

PD7263/WE

17 September 2015

Planning Policy  
 North Dorset District Council  
 Nordon, Salisbury Road  
 Blandford Forum  
 DT11 7LL

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Dear Sir or Madam

**North Dorset Local Plan Part 1 - Schedule of Main Modifications**

**Respondent Ref: No: 2984**

These representations to the Local Plan Main Modifications 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 are aware the consortium have been proactively involved throughout the Local Plan process and 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 welcome some of the proposed Main Modifications we continue to have concerns with some of them that do not go far enough in our view to address issues of soundness and/or do not reflect the strong steer given by the Inspector during the Hearing Sessions.

For ease of reference we provide our comments in tabular form below.

<b>Main Modification Ref No.</b>	<b>Support/Object</b>	<b>Consortium comments including modifications required to make sound</b>
MM1	Support	We support extension of the Plan period from 2011 to 2031 to reflect the NPPF.
MM4	Support	<b><i>Renewable Energy</i></b>  We welcome deletion of reference to any requirement for detailed energy

[REDACTED]

		<p>statements in support of development proposals. This requirement will now clearly be met by Building Regulations.</p> <p>Given changes already introduced through Building Regulation replacement of Code for Sustainable Homes it is important to ensure that polices do not quickly become out of date.</p> <p>Renewable energy requirements will be addressed by other legislation and this is all that supporting text needs to clarify.</p>
MM5	Support	<p><b>Figure 5.1</b></p> <p>We support clarification that Gillingham can support at least 2,200 units over the extended plan period to 2031. The Gillingham SSA can contribute at least 1,800 dwellings to this target.</p>
MM6	Support	<p>The Consortium concur that the housing trajectory projections contained within Fig E.1 for the Gillingham SSA are realistic assumptions. If anything the trajectory could be considered to be conservative. Should there be multiple starting points with different housebuilders it is possible that completion rates are increased.</p>
MM8	Object	<p><b>Para 5.92</b></p> <p>Whilst we welcome the addition of reference to an “independent assessor” we object to the ongoing reference to the involvement of the District Valuer in assessment of viability assessments submitted in accompaniment with planning applications. As explained at the Hearing, and agreed by the Inspector, the involvement of 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.</p> <p>Our notes of the discussion indicate a clear preference expressed by the Inspector to refer only to an independent assessor as opposed to an “either/or” approach.</p> <p>Furthermore, we object to 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.</p> <p>It is the right of any applicant to challenge through viability assessments delivery of affordable housing. In such circumstances it is normal</p>

		<p>practice that Council's 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.</p> <p>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.</p>
MM11	Object	<p>We remain concerned that the requirement for public art provision for all large scale 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.</p> <p>The clarification of what constitutes large scale developments does not address this concern.</p>
MM12	Object	<p>The main modifications implies that existing medical practices are already under pressure in Gillingham. Based upon the evidence as submitted and presented to the examination there is evidence (see representation on LP1 from Gillingham Medical Practice dated 11.12.13) that there is considered to be some capacity within the existing medical practices.</p> <p>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.</p> <p>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.</p> <p>Mr Warwick of NDDC acknowledged that the Council had not considered funding or delivery issues for the new health facilities referred to in</p>

		<p>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.</p> <p>It is incorrect therefore for the proposed modifications to the supporting text to state that need exists and consequentially note that new health facilities to include a doctor's surgery, dentist and pharmacy will be provided in the Local Centre.</p> <p>In fact the evidence base for this has yet to be determined. The need for such facilities will need to be determined through both the Masterplan Framework and outline planning application(s).</p>
MM13	Object	<p><b>Para 7.139</b></p> <p>The proposed modifications state that a standard allotment plot is traditionally 250sq.m. This size of plot dates back to the Small Holdings and Allotments Act of 1908.</p> <p>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 considered a more manageable size, indeed quarter plots are also popular.</p> <p>Whilst we welcome acknowledgement that plot sizes could be smaller than 250sq.m this does not in our view go far enough as it is a discretionary decision left to the relevant parish or town council.</p> <p>We consider that it would be more appropriate to give clarity on this matter and to allow smaller plot sizes.</p>
MM15	Support	<p>The reduction in the target provision of affordable housing within the SSA from 30% to 25% is supported given the acknowledged viability issues in relation to delivery of the SSA, as confirmed by the Peter Brett Associates report prepared on behalf of the Council to inform the ongoing CIL work.</p> <p>Affordable housing has to be considered alongside CIL and should also take account of the impacts recent budget changes have had on affordable housing and the need for a flexible approach to tenure mix as well as the overall percentage.</p>

		<p>This approach is consistent with that advocated in the Consortiums CIL representations submitted to the Council.</p>
MM19	Object	<p><b>Updated Map</b></p> <p>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 reflect the clear steer of the Inspector at the Hearing Session to provide flexibility to include land adjacent to the Garden Centre site, necessitating and extension to the boundary of the SSA.</p> <p>On the basis that such flexibility was caveated with a sequential style approach we understood that the Council had agreed at the Hearing that this was a sensible way forward that avoided potential problems in the future whereby it was possible that the only deliverable location 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.</p> <p>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 Councils favoured location for it.</p> <p>As discussed at the Hearing there are significant issues with the preferred 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.</p> <p><b>Policy 21</b></p> <p>The consortium welcome clarification that the masterplan is a material consideration (as opposed to part of the Development Plan) in the determination of subsequent planning applications for development within the SSA.</p>

## Conclusions

Whilst a number of the Main Modifications are supported there are a number that do not in our view address adequately objections raised at the Hearing sessions. We have suggested above how these ongoing concerns could be addressed.

It is important to note that the proposed Main Modifications do not in any way address other objections raised to the plan through our previous representations and views expressed at the Hearing Sessions and we respectfully invite the Inspector to give these matters careful consideration of his final report in order to ensure the Plan can ultimately be found sound.

Yours sincerely



**WILL EDMONDS  
PARTNER  
MONTAGU EVANS LLP**