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# **Report on Chickerell Town Neighbourhood Plan 2019 - 2036**

**An Examination undertaken for Dorset Council with the support of the Chickerell Town Council on the May 2020 submission version of the Plan.**

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## **Main Findings - Executive Summary**

From my examination of the Chickerell Town Neighbourhood Plan (the Plan/CNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Chickerell Town Council;
- The Plan has been prepared for an area properly designated – the boundary of Chickerell Parish as identified on Map 1 (page 3);
- The Plan specifies the period to which it is to take effect – 2019-2036; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Chickerell Town Neighbourhood Plan 2019-2036*

- 1.1 The Parish of Chickerell lies to the north-west of Weymouth and includes the settlements of Chickerell Village, Charlestown, Cobham and part of Wyke Regis. Small areas of the Parish lie within the Dorset Area of Outstanding Natural Beauty and the West Dorset Heritage Coast. These two features provide a very attractive setting for the Parish. There is a clear relationship between Chickerell and Weymouth, both physically and in terms of service provision, but nevertheless Chickerell Village retains its own identity and character.
- 1.2 The north of the Parish is predominantly rural in appearance, whilst to the south is The Fleet and Chesil Bank. Much of the coastal area to the south of the village is included within the Chesil and Fleet Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites and the importance of the ecology of the area is clearly shown on Map 2 of the CNP.

- 1.3 The preparation of the CNP was first considered, in depth, at a drop-in event in November 2016, to which the community were invited and asked to share thoughts about the formulation of the Plan.

#### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Chickerell Town Neighbourhood Plan by Dorset Council, with the agreement of the Chickerell Town Council (CTC).
- 1.5 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation and examination of development plans and other planning policy documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

#### *The Scope of the Examination*

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development';

- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>1</sup>

## **2. Approach to the Examination**

### *Planning Policy Context*

2.1 The Development Plan for this part of Dorset Council, not including documents relating to excluded minerals and waste development, is the

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<sup>1</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

West Dorset, Weymouth and Portland Local Plan (2015). Work has commenced on preparing the Dorset Council Local Plan, but it is at a very early stage. The next consultation on 'Options' is currently programmed for January 2021.<sup>2</sup>

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019, and all references in this report are to the February 2019 NPPF and its accompanying PPG.<sup>3</sup>

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Chickerell Town Neighbourhood Plan 2019-2036 (May 2020);
  - Map 1 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Summary (May 2020);
  - the Basic Conditions Statement (May 2020);
  - the Local Greenspace Assessment (May 2020);
  - the documents that comprise the 'Additional supporting evidence' on the examination webpage;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the Strategic Environmental Assessment Screening Report (SEA)(May 2019) prepared by Dorset Council; and
  - the responses of the Chickerell Town Council dated 23 November 2020 and Dorset Council (also dated 23 November 2020) to the questions attached to my initial procedural letter of 2 November 2020.<sup>4</sup>
- 2.4 It was drawn to my attention by Dorset Council that there is no reference to the Chickerell Conservation Area in the SEA Screening Report. However, both Dorset Council and Historic England have confirmed that this omission is not of great significance.<sup>5</sup> They confirm that if consideration of the Conservation Area had been included in the Report it would not in any way have altered the conclusions. I have seen no evidence that would lead me to disagree.

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<sup>2</sup> See Dorset Council - Cabinet meeting minutes, 8 December 2020 (point 63): [Agenda for Dorset Council - Cabinet on Tuesday, 8th December 2020, 10.00 am - Dorset Council](#)

<sup>3</sup> See paragraph 214 of the NPPF. The Plan was submitted under Regulation 15 to the local planning authority after 24 January 2019.

<sup>4</sup> View all the above at: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-council-planning-policy/neighbourhood-plans-in-dorset/chickerell-neighbourhood-plan.aspx>

<sup>5</sup> See Dorset Council's response to the Examiner's Question 1.

### *Site Visit*

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 9 November 2020 to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

- 2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The CNP has been prepared and submitted for examination by CTC, which is a qualifying body for an area that was designated by the former West Dorset District Council<sup>6</sup> in September 2016.<sup>7</sup>
- 3.2 It is the only Neighbourhood Plan for Chickerell and does not relate to land outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2036.

### *Neighbourhood Plan Preparation and Consultation*

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<sup>6</sup> Subsequent transitional arrangements ensure that this designation operates as if made by Dorset Council.

<sup>7</sup> Paragraph 1.1 of the Plan states October 2016. However CTC's website states 13 September 2016 – see <https://chickerelltowncouncil.co.uk/neighbourhood-plan/>. The Plan may be factually updated to reflect the correct date, without need for a formal Examiner modification.



