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15 May 2015

Mr David Hogger  
Planning Policy  
North Dorset District Council  
Nordon, Salisbury Road  
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DT11 7LL

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Dear Mr Hogger

**NORTH DORSET LOCAL PLAN EXAMINATION  
FURTHER WRITTEN SUBMISSIONS ON:**

- 1) THE COUNCILS EXPLANATORY NOTES IN RESPONSE TO INSPECTORS QUESTIONS**
- 2) MINOR AMENDMENTS ARISING FROM THE EXAMINATION HEARING SESSIONS**

**Respondent Ref: No: 2984**

These further written submissions are submitted on behalf of CG Fry & Son, Welbeck Land, Taylor Wimpey, and the landowners at Newhouse Farm. Together the land owners and developers control approximately 102.3 hectares of land to the south of Gillingham, comprising 82% of the total site area within the proposed strategic allocation for the southern extension of Gillingham. These four parties are working together as a consortium to ensure a co-ordinated approach to the delivery of the Gillingham Strategic Site Allocation (SSA). This statement has been prepared jointly by the professional advisors of these companies and landowners.

As you will recall representatives of the consortium played a very active role in the Examination Hearing Sessions, attending the majority of the sessions. We therefore have a good understanding and note of the discussions that took place. Whilst we are satisfied with some of the points of agreement within the Council's responses to the 'Inspectors Questions' we are concerned that some of the proposed changes within the 'Schedule of Changes Arising from the Hearings' are either not justified, do not go far enough in our view to address issues of soundness and/or do not reflect the strong steer given by you during the Hearing Sessions.

As requested we reference the document number, page number and/or paragraph number against each of the comments below.

***MHD006 – Council's Broad Strategy***

We support extension of the Plan period from 2011 to 2031 and the consequential uplift in housing supply target. Within the additional five year period the total allocation to the Gillingham SSA is at least 1744 (Appendix A MHD008). This is much more consistent with the SSAs capacity, which is currently at least 1,800 dwellings. We consider that 1,800 dwellings are deliverable in full over revised Plan period and this amendment obviates the need to recognise in the Plan that the housing provision at the SSA extends beyond the Plan period as previously submitted.

### ***MHD008 – Housing Trajectory***

The Consortium concurs that in accordance the housing trajectory projections for the Gillingham SSA set out within Appendix A are realistic assumptions. However, as noted above the revised target of at least 1744 dwellings over the Plan period is realistic. If anything the trajections could be considered to be conservative on the basis that the first completions on the Newhouse Farm part of the SSA are only shown from 2027/28. Should there be multiple starting points with different housebuilders it is possible that completion rates are increased.

### ***MHD014 – Gillingham SSA Local Centre***

Whilst we welcome an amendment to the indication of the local centre location by removal of a site specific boundary and replacement with star notation of the general location, this does not in our view go anywhere near far enough to reflect your clear steer at the Hearing Session. There remains a clear need to provide flexibility by including land adjacent to the Garden Centre site, necessitating an extension to the boundary of the SSA.

On the basis that such flexibility was caveated with a sequential style approach, the Consortium's notes of the Examination proceedings demonstrate that the Council had agreed at the Hearing that this was a sensible way forward that avoided potential problems in the future (including a scenario whereby it was possible that the only deliverable location (following a sequential style approach) for the local centre was outside the SSA boundary as currently defined). Such potential conflict could ultimately prejudice the successful implementation of the local centre which is recognised as an important component of the SSA.

Failure to afford such flexibility within LP1 could ultimately prejudice the successful delivery of the SSA given the likely phasing and s106 requirements for the delivery of the local centre and absence of land ownership amongst the Consortium of the Council's favoured location for it.

As discussed at the Hearing there are significant issues with the Council's preferred location and other possible locations for the local centre and for this reason we believe that the garden centre site must be allocated; albeit with clarification as to need to evidence a 'sequential style' approach to site selection.

### ***MDH015 – Gillingham SSA Habitat Regulations Assessment***

Clarification that the Master Plan Framework for the Gillingham SSA is not required to be subject of a Habitat Regulation Assessment is supported.

### ***MHD018 – Schedule of Changes***

*Change Ref 4/3/14* – the proposed wording change makes no change to the reading of this sentence. As stated previously, given changes already introduced through Building Regulation replacement of Code for Sustainable Homes, Policy 3 will quickly become out of date. It is important that the policy should be reworded so that it can respond to future changes over the Plan period. At the very least there can be no requirement for "detailed energy statements" when such requirements are already addressed by other legislation and the modifications to Policy 3 (4/3/17) delete this requirement.

It was agreed at the Examination that Mr Trevor Warwick of NDDC would discuss suggested text amendments with Mr Tim Hoskinson of Savills but no such discussions have taken place.

*Change Ref 5/6/13* – this needs to be amended to reflect the increased housing target of 285 dwellings per annum as recommended within document ref: MHD006.

