scale of development would be in excess of that originally envisaged in Local Plan Policy KS2 for Rural Service Centres, the scheme would reinforce Alderholt's role as such a centre.

36. But despite the proposed village facilities and bus service, the new development would still give rise to a considerable increase in external trips from the village. The proposed employment area would help to internalise some employment trips, but the majority of residential trips to employment centres would be external, involving car travel over some distance. Alderholt is also a long way from higher order retail, social and community facilities, and from a railway station. The bus service, useful though it would be, would not be able to cater for most of these journeys. Consequently, the scheme would increase the number of road trips by car, many of some considerable length, and would not further the objective of reducing the need to travel set out in paragraph 109 of the National Planning Policy Framework. It would run counter to Local Plan Objectives 3 and 6 and Policies KS9 and KS11 which aim to locate development in the most accessible locations, focused on prime transport corridors and town centres, and locate new residential development either close to existing facilities, or where good transport links exist to such facilities.
37. In the context of the shortfall in housing land supply and the absence of evidence of readily identifiable alternative sites, these concerns are not in themselves so serious as to rule out the scheme. This is discussed further in the conclusion to this decision.

The effect of the scheme on the highway network

38. Traffic modelling and methodology are discussed in Annex 2 of this decision. The scheme's impacts are assessed below, along with the Appellant's proposed mitigation measures for the various links and junctions. Before moving on to that assessment, there are two preliminary points to be made, concerning carriageway width and widening.
39. Firstly, the Transport Assessment and the Appellant's evidence have tended to use a 5.5 metre carriageway as a benchmark for the adequacy of the existing highway as well as a target for the widening proposals. Manual for Streets contains a diagram illustrating that a 5.5 metre wide carriageway can allow for a car to pass a large vehicle. However, Manual for Streets and Manual for Streets 2 focus on streets and low speed minor roads. Streets are generally of predictable width and planned geometry, and are subject to speed limits. In contrast, the roads around Alderholt are winding with inconsistent geometry, variable forward visibility and poorly delineated edges. They have faster moving traffic and are largely subject to the national speed limit. Although car journeys constitute the majority of movements, the roads carry all types of vehicle, including agricultural and quarry vehicles and delivery vehicles, and would also carry the bus service proposed by the Appellant.
40. The document "HS2 Rural Road Design Criteria" is more relevant to the circumstances. It was created for works on rural roads, to address the perceived gap between the trunk road-oriented Design Manual for Roads and Bridges on the one hand and street design criteria based on Manual for Streets and Manual for Streets 2 on the other. It is intended to provide a safe, consistent and proportionate approach to the design of rural roads. It is recognised that its origins are in the HS2 project and it relates to new highway design. Nevertheless, the document makes clear statements as to the

appropriate carriageway widths for rural roads. These are based on safe passing widths, which are generally applicable, so there is no logical reason why these criteria should be regarded as limited to roads designed as part of the HS2 project. The document states that 5.5 metres is the minimum width for two cars to pass in safety at low speed; 6.0 metres is appropriate for lengths with occasional use by buses or heavy goods vehicles; and 6.8 metres should be used for roads where buses or heavy goods vehicles are likely to pass each other on a regular basis. If these criteria were applied to the road network around Alderholt, taking into account the volumes of traffic in the 2033 scenario plus development, and the mixed nature of that traffic, 5.5 metres would not be adequate for most links. They would require a carriageway of at least 6.0 metres with the potential for 6.8 metres along the roads with highest and most mixed flows. The assessment of the capabilities of the network against a 5.5 metre standard, and the proposed widening measures to achieve a carriageway width of 5.5 metres, must be seen in this context.

41. Secondly, the assessment below is based on the assumption that all the Appellant's suggested widening proposals for the links can actually be carried out. The reality is that in many places, the extent of highway land is completely obscured by thick hedging, vegetation, banking and other features. So even allowing for the greater accuracy of LIDAR, said to be accurate to 20mm, there must remain considerable doubt, in the absence of intrusive physical site survey work, about the exact position of the highway land boundary and the physical ability to undertake the necessary alterations – even to 5.5 metres, which is itself an inadequate standard in most cases. Given the importance of an adequate road network to serve a development of the size proposed, it is not sufficient to expect these matters to be resolved at the stage of the s278 agreement.
42. The links and junctions of concern are discussed below. This discussion is confined to the links and junctions that are of greatest concern. It should be recognised that the forecast figures for traffic flows referred to in this section have the potential to vary, as discussed in Annex 2.
43. B3078 between Alderholt and Fordingbridge: this would be an important link for people in Alderholt. In addition to Fordingbridge, the B3078 gives access to the A338 which passes north towards Salisbury and south towards Ringwood and Bournemouth, whilst beyond Fordingbridge the B3078 travels onwards towards Totton, M27 and Southampton. Average annual daily traffic on the Alderholt to Fordingbridge link in the 2033 scenario is predicted to increase by 1,600 to 8,300 as a result of the development, and the proposed bus route would use this link.
44. The road between Alderholt and Fordingbridge has a rural, winding character with varying widths. The Appellant's proposal involves widening some of the more restricted parts of this link, but there are sections where it is not possible to achieve even 5.5 metres width. Despite the forward visibility through the pinch points, my practical observation and experience of driving the road demonstrates that the pinch points do not just affect two large vehicles. Cars also need to slow and stop for oncoming vehicles. In addition, the approach to Fordingbridge involves passing along Church Street/Provost Street, which is narrow and winding in places and lined with homes, and has a narrow bridge over Ashford Water on which oncoming vehicles have to give way. Adequate

- widening is not possible here. The predicted number of additional vehicles on this narrow and poorly-aligned link would create delays, inconvenience and additional highway hazards. The proposed reduction in the speed limit on this link would not adequately address its fundamental defects.
45. After entering Fordingbridge, the road comes to a T junction which is referred to in evidence as the Provost Street/Shafesbury Street/High Street junction. A capacity analysis of the junction indicates that, with the addition of development traffic plus traffic growth and committed development, substantial queues and delays would be experienced by drivers wishing to turn right into the High Street from Provost Street. The Appellant proposes mitigation works by widening the Provost Street arm to allow for two lanes of emerging traffic, which would reduce queuing in the 2033 scenario. However, this would not resolve the pinch point over the bridge. It would also involve the loss of public realm and would introduce a wider junction with three traffic lanes overall which would have implications for the townscape in this historic town. Traffic flows through Fordingbridge towards the A338 already affect the quality of the environment in the town.
 46. An alternative approach, referred to in the Transport Assessment and further discussed in the Transport Assessment Addendum, would be to create a one way system for West Street and Provost Street. Whilst it might offer a solution to the issue of queuing traffic and reduce the effect of the pinch point, it would involve routing traffic one way along West Street, which is in effect a winding residential back lane, and over the little bridge over Ashford Water, and would potentially harm the local environment and the living conditions of residents. The Road Safety Audit points to a number of deficiencies in this option which would be difficult to resolve.
 47. Fordingbridge is in Hampshire. Neither of these alternatives has been agreed with Hampshire County Council, highways or planning. In the absence of appropriate agreement with the relevant public bodies, the potentially negative implications of these measures for traffic flow and the character and quality of the environment in Fordingbridge are such that they cannot be endorsed in this decision.
 48. Aldersholt towards Ringwood via Harbridge Drove, Aldersholt Road, Verwood Road and A31 East and West. This is the most direct route southwards from Aldersholt to Ringwood, the A31 and the main highway network serving Bournemouth and Poole and other large centres of population. As a result of the development, the average annual daily traffic in the 2033 forecast would increase considerably from about 3,500 to about 6,500. The A31/B3081 junction itself would be revised to increase capacity in accordance with a scheme agreed with National Highways and that aspect of the proposals is acceptable.
 49. The Transport Assessment states that the carriageway on the link is typically 5.5m wide, and the Appellant has provided plans showing the widening of some narrower sections to 5.5m. However, those measures would not sufficiently improve the inferior quality of this route, which over much of its length has the characteristics of a forest road with irregular alignment and poorly defined edges, which would be potentially hazardous in the dark or at times of poor visibility. The scheme would result in a big increase in the number of vehicles

using the route and, having regard to its character, the additional traffic would be likely to jeopardise highway safety.

50. Kent Lane: Action4Alderholt argued at the inquiry that vehicles might use Kent Lane as a link between Harbridge Drove and the A338. Having travelled the routes and reviewed the network, it is clear that this concern is well-founded. Although the restricted width of Kent Lane would deter some drivers, the lane would be seen by others as a way of reaching the faster A338 link to Ringwood and the A31. For drivers travelling northwards on the A338, it would be a tempting shortcut to Alderholt, being a more direct route – particularly to the proposed area of development – than the B3078 through Fordingbridge. Kent Lane is entirely unsuitable to take additional traffic, being narrow, winding and very attractive. There are no proposals to address this issue in the appeal scheme.
51. Batterley Drove to Verwood: in the 2033 scenario the development would increase the annual average daily traffic flow from 2,650 to 4,800, representing substantial growth. The northern part of Batterley Drove is reasonably wide with adequate visibility which would encourage speed, but in the central section the road has the width and characteristics of a country lane, including a series of sharp bends with poor forward visibility and an acknowledged accident record. This degree of inconsistency presents a risk to highway safety, and despite the suggested additional signage and markings suggested by the Transport Assessment, the road would remain of inferior quality. Its characteristics would make it unsuitable, for both capacity and highway safety reasons, to take the number of additional vehicles arising from the scheme.
52. B3078 Alderholt to Cranborne west of the junction with Batterley Drove: this route ultimately gives access southwards to Wimborne Minster and westwards towards Shaftesbury. There are fewer centres of population in this direction, so the increase in traffic from the scheme on this section would be lower than on other routes. Nevertheless, it would experience an increase of around 700 vehicles, taking the overall annual average daily traffic to about 3,400 and this would be part of the proposed bus route. The quality of the route varies, with a degree of inconsistency which is potentially hazardous. Some parts are wide enough and with good enough visibility to encourage speed, and others very constricted such that oncoming vehicles take up the road width. Some sections are capable of being widened to 5.5 metres but there are considerable stretches which cannot. Entering Cranborne, there are tight bends, the available carriageway width is reduced to a single vehicle width by parked cars and, towards the village centre, Castle Street has no footways. Even though the increase in traffic from the development would be relatively modest in absolute terms, it would be likely to cause delay, driver frustration and potential hazard.
53. Sandleheath Road: this route consists of narrow and attractive country lanes. In combination with Rockbourne Road and the A354, it can be used as an alternative to the A338 for travelling to and from the Salisbury area. The lanes are narrow with ill-defined edges and it is difficult for vehicles to pass in many places, leading to verge erosion, and there is a constriction at Alderholt Mill. The route will be local knowledge, and, from my experience, satellite systems direct vehicles along it under certain traffic conditions. There is therefore a strong likelihood that, as a result of the development, the route would be used by greater numbers of vehicles. Like Kent Lane, it is sensitive in terms of

