

Question for both Dorset Council and Chickerell Town Council

Note: 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.

Background

In DC's Regulation 16 response (under Policy CNP4) it states that Policy CHIC2 of the adopted Local Plan (Chickerell Urban Extension) 'includes a requirement for the development to connect to the Chickerell Link Road (B3157)'. I have read policy CHIC2 but the only references I could find to highway matters are;

(a) in sub-section ii), which states that 'the development will deliver highway improvements necessary for the development to go ahead'; and

(b) in the first bullet point under iv), which refers to a traditional street with frontage development connecting from the Chickerell Link Road to School Hill, and from School Hill to Chickerell Hill.

Paragraph 4.26 of the CNP (with regard to the connection to the Chickerell Link Road) states that: 'Great care will be needed in the design of this route in order to ensure that the new road does not create a significant barrier for many species'.

Question

It is not clear to me firstly what the exact access and highway requirements are with regard to the Chickerell Urban Extension and the relationship between those requirements and issues of biodiversity. And secondly, how are those issues of biodiversity being addressed, particularly with regard to the Chickerell Wildlife E-W Corridor?

I note that CTC, in policy CNP10, seeks to protect the locally valued landscape north and east of the village but that representations have been made highlighting the potential conflict between protecting the landscape and securing the necessary access. If the road was to be built across part of the valued landscape are there any measures that could be taken to satisfactorily mitigate the situation?

Dorset Council response, 23 Nov 2020

- Dorset Council notes the response from the Town Council dated 12 Nov 2020 with regards to this question. While we have no objection to their answer, we wish to add the following:-
- As noted by the examiner and the Town Council, Policy CHIC2 of the [WDWP Local Plan](#) requires development on the 'Chickerell Urban Extension' to provide a connection (suitable for use as a bus route) between Chickerell Link Road and School Hill, and from School Hill to Chickerell Hill (see Policy CHIC2 and paragraph 10.6.3).
- The Chickerell Urban Extension is effectively split into two main parts, CHIC2 East and CHIC2 North. The majority of CHIC2 North has reserved planning permission ([WD/D/18/001922](#)) and we believe that construction has commenced. (See the site layouts in Appendices 1 and 2.)
- CHIC2 East has only just had an application submitted for it by Persimmon ([WD/D/20/002569](#)). The description is: "Outline application for 502 dwellings with full details supplied in respect of 277 dwellings (Phase A) including creation of new accesses onto School Hill and Chickerell Link Road (B3157), details of part of the internal spine road, landscaping, drainage, car parking, public open space,

associated works and diversion of three public right of ways and with all matters reserved in respect of 255 dwellings (Phases B and C) and a primary school, public open space including field and skate park and changing facilities, landscaping, part of the internal spine road, drainage and associated works.”

- It should be noted that a masterplan illustrating features such as the road connections is a requirement of Policy CHIC2. It states: “Development should be in accordance with a masterplan for each area prepared by the developer / landowner in conjunction with the local community, Chickerell Town Council and Dorset County Council, and agreed by West Dorset District Council.”
- CHIC2 East has been subject to various indicative masterplans since 2010. Please see attached masterplans from 2010, 2012, 2015 and 2020 (Appendices 3, 4, 5 and 6), which were submitted as supporting documents to the Persimmon planning application.
- The masterplan from 2010 (appendix 3) shows access arrangements to the Chickerell Link Road (crossing the proposed Wildlife Corridor). The proposed built area also extends further north than the LP allocation, however the access to School Hill is taken from Woodland Way.
- The masterplan from 2012 (appendix 4) shows two potential options to access School Hill: option A is taken north of ‘The Stables’ and option B is taken as before from Woodland Way. The masterplan also introduced development on the corner of Putton Land/Green Lane (part of the wildlife corridor) which could either be outdoor sports facilities or a school.
- The southern part of the masterplan from 2015 (appendix 5) continues to show access to the Chickerell Link Road and outdoor sports facilities on the corner of Putton Land/Green Lane. However, the northern part does not conclusively show how access is made to School Hill, although it suggests it would be north of ‘The Stables’.
- Through the examination of the WDWP LP, it was effectively agreed that the southern access would cross a green corridor to facilitate the connection to Chickerell Link Road. It was also felt that the sports pitch, skate park and pavilion on the corner of Putton Lane/Green Lane provide less intensive uses which would be more sympathetic to the southern E-W wildlife corridor setting. These points are noted in a meeting between Natural England and Ecology Solutions on 26 August 2015 (see Appendix 8). The concluding remarks from Natural England at the end of this meeting was that there was potential for this development to be held up as a good example of sustainable development if designed correctly.
- Dorset Council (and predecessor West Dorset District Council) have been advising Persimmon since 2015, firstly through a pre-application enquiry, and subsequently through a series of informal discussions to help prepare a scheme that can deliver development on CHIC2 East.
- While these extensions north and south of the CHIC2 allocation go outside the defined development boundary (DDB), WDWP Local Plan Policy SUS2 does allow for this. The policy states that outside DDBs, development will be restricted to, *inter alia*, “specific allocations in a development plan document and associated landscape and infrastructure requirements.” (my underlining)
- The 2020 masterplan submitted as part of the Persimmon application illustrates the full extent of the proposed development, including the proposals to connect with School Hill in the north and Chickerell Link Road in the south. (see Appendix 6)
- We can see strong arguments for providing the road junction from CHIC2 East to School Hill north of ‘the Stables’. This is because it would be directly opposite the junction of the CHIC2 North scheme currently under construction (see Appendix 1).

