

NEIGHBOURHOOD PLANNING REPORT TO CBPC: 9th MAY 2023

As mentioned in the previous report, Dorset Council submitted all relevant documents to the Independent Examiner on the 23rd March 2023. The Examiner started work on Monday 27th March 2023 as expected. On the 29th March we received a letter of clarification from the Examiner stating that subject to his detailed assessment of the Plan, he had not identified any very significant and obvious flaws in the Plan that might lead him to advise that the examination should not proceed. In addition he mentioned that he would carry out a site visit to the neighbourhood plan area during the week beginning 3 April 2023.

He had a number of questions which he wanted answered by April 12th. Seven of these questions are directed at Dorset Council for them to respond, the remaining five are for the NPSG to answer on behalf of the CBPC. Our responses were made by the deadline of the 12th but Dorset Council asked for an extension to the 19th.

Our submitted comments are detailed below. For the full extent of representations made to Dorset Council please refer to the link below.

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/neighbourhood-planning/chesil-bank-neighbourhood-plan>

OUR RESPONSES TO QUESTIONS FROM EXAMINER

QUESTION 6

Does CBPC have any comments on the suggestion to amend objective d) of the Plan to: "To identify and encourage the provision of tourism, leisure and recreational activities according to the various needs of the community and its visitors". See the Regulation 16 representation from Avison Young (UK) Limited.

The existing wording is as follows:-

To identify and encourage the provision of leisure and recreational activities according to the various needs of the community.

In other words it is being suggested that we should add the words "tourism" and "visitors".

OUR RESPONSE

Objective (d) is aimed primarily at the needs of the community – tourism is a business that the plan acknowledges as being important (see section 6) but this nonetheless needs to be balanced with not compromising the rural nature of the area. It is covered (indirectly) in objective (c) that refers to supporting a range of businesses, and which includes the point about the local environment. It would therefore be more appropriate to include the reference to tourism within that objective, i.e.:

To encourage small-scale development that will support a range of businesses, tourist attractions and accommodation, shops and community services that meet the needs of local people and visitors, and protects and enhances the quality of the local environment.

We note the proposed change to CBNP3 suggested by Avison Young (UK) Limited, but do not consider that this provides clear guidance or reflects the issues underlying this policy.

QUESTIONS 7-10 (Also for DC to respond)

The Neighbourhood Plan allocates a site for affordable housing on land adjoining Stone Cottage, Fleet. Policy CBNP6 states that it shall be for one affordable dwelling accessed from the existing access to Stone Cottage.

Considering the location within the West Dorset Heritage Coast and the AONB and the proximity to the Chesil Bank and Fleet internationally protected habitats, does DC consider that the allocation generally conforms with the strategic policies of the Local Plan, notable ENV1 and ENV2?

In addition, the Plan (paragraph 5.2.10) notes that the landowner intends to retain ownership of the site and provide the dwelling as an affordable home for rent. Is DC content that the dwelling would meet the criteria for building an affordable home in those circumstances, including deliverability and retention in perpetuity and could development management be sufficiently robust to pre-empt attempts to circumvent the affordability criteria?

Also, there is a Regulation 16 representation from Martin Foley (3 March 2023) who understandably would like to build a small affordable home within his property for his two sons but, according to the accompanying information, failed to engage with the preparation process early enough for his proposal to be taken into account in drafting the Plan. Does DC consider that agreeing to Policy CBNP6 would create a precedent for other similar

single plot allocations, within the Neighbourhood Plan Area and elsewhere in Dorset?

Comments from CBPC would be welcome on the above questions about Policy CBNP6.

OUR RESPONSE

There have been no new developments in Fleet for many years and there is a shortage of suitable housing for young people who have not only grown up in the area, but have also found employment nearby and wish to buy or rent a home for themselves. It has been a key objective of our plan to try and satisfy this need and the reason for inclusion of the site is that, overall, the feedback from the community was favourable.

We do recognise the environmental sensitivity of Fleet and indeed much of the wider area – which is why we have had the potential impact of site developments guided by professional input (the AECOM support packages) and looked to take on board comments from the various statutory consultees in framing the policy wording and criteria.

There are other examples of housing provided within or adjoining communities that do not have a defined development boundary and are not considered to be a 'larger village' under SUS2 (both Holwell, and also Upper Marshwood Vale). The latter is perhaps the better example, as the site was slightly apart from the main body of the small settlement of Marshwood and was within the Dorset AONB, as well as close to several Listed Buildings. As with that plan (where there were particular community benefits in terms of a site for a shop), the Fleet site provides a particular community benefit which would not otherwise come forward (i.e. affordable housing).

The Regulation 16 representation from Martin Foley is noted and had he submitted the proposal during the Call for Sites process, then the site could have been assessed independently through the AECOM technical support package, and views of the community could have been considered. It was not appropriate for the process to be compromised by including the site at a later stage, even though it might have been regarded favourably by the community had it been submitted at the right time. Project 1 recognises that the Parish Council will look to identify

further sites in the future, most appropriately through a future review of this plan, and would welcome considering Martin Foley's site at that time.

QUESTION 11

Policy CBNP8 allocates land for one dwelling on land adjoining 4 Court Close, Langton Herring. Given the concerns expressed by the Environment Agency in the Regulation 16 response, please could CBPC explain how the tests outlined in NPPF paras 159 – 165 have been satisfied?

OUR RESPONSE

The site does not lie within flood risk zones as referenced in the NPPG (Paragraph: 078 Reference ID: 7-078-20220825), but does show up as being at risk according to the surface water flood maps provided by the Environment Agency, so on that basis a sequential test does appear to be triggered (if only just – see below).

Our understanding is that this map has not been updated since the drainage works were undertaken, and as such the site may no longer be at risk. However it has not been possible to get confirmation of this in writing from any of the statutory bodies or from Dorset Council as the LLFA (as the latter team no longer comment or assist on Neighbourhood Plans). We accept that we have not been able to evidence this, but hoped that it may be possible for the landowner to demonstrate this through the submission of an FRA and drainage strategy as part of the planning application process.

We also considered that given the scale of development, it was marginal whether a sequential test would be appropriate, as if done in two stages (first as a side extension undertaken as householder development (which is exempt from the need for a sequential test), and then subdividing the extended dwelling into two homes), we think that a sequential test would not be needed.

Also, we do not consider that it would be possible to pass a sequential test, but the alternatives at lower risk (e.g.increasing the amount of dwellings on LH01) would be locally controversial and risk the whole plan failing at referendum.

This is the basis on which we have submitted the site – should the Examiner consider that it cannot pass due to a lack of sequential test, then we would reluctantly agree that the site should be deleted.

Derek Troughton

On behalf of the Chesil Bank Neighbourhood Plan Steering Group

29th March 2023