- quality, capacity and environment. Such an increase would have a harmful effect on the safety and convenience of users of Sandleheath Road. No mitigation or traffic control measures are proposed for this link.
54. The difficulties with many of the links described arise because of the absence of an adequate and appropriately located link between the site and the strategic road network.
55. The Appellant has sought to draw from the network's previous accident record the conclusion that the network operates safely, and that no unacceptable highway safety aspect would arise from the scheme. But as the proposal would significantly increase the number of vehicles using this inferior network, it would raise the number of potential conflicts. There is already local evidence from Action4 Alderholt that a number of accidents have been caused by vehicles leaving the roads, some in the face of oncoming vehicles. This is not surprising, because the network in every direction from Alderholt has the character of narrow, winding and irregular minor roads and country lanes. The additional traffic arising from a development of 1,700 homes would be a very large burden to place on this rural network which, even with the proposed mitigation, would exhibit inconsistent and inadequate widths, poor edge demarcation, often limited forward visibility and irregular alignment. The scheme would be likely to have serious negative consequences for highway safety.
56. The Appellant also argues that, in respect of congestion, there would be no severe residual impacts on the road network, even in the sensitivity testing scenarios. However, the increased traffic along the links would be likely to lead to queuing, delay and driver frustration at those pinch points which cannot be widened. Moreover, neither of the alternative mitigation measures in Fordingbridge, including widening at the junction of Provost Street/Shafesbury Street/High Street and the introduction of a one-way system, are acceptable for the reasons discussed above, and without them there would be significant queuing at the junction.
57. The second access to the development is unresolved. The footway extension on Ringwood Road along with the junction between Ringwood Road and the new spine road are important aspects of the scheme but their design and precise location have not been fully developed. On the ground there appear to be a number of impediments to their implementation including trees and front gardens. The evidence that the work required to create the access can be fully provided within the public highway and the Appellant's land is not convincing.
58. A number of sustainable transport measures have been proposed. The bus service, discussed above, is the most significant of these. It is also proposed to improve cycling facilities, which would include the provision of advisory cycle lanes and the removal of the centre line on Station Road and Ringwood Road, and the improvement of cycle links towards Fordingbridge. However, there is insufficient width on Station Road to provide dedicated cycle lanes; they could only be advisory. As for the creation of a cycle link between Alderholt and Fordingbridge, Fordingbridge Road is winding with poor visibility in places and Ashford Road is an indirect route which also suffers from poor visibility. Even with the proposed reduction in the speed limit, neither of these is likely to be attractive to cyclists and the Road Safety Audit identified a number of issues. The possibility of creating a cycle route along existing footpaths is unconvincing

because they are constricted by banks, vegetation and roots. The scheme as it stands would be unlikely to encourage cycling beyond the village.

59. There would also be a footway extension on Hillbury Road, improved connections to Birchwood Drive and recreation ground, traffic calming along the existing Ringwood Road, funding to extend the 30mph speed limit on Hillbury Road, financial contributions to improve public rights of way, a financial contribution to enable home to upper school transport, bus stops and bus stop infrastructure, and signalised crossings for pedestrians and cyclists at the A31 / Verwood Road junction. These measures would be beneficial, but would not overcome the fundamental highway objections to the scheme.

Conclusions

60. Taking all the above into account, the scheme would contain new retail, social, employment and educational facilities, which would allow a proportion of trips from the existing village to remain in Alderholt, and would mitigate to a certain extent the number of new external trips from the proposed development. However, despite these measures, it would also generate considerable growth in external trips. In doing so it would load a large number of additional journeys on to a poor rural road network with seriously negative consequences for highway safety, congestion and inconvenience and environmental harm. The impact on the road network would not be adequately mitigated by the proposed level of investment and intervention proposed by this scheme, in terms of both highway mitigation and sustainable transport measures, and the proposal would therefore be contrary to Policy KS11 of the Local Plan.

Other matters

The effect on the character of Cranborne Chase AONB

61. Cranborne Chase is a designated Area of Outstanding Natural Beauty (AONB). The term AONB is used in this decision as it remains the statutory designation at present, rather than National Landscape.
62. The AONB is a national landscape resource, and healthy lifestyles are encouraged. Whilst tranquility is valued as a component of the AONB character, and is mentioned in both the AONB Management Plan and Local Plan Policy HE3, it is not the sole purpose of designation and there are no policies that specifically deter people from visiting the AONB or passing through it on established routes. Indeed the AONB contains recreational trails and some very important and busy visitor attractions. Thus tranquility will not be uniform throughout the AONB.
63. The AONB can be reached by walking a mile or two north west from the appeal site on public rights of way. There is no convincing evidence that an influx of walkers, cyclists or riders from the development or an increase in noise would harm the character of the AONB.
64. Cranborne, just under 5 miles by road from Alderholt, lies within the AONB. There would be some additional traffic through it. Cranborne is attractive, but being a village, it already has activity and vehicles and does not exhibit the tranquility inherent in some of the open landscape of the AONB.
65. Some additional vehicles would travel through the countryside along the B3078 and other roads through the AONB. This has been represented in evidence as

the difference between seeing an average of one car every 27 seconds instead of one car every 40 seconds. The roads carry traffic now and people expect to see vehicles on them; they do not expect to experience tranquility in the same way as they might in a more remote part of the AONB. So (notwithstanding the conclusions on highway impact) the growth in the number of vehicles would not be so great as to have a material impact on the perception of the tranquility of the AONB.

66. For these reasons the scheme would not harm the character of the AONB and would not run counter to Policy HE3 of the Christchurch and East Dorset Local Plan which protects landscape quality, including tranquility, and cites the need to protect against light pollution, noise and motion.

Environmental matters

67. Environmentally, Alderholt is relatively unconstrained. The landscape consists of flat farmland which is compartmentalised by strong tree belts, so the visual impact of development would be contained. There is no landscape designation and the Council have not raised an objection on these grounds. The scheme would sit in juxtaposition to the existing village and would be linked to it by roads and footpaths. Existing residents would be aware of its presence and experience more people and cars, but because of the compartmentalised landscape the existing village would not be dominated by the new development, and it is unlikely that the character of the existing settlement would be notably changed. The scheme would deliver biodiversity gain and sustainable energy through a microgrid secured through the s106 obligation.
68. Issues concerning ecology and habitats are well summarised in the agreed Ecology Topic Paper CDG.035. Adverse impacts on the Dorset Heaths Special Protection Area (SPA), Dorset Heaths Special Area of Conservation (SAC), New Forest SPA/SAC and River Avon SAC were cited in the first reason for refusal.
69. Discussions between the Appellant, the Council and Natural England have resulted in Natural England and the Council withdrawing their objections subject to certain requirements, which are set out in Natural England's letters of 3 July and 10 July 2024. In summary it is agreed between the parties that their concerns are capable of being satisfactorily addressed through a planning obligation and conditions, albeit that there are differences between the parties as to the precise terms. These include a condition relating to the securing of nutrient (phosphate neutrality) and suitable alternative natural greenspace delivery in relation to the phases of development.
70. Natural England accepts the principle of avoiding harm to the River Avon designated sites through a requirement that the necessary phosphate credits are acquired prior to the commencement of each phase of development. This would prevent the scheme from giving rise to adverse effects on the River Avon. The Appellants would prefer this to be a pre-occupation rather a pre-commencement condition. Although the discussion is academic given that the appeal is dismissed, it would be more appropriate in the interests of certainty and the minimisation of risk to secure the credits before commencement of each phase.
71. The s106 obligation would secure financial contributions to deliver the necessary mitigation measures in respect of recreational pressure and air quality on the New Forest SPA/SAC and Ramsar site.

72. A condition designed to exert control over water consumption is also agreed as a means of avoiding the potential adverse effect of water abstraction on protected habitats.
73. With these mitigation measures in place, the scheme would not have an adverse effect on the integrity of the protected sites. The scheme would accord with Policies ME1 and ME2 of the Christchurch and East Dorset Local Plan, and the Dorset Heathlands Planning Framework Supplementary Planning Document, which safeguard biodiversity and protect the Dorset Heathlands.

The location and impact of the proposed village centre

74. The village centre would be reasonably well located in relation to the proposed new development, and walkable from it. It would pick up passing trade on the spine road and it would also be fairly close to the proposed employment area, extended sports facility and areas of higher residential density. Its location some way to the south of the present village has attracted criticism, but the alternative locations suggested by the Council and Parish Council appear unrealistic. A position further north-west on Ringwood Road would conflict with the attractive semi-rural character of the existing development in that area, whilst the draft Neighbourhood Plan's idea of developing Station Road as a High Street, though endorsed with qualifications by the Examining Inspector, would seem difficult to realise given its established residential character, and would be most unlikely to be able to accommodate the range of facilities proposed that could be accommodated by the appeal scheme.
75. The proposed neighbourhood centre would be accessible by foot and bicycle on attractive routes from much of the existing village, and whilst some existing residents might be beyond reasonable walking distance and might use the car, those trips would either be very short, or would be linked trips to other destinations. The centre would be accessed by the proposed bus service. Considerable effort has been made to develop an appropriate layout and design solution for the site.
76. Owing to market forces and the need to maintain flexibility, it might not be possible to deliver the precise range of services set out in the Design and Access Statement, or the number of units and floorspaces in the Council's suggested condition. Nevertheless, the Appellant's suggested condition together with the planning obligation and the locational advantages of the centre provide sufficient confidence that such a centre would be viable, and that a useful range of services would be provided that would benefit both new and existing residents.
77. As the proposed village centre is meant to serve the new development and existing village, it is doubtful whether the requirement for a sequential approach and retail impact assessment cited in reason for refusal 7 of the Council's decision were strictly necessary. In the event, the scheme meets the sequential test and, owing to its relatively small size, the local centre would be very unlikely – even with the flexibility inherent in the Appellant's suggested condition – to have a negative impact on the vitality and viability of other towns, which have a greater range of facilities.
78. The local centre is predicted to draw some trade away from the Alderholt Co-op for a period of time although, in the longer term, trade would increase as a result of the growth in the number of households. The Co-op is close to the

junction of Station Road and Ringwood Road, has a good-sized car park and is convenient for passing trade on the B3078; it is easily reached by foot from the north-western part of Alderholt, and it contains a post office. These advantages would suggest that if the development went ahead, the Co-op would probably not close. This could not be guaranteed of course, but there would be a reasonable prospect of the village benefiting from two small convenience stores serving different parts of the village. Whether or not the Co-op were to close, the scheme would not conflict with Local Plan Policy PC5 which is concerned with proposals that would directly cause the loss of retail premises, not market competition that might affect existing businesses.

79. The location and impact of the village centre would be acceptable, and the scheme would accord with both Local Plan Policy KS7 in respect of retail impact and the sequential test and LN7 which seeks to protect local community facilities and services, but that does not alter the conclusions in respect of scheme's highways impact.