The two schemes in combination would therefore create a new crossroads on School Hill and would prevent buses from having to perform a more complicated manoeuvre in order to continue the route from one part of the urban extension to the next.

- As noted above, Policy CHIC2 requires a masterplan to be prepared in conjunction with the local community and Chickerell Town Council. The Statement of Community Involvement submitted alongside the Persimmon application states that two public consultation events were held in 2019 at Willowbed Hall, Putton Lane. While Willowbed Hall is owned and managed by the Town Council, we note that the SCI does not state whether the Town Council commented on the proposals, or if they did, what their views were. (see Appendix 9)
- The examiner should be aware that as the Persimmon application has only recently been submitted and validated, it is still being consulted on, and as such Dorset Council is not in a position to make a decision on it. It would be inappropriate for us to elaborate any further at this stage on whether the application should be approved or refused.

Questions for Dorset Council (8)

1. In the last section of the DC Regulation 16 response, entitled SEA Screening Report, (dated 22 October 2020) it is stated in the first bullet point that the Report omits any reference to the Chickerell Conservation Area.

Firstly, a point of clarification:

The sixth bullet point under sub-section (g) on page 18 of the SEA Screening Report refers to Conservation areas (plural) and follows a reference to heritage designations.

The second sentence of the second paragraph on page 19 of the SEA Screening Report states: 'Furthermore, the areas to the east of the site include three Conservation Areas'

Can the Council clarify exactly what has been defined as a 'Conservation Area' and can it confirm my understanding that in this case the term 'Conservation Area' does not include the Chickerell Conservation Area (as being an area of special architectural or historic interest)?

Dorset Council response, 23 Nov 2020

- Page 6 lists three conservations areas (Radipole, Wyke Regis and Nottingham). These are also shown on Figure 3.4 on page 7.
- No explicit reference is made to the Chickerell Conservation Area in the text, and it is not shown on Figure 3.4.
- Therefore it would be reasonable to assume that later references to "Conservation Areas" and more specifically, "three Conservations Areas" refer only to the three listed on page 6 and shown on Figure 3.4.

Secondly, I note that the Council considers that there is no evidence that suggests that the inclusion of a specific reference to the Chickerell Conservation Area would alter the conclusions of the Screening Report. From my reading of the Screening Report, my initial response is to agree with the Council. However, in order to add strength to this conclusion, can the Council provide written confirmation that neither Historic England nor the Manager

of the Council's Conservation Officers consider that reference to the Chickerell Conservation Area in the SEA Screening Report would in any way alter the conclusions of that Report.

Dorset Council response, 23 Nov 2020

- We can confirm that we have written confirmation from both Historic England and from the conservation officers at Dorset Council.
- See Appendix 10 - email dated 4 November 2020 from Dorset Council Senior Conservation Officer James Weir, which also confirms that Alison Turnock (Service Manager for Conservation) is happy with the response.
- See Appendix 11 - email dated 20 November 2020 from David Stuart at Historic England

2. In the Foreword to the CNP it states that 'the last Local Plan allocated some large sites which have yet to be built out. So there is no need for our plan to suggest any greenfield sites for development'.

