

Frances Summers

From: Stephen Young <StephenY@pro-vision.co.uk>
Sent: 28 February 2019 16:59
To: Frances Summers; 'JOHN SLATER'
Cc: James Cleary; Ian Ventham; nick.squirrell@naturalengland.org.uk
Subject: Bere Regis Neighbourhood Plan - response to Examiners Questions
Attachments: Arrivals route.jpg; Departures route.jpg; Site Ownership_sml.pdf; 50390 SK1-05.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Frances,

I am writing to you in response to the Bere Regis Examiner's questions (sent on 8 Feb), the Draft Statement of Common Ground (sent 14 Feb) and in light of NE's initial comments to the latter (21 Feb).

Today's email therefore supplements our previous responses of 8 and 13 February (in the trail below). For efficiency of communications and transparency, I have also copied this direct to the Examiner, John Slater; the Chair of the Parish Council (Ian Ventham); and Nick Squirrell at Natural England.

I note that the Draft Statement of Common Ground (SoCG) includes a number of bullets, verbatim, from my email to you and Ian of 13 February following our meeting the previous evening. As I am not clear whether Mr Slater has seen this, I include this in the trail below for completeness.

Essentially, the Examiners questions relate to (i) the changes to the SANG boundary where it interacts with the Back Lane site and (ii) the noise attenuation bund. The concern appears to be that the nature of these changes / parameters may prejudice yields from the Back Lane site. The purpose of this email is to re-assure the Examiner that these matters would not inhibit delivery of the Back Lane site.

Extent of Drax Family Ownership between West Street and A35

The attached PDF titled "Site Ownership_sml" shows the extent of the Drax family land between West Street and the A35 cutting that is relevant to the proposed allocations. We have overlain the boundaries of the NP allocations as they existed, prior to the Council issuing the plan on Pg 3 of the SoCG, as best we understand them to be. As can be seen, this includes the entirety of:

- the Back Lane allocation;
- the entrance land to the Back Lane site;
- Back Lane from the entrance land, eastwards to Butt Lane
- the SANG; and
- other land

This plan places the south-western apex of the Back Lane allocation, where it meets the lane, approximately 250m from the point where the lane meets Butt Lane – measured as the crow flies

The Drax family and the Estate have broad support for the Bere Regis NP process, and can, to a degree, be flexible regarding precise boundaries of the allocations within the family land, mindful of their land tenure and management matters. In short, there is scope for this within the NP and I return to this point below.

Noise Attenuation – link to other sites

We have, in our 22 November 2018 comments, previously expressed concerns regarding the precise nature of the bund, and its delivery (our 22 November comments are at the bottom of this trail, only for ease of reference). We

therefore welcome the changes on pgs 7-8 of the draft SoCG. These changes break the linkage between a bund and other sites within the Neighbourhood Plan, and address our client’s concerns regarding possible a ransom situation.

Nature of Noise Attenuation – effect on SANG

We have seen, and understand the points in, Nick Squirrell’s comments to the draft SoCG, dated 21 Feb relating to the bund. We understand that NE do not have an issue with *the principle* of using a bund, but would be concerned if the height of this were to be such that it filled the entire width of the SANG (ie between the northern boundary of the Back Lane site and the southern edge of the A35 cutting).

I have, separately, spoken with Nick Squirrell. We understand that NE accept that there may be other solutions to addressing the noise issue, perhaps along the lines as has been used at another site within Purbeck District where SANG issues also arose (Policeman’s Lane, Upton, BH16 5NE – PDC planning references include: 6/2017/0308, 6/2016/0311 and 6/2014/0299). Mr Squirrell also indicates in the comments to the draft SoCG that the Back Lane development will, itself, help to screen the remainder of Bere Regis from existing noise on the A35. We agree with NE on these points.

Having had the Parish’s permission to speak with their acoustic consultant (Ian Broom of Impact Acoustics) it is clear that there were a number of limitations to the investigations upon which the conclusions were based. Firstly, Impact Acoustics did not have any detailed topographic data of the site, the A35 cutting and embankment, or the A35 itself. Further, there was no clear scheme within the Back Lane site to which Impact Acoustics could refer. The conclusion for a 10m high screen is therefore very much a “worst case” scenario as the height of any screen may be influenced by topography. There may also be solutions to this issue that do not require the same amount of land-take as a bund would.