Education

80. The Appellant originally proposed to create a primary school on the existing St James's School site as part of a change from a three tier to a two-tier education system. This was rejected by the Council, so the Appellant proposed an expanded first school on the existing site and accepted that the education system would remain in three tiers. The Council originally sought a full 360 place school on a separate suitable site fully funded by the Appellant, but this raised questions about compliance with the CIL regulations. Two alternatives are provided for in the s106 obligation: the expansion of the first school on the existing site under the existing three tier school system, or the provision of land and a contribution towards a primary school as part of a two-tier system. The s106 obligation requires the Appellant to serve notice on the Council prior to the submission of the first reserve matters application, and for the Council to provide a written response confirming which alternative it wants to proceed with. Arrangements for the seeking of planning permission, delivery, and the transfer of land in the case of the primary school option, are included in the s106 obligation. This removes the education objection to the scheme.
81. A new primary school based on a two-tier education structure might be preferable from a town planning standpoint because it would reduce the number of external trips to Cranborne and potentially enable secondary school children to travel to the Burgate School in Fordingbridge instead of undertaking the long journey to Wimborne Minster. But key decisions on these matters would need to be taken by those who have expertise in education policy, school design standards and the structure of the education system. In any case, neither option would overcome the fundamental objections to the scheme on highways grounds.

Affordable housing

82. Local Plan Policy LN3 states that all greenfield residential development which results in a net increase of housing is to provide up to 50% of the residential units as affordable housing; lower levels must be justified by clear and robust evidence. Initially the Appellant stated, on the basis of viability evidence, that 35% of residential units could be provided as affordable homes. The Council's consultants maintained that 50% was achievable, subsequently altering that to 41.5% on the basis of a Red Book Valuation. A figure of 37% was eventually

agreed between the parties and inserted into the s106 obligation, which also incorporates a two stage review. Since this agreed figure was based on assessments of viability, it complies with Local Plan Policy LN3. Whilst the benefits of the scheme in respect of affordable housing provision are recognised, they do not overcome the objections to the scheme, as discussed in more detail below in the conclusions.

Overall conclusion

83. There is a shortfall of housing land in East Dorset against local housing need calculated on the basis of the current standard method. At the present time the basis for assessing housing land supply is derived from the East Dorset Housing Land Supply Report April 2023 (January 2024). The probability is that supply lies in the range 3.66 to 3.9 years. Added to that is clear evidence of a substantial need for affordable housing.
84. The Council's recent district-wide assessment suggests that the supply is over 5 years, but it is disputed and has not yet been independently assessed, and in any case the position could become much more acute if the government's proposed changes to the standard method are adopted following consultation. At the present time the proposed standard method only has the status of a consultation draft, so the current standard method should be used as the basis for the calculation. Nevertheless, national policy as expressed in the Written Ministerial Statement of 30 July 2024 sets out the firm intention to raise housing targets and facilitate housing delivery.
85. The absence of a 5 year housing supply means that the Local Plan policies that are most relevant for determining the application are out of date. The modest housing requirement of the Neighbourhood Plan, and its restrictive Policy K7, have been prepared in the context of those out of date policies. The Neighbourhood Plan is an important consideration but it does not preclude the consideration of proposals intended to help meet a significant wider unmet housing need. Housing need in England cannot be met without planning for growth on a larger than local scale. Planning permission should therefore be granted for the appeal scheme unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework as a whole.
86. Many of the components of the scheme are acceptable or can be made so through the s106 obligation and planning conditions. These include the layout of the development, the position and composition of the local centre, environmental protection, education provision and the amount of affordable housing. The new retail, social, employment and educational facilities would allow a proportion of trips from the existing village to remain in Alderholt, and would mitigate to a certain extent the number of new external trips from the proposed development. The scheme would not have an adverse effect on other centres.
87. However, Alderholt is a long way from higher order retail, social and community facilities, and from a railway station, whilst the bus service, useful though it would be, could only cater for a proportion of the journeys to these facilities. Despite the proposed village facilities, the scheme would result in an increase in the number of external road trips by car, many of some length, and would not further the objective of reducing the need to travel inherent in

paragraph 109 of the National Planning Policy Framework, Local Plan Objectives 3 and 6 and Local Plan Policies KS2, KS9 and KS11.

88. That on its own would not justify dismissing the appeal in the absence of 5 year housing land supply where, as in this case, there is no convincing evidence that locationally better alternative sites are readily available. The forthcoming local plan might ultimately release sites from the Green Belt and allocate them for housing, but it is in its very early stages and is not planned to be adopted until 2027, and it will take time for sites to be identified, allocated and granted permission. Alderholt is not constrained by landscape, environmental or other designations and indeed, the possibility that Alderholt might take strategic growth had previously been under serious consideration by the Council.
89. But despite this background, planning permission cannot be granted for the appeal scheme. That is because, most importantly, the additional movements generated by the development would be loaded on to a poor rural road network with seriously negative consequences for highway safety, congestion and inconvenience and would run seriously counter to Local Plan Policy KS11. The degree of investment and intervention proposed in the appeal scheme would fall short of mitigating these defects. The absence of a suitable link to the wider strategic road network is a critical factor. Greater investment would be needed in the highway network to service adequately a development of this scale in this location. Whilst the provision of 1,700 homes represents a benefit of great importance, it does not override the fundamental failings of the scheme on these crucial matters. The adverse impacts of the scheme would significantly and demonstrably outweigh the benefits, including housing and affordable housing provision and the provision of additional village facilities.
90. I have considered all the other matters raised, but they do not alter my conclusions. For all the above reasons, the appeal is dismissed.

Jonathan Bore

INSPECTOR

Annex 1: The calculation of housing land supply

1. The Council's published position, 'East Dorset Housing Land Supply Report April 2023' (January 2024) identifies a housing land supply of 3.9 years, base-dated at 1 April 2023. This is based on a requirement of 2,405 dwellings (including a 5% buffer) and a supply of 1,876 dwellings. The shortfall amounts to 529 dwellings.
2. The Council had originally sought to argue, having regard to paragraph 226 of the National Planning Policy Framework (NPPF), that it should be required to demonstrate a 4 year housing land supply, since it had previously produced a draft Regulation 18 local plan containing spatial options. However, in March 2024 the Council decided to cease work on that plan in favour of a new plan with an anticipated adoption date of 2027. In the circumstances, the draft Regulation 18 Local Plan can no longer be considered an emerging plan and the 5 year housing land requirement referred to by paragraph 77 of the NPPF applies.
3. For the East Dorset 5 year housing land supply, the local housing need figure was calculated using the standard methodology as the adopted Local Plan is more than 5 years old. Planning Practice Guidance states that where policies were adopted more than 5 years ago and are in need of review, the local housing need figure is capped at 40% above whichever is higher of the projected household growth for the area over the 10 year period or the average annual housing requirement figure set out in the most recently adopted strategic policies (if a figure exists). The capped figure is 458 dwellings per year, with a 5 year requirement of 2,290 dwellings; the uncapped figure would be 543 dwellings per annum, or 2,715 over the 5 year period.
4. The Appellant argued that since the Local Plan combined the housing need of East Dorset and Christchurch, the need for a cap should be considered against the combined local plan target of 566 dwellings per annum, in which case a cap would not be required. This would result in the housing requirement for East Dorset being the LHN-based uncapped figure of 543 dwellings per annum. However, this does not seem an entirely logical approach. It seeks to apply to East Dorset alone a figure derived from the combined area. There is no separate plan for East Dorset, hence no separate plan-derived housing figure, and where a figure does not exist the Guidance indicates that the figure should be based on projected household growth. In this regard therefore, the approach of the Council is correct and the housing requirement should be considered to be 458 dwellings per year. That does not of course represent the whole of East Dorset's housing need, which is 543 dwellings per annum under the current standard method of calculation.
5. The housing yield from certain sites has been disputed and various adjustments to the calculations have been made as described in the agreed Housing Land Supply Topic Paper of 11 June 2024. The movement towards the discharge of outstanding permissions on Howe Road does not present a convincing picture that the site would deliver 28 of the homes; there are

doubts about the rate of delivery at West Parley; and windfall delivery may represent a degree of double counting with the small sites figure. At my request further analysis was carried out as described in the agreed post-round table session inquiry note, CDK.013. Reductions in supply to take into account the uncertainties over the two sites and windfalls results in a housing land supply figure of 3.66 years. It is reasonable to regard housing land supply for East Dorset, based on the current standard method, as lying between 3.66 years and 3.9 years.

Richborough

Annex 2: Traffic modelling

1. Work undertaken for the discontinued Dorset Local Plan included two visions for Alderholt, with either limited or larger scale expansion. The supporting transport evidence included a calibrated and validated microsimulation model of the area in accordance with DfT's Transport Analysis Guidance to test the impact of various scales of development. The Alderholt Traffic Forecasting Report (September 2021) considered the highway impacts of notional developments of 500, 1,000 and 2,500 dwellings and the Appellant commissioned Dorset Council to undertake a further assessment for 1,750 dwellings. The assessment assumed that the hypothetical developments would be solely residential, with no other uses. The microsimulation modelling indicated that a development of 1,750 dwellings would not have a significant impact on congestion.
2. The methodology and vehicle trip distribution for the Transport Assessment and subsequent Transport Assessment Addendum were discussed and agreed in principle with Dorset Council Transport Planning in 2022. For the Trip Internalisation Report, a total people trip rate was derived from the TRICS database and applied to the proposed amount of development. Information on trip purposes during the peak periods was derived from the National Trip End Model and applied to the total people trips. For each trip purpose an internalisation factor was applied. Modal split assumptions were then applied to each trip purpose to calculate vehicle trip generation. Modal split was based on Alderholt and Fordingbridge data.
3. The outcome of the Trip Internalisation Report was based on calculations (for both the existing village and for the proposed residential development) that 21% of residential trips to places of work would be internalised, 90% of primary school journeys, 75% of retail and personal business and 50% of leisure trips. The assessment was based on the development of a primary school rather than the expansion of the middle school, but the subsequent Transport Assessment Addendum also considered the middle school option. The latter option increases the number of vehicle trips likely to be generated by the proposed development, and there would be no reductions to existing vehicle trips associated with education. Both options are allowed for in the s106 obligation.
4. The percentages for internalisation relate to peak hour trips, which could help to explain the seemingly high internalisation rates for retail, personal and leisure trips; the pattern of these trips would likely be different outside the peak hour. As regards the percentage of internal residential to employment trips, this clearly depends on the nature of the employment attracted to both the proposed employment area and village centre. The figure of 21% internalisation might be possible once the development has reached maturity and travel patterns have adapted.
5. Using these calculations and based on the provision of a primary school, the Trip Internalisation Report came to the conclusion that the scheme would have a net impact on vehicle trips to and from Alderholt of 510 in the morning peak and 884 in the afternoon peak. This was derived from calculating the number of external trips generated by the proposed