- 3.4 The Consultation Summary (May 2020) explains the consultation that has taken place. In November 2016 there was a community drop-in event which, in effect, started the process off. A Questionnaire was sent to all households and over 280 Chickerell businesses were consulted. The former West Dorset District Council was involved from an early stage.
- 3.5 Consultation methods have included the use of noticeboards; the distribution of the free Chickerell Contact Magazine (containing relevant information) to all households; use of the Town Council's web-site; and the staging of drop-in consultation events.
- 3.6 The consultation process has been thorough and I am confident that the opportunity to contribute to the plan preparation process has been available to all interested parties at the relevant stages, including at both the Regulation 14 stage (13 December 2019 to 15 February 2020) and the Regulation 16 stage (21 August 2020 to 16 October 2020).
- 3.7 Overall I am satisfied that all the relevant requirements in the 2012 Regulations have been met. I also consider that, in all respects, the approach taken towards the preparation of the CNP and the involvement of interested parties in consultation, has been conducted through a transparent, fair and inclusive process. The relevant PPG advice on plan preparation and community engagement has been heeded and the legal requirements have been met.

#### *Development and Use of Land*

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

#### *Human Rights*

- 3.10 No party has raised issues regarding a breach of, or incompatibility with Human Rights and no representations have been made to that effect. From my independent assessment of the draft CNP and supporting evidence, I am satisfied that proper regard has been given to the fundamental rights and freedoms guaranteed under the European Convention of Human Rights and that the Plan complies with the Human Rights Act 1998.

## **4. Compliance with the Basic Conditions**

### *EU Obligations*

- 4.1 The CNP was screened for SEA by Dorset Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Report, I support this conclusion.
- 4.2 With regard to a Habitats Regulations Assessment (HRA), an e-mail from Natural England dated 17 June 2019 confirms that an HRA is not considered necessary and from my independent assessment of this matter, I have no reason to disagree.

### *Main Issues*

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the Chickerell Town Neighbourhood Plan as two main matters:
- General issues of compliance of the Plan, as a whole; and
  - Specific issues of compliance of the Plan policies.

### *General Issues of Compliance of the Plan*

#### National Policy, Sustainable Development and the Development Plan

- 4.4 The Basic Conditions Statement (May 2020) satisfactorily sets out how the CNP has met the relevant legal requirements, how it has considered national and strategic policies and how EU and sustainability obligations have been met. With the exception of section 12 of the CNP, entitled General Design Principles, the policies in the document are set out under geographical locations.
- 4.5 The Vision for Chickerell and the Plan's objectives are set out in section 3 and appear to me to broadly reflect the aspirations of the local community. Whilst the importance of protecting wildlife and the need to protect valued landscapes are key elements in the CNP, it is clear that the local community does support appropriate development, including in relation to new employment opportunities. Although there are close physical and social links between Chickerell and Weymouth, it is right that the two communities should seek to retain their distinct identities. It has been suggested by Dorset Council that the CNP as drafted includes in the supporting text some 'wider community aspirations'.<sup>8</sup> I consider that the differentiation between policies and aspirations is very clear to the reader (policies are numbered and are presented in a coloured box). Where necessary, however, I have proposed appropriate modifications.
- 4.6 The achievement of sustainable development is a key national objective and, subject to the recommended modifications to individual policies that I set out below, I consider that all three dimensions of such development (economic, social and environmental) have been taken into account in the preparation of the CNP. Also, subject to some detailed comments and the modifications which I make to the Plan's policies below, I am satisfied that

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<sup>8</sup> See PPG Reference ID 41-004-20190509.

the CNP is in general conformity with the strategic policies of the Development Plan for the area and has due regard to national policies and advice.

### *Specific Issues of Compliance of the Plan's Policies*

#### Introduction, Context and Vision

- 4.7 The Introduction succinctly summarises how the CNP evolved and explains the planning context for the area. An explanation is given of the function of the Defined Development Boundaries (DDB) and reference is given to the existing Local Plan allocations for over 1,100 new dwellings in the Parish (300 at Putton Lane and Floods Yard and 800 in urban extensions to the north and east of the village).
- 4.8 Concerns have been expressed by representors regarding the need to allocate more land for housing. It is argued by one respondent that a proper supply of housing is not ensured and that the CNP therefore fails to deliver sustainable development. However, I am mindful that whilst the NPPF and Planning Guidance<sup>9</sup> confirm that neighbourhood plans can allocate sites for development, there is no specific requirement for a neighbourhood plan to do so. A significant level of sustainable growth is currently proposed in the Parish (through the adopted Local Plan) and taking into account current allocations and the fact that the preparation of a 'new' Local Plan for Dorset is underway, I am satisfied that the Town Council's approach meets the Basic Conditions.
- 4.9 The role of the CNP in protecting the local environment is also satisfactorily explained. Paragraph 1.13 considers other benefits of preparing the CNP and makes reference to the Community Infrastructure Levy. However, the first sentence would benefit from added clarity<sup>10</sup> (for example in relation to self-build proposals) and I recommend accordingly in **PM1**.
- 4.10 In the section entitled 'Context' there is an assessment of the geography of the area and the reader is introduced to the characteristics of the Parish, and there is a valuable summary of the areas in the Parish that are of particular wildlife interest. There is a short section on the history of the Parish and that is followed by a summary of the issues raised by local residents. In this section there is confirmation that the local community accepts that Chickerell is 'an appropriate place for development' (providing the area's character is not damaged) and that employment provision should be supported.