In summary, these are matters that can, indeed should, be left to a planning application in due course for the Back Lane site. The Drax family and the Charborough Estate are, nonetheless, confident that some form of noise attenuation can be delivered, to NE’s satisfaction, within the area currently indicated for the SANG.

Extent of and Yield from Back Lane

The Plan on Pg 3 of the SoCG has repositioned the western boundary of the Back Lane site. The south-western apex of the site, where it meets the lane, now is approximately 275m from the point where the lane meets Butt Lane – as the crow flies - in this plan: ie it has been moved approximately 25m westwards. As far as we are able to tell, all other allocation boundaries are unchanged.

The Drax family and the Charborough Estate have no objection to the westward extension of the Back Lane site. At their instruction, we have prepared an indicative site layout plan for 55 dwellings within the area now defined by the SoCG for the Back Lane site. This is the PDF attachment titled “50390 SK1-05” and demonstrates robustly that the Back Lane site is capable of delivering the expected yield.

Some important points to note here are that:

- 1. the layout assumes the following mix of units:

Beds	TOTAL	Market	Affordable:	of which Rented	Part- Owned
1	4	0	4	3	1
2	21	12	9	7	2
3	21	15	6	4	2
4	9	6	3	2	1
	55	34	22	16	6

This mix is mindful of that suggested in Table 34 of the Update to the Borough’s Strategic Housing Market Assessment, submitted as part of the Examination to the emerging Purbeck Local Plan (this document: <https://www.dorsetforyou.gov.uk/planning-buildings-land/planning-policy/purbeck/local-plan-review-purbeck/pdfs/submission-documents/sd20-shma-update-for-purbeck-jan-19.pdf>). The data in the SHMA

table is itself repeated on pg67 of the submission version of the Purbeck Local Plan, informing emerging Policy H9 regarding Housing Mix. The indicative layout presented for the Examiner is therefore future-proofed in relation to both (a) the documents that underpin emerging Planning Policy and (b) emerging Policy H9.

22 affordable units would equate to 40% provision, compliant with existing and emerging Policy for this location (Policy AH of the adopted Local Plan and Policy H11 of the emerging Plan).

2. The scheme includes, within the allocation, an over-provision of Open Space - 750sqm compared to the 726sqm required. This latter figure is based on the Fields in Trust Standards, assuming 2.4 people per dwelling and 0.55ha of outdoor provision per 1000 population (this document: <http://www.fieldsintrust.org/Upload/file/guidance/Guidance-for-Outdoor-Sport-and-Play-England-Apr18.pdf>). We would expect the planning application process to determine whether an equipped play area is required, but it is clear from the attachments that there is family land outside both the SANG and the allocation where this could be placed, if a deficiency exists and/or a need for this was demonstrated.
3. The 55-unit scheme presented in the indicative layout includes a total of 127 parking spaces (both allocated and unallocated, including 10 for visitors)
4. Back-to-back distances of c20m to the existing properties on Butt Lane are respected.

Clearly these matters, including the positioning of units/density, would be refined as part of a subsequent application and be subject to public consultation at that time.

Traffic Management

The trail below refers to possible solutions to the movement of HGVs to and from development sites within the village (and the 2 attached jpgs). This can, indeed should, be a matter left to the subsequent planning application processes.

I trust this provides the Examiner with the surety required for the Back Lane site to enable him to proceed with the Neighbourhood Plan. Residual elements can be addressed via the normal development control processes that would follow.

I trust the attached layout plan is nonetheless helpful in this regard, and we would be happy for it to be included in the examination library for the NP.

Regards

Steve

Stephen Young BSc (Hons) | T 01794 368 698 | M 07900 818 464
Senior Planning Consultant

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No. 3296321

From: Stephen Young

Sent: 13 February 2019 11:49

To: 'Ian Ventham' <ianrventham@gmail.com>; Frances Summers <FrancesSummers@purbeck-dc.gov.uk>

Subject: Bere Regis NP Group meeting last night - Charborough Estate notes

Dear Ian and Frances,

May I start by thanking you both for the productive nature of the meeting last night. Please can you also pass my thanks to the other members of the NP group.