What is the current situation with regard to housing need, and the meeting of that need, in this part of Dorset? Bearing in mind the CNP covers the period up to 2036 is the Council satisfied that the allocation of only one site in the CNP is justified?

Dorset Council response, 23 Nov 2020

- In terms of local plan coverage, Chickerell is covered by the [West Dorset, Weymouth & Portland Local Plan \(2011–2031\)](#), adopted October 2015. This local plan set a housing requirement and allocated sites in order to meet that requirement.
- The Council's latest [position on housing supply](#) for the WDWP local plan area is that at 1st April 2019 there was a supply of deliverable sites equivalent to 4.83 years. As this falls short of the Government's requirement for 5 years deliverable supply, there is a slight shortfall of deliverable housing sites in the local plan area.
- The Local Plan allocates CHIC1 (Land at Putton Lane) for residential development. We understand this has been completed this year and has delivered a total of 254 dwellings.
- The adopted Local Plan also allocates CHIC2 (Chickerell Urban Extension) for approximately 820 dwellings. This allocation is split into two main portions: North and East. The North portion has got planning permission for 292 dwellings and we understand that construction has commenced. The East portion has not yet secured planning permission.
- The adopted Local Plan also allocated CHIC3 (Land off Rashley Road) for 50 dwellings. However, this was predicated on the existed primary school being demolished and replaced elsewhere. Although the Council intends to provide another primary school in the parish, it now intends to retain the existing one.
- In August 2018, West Dorset and Weymouth & Portland councils published a [Preferred Options consultation](#) as part of the WDWP Local Plan Review. This included a number of additional sites for Chickerell, in addition to sites CHIC1 and CHIC2 outlined above.
- With the formation of Dorset Council in April 2019, work has transferred to the production of a single Dorset Council Local Plan. The first draft of the new Dorset Council Local Plan is due to be published in January 2021. This will include proposals for new site allocations, building on work since the August 2018 preferred options consultation.

- As of November 2020, the WDWP Local Plan is more than 5 years' old. Therefore the housing requirement figure set in it is no longer appropriate for assessing supply, according to NPPF para 73.
- The new Dorset Local Plan will calculate housing need for Dorset using the standard method. This needs figure will be amended according to constraints and unmet need from neighbouring authorities in order to create a requirement figure. The Local Plan will then establish a strategy for delivering the requirement figure across Dorset. Part of the strategy will include setting out a housing requirement for neighbourhood areas, as per NPPF para 65.
- Until a housing requirement figure is set in the Local Plan, NPPF para 66 allows neighbourhood plan groups to request an indicative requirement figure. However, Chickerell TC have not made such a request.
- Further to this, NPPF para 69 states that neighbourhood plan groups should "consider the opportunities for allocating small and medium-sized sites ... suitable for housing in their area."
- However, we think it important to point out that notwithstanding NPPF paras 66 and 69, there is **no requirement for a submitted neighbourhood plan to include housing allocations**. Paragraph 40 of PPG (41-040-20160211) states: "Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need."
- NPPF paras 35-37 sets out the legal and procedural requirements for assessing local and neighbourhood plans during examination. The phrase "justified" appears as one of the 'tests of soundness' that are used to assess Local Plans. In contrast, it is stated neighbourhood plans must meet 'basic conditions' and other legal requirements before they can come into force. We therefore do not think it appropriate for us to comment on whether the inclusion of housing allocations is justified in a neighbourhood plan.
- One of the 'basic conditions' is whether the submitted plan is in general conformity with the strategic policies contained in the local plan. In this regard, in an area such as Chickerell where the local plan has made strategic allocations, and is likely to do so again, it is understandable why the qualifying body might want to avoid including anything in the neighbourhood plan that might be construed as interfering with the delivery of strategic sites. Two towns in Dorset that have taken a similar approach include Shaftesbury and Gillingham – in both cases this is largely due to the fact that the adopted local plan already includes strategic site allocations.
- In summary, we are going through a period of transition with regard to Local Plan housing requirement figures as we work on the first consultation draft of a new Dorset Local Plan. While neighbourhood plans can allocate sites in order to meet their own needs, there is no requirement to do so.

If current need cannot be met, are there any suitable opportunities in Chickerell to accommodate some of that need? Paragraph 7.4 refers to the Former Tented Camp and suggests that the site is not being promoted in the CNP because of the absence of any identified local need. Similarly, paragraph 10.5 refers to a site off Radipole Lane (adjoining Southhill) which the Town Council accepts 'could be developed subject to suitable landscaping' but it is not being allocated. Is the decision of CTC not to allocate these sites, supported by DC?