- development, allowing for the internalising effect of the scheme's proposed village facilities, and reducing it by the number of existing external trips from the existing village that would become internal to the village as a result of the provision of those same facilities.
6. As part of this analysis, an assumption was made that the people from the village would walk to the facilities. This may not always be the case because parts of the existing village would be more than a comfortable walking distance away. But even if residents drove in preference to walking, the trips would mostly still be internal or would be part of external trips which would have been made anyway. It is recognised that, once in the car, some people might simply drive to another centre with a greater range of facilities. However, the walking assumption is accepted as a general proposition.
 7. The outputs were not agreed by either Dorset Council or Hampshire County Council who both considered the number of predicted trips was too low. Hampshire County Highways Authority argued that it was not appropriate to deduct trip rates from the existing village since the proposed village facilities were intended to serve the new development. This point overlooks the reality that the proposed village facilities would be an attractive alternative, for existing residents, to longer journeys beyond the village. Nevertheless, the trip rates used on the appeal scheme are notably lower than those agreed for certain developments in Hampshire, which were 1309 vehicle movements during AM peak and 1284 during PM peak. On the other hand there are two factors that might have led to an over-estimation of trip rates in the Appellant's model: there is double counting inherent in the inclusion of additional committed traffic flows as well as Trip End Model Program growth, and secondly, higher trip rates were assigned to the care home and affordable housing than would arise in practice.
 8. National Highways requested a further assessment based on higher residential trip rates and a lower level of internalisation, resulting in a calculation of 1,122 trips in the morning peak and 1,071 in the afternoon peak. This was used to test the A31/B3081 junction. Further sensitivity testing was carried out in respect of junctions in Fordingbridge, although the analysis made deductions in external trips to account for the proposed new village facilities.
 9. There remains some uncertainty about the trip rates used in the Transport Assessment and Addendum, particularly as they are notably lower than the rates predicted in certain Hampshire sites. But in seeking to predict behaviours, such uncertainty is inevitable, and to address risk, sensitivity testing has been carried out for the junctions. There is also some potential for over-estimation of rates as discussed above.
 10. Having regard to all the above, it is reasonable to take the predicted traffic flows from the Appellant's modelling and refer to them in this decision. It is recognised that different variables and assumptions, particularly on internalisation, could result in traffic flows at variance with those indicated by the modelling, but it is important to note that the conclusions of this appeal decision do not rely on the premise that trips might be, or would be, higher than those predicted by the Appellant's modelling.

APPEARANCES

For the Appellant

Richard Turney KC and Natasha Jackson, of Counsel

They called:

Jacqueline Mulliner BA (Hons) BTP (Dist) MRTPI Managing Director, tor&co

Gary Worsfold PGDip (dist) Arch.Hist Director, Scott Worsfold Associates Ltd
IHBC FRSA MCSD AoU

James Rand BA (Hons) MSt MIHT Associate, Paul Basham Associates
Duncan McCallum BA (Hons) MPhil Project Director, DPDS Consulting
MRTPI

Tristram Bushby BA (Hons) BSc (Hons) Associate, Allen Pyke Associates Ltd
MA CMLI

Jason Mound MCIOB Project Manager, Rapleys

Nigel Jacobs MRTPI Operations Director, Intelligent Land

Proofs of evidence were also received from Mark Sturman (Viability), James Powell (Education) and Rebecca Brookbank (Ecology) but they were not called.

For the Council

Miss Melissa Murphy KC and Mr Nick Grant (Landmark Chambers, London),

They called:

Richard Fitter IEng FCILT FICE FIHE Director, Entran Ltd

Colm O'Kelly BSc (Hons) MPhil CMLI Senior Landscape Architect, Dorset
MBA PGDip Council

Atam Verdi BSc (Hons) MRICS RICS Executive Director, AspinallVerdi
Registered Valuer

Mark Lang BSc (Hons) CEcol CEnv Technical Director, RSK Biocensus
CIEEEM

Christine Reeves BSc (Hons) DIP TP Senior Consultant, Lambert Smith
MRTPI Hampton

Ursula Fay BSc (Hons) MSc MRTPI Lead Project Officer, Eastern Area

Planning Team, Dorset Council

Claire Lynch BSc (Hons) MSc MSc

Senior Planning Officer, Strategic
Planning Policy Team, Dorset Council

A proof of evidence was also received from Ed Denham (Education) but he was not called.

For Alderholt Parish Council

Simon Bell, of Counsel

He called:

Cllr Gina Logan

Alderholt Parish Council

Mark Baker BSc CEng MICE FCIT FILT
EurIng

Mark Baker Consulting Ltd

Jo Witherden BSc (Hons) DipTP DipUD
MRTPI

Chartered Town Planner, for Alderholt
Parish Council

For Action4Alderholt

Colin English BSc CEng HonFIOA

Alderholt resident

Stephen Godsall

Alderholt resident

DOCUMENTS AND PLANS

Code

CDA Application Plans and Documents before the Council at point of appeal submission
CDB Relevant Planning Application Consultation Responses and Correspondence
CDC Statement of Common Ground and Statement of Case
CDD Local Planning Policy and Guidance
CDF Evidence Base
CDG Pre-Inquiry Documents
CDI Appeal Decisions And Case Law
CDJ Inquiry Documents added after 14 June
CDK Inquiry Documents

CDA Application Plans and Documents before the Council at point of appeal submission

CDA.001 Application form including certificates
CDA.002 Covering Letter (February 2023)
CDA.003 Location Plan 22-1126 LP01 Rev C
CDA.004 Indicative Masterplan 22-1126 MP.01 rev B
CDA.005 Masterplan Overview 22-1126 MPO rev P4
CDA.006 Phasing Plan 22-1126-PP rev P1
CDA.007 Landscape Strategy Plan 4256_LS_012 rev E
CDA.008 Green Infrastructure Parameter Plan 4256_LS_019 rev A
CDA.009 Parameter Plan – Access and Movement Plan 22-1126 PP-AMP rev P2
CDA.010 Parameter Plan – Density Plan 22-1126 PP-DP rev P2
CDA.011 Parameter Plan – Land Use Plan 22-1126 PP-LU rev P3
CDA.012 Tree Protection Plans – ref 9148-D1-AIA, 9148-D2-AIA, 9148-D3-AIA, 9148-D4-AIA
CDA.013 Environmental Statement Volume 1 Main Text
CDA.014 Environmental Statement Volume 2 Es Figures A
CDA.015 Environmental Statement Volume 2 Es Figures B
CDA.016 Environmental Statement Volume 3 Technical Appendix 1.1 Scoping Opinion Report
CDA.017 Environmental Statement Volume 3 Technical Appendix 1.1 Scoping Opinion Report Appendix
CDA.018 Environmental Statement Volume 3 Technical Appendix 1.3 Statement of Competency
CDA.019 Environmental Statement Volume 3 Technical Appendix 7.1 Transport Assessment
CDA.020 Environmental Statement Volume 3 Technical Appendix 7.2 Travel Plan
CDA.021 Environmental Statement Volume 3 Technical Appendix 7.3 Walking Cycling and Horse Riding Assessment
CDA.022 Environmental Statement Volume 3 Technical Appendix 8.1 Landscape and Visual Assessment Criteria
CDA.023 Environmental Statement Volume 3 Technical Appendix 8.2 Figures Supporting LVIA
CDA.024 1 of 3 Environmental Statement Volume 3 Technical Appendix 8.4 Visuals_Part1
CDA.024 2 of 3 Environmental Statement Volume 3 Technical Appendix 8.4 Visuals_Part2
CDA.024 3 of 3 Environmental Statement Volume 3 Technical Appendix 8.4 Visuals_Part3
CDA.025 Environmental Statement Volume 3 Technical Appendix 8.6 Technical Methodology Photo, 3D modelling and verified visualisations
CDA.026 Environmental Statement Volume 3 Technical Appendix 9.1 Annex 2 Ecology Report and Phase 2 Survey
CDA.027 Environmental Statement Volume 3 Technical Appendix 9.1 Annex 3 PEA Ecology Survey Report August 2022
CDA.028 Environmental Statement Volume 3 Technical Appendix 9.1 Annex 4 Bird Report March 2022
CDA.029 Environmental Statement Volume 3 Technical Appendix 9.1 Ecology Baseline March 2022

CDA.030 Environmental Statement Volume 3 Technical Appendix 9.2 Information for Habitats Regulation Assessment
CDA.031 Environmental Statement Volume 3 Technical Appendix 9.3 Ecological Mitigation and Enhancement Strategy
CDA.032 Environmental Statement Volume 3 Technical Appendix 9.4 SANG Management Plan
CDA.033 Environmental Statement Volume 3 Technical Appendix 9.5 Annex 1 Biodiversity Metric 3.1
CDA.034 Environmental Statement Volume 3 Technical Appendix 9.5 Biodiversity NET Gain Report
CDA.035 Environmental Statement Volume 3 Technical Appendix 10.1 Expenditure Assumptions
CDA.036 Environmental Statement Volume 3 Technical Appendix 11.1 Flood Risk Assessment
CDA.037 Environmental Statement Volume 3 Technical Appendix 12.1 Historic Environment Desk Based Assessment
CDA.038 Environmental Statement Volume 3 Technical Appendix 12.2 Heritage Policy Tests
CDA.039 Environmental Statement Volume 3 Technical Appendix 12.3 Geophysical Survey Report
CDA.040 Environmental Statement Volume 3 Technical Appendix 12.4 Investigation for Archaeological Programme
CDA.041 Environmental Statement Volume 3 Technical Appendix 14.1 Air Quality Consultation
CDA.042 Environmental Statement Volume 3 Technical Appendix 14.2 Air Quality Detailed Methodology
CDA.043 Environmental Statement Volume 4 Non-Technical Summary
CDA.044 Viability Statement February 2023
CDA.045 Planning Noise Report December 2022
CDA.046 Ground Contamination Preliminary Risk Assessment December 2022
CDA.047 Outline Utilities Strategy December 2022
CDA.048 Statement of Community Involvement February 2023
CDA.049 Design and Access Statement Revision A
CDA.050 Land Use Budget ref 22 1126
CDA.051 Tree Survey_Arboricultural Impact Assessment_Preliminary Arboricultural Method Statement_Tree Protection Plan in accordance with BS 5837_2012
CDA.052 Landscape Strategy
CDA.053 Design Code
CDA.054 Response to Lead Local Flood Authority May 2023
CDA.055 S106 Heads of Terms
CDA.056 Viability Report – May 2023
CDA.057 Alderholt Park and its Context – Illustrative Layout
CDA.058 Map 6 Air Quality Designations
CDA.059 Response to Case Officer regarding SANG (May 2023)
CDA.060 Alderholt Meadows Commercial Report
CDA.061 Office Submarket Report – East Dorset – South Coast
CDA.062 Industrial Submarket Report – East Dorset – South Coast
CDA.063 Archaeological Written Scheme of Investigation
CDA.064 Infrastructure Delivery Plan
CDA.065 Illustrative Local Centre
CDA.066 Lighting Impact Assessment
CDA.067 Planning Statement February 2023
CDA.068 Energy and Sustainability Statement November 2022
CDA.069 Vehicle Tracking overview of route ref 132.0001.013
CDA.070 Response to Natural England objection (June 2023)
CDA.071 Letter to Head of Planning in response to Officer Report (July 2023)
CDA.072 Alderholt NE meeting note 17 June 2022
CDA.073 East Dorset rural area profile
CDA.074 NHS Hampshire and Isle of Wight Integrated Care Board application response