I hope the following is a useful summary of the matters discussed, together with action points to assist the Examination, where necessary:

1. The entrance land (to the west of 45 West Street) can be included as part of the Back Lane allocation
 - **Pro Vision** will provide a plan to the Examiner by 28 Feb confirming the Drax family ownership between West Street and the A35, insofar as this relates to the proposed allocations;
2. The PC is flexible on the western boundary position of the allocation, north of Back Lane, to ensure that the allocation as a whole is capable of delivering 55 units at 30dph.
 - **Frances** is preparing a draft plan relating to this, mindful of the revised SANG boundary from NE;
 - **Pro Vision** layout plan (under preparation) may inform this boundary plan
3. The open space required by the 55 units (currently estimated to be approx. 750sqm) can, if needed, be on land to the west between the Back Lane residential area and entrance to the SANG land;
4. The PC will expect some play equipment to be provided on the open space adjacent to / within the development of Back Lane;
5. If the housing need / eventual mix of the scheme results in a slightly different number of units, the Parish is relatively relaxed on this point;
6. The PC have a preference for 2 parking spaces per dwelling;
7. The SANG needs to be available for use on occupation of the 1st units at Back Lane;
8. Back Lane is likely to need to deliver its own noise attenuation / mitigation, in some form;
9. There are a number of options to delivering noise mitigation (bund; bund + fence; fence; and layout of dwellings – or a combination of these);
10. Notwithstanding the content of the Impact Acoustics report, the noise screen may not need to be 10m high;
 - **Pro Vision** can contact Impact to discuss / understand this further (and also ask IA to provide a final copy to the Parish)
11. **PC / PDC** will prepare revised wording of BR5 and supporting text to remove the “required” link between the Tower Hill and the southern housing sites to the noise screen to remove the possible ransom position and to reflect other points above;
12. The PC are keen to ensure that HGV movements for deliveries and any spoil removal do not pass through the village;

Regarding 12, we discussed the fact that routing of vehicles is often a matter that can be controlled via a planning condition on a permission. We also mentioned the possibility that the Estate may be able to use their discussions with Highways England (HE) regarding the A31 to discuss the use of the existing entrance off the A35 (to the N of Butt Lane) as an inward route for deliveries. As a contingency to HE being reluctant to engage, an alternative has occurred to me that would also prevent deliveries (& spoil removal) using the stretch of West Street that runs through the village, namely:

- Arriving site traffic could be routed as per green route on the attachment titled "Arrivals Route". Traffic from the north to travel west along the A35 to the Tolpuddle/ Affpuddle/ Briantspuddle junction (B3390), double back to head eastwards on A35 and leave at the junction with Roke Road, entering the site off West Street. Any traffic from Bournemouth / Poole on the A35, or from the south, to travel to the A35/A31 roundabout and join the above route.
- Departing traffic could be routed as per the red route on the attachment titled "Departures Route". Traffic heading to the north to leave westbound, via West St and the old A35, travel west along the new A35 to the Tolpuddle/ Affpuddle/ Briantspuddle junction (B3390), double back to head eastwards on A35 and then, if northbound, use A31.

While this does require traffic to and from the north using the Briantspuddle junction this would seem to be a suitable fall-back option? I would be grateful for your thoughts.

I hope you agree that this is an accurate summary of the points discussed. If I have missed any that relate to the NP allocations and process, please let me know. In any event, I look forward to hearing from you / Frances regarding the amended wording referred to above.

Separately, it would be extremely helpful to see any comments that Frances is able to elicit from NE regarding the SANG provision "standards" (ie quantum per person / per dwelling).

Regards

Steve

Stephen Young BSc (Hons) | T 01794 368 698 | M 07900 818 464
Senior Planning Consultant

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From: Stephen Young
Sent: 08 February 2019 16:39
To: 'Frances Summers' <FrancesSummers@purbeck-dc.gov.uk>

Cc: James Cleary <JamesC@pro-vision.co.uk>

Subject: RE: Further opportunity for comment on Bere Regis Neighbourhood Plan - DEADLINE - 21 February 2019

Dear Frances,

Many thanks for your email of earlier, and the time on the phone.

The purpose of this email is to confirm that we will be replying, on behalf of the Estate, to the questions posed. However, we would request additional time to prepare this reply.

There has been no liaison with the Estate in the period between the initial NE consultation response of 26 November and the suggestion, dated 10 December, that would extend the proposed SANG area (within Estate land) onto part of the proposed housing area. We are also not aware of any liaison between the Parish and the Estate prior to their acceptance of this revised area, and the consequential decision that the density of the Back Lane site could rise (as an alternative to extending the boundaries of the site).

