

# INDEPENDENT EXAMINATION OF WAREHAM NEIGHBOURHOOD PLAN

EXAMINER: David Hogger BA MSc MRTPI MCIHT

Cllr Keith Critchley  
Chair, Wareham Neighbourhood Plan Steering Group

Jo Langrish-Merritt  
Dorset Council

Examination Ref: 01/DH/WNP

Via email

18 March 2021

Dear Cllr Critchley and Ms Langrish-Merritt

## WAREHAM NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Wareham Neighbourhood Plan (WNP) for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for Wareham Town Council (WTC) as Qualifying Body and a smaller number for Dorset Council (DC). These are set out in the Annex to this letter.

I am aware that an examination into the previous iteration of the WNP commenced in 2019 but was withdrawn from examination by WTC in February 2020. I have now been appointed as the examiner of the October 2020 submission version of the WNP and will make my own independent assessment of the matters that relate to this submission.

### 1. Examination Documentation

I can confirm that I have access to a complete copy of the submission WNP and accompanying documentation, including the Basic Conditions Statement (October 2020), the Consultation Statement (December 2020), the SEA/HRA Determination Statement (December 2020); the Strategic Environmental Assessment (October 2020); and two Habitats Regulation Assessments<sup>1</sup>. I have seen the supporting evidence as set out on Dorset Council's web-page<sup>2</sup> and I have read the Regulation 16 representations. I am satisfied that I have the relevant evidence to enable me to undertake the examination.

WTC has prepared a response to the Regulation 16 representations, which I received on 15 March 2021. I have asked for this to be placed on the relevant web-sites and I have taken it into account in my consideration of the WNP.

Subject to my detailed assessment of the submission WNP, I have not identified any very significant and obvious flaws that might lead me to advise that the examination should not proceed.

### 2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area in the week commencing Monday 22 March, subject to such a visit being in accordance with Government advice on travel, regarding

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<sup>1</sup> AECOM Report (October 2020) and Dorset Council document (December 2020).

<sup>2</sup> [www.dorsetcouncil.gov.uk/planning](http://www.dorsetcouncil.gov.uk/planning)

the COVID-19 outbreak. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process (and further respecting the current COVID-19 distancing arrangements).

### 3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations' procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that an interested party has a fair chance to put a case.

### 4. Further Clarification

I have a number of initial questions seeking further clarification from both WTC and DC. I have set these questions out in the Annex to this letter. I would be grateful if a written response could be provided within **four** weeks of receipt of this letter.

### 5. Examination Timetable

As you will be aware, the intention is to examine the WNP (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, bearing in mind I have raised a number of questions to which I must provide the opportunity for the preparation of an appropriate response, the examination timetable will be extended. Please be assured that I will seek mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any subsequent responses, are placed on the websites of the Town Council and Dorset Council.

Thank you in advance for your assistance.

Your sincerely

*David Hogger*

Examiner

## **ANNEX**

From my initial reading of the submission draft Wareham Neighbourhood Plan (WNP) and the supporting evidence, I have 10 questions for Dorset Council (DC), 25 questions for Wareham Town Council (WTC). I have a further single question where, if possible, a joint response should be provided. I have requested the submission of a response within **four** weeks of receipt of this letter.

### **Question for both Dorset Council and Wareham Town Council (1)**

*I would prefer a joint response to this question but if that cannot be successfully achieved, then independent responses should be submitted by the two parties.*

1. Dorset Council objects to the retention of the foot crossing at the railway station, as set out in policy PC1 (page 48). It is also confirmed by the Council (in its Regulation 16 response) that ‘ramped and lift options’ have been ruled out. On the Council’s web-site<sup>3</sup> it states that ‘talks will now continue between Dorset Highways and Network Rail to produce a more suitable solution for the community’.

I consider this to be a very important link in the route between Northport and the town. On that basis (and bearing in mind the clearly expressed views of the local community), I would therefore ask Dorset Council in consultation with the Town Council:

- (a) to explain what ‘alternative solutions’ have been considered;
- (b) to summarise the outcomes of that consideration and explain how it is envisaged that this issue will be satisfactorily addressed and over what timescale;
- (c) to confirm my understanding that the lease agreement with Network Rail comes to an end in 2038;
- (d) to confirm whether or not there is any substantive evidence that would lead me to conclude that a solution to the railway crossing, in the form of an electronic barrier or gates linked to the signalling system, cannot satisfactorily be achieved; and
- (e) to establish whether or not there are any modifications to policy PC1 and/or its supporting text, that would add greater clarity to the situation.