CDA.075 Committee report and Minutes
CDA.076 Decision Notice
CDA.077 Retail Impact and Sequential Test Assessments November 2023
CDA.078 Planning Energy Strategy Statement November 2023
CDA.079 Education Impact Assessment May 2023
CDA.080 Environmental Statement Volume 3 Technical Appendix 1.2 Scoping Opinion Response
CDA.081 Environmental Statement Volume 3 Technical Appendix 8.3 ZTVs
CDA.082 Environmental Statement Volume 3 Technical Appendix 8.5 Cumulative Visualisations
CDA.083 Supplementary Environmental Statement November 2023
CDA.084 Environmental Statement Volume 3 Technical Appendix 8.7 Tranquillity Mapping
CDA.085 Environmental Statement Volume 3 Technical Appendix 8.8 Assessment of Road Traffic Noise November 2023
CDA.086 Response to Lead Local Flood Authority comments June 2023
CDA.087 Letter to Dudsbury Homes from PO4 Ltd re nutrient credits
CDA.088 Map 1 SANG Phasing P3043
CDA.089 Meeting note between Natural England and appellant 26th October 2023
CDA.090 Comparison of Affordable housing
CDA.091 Commercial Viability Report 11 April 2024
CDA.092 Education Mitigation Strategy v2.1
CDA.093 Letter of Support - Jade Aden
CDA.094 ES Addendum Air Quality Technical Note(1)
CDA.095 FINAL ES Addendum for Appeal, May 2024
CDA.096 Local Centre Delivery Letter of Support-redacted
CDA.097 Marketing Report Vail Williams
CDA.098 Technical Appendix 7.1Ad Transport Assessment Addendum-Redacted
CDA.099 Technical Appendix 9.2Ad If Habitats Regulation Assessment Addendum
CDA.100 Technical Appendix 11.1d Flood Risk Assessment
CDA.101 Walking and Cycling Times
CDA.102 BCIS Commercial data sheet – 9th March 2024
CDA.103 BCIS Residential data sheet – 6th April 2024
CDA.104 Symonds and Sampson LLP – Informal review of current land value – 19th April 2024
CDA.105 Summary Benchmark Land Value – April 2024
CDA.106 Goadsby Rental and Yield Opinion Provided – 15th April 2024
CDA.107 Schedule of Retail and Office Comparables
CDA.108 Letter re marketing recommendations from Goadsby Commercial – 15th April 2024
CDA.109 Local Centre – Commercial Accommodation Schedule
CDA.110 Local Centre – GDV Calculation – Residential and Commercial
CDA.111 Local Centre – Appraisal Notes
CDA.112 Local Centre Residual Appraisal
CDA.113 Local Centre Layout Plan
CDA.114 Fiona Astin Consultancy – Report on Alderholt Meadows Affordable Housing Value
CDA.115 Analysis of Comparable Evidence – Employment Land – February 2023
CDA.116 Pennyfarthing Homes – Burgate sale prices – Adjusted to HPI
CDA.117 Pennyfarthing Homes – Verwood sale prices – Adjusted to HPI
CDA.118 Secondhand Sale Evidence – April 2024
CDA.119 Main Appraisal – GDV and other calculations – April 2024
CDA.120 Main Appraisal – Phasing Trajectory and IDP cash flow
CDA.121 Main Appraisal – S106 Cash Flow
CDA.122 Main Appraisal and Cash Flow – April 2024
CDA.123 Main Appraisal Notes
CDA.124 1694 GDV and Build Cost Analysis – 35% Affordable Housing
CDA.125 Questions from Aspinall Verdi and Responses – February 2024
CDA.126 Appendix 1 – Gross Development Area
CDA.127 Appendix 2 – Secondhand Sale Data - 17th May 2024

CDA.128 Appendix 3 – New Build Sale Data – 17th May 2024
CDA.129 Rightmove Sale Data – August 2023
CDA.130 Appendix 5 – Local Agents Value Opinion
CDA.131 Appendix 6 – Fiona Astin email
CDA.132 Appendix 7 – Employment Land Evidence
CDA.133 Appendix 8 – Local Centre Accommodation Schedule
CDA.134 Appendix 9 – Local Centre Layout Plan
CDA.135 Technical Note – Noise Assessment of Revised Traffic Data - 02 May 2024
CDA.136 Technical Appendix 1.2 Scoping Opinion Response(1)
CDA.137 ES Addendum (ecology) Covering Note
CDA.138 Technical Appendix 9.1Ad 29 May 2024
CDA.139 Technical Appendix 9.5Ad 29 May 2024
CDA.140 Technical Appendix 9.5Ad Annex 1 Biodiversity Metric 3.1 280524
CDA.141 Technical Appendix 9.5Ad Annex 2&3 BNG Condition Sheets 280524
CDA.142 Additional Information Request May 2023

CDB Relevant Planning Application Consultation Responses and Correspondence

CDB.001 Highways Asset Manager 30th March 2023
CDB.002 Flood Risk Management 5th April 2023
CDB.003 Housing Enabling Team 19th April 2023
CDB.004 Cranborne Chase and West Wiltshire Downs AONB Team 27th April 2023
CDB.005 Fordingbridge Town Council 27th April 2023
CDB.006 New Forest National Park Authority 27th April 2023
CDB.007 Planning Policy 28th April 2023
CDB.008 Cranborne Chase and West Wiltshire Downs AONB Team 2nd May 2023
CDB.009 Hampshire County Council comments 9th May 2023
CDB.010 Cranborne Parish Council 10th May 2023
CDB.011 Public Health Dorset 10th May 2023
CDB.012 Urban Design 10th May 2023
CDB.013 Alderholt Parish Council 10th May 2023
CDB.014 Environmental Assessment Team 10th May 2023
CDB.015 Verwood Town Council 11th May 2023
CDB.016 East Dorset Environmental Partnership 15th May 2023
CDB.017 Landscape Officer 18th May 2023
CDB.018 Dorset Natural Environment Team 18th May 2023
CDB.019 Dorset Highways 19th May 2023
CDB.020 Education Team 22nd May 2023
CDB.021 Natural England 25th May 2023
CDB.022 RSPB 26th May 2023
CDB.023 New Forest District Council 31st May 2023
CDB.024 National Highways 8th June 2023
CDB.025 Urban Design 13th June 2023
CDB.026 Landscape 13th June 2023
CDB.027 Lead Local Flood Authority 14th June 2023
CDB.028 Planning Policy 19th June 2023
CDB.029 Highways 22nd June 2023
CDB.030 Hampshire County Council 30th June 2023
CDB.031 Fordingbridge Town Council 3rd July 2023
CDB.032 Hampshire County Council 3rd July 2023
CDB.033 Appropriate Assessment 27th June 2023
CDB.034 Dorset Council – Dorset NET Ecology & Biodiversity 28th April 2023
CDB.035 Wessex Water 31st May 2023
CDB.036 Sport England 11th April 2023
CDB.036a Sport England 15th June 2023

CDC Statement of Common Ground and Statement of Case

CDC.001 Statement of Common Ground March 2024
CDC.002 Council Statement of Case

CDC.003 Appellant Statement of Case
CDC.004 Action for Alderholt - Rule 6 Party Statement of Case
CDC.005 derholt Parish Council – Rule 6 Party Statement of Case
CDC.006 Case Management Conference 2nd May
CDC.007 Draft Statement of Common Ground - Viability
CDC.008 FINAL Statement of Common Ground

CDD Local Planning Policy and Guidance

CDD.001 Christchurch and East Dorset Local Plan Part 1 – Core Strategy Adopted April 2014
CDD.002 East Dorset Local Plan 2002 (saved policies including A1 – Housing development in Alderholt)
CDD.003 Christchurch and East Dorset Local Plan Policies Map – North Sheet
CDD.004 Dorset Heathlands Planning Framework 2020-2025 SPD
CDD.005 Cranborne Chase Partnership Plan 2019-2024 SPD
CDD.006 Affordable and Special Needs Housing and the Provision of Small Dwellings SPD
CDD.007 Cranborne Chase Landscape Character Zones SPG
CDD.008 East Dorset Flood Risk SPG
CDD.009 East Dorset Landscape Character Assessment SPG
CDD.010 Flood Risk Groundwater and sustainable drainage SPG
CDD.011 Landscape Design Guide SPG
CDD.012 Cranborne Chase Landscape Appraisal SPG
CDD.013 New Forest District Council Local Plan 2016-2036 Part One Planning Strategy
CDD.014 Active Design May 2023
CDD.015 Cranborne Chase and West Wiltshire Downs AONB Integrated Character Assessment 2003
CDD.016 1 of 5 Consultation draft of the Dorset Local Plan 2021 Consultation Statement vol 1
CDD.016 2 of 5 Consultation draft of the Dorset Local Plan 2021 Consultation Statement vol 2 - SE Dorset
CDD.016 3 of 5 Consultation draft of the Dorset Local Plan 2021 Consultation Statement vol 2 - Central Dorset
CDD.016 4 of 5 Consultation draft of the Dorset Local Plan 2021 Consultation Statement vol 2 - Northern Dorset
CDD.016 5 of 5 Consultation draft of the Dorset Local Plan 2021 Consultation Statement vol 2 - Western Dorset
CDD.017 Pages 140-146 of the Sustainability Appraisal Dorset Council Local Plan – Options Consultation January 2021
CDD.018 Pages 221,273,274,302 and 303 of the Sustainability Appraisal: Appendix Options Stage
CDD.019 Alderholt Neighbourhood Plan
CDD.020 Bournemouth, Dorset and Poole Minerals Strategy 2014 – Policy SG1
CDD.021 East Dorset Local Plan Review Option Consultation July 2018
CDD.022 Local Development Scheme for Dorset Council March 2024
CDD.023 East Dorset CIL Charging Schedule
CDD.024 Report on the Examination into the Christchurch and East Dorset Core Strategy Local Plan 21 March 2014
CDD.025 LTP3 Bournemouth Poole Dorset Summary Document Final
CDD.026 Dorset Passenger Transport Strategy
CDD.027 Dorset Council Cabinet Report Local Development Scheme Update
CDD.028 Dorset Council Cabinet Minute Local Development Scheme Update
CDD.029 Dorset Heathlands Interim Air Quality Strategy
CDD.031 Dorset Council Housing Delivery Test Action Plan
CDD.032 Alderholt Neighbourhood Plan Draft
CDD.033 Draft Alderholt Village Plan, August 1971
CDD.034 Alderholt Neighbourhood Plan Consultation Statement
CDD.035 Strategic Environmental Assessment (SEA) for the Alderholt Neighbourhood Plan, Environmental Report to accompany