We are in the process of liaising with both the Parish and NE in regard to the request from the Examiner.

In making this request we would mention that Paragraph 002 Reference ID: 10-002-20180724 of the Planning Practice Guide indicates that "Drafting of plan policies should be iterative and informed by engagement with developers, landowners, and infrastructure and affordable housing providers."

Further, Paragraph 048 Reference ID: 41-048-20140306 of the same indicates that "landowners ... should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development."

We therefore respectfully request that the Examiner's deadline of 21 February be extended by 10 working days (to 7 March) to allow a reasonable time for this process to occur.

I look forward to hearing from you.

Regards

Steve

Stephen Young BSc (Hons) | T 01794 368 698 | M 07900 818 464
Senior Planning Consultant

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From: Stephen Young

Sent: 22 November 2018 14:40

To: 'localplan@purbeck-dc.gov.uk' <localplan@purbeck-dc.gov.uk>

Subject: Bere Regis Neighbourhood Plan - comments on behalf of the Charborough Estate

Importance: High

Dear Sir / Madam

I am instructed by our client, The Charborough Estate (the Estate), to make representations to this consultation. The representation has been submitted electronically, but due to the limitations of that system (regarding fonts etc) and suggested wording changes and additions (below), I am sending this to the Council direct as well.

The Estate supports the following proposed allocations on land that it owns to the north of Bere Regis within the Neighbourhood plan:

- a) BR7 (1): Back Lane (housing);
- b) BR7 (2): North Street (housing); and
- c) BR8: North Street (employment)

The Estate also accepts that an allocation similar to BR2 (SANG) is necessary to mitigate for recreational pressure on the Dorset Heaths SAC arising from District-wide, need-driven, residential development.

Land to the north of the village, between the settlement boundary and the A35 (including the above sites), is a suitable location for development generally. This area was isolated from the wider countryside by the construction of the Bere Regis bypass in the 1980s and is not AONB or Green Belt nor at risk of flooding. There are no listed buildings within any of the proposed sites, though there are a number in the vicinity and a Conservation Area adjoins the land. Within this context, the 2017 Environment and Infrastructure Capacity Study undertaken by consultants LUC for Purbeck District concluded that Bere Regis (both to the north and north-east of the village) was within the least constrained parts of Purbeck District. Given that the Council's 2010 Settlement Strategy identifies Bere Regis as one of the 7x 2nd tier settlements (a Key Service Village), after Swanage, Upton and Wareham, it is therefore sustainable for additional development to occur at Bere Regis, especially as a number of the other 2nd tier settlements (Corfe Castle, Bovington, Sandford), are more constrained.

However, the Estate has a number of concerns regarding the Plan. These are outlined below.

Comments regarding Proposed Allocations BR7(1): Back Lane and BR7(2): North Street

In relation to the proposed residential allocations it appears that the indicative levels of development are based solely on average densities (30 dwellings per hectares: 30dpa). Accordingly for Back Lane (1.8ha), the suggested level of development is around 55 units, while that at North Street (0.5ha) is around 12 units.

The Estate is not aware of more extensive evaluations to have given rise to these indicative figures. It may be that detailed figures could be forthcoming with such further investigations, including an assessment of the effect of other planning policies. For example, other adopted and emerging Local Plan Policies (eg adopted Policy GI and emerging Policy I4, both relating to open space) may be such that parts of the sites currently anticipated by the Neighbourhood Plan to provide housing may face pressure to be used for open space instead. This may be problematic to the current wording of the Neighbourhood Plan, relating to allocations generally, as open space requirements are likely to be separate from and in addition to that required for District-wide SANG purposes. As a result the necessary open space may not be deliverable within the proposed SANG area. This possible conflict could therefore jeopardise the aspiration for 105 dwellings within the Neighbourhood Plan and place pressure to release unsuitable or unsustainable sites.

It is therefore important to note that there is other land, within the control of the promoter of these sites (and adjacent to them) that could provide this open space requirement alongside the housing and SANG land, while at the same time ensuring (a) that Back Lane and North Street deliver their anticipated yields, while (b) maintaining Back Lane itself as a "green lane".

BR5: Noise Attenuation

The Estate objects to the current wording of BR5 and its supporting text regarding noise attenuation. While the aims of the Policy to screen both the Back Lane allocation and the wider village are laudable, the detail is not acceptable. The suggestion in the wording of the Policy that “attenuation might be achieved through the creation of noise attenuation bunds using surplus excavated material from the development of allocated sites” generates a number of issues and uncertainties.

