

Independent Examiner's Initial Comments re: Bere Regis Neighbourhood Plan

(Begins at 4)

4. Settlement Boundaries

4a. Can the Qualify Body explain what the rationale is for excluding employment areas from the settlement boundaries, if it is the boundary is the delineation of built up areas from areas covered by countryside policies.

4b. Could the LPA advice whether it supports that approach, and does it follow the same line of thinking in areas not covered by neighbourhood plans.

4c. I would also ask the QB to comment on the Reg16 representation from Mr Eddie Butterfield re: 1 Shitterton regarding the exclusion of land and buildings from within the settlement envelope.

4a. The employment areas have been excluded from the settlement boundaries in order to be consistent with PDC policy. In addition, concern was expressed that, should the site be included and a subsequent change of use agreed, it could result in a housing development on the outskirts of the village that residents felt would be inappropriate and not in keeping with the surrounding area.

4b. Purbeck District Council supports the approach taken. Within the Purbeck Local Plan Part One, employment land is included within the settlement boundaries where it adjoins the settlement boundary, for example at Bere Regis, Wareham and Upton. If the employment land does not adjoin the boundary, it is not included within the settlement for instance at Holton Heath and Dorset Innovation Park (formerly known as Dorset Green Technology Park). Within the new Purbeck Local Plan settlement boundaries are less of a material consideration, yet still, the same principle applies. However, Purbeck District Council supports the Parish's opinion that if the employment land Bere Regis are proposing is subsequently proposed for residential or other use, this could be detrimental to the parish as the site may not necessarily be located in the best, most suitable area for the alternative use proposed.

4c. Regarding the comments received from Mr Butterfield's representatives – our policy, in agreement with PDC, was to include dwellings and gardens within the settlement boundary and exclude paddocks and areas that have more in common with the surrounding rural aspect than the village. This approach was followed when considering, not only Mr Butterfield's site but also nearby Old Mill, Shitterton Farmhouse, Honeysuckle Cottage and properties in North Street.

5. SANGS

What should be the trigger for the delivery of the SANGS – should it be related to the implementation or the completion of the Back Lane housing scheme?

5. The SANG should be available upon first occupation of the new dwellings built on the sites at Back Lane and North Street however there is a complicating factor. The Plan requires development traffic to access the Back Lane site from the A35 which would mean cutting across the proposed SANG, this may incur health and safety issues and therefore phasing of the SANG is likely to need to be agreed with the local planning authority where necessary.

Natural England recommend that because the Southern developments at White Lovington and the Old School Site are closer and more accessible to the Black Hill SSSI, an Access Management Project for Black Hill (4.13 HRA) may be required.

6. Nitrogen Mitigation

It occurs to me that this policy merely repeats existing policy that already covers the area. Is there a locally distinctive element of the policy that justifies the requirements being repeated in a neighbourhood plan? I would invite the QB to justify its inclusion.

6. This policy was included at the insistence of PDC although we agree that it repeats existing policy. We are happy to remove Policy BR3 and renumber the remaining policies accordingly if this is required. It is proposed that we also add a sentence to the preamble requiring developers to comply with Local and National policy.

7. Bere Regis Groundwater

7a. Can I be pointed to the district flood risk policy and is this a requirement within a policy to require an application to have to comply with an existing policy.

7b. What would be the trigger for the need for flood alleviation measures and sealed sewage systems.

7c. Does the LPA consult Wessex Water and the LLFA on planning applications or is it the responsibility of the applicant?

7a. PLP1 Policy FR: Flood Risk and Policy GP: Groundwater Protection. The emerging submission draft Purbeck Local Plan contains Policy E4: Assessing flood risk and Policy E5: Sustainable Drainage Systems (SuDs). All applications will need to comply with the District policies and Policy BR4: Bere Regis Groundwater to ensure appropriate mitigation or avoidance is part of a scheme where Wessex Water and/or the Lead Local Flood Authority believes it to be necessary.

7b. This would be dependent on advice from Wessex Water and the Lead Local Flood Authority analysing each application on its own merits.

7c. The LPA will consult with Wessex Water and the LLFA on planning applications.

8. Noise Attenuation

8a. The report in the evidence base is marked as a Draft Report – is the final report any different and do the Council’s Environmental Health Authority have any views as to the efficacy of the proposed noise bunds and do they believe an acceptable noise environment can be created both internally and externally in respect of the proximity to the bypass to the new homes?

8b. Could noise attenuation be delivered by other methods other than an earth bund.

8a. A final version with no alterations will be obtained with the word ‘draft’ removed.

8b. We would expect further noise attenuation to be undertaken by developers once they have decided upon dwelling type/density, etc.

9. Affordable Housing Policy

9a. Can the QB set out in what respect the proposed policy departs from the policy in the Purbeck Local Plan.

9b. What is the definition as to who would constitute a ‘key work’?