CDD.036 Alderholt Neighbourhood Plan Basic Conditions Report

CDF Evidence Base

CDF.001 Lambert Smith Hampton Retail and Leisure Study
CDF.002 Cranborne Chase and West Wiltshire Downs AONB Tranquillity Mapping – Ground Truthing Report and Methodology version 2.6 December 2009
CDF.003 Cranborne Chase and West Wiltshire Downs AONB Tranquillity Mapping – Ground Truthing Report and Methodology and Version
CDF.004 Developing an Intrusion Map of England August 2007 LUC-CPRE
CDF.005 Tranquillity Mapping- Developing a Robust Methodology for Planning Support – Technical Report on Research in England January 2008 revised Northumbria University- Newcastle University-bluespace environments-CPRE
CDF.006 Broadly engaging with tranquillity in protected landscapes A matter of perspective identified in GIS – 2017 Landscape and Urban Planning 158 (2017)
CDF.007 The Third Edition Guidelines for Landscape and Visual Impact Assessment (GLVIA3) 2013
CDF.008 Landscape Institute Technical Information Note 01-17 (revised) March 2017 – Tranquillity an Overview
CDF.009 Landscape Technical Guidance Note 1-20 – Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs) 10 January 2020
CDF.010 Landscape Institute Draft Technical Guidance Note 05-23 – notes and clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3) May 2023
CDF.011 An Approach to Landscape Character Assessment – Natural England 2014
CDF.012 Waste from New Development of Waste Plan (2019) – Policy 22
CDF.013 Making Space for Waste Designing Waste Management in New Developments- A Practical Guide for Developers and Local
CDF.014 Dorset Local Plan Viability Report May 2022 – Three Dragons
CDF.015 CIHT Planning for Walking 2015
CDF.016 CIHT Planning for Cycling 2015
CDF.017 Bournemouth, Poole and Dorset Local Transport Plan 3
CDF.018 Dorset Passenger Transport Strategy
CDF.019 Cycle Infrastructure design (LTN 1-20)
CDF.020 Sustrans traffic free routes and greenways design guide
CDF.021 Dorset Council Cabinet Report Local Development Scheme Update 12 March 2024
CDF.022 Dorset Council Cabinet Minute Local Development Scheme Update 12 March 2024
CDF.023 BCP and Dorset Joint Housing Needs Assessment November 2021
CDF.024 Dorset Heathlands Interim Air Quality Strategy
CDF.025 DfE Securing Developer Contributions for education Guidance
CDF.026 DfE Building Bulletin 103
CDF.027 Dorset County Council Education Statement 4 December 2013
CDF.028 Area Guidelines for Mainstream Schools (BB103)
CDF.029 Dorset Council Natural Environment, Climate and Ecology Strategy 2023-25 Refresh
CDF.030 DC email to PINs 15 May 2024
CDF.031 East Dorset Housing Land Supply Report April 2023 dated January 2024
CDF.032 Dorset Council Housing Delivery Test Action Plan dated March 2024
CDF.033 Appeal Decision APP-D1265-W-23-3323727 – Land at E 378776 N 119064 Salisbury Street Marnhull Dorset dated 8th May 2024
CDF.034 N Jacobs email to PINS 16052024
CDF.035 Letter from NHS Hampshire and Isle of Wight Integrated Care Board
CDF.036 Mapping Tranquillity – Defining and assessing a valuable resource CPRE- Countryside Agency – March 2005
CDF.037 RICS Professional Standard – Financial viability in planning - conduct and reporting - effective from September 2019
CDF.038 RICS Professional Standard – Assessing viability in planning under the National Planning Policy Framework 2019 for England - effective from July 2021
CDF.039 Alderholt Archives

CDF.040 Dorset and BCP Employment Land Study Final Report
CDF.041 Please refer to CDD.019
CDF.042 employment_density_guide_3rd_edition
CDF.043 London Employment Sites Database 2021, June 2022, CAG Consultants
CDF.044 Landscape Institute Technical Guidance Note 0221 - Assessing landscape value outside national designations
CDF.045 IEMA-REPORT-Environmental-Assessment-of-Traffic-and-Movement-Rev07
CDF.046 RTP1 20 Minute Neighbourhoods 2021
CDF.047 Urban Design Compendium 1
CDF.048 TCPA 20 Min Neighbourhood Guide
CDF.049 Sus Res Quality 2000
CDF.050 CIHT Journeys on Foot 2000
CDF.051 CIHT Manual for Streets 2 2010
CDF.052 Urban Design Compendium 2

CDG Pre-Inquiry Documents

CDG.001 Dorset Council - Planning proof of evidence
CDG.002 Dorset Council - Housing supply proof of evidence
CDG.003 Dorset Council - Viability proof of evidence
CDG.004 Dorset Council - Highways and Transport proof of evidence
CDG.005 Dorset Council - National Landscape (AONB) tranquillity proof of evidence
CDG.006 Dorset Council - Ecology and Habitats sites proof of evidence
CDG.007 Dorset Council - Education Matters proof of evidence
CDG.008 Dorset Council - Retail matters proof of evidence
CDG.009 Appellant – Planning proof of evidence
CDG.010 Appellant – Transport proof of evidence
CDG.011 Appellant – Ecology proof of evidence
CDG.012 Appellant - Education proof of evidence
CDG.013 Appellant – Delivery proof of evidence
CDG.014 Appellant – Retail proof of evidence
CDG.015 Appellant – Viability proof of evidence
CDG.016 Appellant – Masterplanning and Urban Design
CDG.017 Appellant - Landscape
CDG.018 Appeal Questionnaire
CDG.019 PINS Start Letter
CDG.020 Case Management Note
CDG.021 Housing land Supply Topic Paper FINAL
CDG.022 Viability Affordable Housing Topic Paper FINAL
CDG.023 Alderholt Parish Council Cllr G Logan summary
CDG.024 Alderholt Parish Council Cllr G Logan proof
CDG.025 Alderholt Parish Council Cllr G Logan Exhibit to proof
CDG.026 Alderholt Parish Council – Jo Witherden Proof of evidence
CDG.027 Alderholt Parish Council – Mark Baker Consulting Proof of evidence on highways-transport Volume 1 – Main text
CDG.028 Alderholt Parish Council – Mark Baker Consulting Proof of evidence on highways-transport Volume 2 – Appendices
CDG.029 Action 4 Alderholt – Proof of evidence
CDG.030 Notes of meeting between East Dorset District Council and Action for Alderholt Representatives
CDG.031 Action 4 Alderholt – Transport and Highways Assessment
CDG.032 Main Issue 2 Local Planning Policy Context Topic Paper Final
CDG.033 Transport Topic Paper 210624 - Final
CDG.034 Education Topic Paper Alderholt FINAL
CDG.035 Alderholt Ecology Topic Paper FINAL
CDG.036 Local Centre and Retail Topic Paper FINAL
CDG.037 NP Topic Paper updated July 2024
CDG.038 Council - HLS
CDG.039 2024-06-14 Transport rebuttal

CDG.040 2024-06-14 Urban design rebuttal
CDG.041 2024-06-14 Affordable housing viability rebuttal
CDG.042 Alderholt Ecology Rebuttal PoE Dr R Brookbank P3043-3A Final 140624
CDG.043 AYA Consultants-Rebuttal of Evidence-Alderholt Meadows Alderholt v0-3 & appendix
CDG.044 Alderholt Meadows Alderholt - Rebuttal Proof of Evidence (Bound)
CDG.045 Ringwood Road Alderholt-Appellant Viability Rebuttal Report-June 2024
CDG.046 Action for Alderholt – Transport and Highways Rebuttal

CDI Appeal Decisions And Case Law

CDI.001 Land between Salisbury Street Tanzey Lane and Sodom Lane Marnhull
CDI.002 Land on East side of Green Road Woolpit Suffolk
CDI.003 Land off Colchester Road Bures Hamlet
CDI.004 Little Sparrows Sonning Common Oxfordshire

CDJ Inquiry Documents added after 14 June

CDJ.001 Urban Development and the Dorset Heaths Nov 2022
CDJ.002 Dorset Heaths 2019 Visitor Survey final report
CDJ.003 NE European Site Conservation Objectives
CDJ.003a NE European Site Conservation Objectives
CDJ.004 NE Supplementary Advice on Conserving & Restoring Features
CDJ.004a NE Supplementary Advice on Conserving & Restoring Features
CDJ.005 NE SANGS Guidelines Aug2021
CDJ.006 River_Avon_Nutrient_Management_Plan_FINAL_30th_April_2015
CDJ.007 Advising CAs on Road Traffic and HRA June 2018 (1)
CDJ.008 Dorset Council – Case Officer, Ursula Fay 15th May 2023
CDJ.009 Manual for Streets
CDJ.010 Appendix A - HS2 Rural Road Design

CDK Inquiry Documents

CDK.001 Dorset Council's list of appearances
CDK.002 Alderholt plans and AONB grid (referenced to CDG.033 Transport Topic Paper)
CDK.003 Council's Appraisal
CDK.004 Appellant Opening Statement
CDK.005 Dorset Council Opening Statement
CDK.006 Alderholt Parish Council Opening Statement
CDK.007 Action4Alderholt Opening Statement
CDK.008 Appellant's List of Appearances
CDK.009 Alderholt Parish Council List of Appearances
CDK.010 Note of Richard Fitter evidence cross references
CDK.011 Draft Conditions
CDK.012 Tor and Co Technical Addendum
CDK.013 Joint HLS note following Round Table
CDK.014 Howe Road documents
CDK.015 Natural England letter 1 of 03 July (nutrients)
CDK.016 Natural England letter 2 of 03 July (water usage)
CDK.016a Natural England letter of 10 July (water usage)
CDK.017 Updated Consultation response from NHS Hampshire and Isle of Wight Integrated Care Board
CDK.018 Stage 1. Road Safety Audit (Fordingbridge Highway)
CDK.019 Stage 1 Road Safety Audit (Fordingbridge Cycle)
CDK.020 Road Safety audit Response Report
CDK.021 Site visit route plan
CDK.022 Draft Section 106 and appendices
CDK.023 CIL compliance statement
CDK.024 NP Topic paper supplemental and appendices (referenced to CDG.037 NP Topic Paper)
CDK.025 Dorset Council Closing Submissions

CDK.026 Appellant Closing Submissions
CDK.027 Alderholt Parish Council Closing Submissions
CDK.028 Action4Alderholt Closing Submissions
CDK.029 Transport Table
CDK.030 National Landscapes and Dark Skies Reserve
CDK.031 Dorset Council comments on Written Ministerial Statement and draft NPPF
CDK.032 Appellant comments on Written Ministerial Statement and draft NPPF
CDK.033 Alderholt Parish Council comments on Written Ministerial Statement and draft NPPF
CDK.034 Action4Alderholt comments on Written Ministerial Statement and draft NPPF
CDK.035 Action4Alderholt rebuttal of Appellant submission on Written Ministerial Statement
CDK.036 HLS Topic Paper update 16 August 2024
CDK.037 Alderholt Parish Council comments on Neighbourhood Plan Inspector's report

Richborough



Costs Decisions

Inquiry held from 25 June 2024 to 5 September 2024

Site visits made on 17 July 2024 and 18 July 2024

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2024

**Costs applications in relation to Appeal Ref: APP/D1265/W/23/3336518
Land to the south of Alderholt, between Hillbury Road and Ringwood Road,
and land to the west of Ringwood Road, Dorset, SP6 3DF**

Application A

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Dudsbury Homes (Southern) Ltd for a partial award of costs against Dorset Council.