The wording of BR5 and supporting text is too prescriptive. There a number of assumptions implicit in the frequent use of the word “will”. The content of the Oct 2017 Noise Assessment by consultants Impact Acoustics that accompanies the plan is by no means clear that acoustic screening is essential (as opposed to desirable): the document only indicates (in Section 7.2) that “a 10m earth bund at the road facing boundary with a western return is **recommended**” (our emphasis); it does not use the word “essential”. There may also be other solutions to any noise issues that are not allowed for by the current wording.

Furthermore, the Policy seeks to make the development of part of the Back Lane site (namely the noise attenuation element) conditional to all of the other sites proposed for allocation elsewhere. This is unreasonable. This approach places the Estate in a ransom position, as it appears to require all other sites (over which the Estate has no control) to be developed in advance of the Back Lane and North Street sites to provide the source of spoil for the acoustic bund. Such an approach goes against the deliverability of the sites within the Plan, because if any of the other sites do not come forward (for whatever reason), then the Back Lane site (and any acoustic enhancements) cannot proceed.

Detailed uncertainties arising from the current text are:

- where would spoil from other sites (which may proceed in advance of Back Lane) be stored prior to the final use as any bund?;
- who would be responsible for making an application for temporary storage (including, if necessary, commissioning relevant ecology studies of the land on which stockpiles would be located)?;
- who would be responsible for making an application for the construction of the bunds (including commissioning the relevant design parameters and noise assessments)?;
- Who would be responsible for any costs arising from the excavation, transportation, and stockpiling of material from other sites? How would these costs be paid?; and
- who would be responsible for the maintenance of both temporary and permanent bunds?

Further, the disposal of spoil material away from the site at which it is created is likely to require a separate application for permission from Dorset County Council and the Environment Agency as a waste operation. The Estate will not undertake preliminary elements (eg those necessary to deliver temporary stockpiles) on their land, on behalf of other beneficiaries, either in advance of or independent from elements that are directly related to the delivery of the Back Lane development.

Due to the ambiguity arising from the current wording of BR5, and as this issue is also reflected in the preceding explanatory text, the second sentence of the Policy should be amended as follows:

“... Noise attenuation might be achieved through the creation of noise attenuation bunds ~~using~~ or by other means to be identified in conjunction with proposed development of the site. Bunds could use surplus excavated material from the development of allocated sites, provided suitable temporary storage locations can be found prior to final use.”

The supporting text prior to BR5 should be amended as follows:

“There is a requirement for noise attenuation to be provided between the new residential development on the Back Lane site and the by-pass due to high noise levels from traffic (SE13). It is hoped that such noise attenuation measures could actually be designed to benefit much of the existing village. Because development of all the allocated sites ~~will~~ may produce a surplus of excavated material, it is intended that this ~~will~~ could be put to good use by providing noise attenuation bunds along the northern side of the village, provided suitable temporary storage locations can be found prior to final use. Use of excavated material on these bunds ~~will~~ may also reduce movements of construction traffic through the village and surrounding road network. ~~These~~ Any bunds that are created ~~will~~ may be landscaped and ~~can~~ so may form

part of the SANG, although other options for noise attenuation may be available. ~~Bunds will be created in order of priority to the community, so as to avoid a series of small ineffectual bunds being created.~~

The Estate would welcome the opportunity to work with the Parish on this matter, going forwards, and wish to have the opportunity to appear at the Independent Examination if the BR7 and BR8 allocations are opposed by third parties (for whatever reason). We would also wish to attend in relation to the BR5 Noise Attenuation proposals.