### **Questions for Dorset Council (10)**

1. Can the Council confirm that the Wareham area was designated as a Neighbourhood Plan Area on 10 October 2015?

2. Could the Council summarise the current situation with regard to the examination of the Purbeck Local Plan (2018 – 2034)? Is there an estimated timescale for the adoption of this document?

3. In paragraph 1.11 of the Welbeck Regulation 16 Response (Ref WA10) it states that the allocations in the Purbeck Local Plan ‘are undeliverable and therefore should not be relied upon’. Is there any evidence to support this assertion?

4. Is the Council still anticipating that the publication of the draft Dorset Council Local Plan (2021-2038) will be in Autumn/Winter 2021?

5. Planning Practice Guidance (PPG) Reference ID: 41-009-20190509, advises that ‘where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between

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<sup>3</sup> <https://www.dorsetcouncil.gov.uk/roads-highways-maintenance/highway-improvements/wareham-pedestrian-level-crossing.aspx>

policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan’.

Could the Council confirm that such discussions have taken place and summarise any conclusions that were drawn?

6. Can the Council confirm that the policies in the WNP, if made, would not unduly influence or constrain any emerging policies in the either the Purbeck Local Plan (2018-2034) or the Dorset Council Local Plan (2021-2038)?

7. Paragraph 3.4.2 (page 22) of the WNP, regarding the Westminster Road and Johns Road Industrial Estates, states that although the sites were ‘safeguarded as employment land within the 2012 Local Plan, their retention is no longer considered to be a strategic matter’. Dorset Council has not objected to this reference. Can I therefore conclude that the statement is considered to be accurate by the Council?

8. In Dorset Council’s Regulation 16 response (Ref WA14), with regard to Sandford Lane Employment safeguarding (policy H11 – page 34), it states that there is a difference between the proposed area for safeguarding in the WNP and the area identified in the Purbeck Local Plan review. The Town Council has tried to address this matter in its comments on the Regulation 16 responses submitted (page 2). Does the Town Council’s commentary alter the view of Dorset Council on this matter? (see also question 16 to the Town Council).

9. What benefit would there be in converting the list of pedestrian and cycle route infrastructure improvements in policy PC2 (page 49), into a prioritised list?

10. In the suggested wording amendments to policy LDP1 (page 64) put forward by Dorset Council:

- In the fifth bullet point, should the suggested word ‘heights’ be replaced by ‘depths’?
- In the sixth bullet point, why should the reference to ‘natural stone’ be deleted?
- Why should the last bullet point (regarding meter boxes, pipes, solar panels etc.) be deleted?

### **Questions for Wareham Town Council (25)**

1. Why is there no reference in the Introduction to the WNP to the wider planning policy framework and, in particular, the relationship between the WNP and both the Purbeck Local Plan (2018 – 2034) and the Dorset Council Plan (2021 – 2038)? Could the Council provide a paragraph explaining the relationship between the three plans and (if there has been any change) an up-date to paragraph 1.2.2 (page 1).

2. Policy H1 (page 10) refers to 100 dwellings being anticipated as windfall development. What is the justification for this figure?

3. Is policy H2: Housing Mix (page 12) justified, especially in terms of restricting the number of family homes proposed?

4. How will a decision-maker know how to define what is meant by ‘predominantly’ in policy H2 (page 12)?

5. With regard to policy H5 Westminster Road (page 24), is there any reason to doubt that the presence of existing water infrastructure on the site cannot be satisfactorily addressed in any development proposals?

6. With regard to policy H7 Wareham Town Northern Gateway (page 29), Wessex Water (Ref WA01) refer to a pumping station to the north of the gasworks site. Is there any reason to doubt that the

presence of the existing infrastructure cannot be satisfactorily addressed in any development proposals?

7. With regard to policy H8 Former Hospital and Health Centre (page 31), Wessex Water refer to a water main crossing the site. Is there any reason to doubt that the presence of existing infrastructure cannot be satisfactorily addressed in any development proposals?

8. Can the Town Council confirm that policy GS1: Protection of Local Green Spaces (page 54), would not have any detrimental consequences for any underground infrastructure that crosses an area of LGS?