Application B

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Dorset Council for a partial award of costs against Dudsbury Homes (Southern) Ltd.

The inquiry was in connection with an appeal against the refusal of the Council to grant planning permission for a mixed use development of up to 1,700 dwellings including affordable housing and care provision; 10,000sqm of employment space in the form of a business park; village centre with associated retail, commercial, community and health facilities; open space including the provision of suitable alternative natural green space (SANG); biodiversity enhancements; solar array, and new roads, access arrangements and associated infrastructure.

Both applications for costs were made in writing.

Decisions

Application A

1. The application for an award of costs is refused.

Application B

2. The application for an award of costs is refused.
-

Introduction

3. These applications are considered in the same decision letter because they overlap in their subject matter and raise common concerns about procedural matters, in particular pre-application discussion and the extension of time for determination. The parties' submissions are summarised and set out thematically, in the order of the Appellant's costs claim with responses; the Council's costs claim, with responses; and my conclusions.

Application A – Appellant's case and Council's response

4. The Appellant sought a partial award of costs in connection with appeal proceedings concerning ecology (reason for refusal 1) affordable housing viability (reason for refusal 4), retail matters (reason for refusal 5) and education (reason for refusal 6). The following is a summary of the arguments raised in the Appellant's claim and the Council's response.

Ecology

5. Appellant's argument: this matter took inquiry time up unnecessarily. Each of the matters raised by Natural England was capable of being addressed by conditions. Regarding air quality impacts on the New Forest, the Council should have requested further information during the course of the application as required by the EIA Regulations. On receipt of further information, the Council should have reviewed its position and removed the reasons for refusal before the inquiry. As regards nutrient neutrality, all the information that Natural England had sought was provided. However, the Council took a different view as to what was required, which included a series of issues that had been previously resolved. At the inquiry, the Council's witness accepted that each of the matters raised could be dealt with by planning condition or obligation and accepted that no further information was required in respect of the availability of phosphate mitigation. There was no reason why it should have been necessary to deal with this issue at the inquiry.
6. Council's response: in respect of New Forest Air Quality, the assessment was delayed because of the disagreement about highway trips and when it was received the Appellant accepted the need to make contributions to mitigate impact. As regards the Dorset Heathlands, River Avon and New Forest Special Areas of Conservation, Natural England's consultation response was an objection on the basis that further information was required; it could not confirm that there would be no adverse effects. There was also information missing in relation to suitable alternative natural greenspace management and no agreement about the amount of traffic to take into account air quality work. On 19 April 2024 there was a meeting between the Appellant, Natural England and the Council and agreement was reached on further action and information required of the Appellant. A substantial amount of additional information was provided by the Appellant during the course of the appeal process including Addendum HRA information. There was an outstanding issue to resolve about how to deal with nutrient neutrality and SANG, and in particular whether a Grampian style condition could be used and what its terms would be. Natural England was not in a position to respond until after the inquiry had opened. It was appropriate for the Council to wait until that response had been received. The Council followed the advice of its statutory consultee and did not behave unreasonably.

Affordable housing and viability

7. Appellant's argument: the Council refused to review the information in the Viability Report of May 2023 because the inputs were not agreed. It was unreasonable for the Council to have refused the application without assessing the viability information, since if it had been reviewed, agreement on affordable housing provision would have been reached. Once the Council's viability experts were appointed there was a lack of timely engagement with the evidence. The Council's position should have been established before the filing of evidence, but it changed twice after that point. The Appellant's offer should have been promptly accepted rather than wasting a day of the inquiry on the Council's viability evidence.
8. Council's response: at the time of the Viability Report of May 2023, key elements affecting viability were not agreed, including highways improvements, education strategy, habitats site mitigation and s106 contributions. The Viability Report was largely superseded in terms of inputs by other material during the appeal process, so it would not have sufficed to justify a lower than policy compliant level of affordable housing. A wide range of fresh technical evidence was submitted including the Appellant's valuation work of April 2024. The Council's role was to evaluate the robustness of the evidence and seek verification, and its valuers engaged with the Appellant in a timely manner. The April 2024 valuation work was inaccurate and expressly informal, and the Council acted reasonably in commissioning its own work to verify it. The Council provided verification via a Red Book valuation which provided a higher existing use value than it had been assuming and this brought the parties closer together. The Council did not accept the Appellant's original offer but insisted on various compromises including the incorporation in the s106 obligation of a two-stage review. The Council behaved reasonably at every stage.

Retail matters

9. Appellant's argument: a sequential assessment and retail impact assessment were provided after this issue had been identified in the officer's report and had appeared in the reasons for refusal. It was accepted that the scheme passed the sequential test and, subject to condition, would not have an impact on other centres. However, the Council continued to pursue its objection. This matter should have been resolved long before the inquiry. The Council also raised a new issue concerning the impact on the Co-op which had no support in policy.
10. Council's response: the application included main town centre uses outside a main town centre, so according to both national and local policy a sequential test assessment and retail impact assessment were required. The Appellant chose not to submit such an assessment at first although they eventually provided one. The Council pointed out that, owing to the combined floorspace of the village centre and employment area, a condition would be required to control the uses to avoid impacts on other centres. There was subsequent correspondence on the contents of such a condition. The Appellant continued to push for a condition containing more flexibility than the retail assessment had assessed, which meant that the Council were unable to form a view on the impact due to absence of information. It was not unreasonable for the Council to pursue its argument on the Co-op as it had appeared in the retail

assessment and the impact on facilities for existing residents in Alderholt is a material consideration.

Education

11. Appellant's argument: it was originally proposed to create a primary school on the existing St James's School site as part of a change from a three tier to a two tier education system. This was rejected by the Council, so the Appellant proposed an expanded first school on the existing site and accepted that the education system would remain in three tiers. The Council originally sought a full 360 place school on a separate suitable site fully funded by the Appellant, but this raised questions about compliance with the CIL regulations. The Council subsequently accepted that the St James' First School could be expanded on its existing site. A review proposal with options was originally put forward by the Appellant in a draft s106 agreement in April 2024 but was rejected by the Council. But the Council eventually agreed the s106 obligation with a review mechanism to enable either land and contributions to be made towards a new primary school within the red line area of the appeal site, or the expansion of the St James's First School. The review mechanism contained in the s106 obligation was agreed on the first week of the inquiry. The matter was clearly capable of being dealt with earlier and the Appellant was put to unnecessary cost in having to deal with it through the inquiry.
12. Council's response: the Council made its position clear from the moment it was consulted as Local Education Authority, but the Appellant developed a strategy entirely without reference to the Education Authority. The Appellant had accepted in a meeting that the expansion of St James on its existing site was not ideal it had been put forward to get the application approved and to avoid having to add a school into the scheme. But the Appellant did not make the offer of a new school within the red line boundary until shortly before education evidence was due to be given. The Appellant's original review proposal was not the same as the currently agreed s106 obligation since an alternative site was not identified and it was only an obligation to submit a scheme to explore the feasibility of transitioning from a three tier to a two-tier system. It was not acceptable to the Council. Another version of the s106 obligation did not even feature a review mechanism. The Council behaved reasonably at all times.

Application B: Council's case and Appellant's response

13. The Council sought a partial award of costs on the issues of highways (reason for refusal 7), affordable housing and viability (reason for refusal 4) and education (reason for refusal 6). The following is a summary of the arguments raised in the Council's claim and the Appellant's response.

Highways

14. Council's argument: the Appellant chose not to make use of the Council's chargeable pre-application advice service or that of Hampshire Highway Authority. Dorset Highways Authority agreed the methodology for the trip internalisation report but did not agree with the predicted number of trips because it did not accept that the proposed local facilities would reduce the need to travel to the extent suggested by the Appellant. A greater number of trips would have implications for the degree of mitigation required at junctions and links. Hampshire County Highway Authority also objected, pointing out that the trip rates used by the Appellant were lower than used in developments in

Hampshire. The Council took into account the views of its statutory consultees and concluded against relying on the assumptions of the Transport Assessment. After the Council had come to its decision, the Appellant produced a fresh assessment of impacts in the form of the Transport Assessment Addendum. This was issued in May 2024, a month before the inquiry began. It contained a substantial volume of new technical information including a reappraisal of local highways impacts and new material relating to road widening and pedestrian and cycle infrastructure. Its approach to sensitivity testing was inconsistent in respect of the National Highways A31 junction compared with that for the highway network in Dorset and Hampshire. Hampshire County Highways Authority considered that the capacity modelling should be repeated using the same flows used for the National Highways assessment. The Appellant behaved unreasonably in producing substantial new evidence at such a late stage and also behaved unreasonably in failing to undertake its assessment work on a consistent basis. The Council was put to unnecessary and wasted expenditure in having to deal with two transport assessments plus detailed appendices, and the smooth preparation for the inquiry was disrupted by the volume and timing of the new information.

15. Appellant's response: although it did not seek paid pre-application advice from the local planning authority, it had engaged extensively with Dorset Council and its predecessor for several years in connection with development on the appeal site. It had paid for formal pre-application advice from the Highway Authority, engaged with other consultees and carried out extensive community consultation. It had commissioned Dorset Council to use its own microsimulation model to assess the proposed quantum of development which concluded that the existing layouts could accommodate potential development up to 1,750 dwellings. In an email of June 2022, the highway authority had accepted the scope of the assessment the principle of the methodology, the trip distribution, the suggested modelling scenarios and the suggested junctions to be modelled, including Fordingbridge. There was nothing unreasonable in the original Transport Assessment since the scope had been agreed by the Highways Authority. There was no suggestion that the Appellant should have separately consulted Hampshire County Council as it was expected that Dorset Council would consult Hampshire as a matter of course. The responses from the Highways Authorities and National Highways raised substantive issues but the Council declined to extend the time for determination. It was contrary to the EIA Regulations for the Council to proceed to determine the application on the basis of unanswered criticisms. It was incumbent on the planning authority to obtain a response to the points raised by the consultees and if necessary to obtain further information. The Transport Assessment Addendum was not a new document, it was a specific response to points made by consultees. It was produced late because of the Council's delay in appointing its own highways consultants but there is no suggestion that the Council's highways witness was unable to produce his evidence as a result. The sensitivity test applied to the National Highways assessment was not duplicated for the junctions in Hampshire, since the trip reduction assumptions had been agreed, and in any case it made no difference to the assessment of the impacts, as was agreed in evidence.