9a. The proposed policy is in accordance with the Local Plan in that 40% of all residential sites will deliver affordable housing. However, it departs from the Purbeck Local Plan in the definition of ‘affordable housing’ in the following aspects:

Affordable Housing for rent	70%	65%
Social rented		10%
Discounted Market housing	10%	25%
Shared ownership	10%	
Starter homes	10%	

9b. A percentage allocation for key workers was included in our plan because we believed that Purbeck District Council had appropriate definitions and a policy which we could adhere to. This turns out not to be the case and, as we as a parish council do not have the capacity to administer key worker housing, we will remove that affordable housing allocation from the plan.

10. Could the District Council comment as to how its affordable housing policy complies with the Secretary of State’s policy for planning obligations as set out in the PPG (para 31 re: Planning Obligations).

10. The Purbeck Local Plan Part One predates paragraph 31: Planning obligations of the National Planning Practice Guidance. In the newly submitted Purbeck Local Plan the affordable housing policy complies with the policy for planning obligations as set out in PPG para 31 as it provides for affordable housing to be sought on sites with 10 or more homes.

Commuted sums are sought from sites of between 2 and 9 homes in the rural areas of Purbeck where a ‘lower 5 unit or less threshold’ can be applied. However the PPG states that commuted sums should only be sought on developments of between 6 and 10 units. However the NPPF was published in 2018 and supports affordable housing provision with a lower threshold of 5 units or fewer in rural areas, this is a newer publication and it is assumed that the ‘affordable housing provision’ would include commuted sums as well as units built.

Housing sites

11. Could I be shown on a plan the sites that were considered as possible housing sites but were discounted?

11. Plan attached.

12. I note that in the supporting text there is elaboration as to how specific sites should be developed and it occurred to me to give such comments ‘development plan policy’ status, it would be better to include information, such as the likely numbers of units and any specific requirements identified by the neighbourhood plan. I would invite the QB to revisit the drafting of the policy with these comments in mind and suggest to me modifications as to how the policy could be drafted.

12. In an early draft of the Neighbourhood Plan, proposed housing numbers for each site were included. However, it was a deliberate decision to remove guidance from the policy in order to allow developers flexibility for each site. Instead, it was agreed that density would be a better guideline.

The Health Check undertaken in November 2018 recommended:

An alternative would be to include development briefs separately to the policy, but have a policy requiring development on each of the sites to comply with the briefs. It would be best if the briefs were still less prescriptive on development management matters and highway issues. However, if not actually policy, wording within the guidance is less crucial. The development brief becomes an important material consideration rather than policy.

All the information removed from the policy is included in the pre-amble following the Health Check.

We would be happy to receive the Examiner's guidance in this matter.

Local Green Space

13. I am not convinced that the approach taken by the plan to the identification of LGS, accords with Secretary of State advice set out in paragraphs 76 and 77 of the NPPF (2012). In particular, it is the intention that LGS status should not be used to protect most areas of open space. It is only for those spaces that are 'demonstrably special' to the local community, for a particular reason. They do not have to be restricted to areas where there is public access – an area can be protected for its particular beauty, tranquillity, historical or ecological interest for example.

13. SE16 has been reworded and is attached.

14. I find the key on Map 5 to be confusing, as it refers to Public Open Spaces and Local Green Space, but the policy then refers to existing areas of open space will be designated as Local Green Space. I cannot accept that areas 'with potential' are already demonstrably special to the local community. Similarly, one of the existing open spaces is described in SE16 as 'an unremarkable area of rough grazing'. I would ask that the QB revisit this section and seeks to justify each of the proposed green spaces against the criteria set out in the relevant paragraphs of the NPPF.

14. The map is to be amended to show all the sites in green and the key amended accordingly. The wording below the map to read 'Areas shown in green will be set as Local Green Spaces'.

The words 'unremarkable area of rough grazing' will be removed.

Further questions

15. Could you let know the date and let me have a copy of the SEA and HRA screening reports that concluded an HRA and SEA were required and also any scoping reports that are issued.

15. The SA process assessing the likely significant effects of providing homes in Bere Regis began through the development of The Purbeck Local Plan Part One. At this stage, the Bere Regis Neighbourhood Plan was expected to provide 50 homes and SA's identified that housing here had the potential for likely significant effects. Due to this, the Bere Regis SA process began at scoping stage and it is explained briefly in the scoping report, why this was the case, "We are carrying out (the scoping report) because the Bere Regis Neighbourhood Plan will include housing allocations and a number of policies." It was deemed "this is significant enough to require a sustainability appraisal." (pg 3. Scoping report).

Additionally, the HRA screening of the Bere Regis Neighbourhood Plan was carried out in the main HRA report, this incorporates both the screening and the appropriate assessment. The addendum following Sweetman highlights this, "the screening for likely significant effects in the main HRA report ... were checked and explained as part of the screening for likely significant effects section" (para 2.10, HRA addendum following Sweetman).

Please find scoping report for the SEA on the website.