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<sup>9</sup> PPG Reference ID: 41-042-20170728.

<sup>10</sup> PPG Reference ID: 41-041-20140306.

- 4.11 Paragraph 2.2 refers to 'settlements' but the list includes other features (e.g. The Fleet and Heritage Coast). To ease understanding and improve clarity I therefore recommend, in **PM2**, that the introductory sentence to the list is modified. Similarly, it is only part of The Fleet and Heritage Coast that lies within the Neighbourhood Plan area and this should be clarified. Hence **PM3** is recommended. To assist the decision maker it is also necessary for a new Map to be included in section 2 ('Context - the area, the Local Plan strategy and local issues) that clearly identifies both the Dorset AONB and the Heritage Coast boundaries. I recommend this modification in **PM4**.
- 4.12 A clear Vision is set out in section 3, which is followed by a list of more detailed objectives. That list includes a recognition that locations where new housing might be built should be considered; that the design of new development should be of a high quality and sustainable; that valued natural and built environments should be protected; that local services and facilities should be enhanced; and that support is given to the local economy. These objectives reflect the land use aspirations of the local community and are justified.
- 4.13 With the above modifications, I am satisfied that the three sections of the Plan dealing with the Introduction, Context and Vision meet the Basic Conditions.

#### The 'Village' – Neighbourhood Plan Policies

Policy CNP 1: Chickerell Local Centre and other valued community facilities

- 4.14 Map 3, at the start of this section, includes three areas of open space that, as the Town Council has confirmed<sup>11</sup>, are incorrectly shown as Local Green Space – at Fisherman's Close, Marshallsay Road and May Terrace Gardens. These areas should be removed from the Map as recommended in **PM5**.
- 4.15 Also in relation to Map 3, the site allocation at Montevideo House should be amended to reflect the boundary of the current planning permission and this will also entail altering the wildlife corridor designation accordingly. These modifications are recommended in **PM6**.
- 4.16 In the first sentence of paragraph 4.2 there is a reference to the number of listed buildings in the town. However, the numbers are incorrect and should be amended as set out in **PM7**.
- 4.17 Policy CNP 1 provides support for appropriate retail development within the defined local retail centre in East Street. I agree that in order to improve the sustainability credentials of the Local Centre, encouragement

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<sup>11</sup> See Town Council's response to Examiner's Questions.

should be given to the introduction of appropriate 'new' land uses. However, since the submission CNP was published there has been a change to the Use Classes Order (September 2020) with the inclusion of a new Class E (Commercial, Business and Service). This change should be reflected in the policy and the supporting text. **PM8** and **PM9** are therefore recommended.

- 4.18 The wording of the second part of the policy regarding the protection of community facilities, at the top of page 12, lacks clarity and doesn't flow. It should therefore be amended as set out in **PM10**.

#### Policy CNP 2: Chickerell Village Local Green Spaces

- 4.19 I have visited the proposed Chickerell Village Local Green Spaces (LGSs) as set out in policy CNP 2 and I agree that each of the proposed LGS is in reasonably close proximity to, or within, Chickerell Village. Each LGS is local in character and not an extensive area of land. Furthermore, I agree that each LGS is special to the local community and holds a particular local significance, as explained in the Local Green Space Assessment. Accordingly, I am satisfied that they all meet the relevant criteria as set out in paragraph 100 of the NPPF. However, in order to reflect correctly the very special circumstances test in the NPPF, the word 'inappropriate' should be inserted before 'development' as recommended in **PM11**.<sup>12</sup> The last paragraph in the policy requires new development to respect and enhance the local landscape. This is in accordance with NPPF Chapter 15: Conserving and Enhancing the Natural Environment and is compatible with the community's vision for Chickerell, as set out on page 9 of the CNP.

#### Policy CNP 3: Land to the rear of Montevideo House

- 4.20 Paragraph 4.19 introduces the reader to the caravan site to the rear of Montevideo House. However, the last sentence needs to be up-dated to reflect the current position and therefore **PM12**, which refers to a recent planning permission, is recommended.
- 4.21 The penultimate sentence of paragraph 4.20 concludes that the residential park homes and the advertisement hoarding are detrimental to the setting of Montevideo House which is a listed building. Having visited the area I consider that this statement could be successfully challenged and therefore I recommend, in **PM13**, that the reference to 'detriment' be tempered, thus introducing greater flexibility. There is also no reference in the policy to the potential for mitigation measures (as referred to in Local Plan policy ENV2(iv)) and therefore **PM14** is recommended.