9. Is there any evidence that the housing allocations at Westminster Road (H5 – page 24) and Johns Road (H6 – page 27) will threaten the viability of the industrial estates because of the impacts of noise, pollution and traffic issues on residential amenity? (see paragraph 2.3 of the Welbeck Regulation 16 response – Ref WA10). Are the allocations viable and deliverable and can satisfactory buffering be achieved? Has Dorset Council (through its Environmental Health officers) expressed any concerns regarding the proximity of housing to industry?

10. In paragraph 3.4.4 on page 23 (Westminster Road) there is a reference to issues of disturbance being 'readily addressed'. In what ways can this be achieved?

11. In the Statement of Common Ground (August 2019,) regarding Mitigation Measures (Bog Lane SANG), in paragraph 3.3 (sites H5 and H6) it states that mitigation may be facilitated by way of a contribution towards Heathland Infrastructure Projects (HIP) provision. Is the Town Council confident, at this stage, that such provision can be satisfactorily secured?

12. The aforementioned Statement of Common Ground is not signed by any of the stated parties. Can the Town Council confirm that there was full agreement by all the parties listed in paragraph 1.3 of the document?

13. I understand that there have been proposals for development on the area covered by policy H7 (Northern Gateway – page 29) in the past, that have not come to fruition. Is there any reason to doubt the delivery of this proposal?

14. What evidence is there that the relocation of the GP Surgery is achievable (policy H8 – page 31) and what progress has been made on relocating the health and ambulance facilities? Policy H8 introduces an element of doubt in the first sentence. Is there a fall-back position in the event that the relocation cannot be achieved?

15. Whilst I acknowledge that Table 1 (page 18) sets out the potential number of dwellings for each site, why do none of the specific allocation policies include a housing number?

16. Dorset Council considers that the delineation of the Sandford Lane Employment Safeguarding Area is a strategic matter and that any proposals to modify the boundary should be dealt with through the emerging Dorset Council Local Plan (during which process boundaries will be considered). What is the justification for the Town Council to take a contrary view? (see also Question 8 to Dorset Council).

17. Regarding paragraphs 6.2.5 and 6.3.2 (pages 55 and 58):

- What evidence is there that the potential improvements to the Bog Lane SANG will provide satisfactory mitigation for any impact that proposed development may have on Dorset Heathlands?
- What is the timetable for the implementation of these improvements?

18. What evidence is there that policies GS2 on page 56 (former Middle School) and GS3 on page 58 (Bonnets Lane) are viable and deliverable?
19. In the third line of policy GS2 (page 56), why is the word 'may' used. Does this not dilute certainty?
20. Can the Council confirm that Network Rail were consulted on the WNP (submission draft) but that no response was received?
21. Paragraph 5.1.7 (page 49) refers predominantly to 'protecting' the former northern bay platform for use by trains (at some time in the future) to and from Swanage. Policy PC3, however, safeguards the former platform for any use that supports sustainable transport. It is therefore conceivable that another use, for example a bike-hire business, could use the land (or some of it). Is there a reason why the policy is not focussed solely on the re-use of the platform by train services?
22. In the last section of policies H5 (Westminster Road – page 24), H6 (St Johns Road – page 27), H7 (Northern Gateway – page 29), H8 (Former Hospital – page 31), H9 (Settlement Boundary – page 33) and policy GS3 (Bonnets Lane – page 58), there is a reference to providing heathland mitigation in accordance with policy H4 (page 15). However, policy H4 does not specifically refer to either 'heathland' or 'mitigation'. Can the Town Council consider if there is a way of providing a closer relationship between the aforementioned allocations and policy H4 (through a modification to the text/policy)?
23. Policy PC1 (page 48) places emphasis on pedestrian and cycle routes within the WNP area and includes reference to the importance of routes to the town centre and the main movement attractors. Whilst acknowledging they are outside the Plan area, is there any reason why a reference to cycle/pedestrian links from the town to the surrounding countryside (e.g. for leisure purposes) has not been included?
24. Policy GS1 (page 54) on Local Green Space refers to protecting Castle Close garden. Can the Town Council confirm that the owner of that land has been advised accordingly, having regard to the advice in the PPG on open space, sports and recreation facilities, public rights of way and local green space<sup>4</sup>?
25. The last bullet point of policy LDP3 (page 66) refers to charging points for electric vehicles but there is no reference to the number of such points that might be required for each land use (or even to where the appropriate standards might be found). Could the Town Council provide appropriate clarity on the matter?

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<sup>4</sup> PPG Reference ID: 37-019-20140306.