Dorset Council response, 23 Nov 2020

- The assumption being made throughout the submitted plan is that “strategic level of growth should more than meet any anticipated local need for housing development” (CNP para 1.10). This in itself seems a reasonable assumption. The plan has used this assumption to justify not allocating further sites.
- As we noted in our Regulation 16 comments, the comments made in CNP paras 7.4 and 10.5 appear to try to make informal policies regarding possible allocations at the former tented campsite and land west of Southill. In our view, this is inappropriate; either the sites should be allocated in the neighbourhood plan and requirements made in policy boxes, or these sections should be struck out.

If the site at the Former Tented Camp were to come forward would the Town Council’s request, as set out in paragraph 7.4 of the CNP, limiting development to a single line of housing (fronting the road) be considered favourably by DC, bearing in mind current national and local policies?

Dorset Council response, 23 Nov 2020

- The site at the Former Tented Camp is sensitive because it lies within the West Dorset Heritage Coast. Any redevelopment of the site would need to be carefully designed to secure visual enhancements and improve the special character of the Heritage Coast.
- The WDWP Local Plan Review [Preferred Options consultation](#) included the site as a potential new allocation (draft policy CHIC5). This policy stated: “Residential development will be limited to the eastern part of the site adjoining Mandeville Road and should be provided with advanced landscaping to screen the residential element in from view to the north. The remainder of the site will be provided as informal public open space.... ”
- An indicative layout of the site is provided on page 220 of the Preferred Options document. This suggests that residential development could be located in three blocks in the eastern corner of the site.
- The specification in CNP para 7.4 therefore contradicts the suggested layout in the former district council’s Preferred Options document. We therefore have concerns about it, and as stated above, we not think it appropriate for informal policies to be set in the supporting text of a plan.

3. Could the Council confirm that it has no objection to policy CNP1 and in particular the list of community facilities?

Dorset Council response, 23 Nov 2020

- We made a number of comments regarding Policy CNP1 in our Reg 16 response. These comments were submitted in the spirit of improving the policy. We can confirm that we have no fundamental objection to this policy or the list of community facilities contained within it.

4. What is the current situation with regard to policy CHIC3 (Land off Rashley Road) in the adopted West Dorset, Weymouth and Portland Local Plan (WDWPLP) – particularly in respect of the development of the primary school site?

Dorset Council response, 23 Nov 2020

- We set out the current situation regarding Policy CHIC3 and the existing primary school in our comments to Policy CNP1 made in our Reg 16 response.

- The exact response from the manager of DC’s education & learning department was: “It is the intention to retain the existing school site and we are obviously working to secure the additional school site as part of the urban extension. The new school site is not a replacement - it is an addition and the existing school will not be freed up for development.”
- We therefore intend to delete policy CHIC3 of the 2015 WDWP LP with the adoption of the Dorset Local Plan, which is due for adoption in 2023.

5. I note the planning history regarding land to the rear of Montevideo House (policy CNP3). Can the Council confirm that satisfactory vehicular and pedestrian access arrangements can be achieved?

Dorset Council response, 23 Nov 2020

- The most recent planning application ([WD/D/19/001358](#)) includes a Transport Statement. This assessed the existing access onto Chickerell Road, noting that the sightlines are good, and that the traffic at that section of road should be travelling slowly. It also notes that there are footways on both sides of the road with street lighting. The response from the Council’s highways team was that they had no objection to the proposed development.
- The Transport Statement also mentions an existing emergency / construction vehicle access to the north of the site. This is clearly visible from recent aerial photos and Google Streetview. This gives developers a possible alternative should there be an issue with additional traffic using the existing entrance.
- With this evidence, it seems reasonable to conclude that satisfactory vehicular and pedestrian access arrangements can be achieved for a limited number of residential properties on this site.

6. Are matters of energy, water efficiency and electric vehicle charging (policy CNP 11) adequately covered in the adopted WDWPLP (e.g. in policy ENV13)?

Dorset Council response, 23 Nov 2020

- The following is a comparison on the two policies:

WDWP LP Policy ENV13	Draft Policy CNP11
New buildings and alterations / extensions to existing buildings are expected to achieve high standards of environmental performance.	Designs that exceed the minimum building regulation standards for energy and water efficiency, and provide easy access for charging electric vehicles, should be encouraged.