Regards

Steve

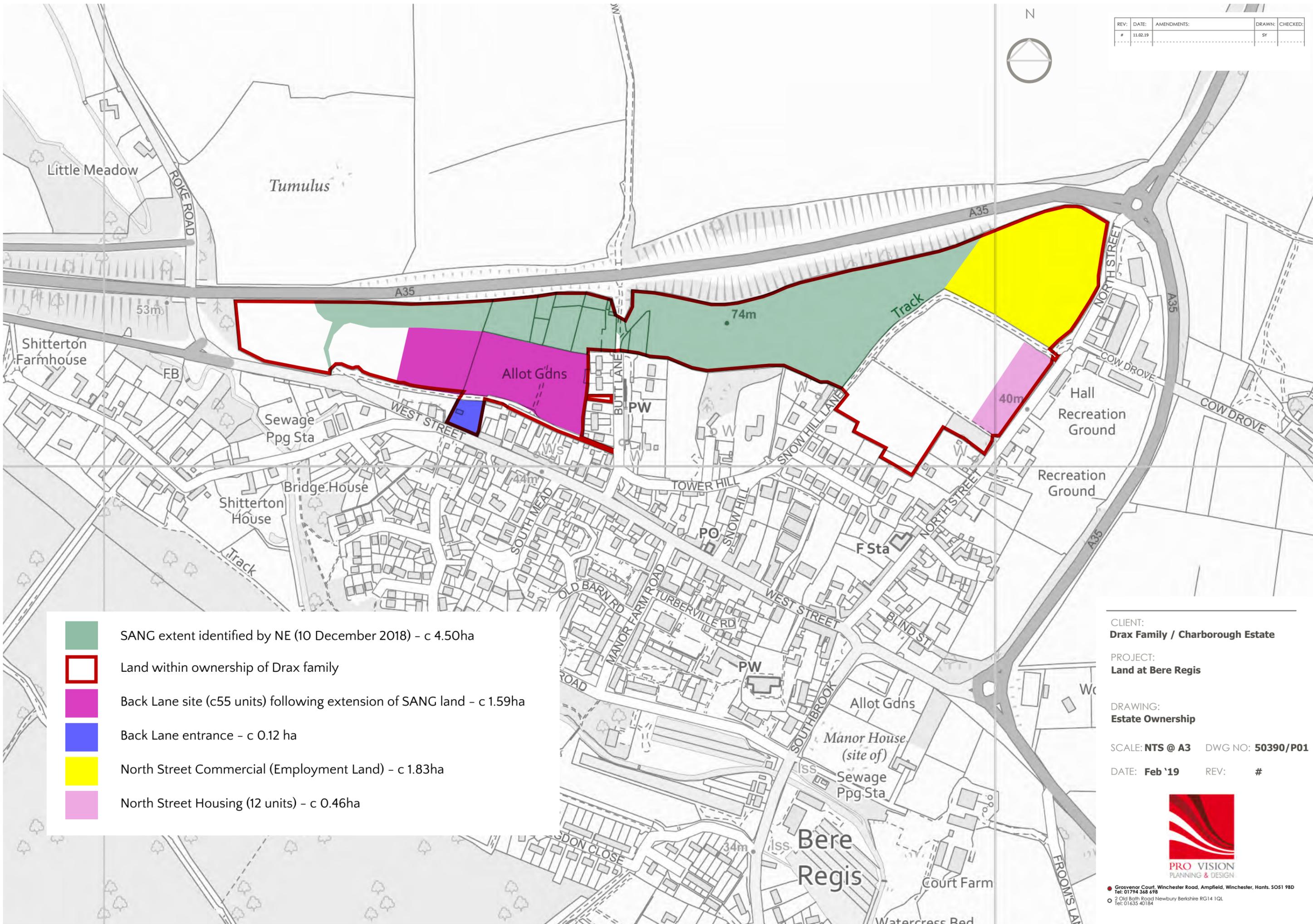
Stephen Young BSc (Hons) | T 01794 368 698 | M 07900 818 464
Senior Planning Consultant

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REV:	DATE:	AMENDMENTS:	DRAWN:	CHECKED:
#	11.02.19		SY	



-  SANG extent identified by NE (10 December 2018) - c 4.50ha
-  Land within ownership of Drax family
-  Back Lane site (c55 units) following extension of SANG land - c 1.59ha
-  Back Lane entrance - c 0.12 ha
-  North Street Commercial (Employment Land) - c 1.83ha
-  North Street Housing (12 units) - c 0.46ha