#### Policy CNP 4: Chickerell Wildlife Corridor

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<sup>12</sup> See also the October 2020 judgment in *R on the Application of Lochailort Investments Limited v Mendip District Council*. Case Number: C1/2020/0812.

- 4.22 The ecological value of the 'green lung' between the Chickerell Link Road and the Weymouth Football Stadium has not been disputed but the allocation of land for development to the east of Chickerell (Local Plan policy CHIC2) includes provision for a new road connecting the Chickerell Link Road with School Hill, that would have an impact on this wildlife corridor. The Town Council supports this link but is concerned about the ecological consequences. Therefore, to more accurately reflect the current situation, it is recommended that paragraph 4.26 (page 16) is modified (**PM15**).
- 4.23 Map 5 on page 17 identifies a number of wildlife corridors and sites but concern was expressed, for example by Dorset Council<sup>13</sup>, that a new road connecting the Chickerell Link Road with School Hill would impinge upon these corridors. The route of the proposed road has not yet been agreed. Nevertheless it is important that any route selected would not have a significant impact on the landscape and wildlife corridors and I address this matter in paragraph 4.43.
- 4.24 In order to assist the decision-maker in the interpretation of policy CNP 4, regarding the Chickerell wildlife Corridor, it is recommended that the word 'detract' be prefaced by 'significantly', thus providing a greater degree of precision. To add further clarity regarding the role of potential mitigation measures, it is also recommended that a new sentence be added to the policy. These modifications are set out in **PM16**.
- 4.25 I am satisfied that all the policies in this section of the CNP on The Village (as modified) have regard to national policies and advice and meet the other Basic Conditions.

#### Granby Industrial Estate (including Link Park)

- 4.26 The section entitled Granby Industrial Estate (including Link Park) does not include any policies, but it confirms that the continuing use of the land for employment purposes is supported by local residents. There is also confirmation that the adopted Local Plan provides adequate protection, thus ensuring the retention of the land in employment use.

#### Charlestown (including the Cobham Estate)

Policy CNP 5: Charlestown Local Centre and other valued community facilities

- 4.27 Policy CNP 5 relates primarily to the Charleston Local Centre but the policy is out-of-date because it refers to A class uses. This should be up-dated to refer to E class (see paragraph 4.17 above) and this is recommended accordingly in **PM17**. With this modification, the Basic Conditions are met.

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<sup>13</sup> Regulation 16 response.

#### Policy CNP 6: Land at Budmouth School

- 4.28 There are a number of different names given to the educational establishment - College, Secondary School and Academy. In the interests of clarity all references to the establishment should be to Budmouth Academy Weymouth and this is recommended in **PM18**.
- 4.29 There is a lack of clarity regarding the potential for the expansion of facilities at the Budmouth Academy Weymouth. Paragraph 6.5 refers to 'any undeveloped land adjoining the school', whereas policy CNP 6 refers to a specific area of land identified on Map 6. Policy CNP 5 just refers to improving the provision of community facilities at 'Budmouth School and Sports Complex'. It is therefore recommended, in **PM19**, that paragraph 6.5 provides greater clarity for the decision maker.

#### Policy CNP 7: Charlestown's Local Green Spaces

- 4.30 Having visited the locality, the proposed Charlestown LGSs as set out in policy CNP 7 appear each to be in reasonably close proximity within Charlestown. Each LGS is local in character and not an extensive area of land. Furthermore, I agree that each LGS is special to the local community and holds a particular local significance, as explained in the Local Green Space Assessment. However, as with policy CNP 2 previously, I recommend the insertion of the word 'inappropriate' before 'development' to properly reflect the very special circumstances test in national policy. Policy CNP 7 also refers to 'planned' open spaces in the Cobham Drive area. To avoid confusion, I recommend the deletion of the word 'planned' from the policy (**PM20**).
- 4.31 With these proposed modifications, the policies in the section on Charlestown are in general conformity with the strategic Development Plan policies for the area and meets the other Basic Conditions.

#### Wyke Regis (the part within Chickerell parish)

#### Policy CNP 8: Wyke Regis Wildlife Corridor

- 4.32 Paragraph 7.4 sets out the requirements of the Town Council should land at the Former Tented Camp be allocated for development in the forthcoming Dorset Local Plan. I note the Dorset Council Local Plan Options Consultation document approved for consultation in January 2021<sup>14</sup> does not include at this early stage any specific plans for the Former Tented Camp site. Whilst I am satisfied that a reference to the land probably being 'suitable for some limited residential development' remains appropriate at this early juncture, I do not consider it appropriate, at this stage, to specifically allocate the site or to stipulate

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<sup>14</sup> See footnote 2.

any detailed requirements for the site – for example the reference to ‘a single line of housing fronting the road’. I recommend amendments in **PM22** to reflect this.