- Both policies encourage higher standards, but neither policy makes higher standards a requirement. As such, we are content that the two policies can co-exist and are consistent with national policy and guidance.
- Policy ENV13 is more generic than Policy CNP11 as it does not include specific reference to energy and water efficiency, or provision for electric vehicle charging. Our view is that Policy CP11 builds on Policy ENV13 by providing additional detail.
- Dorset Council is aware that the Government has consulted on a Future Homes Standard. The Council is considering how best to support high environmental building standards within the constraints of the national planning system, as part of the forthcoming Dorset Council Local Plan.

7. Is DC satisfied that policy CNP9, on The Fleet and Heritage Coast is consistent with LP policy ENV1 of the WDWPLP?

Dorset Council response, 23 Nov 2020

- Both policies CNP9 and ENV1 seek to protect the Heritage Coast.
- For an explanation of Heritage Coasts, a good reference is the [Government’s web page](#).
- Heritage coasts were established to conserve the best stretches of undeveloped coast in England. While they do not have statutory protection, NPPF affords them a similar level of protection to AONBs and other statutory designations. They are listed as one of the key constraints in NPPF footnote 6.
- NPPF para 173 states: “Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.”
- The parts of the Heritage Coast in the Chickerell parish that are not also covered by other designations such as AONB, SPA, SAC, Ramsar, SSSI and World Heritage Site lie within close proximity to these designations. It therefore forms the setting to either the AONB landscape, or helps form a buffer that protects its high ecological value.
- Side by side, the two policies read as follows:

WDWP Policy ENV1	Draft Policy CNP9
Development which would harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Beauty or Heritage Coast, including their characteristic landscape quality and diversity, uninterrupted panoramic views, individual landmarks, and sense of tranquillity and remoteness, will not be permitted.	Development within the Heritage Coast to the south side of the Coast Road in Chickerell will be strictly controlled 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. All development proposals should protect, and where appropriate enhance, the biodiversity of the countryside, the Heritage Coast and The Fleet.

- The two policies obviously strive towards the same objective of protecting the Heritage Coast from harmful development. We therefore have no objection to the principle of draft policy CNP9.
- The only concern we have is the use of the term “will be strictly controlled”. This phrase is used in WDWP LP Policy SUS2 (iii) in relation to development outside of the defined development boundaries. However, in that context the policy provides a list of types of development that would be permitted. Without such a list, it is unclear what type of development draft Policy CNP9 would permit within the Heritage Coast. A blanket ban on all forms of development would not be consistent with Policy ENV1, and so would not meet basic conditions.

8. Policy ENV3 of the WDWPLP states that a green infrastructure strategy will be developed for the Local Plan area. What progress has been made on this, particularly with regard to

Chickerell? Is the approach being taken by CTC (for example as shown on Plan 5) compatible with the aspirations of DC on this matter?

Dorset Council response, 23 Nov 2020

- Work was begun on developing a defined Green Infrastructure Network as part of the WDWP Local Plan Review. This was consulted on as part of the Preferred Options Consultation in August 2018.
 - However, the Council has decided not to take this approach forward in the new Dorset Council Local Plan. Currently, our proposed approach will be to say that any new elements of green infrastructure identified in neighbourhood plans will form part of the green infrastructure network.
 - As such, we consider that the GI proposals in the neighbourhood plan are broadly compatible with the Council's aspirations. As you will be aware, our only concerns lie where the approach might compromise the delivery of development sites identified in the Local Plan (see previous comments).
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Appendices

1. CHIC2 North layout, CG FRY, eastern portion
2. CHIC2 North layout, CG FRY, western portion
3. CHIC2 East, indicative masterplan, 2010
4. CHIC2 East, indicative masterplan, 2012
5. CHIC2 East, indicative masterplan, 2015
6. CHIC2 East, Persimmon masterplan, 2020
7. CHIC2 East, Persimmon Green Infrastructure parameter plan, 2020
8. Minutes from meeting between Ecology Solutions and Natural England, Aug 2015
9. Persimmon Statement of Community Involvement, 2020
10. Email from James Weir, DC Senior Conservation Officer, 4 Nov 2020
11. Email from David Stuart, Historic England, 20 Nov 2020