CLIENT:
Drax Family / Charborough Estate

PROJECT:
Land at Bere Regis

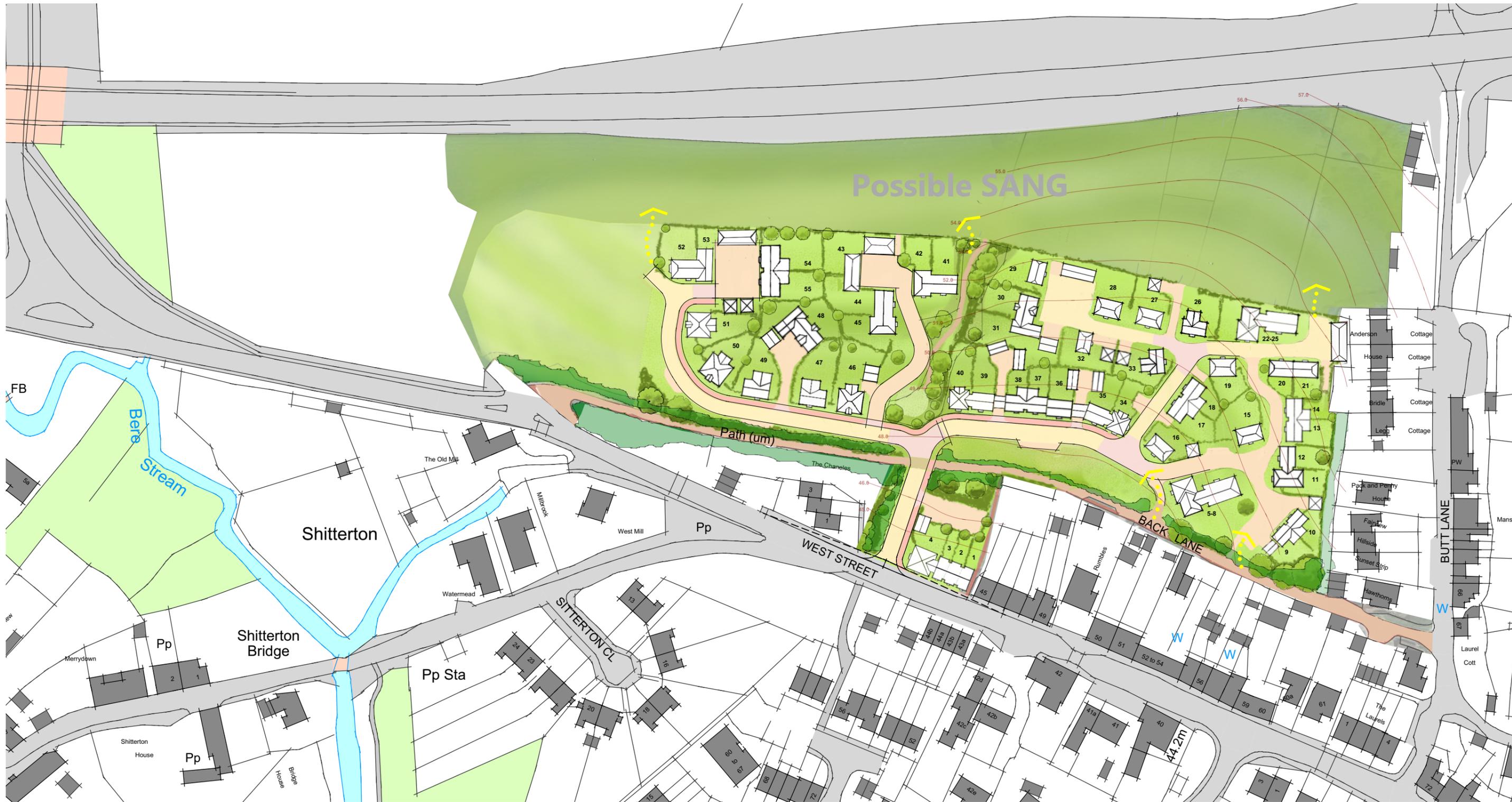
DRAWING:
Estate Ownership

SCALE: **NTS @ A3** DWG NO: **50390/P01**

DATE: **Feb '19** REV: **#**



● Grosvenor Court, Winchester Road, Ampfield, Winchester, Hants, SO51 9BD
Tel: 01794 368 698
○ 2 Old Bath Road Newbury Berkshire RG14 1QL
Tel: 01635 40184



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REV. #	DATE	AMENDMENTS	DRAWN	CHECKED

CLIENT:
**Drax Family /
 Charborough Estate**

PROJECT:
Back Lane / Bere Regis

DRAWING:
Illustrative Layout

DATE:
Feb'19

SCALE: **1:1250**

SIZE: **A3**

JOB NO: **50390**

DWG NO: **SK1-05**

REV: **#**



A35

Roke Rd



Roke Rd

A35