*Change Ref 5/6/14* – the table needs to be amended to reflect the extension to the Plan period and consequential amendment to housing trajectory within document ref: MHD008. For example the figure for Gillingham should be 'at least 1,744' dwellings.

*Change Ref 5/16/19* – as above the housing figures need to be amended to reflect changes within document ref: MHD008.

*Changes Ref 5/8/22, 5/8/23 & 5/8/25* – all these paragraphs continue to make reference to the involvement of the District Valuer in assessment of viability assessments submitted in accompaniment with planning applications. As explained at the Examination Hearing, and agreed by the Inspector, the restricting the assessment of viability to only the District Valuer is inappropriate as it would prejudice independent and objective viability assessment and would thus reduce certainty in the decision making process for developers.

The Consortium's notes of the discussion indicate a clear preference expressed by you for the text to refer to an "independent assessor" as opposed to an "either/or" approach.

Furthermore, the Council has added the phrase "mutually agreeable" which was not discussed. In circumstances where the applicant is expected to cover the costs of the independent assessor, it should be for the applicant to confirm the appointment.

It is the right of any applicant to challenge, through viability assessments, delivery of affordable housing. In such circumstances it is normal practice that Councils may seek a second opinion in their assessment of this. However, having sought such an opinion there is no absolute requirement to rely on any such conclusions.

We consider that any reference to the District Valuer must be removed with reliance only to the involvement of an 'independent assessor' as agreed at the Hearing sessions.

*Change Ref 7/13/21* – we remain concerned that the requirement for public art provision for all large development proposals lacks flexibility and is overly prescriptive. The policy should encourage public art where appropriate and necessary to make development acceptable in planning terms.

*Change Ref 7/14/13* – the proposed additional wording relating to medical practices in Gillingham does not accurately reflect the likely actual requirements. As presented at the Hearings through a representation on LP1 from Gillingham Medical Practice dated 11.12.13, there is considered to be some capacity within the existing medical practices.

Furthermore, the comments made by Dr Christine Yule at the Infrastructure Hearing Session on 17.03.15 are material to the requirement expressed in LP1 paragraph 7.93 and Policy 21 (z) for health facilities including a doctor's surgery and dispensing pharmacy within the proposed SSA local centre. Dr Yule confirmed that there is no funding available for the delivery of new facilities. She also stated that the delivery of a new facility by developers creates a series of operational and cost challenges such as staffing that can be a huge burden on existing practices and are not easily overcome, such that the delivery of new facilities requires very careful consideration.

Dr Yule also noted that NDDC had undertaken very little public consultation with North Dorset's medical practices (indicating that the matter as far as the SSA is concerned had not in fact been given careful consideration) and in conjunction with the representation from Gillingham Medical Practice dated 11.12.13, it appears that the need expressed in Policy 21 has not been properly evidenced and as such the specific requirement is not justified.

Mr Warwick of NDDC acknowledged that the Council had not considered funding or delivery issues for the new health facilities referred to in paragraph 7.93. Any requirement for additional medical provision within the SSA must be subject to further detailed consideration of actual operational requirements for medical provision and viability of general practitioners to deliver this. The wording of para 7.93 and Policy 21 (z) should be amended to reflect this actual position.

*Change Ref 7/15/14* – The allotment plot size of 250sqm (10 rods) referred to in the proposed modification dates back to the Small Holdings and Allotments Act of 1908. This size of plot (about the size of a doubles tennis court) is generally considered too large for most allotment holders, particularly those balancing work/life commitments, and a half-size plot of 125sqm is generally considered a more manageable size, indeed quarter

plots are also popular. The Council's requirement for 205 sq m plots is not justified and the proposed modification lacks flexibility. The reference to 250 sq m plots should be removed.

*Change 9/21/15* – we are concerned with the proposed addition of text to deal with the event that the southern extension does not deliver housing and infrastructure at the anticipated rates.

Based on the available evidence there is no reason to consider that such delivery will not be broadly at the rates anticipated. Such reference could be used by third parties to mount justification for non-allocated sites that can only serve to undermine delivery and should therefore be removed.

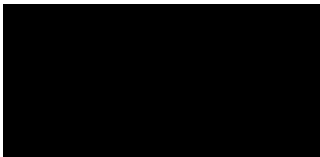
Clearly if there is a major under delivery of housing across the district then forthcoming review of the Plan can address this.

### **Conclusions**

Whilst a number of the clarifications and amendments are welcomed there are a number of issues that we do not feel accurately reflect issues raised at the Hearings and comments made by you as to the nature of the amendment required to address specific comments. Such concerns are reflected above.

It is important to note that the above observations do not in any way address other objections raised to the plan through our previous representations that have not been addressed and we invite your consideration of these in your final report in order to ensure the Plan can ultimately be found sound.

Yours sincerely



**WILL EDMONDS  
PARTNER  
MONTAGU EVANS LLP**