Affordable housing and viability

16. Council's argument: the Appellant failed to undertake any formal pre-application advice and failed at the application stage to justify its offer of 35%

affordable housing as opposed to the policy requirement of 50%. The Appellant's second report, late in the day, demonstrated a surplus, thus showing that more than 35% could be provided. A significant amount of new information was provided by the Appellant during the course of the appeal which should have been submitted at the application stage. Agreement had not been reached before the inquiry began. In addition, the Appellant resiled from an agreed position in the relevant Topic Paper in respect of the multiplier used to calculate the Site Value Benchmark. The Council was put to the expense of reviewing and providing evidence on the inadequate reports submitted at the application stage and the substantial volume of fresh material submitted during the course of the appeal.

17. Appellant's response: the Appellant's position is largely set out in its own costs application on this matter. The Council did not even consider the submitted viability information before refusing the appeal. That the Appellant did not engage in pre-application consultation on viability was not unreasonable, since the Council had not engaged a consultant at that time and it is unclear who the Appellant could have engaged with. Verification of the Council's inputs was not sought until well into the appeal process, so it was obviously reasonable for the Appellant to respond to them at that time. Between the exchange of evidence and the inquiry, the Council's consultant substantially changed his position on the level of affordable housing that could be supported; the affordable housing offer was rejected, then accepted following his cross examination. The Council's misunderstood the Appellant's approach to benchmark land value and the multiplier; the Appellant did not resile from any agreement on the multiplier since that was not the means by which benchmark land value had been derived.

Education

18. Council's argument: at the time the planning application was made the Appellant had not consulted with the Council's education team. Instead, it pursued its own education strategy, proposing expansion on the St James's First School site without producing any formal assessment of whether the school could accommodate the expansion. Its strategy was based on discussions with the school but not the Council's education team. The Appellant did not ask its masterplanning consultant to design a scheme with a school elsewhere on the appeal site, instead persisting with its proposal to expand on the First School site with all the disruption that would cause, but without any detailed feasibility work to demonstrate how it might be achieved. This was unreasonable behaviour. The Appellant's Education Mitigation Strategy was produced in April 2024, updated in May, and later in April highways and tree information was produced. During the course of the application the Appellant informally approached the Council to see whether the application could be amended to include a school elsewhere on the appeal site. The Council said that this would be a substantive change requiring a new planning application. The Appellant made a further proposal immediately before the Council's education witness was due to give evidence. This was very late in the day. The Council was caused unnecessary expenditure in the appeal process because of the need to produce evidence and witnesses on this topic.

19. Appellant's response:

20. The Appellant's costs application largely covers this issue. There was no requirement to seek pre-application advice from the education team. The

education proposals were formulated based on the obvious desirability of providing a primary school in place of the first school, and the school's desire to remain on its current site. The Appellant consulted with St James's School because it had indicated that it would not be willing to move to a different site. The Appellant sought discussions with the Council in April 2023 but there was no response before the determination of the application. In February 2024 the Appellant's consultant asked the planning authority whether an obligation to provide a site within the appeal site would address their concerns and he was advised that it would not. A review mechanism was drafted into the s106 obligation by the Appellant but was deleted by the planning authority. It was later accepted by the Council at the inquiry and included in a subsequent draft version of the s106 obligation. It was the Council, not the Appellant, who had behaved unreasonably.

Conclusions

21. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
22. The National Planning Policy Framework encourages early engagement as a means of improving the efficiency and effectiveness of the planning system. In this case the Appellant had been involved in discussions over several years in connection first with the draft East Dorset Local Plan, in which an Alderholt development was a significant component; and then, after reorganisation, the Dorset Local Plan, which included options for development at Alderholt of different scales. Neither plan was progressed to Regulation 19 stage. The Appellant's work had included commissioning traffic modelling from Dorset County Council and undertaking consultation with local people and statutory consultees.
23. At some point before work on the draft Dorset Local Plan was abandoned, the Council became unsupportive of expansion at Alderholt. The Appellant therefore decided to submit a planning application. Owing to its previous lengthy engagement with the Council, it chose not to enter into paid pre-application discussions. The Appellant considered that it had gleaned substantial information already. It believed that further discussions would not bear fruit and that they would simply be paying to receive advice that their planning application would be refused. The Appellants might have felt justified in this stance in the light of the Council's persistent dogged opposition to many aspects of the scheme that could have been (and belatedly were) resolved. Nevertheless, the Appellant's decision precluded the opportunity for discussions which might have narrowed down and clarified some of the disputed topics.
24. In consequence, although the application was submitted with a great deal of supporting material including technical studies, there was no clear indication that what had been submitted would necessarily satisfy the planning authority and its consultees. Inevitably, while considering the planning application, the Council concluded that there were matters that had not been addressed to its satisfaction. The Appellant therefore asked whether the Council would accept an extension of the determination period beyond the statutory time period in order to resolve those matters. The Council refused, since its normal approach is not to grant extensions of time where an applicant has not sought its paid pre-application advice.

-
25. As a general approach, the Council's position on extensions of time is understandable; it is a way of avoiding unnecessary pressure on limited staff resources and the public purse. But the Council should have exercised its discretion to take a different approach in this case, given the history of the site, the size of the application, the housing land supply shortage, the connection with strategic issues including settlement policy, education policy and habitats, and the obvious likelihood that the scheme would be taken to appeal. The outstanding matters would need to be resolved at some point and the best approach would have been to deal with them as part of the planning application.
26. The product of this lack of engagement on both sides was a set of reasons for refusal which were mostly founded, not on the Council's professional planning judgment of the scheme's merits, but on a claim of inadequate or missing information, with 6 of the 9 reasons for refusal containing the words "it has not been demonstrated". This was not a satisfactory outcome, since such a decision does not provide the applicant or interested parties with a clear indication of what is wrong with the development proposal, or what is necessary to remedy it, assuming it can be remedied, nor does it provide a clear context for the parties to prepare their material in the event of an appeal.
27. There was no legal or overriding policy requirement on the Appellant to seek paid pre-application advice, or on the Council to grant an extension of time, and I do not conclude that either party exhibited demonstrable unreasonableness. However, the behaviour of both parties led to an appeal in which the substance of the issues identified in the reasons for refusal (except for surface water management which had already been dealt with) had to be supported by further information, clarified and debated during the course of the appeal, with many matters not resolved until the inquiry itself. This took up both parties' time in preparing and presenting evidence and it took up inquiry time.
28. In respect of habitats and ecology, the Council did not seek further information in respect of air quality during the course of the application, as it was required to do under Regulation 25. However, the Transport Assessment Addendum that might have informed that issue was submitted much later and technical highways disagreements over trip rates remained. Issues over nutrient neutrality and suitable alternative natural greenspace, and Natural England's final views on these subjects, were not resolved until the inquiry was under way. The delay in addressing these matters was the responsibility of both parties.
29. On affordable housing and viability, the Appellant submitted a viability report for the application, but the Council did not review the information because there were several unresolved issues at the time that would have affected viability. Further viability information was produced very late by both parties such that agreement was not reached until the inquiry was under way. The argument over benchmark land value was made worse by an apparent misunderstanding of the role of the multiplier, which was not a totemic figure but just the product of a reasonable uplift. But this technical dispute is not central to the outcome of these costs applications. Rather, it was the lack of timely engagement by both parties that led to the position in which the final level of affordable housing was not agreed until the inquiry was under way.

-
30. As regards retail matters, the Council followed the letter of Local Plan Policy KS7 in respect of the sequential test and impact assessment. However, the scheme proposed only a modest centre that was meant to serve the new development and would be most unlikely to affect other centres, so the Appellant cannot be considered unreasonable for not submitting such assessments with the application. The dispute over the proposed planning condition governing the range of town centre uses was a legitimate planning disagreement between the parties. In respect of the impact on the Co-op, the Council rather imaginatively applied Local Plan Policy LN7 as discussed in the appeal decision, but so did the Appellant's witness, so the issue here was perhaps one of policy ambiguity rather than unreasonableness. The issue of the Co-op was raised by the Rule 6 parties so it would have had to have been addressed by the Appellant in any event. Neither party behaved unreasonably on this issue.
31. In respect of education, having consulted St James's First School, the Appellant developed the idea of creating a primary school on the existing site. It thought this would reflect local wishes, but the strategy did not gain the support of Dorset Council as Education Authority. Pursuing a scheme without due regard to the Education Authority's position was not ideal, but on the other hand the Council's approach, which was to seek contributions in full towards another school site, was in excess of that required to make the development acceptable and was contrary to the CIL Regulations. There were also arguments late in the day over whether the offer of a new school site was included within the red line boundary, and the masterplanning implications of including such a site. Neither party approached this subject in a manner that would allow an appropriate and timely solution to be reached and there were subsequent problems because of the legal difficulty of amending the submitted scheme to include a school site elsewhere. In the end a review clause was inserted in the s106 obligation. Education provision for a proposal of this size was an extremely important matter and the responsibility for the unsatisfactory chain of events and the late resolution of this issue rests with both parties.
32. Ultimately, as can be read in the appeal decision, it was only the highways aspects of the scheme that were instrumental in the dismissal of the appeal, with the distance from other higher order facilities also being of concern. The lateness of the Transport Assessment Addendum was the product of the inadequacy of early engagement for which both parties were responsible, as discussed above. The disputes over trip rates, sensitivity testing and junction capacity were legitimate professional disagreements in which both Council and Appellant behaved reasonably. To a degree the disputes over methodology and modelling inputs distracted from the key issue, which was the inferior quality of the highway network serving the development and the inadequate proposals for remediating its deficiencies. These deficiencies were stark and could clearly be identified from any site visit. They were best expressed in the evidence, not of the main parties, but that of Action4Alderholt.
33. I have read and heard the evidence on all these matters and have understood the small print of the parties' disagreements that have led to their costs claims, but it would serve no purpose to discuss them in any greater detail here. The fundamental problem in most of these topics was the lack of timely engagement for which the Appellant and the Council were jointly responsible. With a different approach from both parties, many of these matters could have

either been resolved, or the disagreements clarified and narrowed down, before the refusal and appeal, and certainly before the inquiry.

34. In conclusion, I have not found unreasonable behaviour as such, but the lack of early engagement by both parties has clearly led them both to incur wasted expense in having to prepare evidence for the inquiry. An award of costs is not warranted in respect of either application.

Jonathan Bore

INSPECTOR

Richborough