- 4.33 In terms of policy CNP 8, greater clarity is required and also consistency with the wording of policy CNP 4, as proposed to be modified in PM17. I recommend accordingly in **PM22**.
- 4.34 The policy in the section on Wyke Regis will contribute to the achievement of sustainable development and meets the other Basic Conditions.

#### Lanehouse (including Littlesea and Lynch Lane)

- 4.35 This section of the CNP does not include any policies but does include a reference, in paragraph 8.2, to not adhering to ‘generic standards’ (relating to parking provision). Each planning application is considered on its own merits and appropriate weight would be attached to any parking standards that have been adopted by the relevant Council. These standards must be the starting point and the reference to not adhering to them is not justified. I therefore recommend the deletion of this reference in **PM23**.
- 4.36 Paragraph 8.3 of the CNP refers to the unlikelihood that further caravan and camping in the Heritage Coast would be supported. However, any such proposal would be assessed against Local Plan policy ENV1 and this should be made clear for the decision maker. Consequently, I recommend paragraph 8.3 be clarified as set out in **PM24**. Subject to PM24 and PM25, this section of the Plan meets the Basic Conditions.

#### The Fleet and Heritage Coast

##### Policy CNP 9: The Fleet and Heritage Coast

- 4.37 In the third sentence of paragraph 9.4 there is a reference to avoiding further infill development outside the DDB. This reads more as an unsubstantiated policy but only has the status of text. To eliminate any misunderstanding on this matter I recommend in **PM25**, that the sentence be deleted and to avoid confusion I recommend the deletion of the word ‘also’ in the following sentence (**PM26**).
- 4.38 Policy CNP 9 clearly sets out the approach to be taken towards development in the Heritage Coast and in particular the biodiversity of the Heritage Coast and The Fleet. However, the policy specifically refers to ‘the south side of the Coast Road in Chickerell’. Whilst it might seem obvious, for the avoidance of doubt, this area should be identified on the Policies Map and therefore I recommend **PM27**.
- 4.39 The policy refers to ‘strict control’ of development in the Heritage Coast but it is not clear to me exactly what is expected. There is also no specific mention of the role that mitigation or compensation measures could play



in the consideration of planning applications. In order to provide greater clarity to the decision maker I recommend, in **PM28**, that the policy be modified accordingly.

- 4.40 Subject to the above proposed modifications, policy CNP9 on The Fleet and Heritage Coast is in general conformity with the strategic policies of the Development Plan and meets all the other Basic Conditions.

#### Land adjoining Wessex Stadium roundabout and Southill

- 4.41 Section 10 on land adjoining Wessex Stadium and Southill explains the planning history of the area, including in relation to a replacement football stadium. However, it would appear that the football club intends to remain on the existing site. There is no accompanying policy to this text, but it is clearly a site of importance to the community and on that basis, I consider it helpful in explaining the current position.
- 4.42 In paragraph 10.5 there is a reference to the acceptance of a site off Radipole Lane for housing. Although there is no currently identified need for further housing allocations, I am satisfied that such a reference is of value as it provides the community with a clear contextual framework with regard to the future evolution of the Parish. However, at this stage I do not consider it appropriate to include, in the supporting text, the requirements of the Town Council regarding the development of this non-allocated site. References to views, planting, access, wildlife and phasing are not suitable at this stage. Consequently, in **PM29**, I recommend deletion of paragraph 10.5 with the exception of the first two sentences. In this way the Basic Conditions will be met.

#### The Rural North (including Coldharbour, Buckland Ripers, Tatton and Knights-in-the-Bottom)

Policy CNP 10: Locally Valued Landscape north and east of Chickerell Village

- 4.43 Section 11 describes the area to the north of Chickerell Village, where the focus is on protecting the landscape and biodiversity and enhancing informal recreation opportunities in the countryside. Policy CNP 10 seeks to protect the locally valued landscape to the north and east of the village. The policy, however, makes no allowance for the provision of the new road connecting the Chickerell Link Road with School Hill – an important piece of infrastructure which has the support of CTC. It has been suggested by respondents that policy CNP 10, as currently worded, may have undesirable implications with regard to the provision of the road. Consequently, it is recommended that policy CNP 10 is modified to clarify the position in that regard (**PM30**). Such an approach has regard to national policies<sup>15</sup> and meets the other Basic Conditions.

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<sup>15</sup> For example, NPPF Chapter 15: Conserving and Enhancing the Natural Environment.

## General Design Principles

### Policy CNP 11: General Design Principles

- 4.44 Policy CNP11 on General Design Principles sets out measures to ensure that design is of the highest quality and has regard to the advice set out in chapter 12 of the NPPF: 'Achieving well-designed places'. The policy will also ensure that new development respects the character of the local landscape.

### Policy CNP 12: Enhancing Biodiversity

- 4.45 The protection and enhancement of biodiversity is a key national objective (see chapter 15 of NPPF) and policy CNP 12 is a comprehensive policy which will enable that objective to be achieved. One respondent considered that much of policy CNP 12 could be deleted and reliance placed instead on Dorset Council's validation requirements (in respect of planning applications). However, I agree with CTC<sup>16</sup> that reliance on such requirements, which are not Development Plan policies, would significantly reduce certainty.
- 4.46 In terms of the bullet points in the policy there is some overlap between the first and third point. In the interests of clarity, I recommend the deletion of the third bullet point and the consequent strengthening of the first bullet point. I also recommend that the title of section 12 be revised to 'General Design Principles and Enhancing Biodiversity' to make clear its content (**PM31**).
- 4.47 The achievement of sustainable development will be realised through the implementation of the design and biodiversity policies and in all other respects the implementation of these policies will ensure that all the Basic Conditions are met.

## *Appendices*

- 4.48 Appendix A sets out all the Neighbourhood Plan policies. It is important that the wording of these policies is changed to include all the modifications that I have recommended. Consequently, I recommend **PM32**.
- 4.49 Appendix C is the Glossary. In the interests of consistency, it is important that the definitions in the Glossary are up-to-date (see Dorset Council's response to my Questions) and I recommend accordingly in **PM33**.

## *Presentation*

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<sup>16</sup> See CTC response to Examiner's Question 15.

- 4.50 Decision makers must be confident in their interpretation of the CNP policies and to that end it is important that the document is clear, consistent and unambiguous. The presentation of the CNP is not a matter that has unduly influenced my conclusions but there are a number of examples where greater clarity could be achieved. For example, it would assist greatly if there was a reference on the plans/maps in the document to the relevant policy numbers that apply – for example on the Policies Map itself.
- 4.51 Each Qualifying Body has its own style and approach towards presentation but at the end of the day if there is a lack of clarity, the value of the document is diminished. To that end I recommend in **PM34** that additional information is included in the Keys to a number of the plans/maps in the CNP.
- 4.52 There are a small number of typographical errors, for example in CNP paragraph 4.9 it should be *worthy* (not worth). These do not have serious implications for the overall value of the document but should be addressed before the final document is finalised.

### *Monitoring*

- 4.53 There is no clear indication how the success, or otherwise, of implementing the policies of the CNP will be monitored by the Town Council (working with Dorset Council). Although this is not a statutory requirement it is important that the policies in the CNP are successful in achieving the desired outcomes – thus instilling confidence in the policies themselves. To that end I recommend that a reference to Monitoring is included at the end of the first section of the Plan, after paragraph 1.15 (**PM35**).

## **5. Conclusions**

### *Summary*

- 5.1 The Chickerell Town Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. I conclude that the CNP, as modified, has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

#### *Overview*

- 5.4 It is clear that a significant effort has been invested in the preparation of the CNP and the resultant document is well balanced. There is acknowledgment that there will be growth in the area but at the same time the CNP reflects the importance to be attached to ecology and the protection of valued landscapes. This Neighbourhood Plan, if made, will provide an important component in the Development Plan and will contribute to providing a clear policy base for the area in the short to medium term.

*David Hogger*

Examiner

## Appendix: Modifications (35)

Note: Deletions are shown in ~~strikethrough~~ and additions in **bold**.

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM1	Page 2 Paragraph 1.13	Delete the first sentence and replace it as follows:  <del>With a Neighbourhood Plan in place, Chickerell Town Council will be given 25% of the money collected from developers through the Community Infrastructure Levy.</del> <b>When the Chickerell Neighbourhood Plan is made, planning applications approved after that date will contribute 25% of the CIL (Community Infrastructure Levy) money received to Chickerell Town Council (with the exception of self-build proposals).</b>
PM2	Page 4 Paragraph 2.2	Modify the second sentence of paragraph 2.2 to read:  <del>The settlements within the Neighbourhood Plan area can be defined as</del> <b>includes:</b>
PM3	Page 4 Paragraph 2.2	In the sixth point insert <b>Part of</b> in front of The Fleet and Heritage Coast.
PM4	Pages 4/5 Paragraph 2.1	Introduce a <b>new Map</b> into the document that clearly identifies the Dorset AONB and the Heritage Coast within the Parish (subsequent maps to be renumbered).
PM5	Page 10 Map 3	Remove grassed areas at Fisherman's Close, Marshallsay Road and May Terrace Gardens from Map 3.
PM6	Page 10 Map 3	Extend the site allocation at Montevideo House (as shown on Map 3) to reflect that land which now has planning permission and also to exclude all the permitted site from the

		wildlife corridor designation.
PM7	Page 10 Paragraph 4.2	In the first sentence, regarding the number of listed buildings, replace <del>10</del> by <b>8</b> and <del>7</del> by <b>6</b> .
PM8	Page 11 Paragraph 4.6	In last sentence replace <b>A</b> with <b>E</b> (use class).
PM9	Page 11 Policy CNP 1	Amend first sentence of policy CNP 1 to read:  Within the defined local retail centre in East Street (as identified on Map 4), retail and other <b>A E</b> class, or similar sui generis uses appropriate to a local centre will be supported.
PM10	Page 12 Policy CNP 1	Modify introductory sentence in the policy at the top of page 12 to read:  Development proposals to improve the provision of community facilities (including those listed below and shown on Map 3) will be supported; <del>and</del> . <del>e</del> <b>Every</b> effort should be made to work with the local community and relevant authorities to investigate potential solutions to avoid <del>any</del> <b>the loss of any of the following facilities:</b>
PM11	Page 14 Policy CNP 2	Modify the text preceding the list of the designated LGSs as follows:  The following areas (as shown on Map 3) are designated as Local Green Spaces, and, other than in very special circumstances, no <b>inappropriate</b> development will be permitted that would harm their reason for designation:
PM12	Page 15 Paragraph 4.19	Modify last sentence to read:  The site allocation is limited to the area on which caravans <del>have been lawfully sited (as at January 2020), and does not include the undeveloped grounds to the rear.</del> <b>can lawfully be sited</b>

		<b>(including the area permitted under planning application WD/D/19/001358).</b>
PM13	Page 15 Paragraph 4.20	In the penultimate sentence replace are with <b>could be considered to be..</b>
PM14	Page 16 Policy CNP 3	Modify last sentence to read:  Any proposal must demonstrate that there are no direct or indirect negative impacts on the internationally designated wildlife sites and associated protected species <b>that cannot be appropriately mitigated</b> , in accordance with policy ENV2 of the Local Plan.
PM15	Page 16 Paragraph 4.26	Modify last sentence of paragraph 4.26 to read:  Great care will be needed in the design of this route in order to ensure that <del>this new road does not create a significant barrier for many species.</del> <b>its impact on wildlife is minimised. The wildlife corridor should not be seen as an insurmountable impediment to providing a new road connecting the Chickerell Link Road with School Hill (LP policy CHIC2) and indeed the Town Council considers this link to be much needed.</b>
PM16	Page 17 Policy CNP 4	Modify the last sentence of the policy to read:  Development that would <b>significantly</b> detract from this function will be resisted.  Add a new sentence to read:  <b>The impact of any development required for the delivery of the Chickerell link road should not result in any significant adverse consequences which cannot be</b>

		<b>successfully mitigated.</b>
PM17	Page 20 Policy CNP 5	Up-date the first sentence of the policy by replacing <b>A</b> class by <b>E</b> class.
PM18	Page 20 Paragraphs 6.4 and 6.5 and policies CNP 5 and CNP 6	All references to the school should be: <b>Budmouth Academy Weymouth</b>
PM19	Page 20 Paragraph 6.5	Delete the last sentence in paragraph 6.5: <del>Any undeveloped land adjoining the School should be reserved for such a purpose whilst recognising the areas ecological and landscape value given its proximity to the Heritage Coast and the Fleet.</del>  Replace with:  <b>The land within the grounds of the Budmouth Academy Weymouth is safeguarded for school/community use under policy CNP 5 and policy CNP 6 seeks to safeguard the adjoining undeveloped land to the west (as shown on Map 6) for further education and sporting facilities, whilst recognising the area's ecological and landscape value.</b>
PM20	Page 21 Policy CNP 7	Modify the policy text preceding the list of the designated LGSs as follows:  The following areas as shown on Map 6 are designated as Local Green Spaces, and, other than in very special circumstances, no <b>inappropriate</b> development will be permitted that would harm their reason for designation:  In the first sub-section delete 'planned':



		The planned open spaces ...
PM21	Page 22 Paragraph 7.4	<p>Modify the third sentence of the paragraph:</p> <p><del>Although not actively being promoted through this Neighbourhood Plan (in the absence of any identified local need),</del> In light of the adjacent warehouse site being developed for housing, it is accepted that the site is probably suitable for some limited residential development.</p> <p>Insert a new sentence to follow:  <b>However, the site has not been included as an option in the earliest draft of the Dorset Local Plan, and, in the absence of any identified local need, is not proposed through this Neighbourhood Plan.</b></p> <p>Delete the last 3 sentences of paragraph 7.4:</p> <p><del>If accepted through the Dorset Local Plan, the town Council will ask that any development in this location should be limited to a single line of housing fronting the road between the existing properties and the Value house development. This would ensure the wildlife inhabiting the Fleet side of the site (e.g. wintering Short eared Owls) are afforded some protection by restricting access, and that the development does not impinge into the wildlife corridor linking through to Little Francis. As this site will be viewed from the South West Coast Path any development should be appropriate to that setting, for example, Fleet historic coast guard cottage style and not flat roofed square blocks.</del></p>

PM22	Page 22 Policy CNP 8	Modify the policy to read:  The Wyke Regis E-W Wildlife Corridor (as shown on Map 5) forms <del>includes</del> an important wildlife corridor that runs through to Little Francis in Weymouth. Development that would <b>significantly</b> detract from this function will be resisted.
PM23	Page 22 Paragraph 8.2	Delete first section in parenthesis: <del>(rather than simply adhering to the generic standards)</del>
PM24	Page 23 Paragraph 8.3	Delete last sentence and insert new sentence:  <del>Based on the Local Plan policies, further caravan and camping in the Heritage Coast is unlikely to be supported.</del>  <b>Planning applications for development relating to caravanning and camping in the Heritage Coast will be determined against Local Plan policy ENV1.</b>
PM25	Page 23 Paragraph 9.4	Delete third sentence:  <del>Allowing further infill development outside of this boundary, including the extension of existing, caravan, mobile home and camping sites, should therefore be avoided whenever possible.</del>
PM26	Page 23 Paragraph 9.4	In the penultimate sentence delete the word: <del>also</del>
PM27	Page 24 Policy CNP 9	Identify on the Policies Map the land to which this policy applies.
PM28	Page 24 Policy CNP 9	Modify the policy to read:  Development within the Heritage Coast to the south side of the Coast Road in Chickerell <b>(as shown on the Policies Map)</b> will be <del>strictly controlled</del>

		<p><b>carefully assessed</b> in recognition of the need to protect the landscape character and enjoyment of the Heritage Coast, including views across the area from the Coast Road (where it adjoins the Heritage Coast) and views from the south West Coast Path, and to avoid disturbance to protected species on The Fleet.</p> <p>All development proposals should protect, and where appropriate enhance the biodiversity of the countryside, the Heritage Coast and The Fleet. <b>Where significant adverse impacts cannot be avoided, mitigation or compensation measures will be considered in the determination of planning applications in this area.</b></p>
PM29	Page 24 Paragraph 10.5	<p><b>Delete paragraph 10.5</b> except the first sentence which reads:</p> <p>A site off Radipole Lane adjoining Southill was identified in the Local Plan Review 2018 Preferred Options Consultation, for some 350 dwellings.</p> <p>Insert after the first sentence:</p> <p><b>Although not actively promoted through this Neighbourhood Plan in the absence of any identified local need, it is accepted in principle that this site could be developed. However, this is not a policy of the CNP.</b></p>
PM30	Page 26 Policy CNP 10	<p>Add an additional sentence to the policy to read:</p> <p><b>The impact of any development required for the successful delivery of the new road connecting the Chickerell Link Road with School Hill, should not result in significant damage to the landscape and wildlife corridors that cannot be successfully mitigated.</b></p>

PM31	<p>Contents page and page 27</p> <p>Page 30</p> <p>Policy CNP 12</p>	<p>Add to the title of section 12 as follows: 12 General Design Principles <b>and Enhancing Biodiversity</b></p> <p>Modify first bullet point to read: The development <b>of any site in excess of 0.1 ha</b> of a <del>greenfield site</del></p> <p>Delete the second bullet point: <del>The development of a brownfield site in excess of 0.1ha</del></p>
PM32	Page 33 Appendix A	Ensure that the wording of all the policies in Appendix A are modified in accordance with the recommendations in this Report.
PM33	Page 38 Appendix C	Ensure that all the definitions in the Glossary are up-to-date (e.g. as set out in Dorset Council's response to my Questions).
PM34	<p>Map 3 (page 10)</p> <p>Map 4 (page 11)</p> <p>Map 5 (page 17)</p> <p>Map 6 (page 19)</p> <p>Policies Map (pages 31 and 32)</p>	<p>Add the relevant policy numbers to the items in the Key.</p> <p>Add a Key to this Map.</p> <p>Add the relevant policy numbers to the items in the Key.</p> <p>Add the relevant policy numbers to the items in the Key and name the areas of Local Green Space</p> <p>Add the relevant policy numbers to the items in the Key and name the areas of Local Green Space.</p>
PM35	Page 2	<p>Add a new paragraph after 1.14, with the heading <b>Monitoring</b> to read:</p> <p><b>The Town Council will monitor the implementation of the policies in the CNP and keep under review the need for the CNP to be amended and updated. Policies in this</b></p>

		<b>document may be superseded by other Development Plan policies, such as those arising from the current preparation of the Dorset Local Plan, or by the emergence of new evidence. Where policies in the CNP become out-of-date, the Town Council, in consultation with Dorset Council, will decide how best to up-date the document.</b>
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