

# Chickerell Neighbourhood Plan 2019 to 2036

## Regulation 16 Consultation

### – Dorset Council Response

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22 October 2020

Dorset Council (DC) is pleased to see the submission version of the Chickerell Neighbourhood Plan. We offer the following comments to ensure that the plan meets the prescribed ‘basic conditions’, and to ensure that the policies in the final plan can be successfully implemented when we come to determine planning applications for the area. For this reason, our main area of interest is with the content of the policies but we will also seek to address possible factual inaccuracies and other issues where we think the presentation or meaning of the plan could be clearer. We hope our comments are seen as constructive and help improve the final version of the plan.

#### General

- In terms of style, the submitted neighbourhood plan includes a number of sections that discuss locally specific planning issues, and even potential solutions to those issues, but do not directly link to any of the proposed policies. While for the planning authority it is relatively easy to distinguish policy from supporting text, lay readers may be confused by this approach.
- In this respect, we wish to draw attention to [paragraph 4 of the NPPG on Neighbourhood Planning](#). This states: “Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan.”
- As such, we suggest that these ‘wider community aspirations’ which go beyond the supporting text of the proposed policies should either be deleted or separated out and presented in a companion document or annex.
- In this regard, the specific sections of the plan that we query are:
  - Para 5.2 – which discusses supermarket provision in the parish. It could be read as implying that another supermarket is required because the Aldi store does not possess a full range of services (e.g. in-store bakery, etc.). However, there is no associated policy and the section comes across as the personal opinion of the author, we feel it should be deleted.
  - Para 7.4 – states that if a planning application is submitted then the Town Council will make a request that development should be limited to a single line of housing fronting the road between the existing properties and the Value House development. This sounds like it is a site-specific policy, in which case it should be set out as such, or else this section should be deleted.

- Para 8.2 – states that parking provision for any future development at the Lynch Lane Estate should be “carefully scrutinised (rather than simply adhering to the generic standards)”. This appears to be an attempt to replace the existing planning policy and therefore should be set out as a policy or else deleted.
- 8.3 – states that on the basis of Local Plan policies, “further caravan and camping in the Heritage Coast is unlikely to be supported.” Firstly, because this is a passive sentence construction, it is unclear who won’t give support (the Town Council, the LPA, the public?). In any case, this statement attempts to prejudge future planning applications. Perhaps the second sentence of this paragraph could be revised to “Future applications for further caravan and camping in the Heritage Coast will be determined against Local Plan Policy ENV1.”
- 9.4 – states that “allowing further infill development outside of this boundary ... should be avoided whenever possible.” Again, any development proposals should be determined against adopted policy (and/or other material considerations) and this appears to be another attempt to introduce further policy restrictions.
- 9.5 – states that the Town Council has not favoured the construction of a Western Relief Road. This may be correct, but it is unclear how this relates to the policies in the neighbourhood plan.
- 10.1–10.4 – relate to the future of the Wessex Stadium. While this is an active planning issue, it is unclear what bearing it has on the neighbourhood plan (or vice versa), and so should be moved to a supporting background document if it is deemed necessary.
- 10.5–10.6 – expresses the Town Council’s preferences with regard to a potential future allocation (land west of Southill). If these are not set out as policies then we suggest they should be deleted.
- 11.2 – states that further housing development at Buckland Ripers and Tatton “would go against the principles of sustainable planning”. Although generally correct, we feel that in order to better relate the text to policy it should say: “In the countryside, including at smaller settlements such as Buckland Ripers and Tatton, development is carefully managed by Local Plan policies in order to prevent unsustainable patterns of development.”

#### **Para 1.13**

- We commented on the Reg 14 consultation that we felt the first sentence of this paragraph was not quite correct. We suggested it should be amended to: “When the Chickerell neighbourhood Plan is made, planning applications approved after this date will contribute 25% of the CIL (Community Infrastructure Levy) money received to Chickerell Town Council (with the exception of self build approvals).” We wish to reiterate this point.

#### **Para 2.5**

- The first sentence could be a bit more specific and say that the AONB crosses the parish boundary in two small areas.

- To help the reader, it might be useful to add something along the lines of “as shown on Map 1” as this map clearly shows the AONB in relation to the parish.

#### **Paras 2.10–2.12**

- Unconventional use of capitals. For example:
  - Para 2.10, first sentence, “East”
  - Para 2.11, in the final sentence, “Town” and “Tourism”
  - Para 2.12, “Town”

#### **Map 3**

- This map shows the spatial extent of several proposed neighbourhood plan policies. It also shows some designations (such as LNR, SSSI, AONB, Heritage Coast, Listed building) which come from external sources. It would be useful to the reader if the key to this map could state which policy each designation relates to, and this would help to distinguish which designations are new and which are existing designations. Likewise, it would be helpful if all subsequent policy maps could clearly indicate which policies they relate to.
- Crookhill Brickpits is also a Special Area of Conservation (SAC) as well as LNR and SSSI. SAC is the highest tier in the hierarchy of wildlife sites and therefore affords the site considerable protection. For clarity we suggest this designation is shown on the key.
- While this map (and others in the Plan) include Listed Buildings (and other constraints such as Heritage Coast and AONB), it does not include the Chickerell Conservation Area. While this isn’t a requirement, we feel it is an omission. Most neighbourhood plans include conservation areas on their policy maps as it is an important heritage asset. In our opinion it would help users of the document understand where this constraint lies.

#### **Para 4.2, p. 10**

- We believe there are 8 listed buildings/structures within the CA, rather than 7 – as shown on Dorset Explorer: <https://explorer.geowessex.com/?layers=4205,2787,51&basemap=26&x=364628.65&y=80688.31&epsg=27700&zoom=16>
- The text here mentions 22 ‘unlisted buildings of character and group value’ identified in the CA Appraisal. Unfortunately, the draft NP appears not to propose any policy protection for non-designated heritage assets in the plan area, nor does it attempt to identify any additional non-designated heritage assets outside of the conservation area. We feel this is a missed opportunity which could be addressed as part of a future neighbourhood plan review.

#### **Map 4**

- While this appears to be a close-up of part of Map 3 (albeit with a different OS base map), it would help if a key was included.

## Policy CNP1

- While our Reg 14 comments recommended that the policy should reference A class uses, the Government has since removed this group of uses from the Use Classes Order. Instead the new E Class has been introduced, which includes the former A1, A2, A3 and B1 classes, along with clinics, health centres, crèches and day nurseries from D1, and indoor sports and recreation facilities from D2. We therefore suggest amending the first sentence of the policy as follows: “Within the defined local retail centre in East Street (as identified on Map 4), retail and other E class or similar sui generis uses appropriate to a local centre will be supported.”
- Similarly para 4.6 should be amended with regard to reference of A class uses.
- The second part of the policy doesn’t appear to read correctly. The following amendments might help: “Development proposals to improve the provision of community facilities (including those listed below and shown on Map 3) will be supported, ~~and~~ Every effort should be made to work with the local community and relevant authorities to investigate potential solutions to avoid ~~the any~~ loss of any of the following facilities:”
- While we appreciate that the named facilities are shown on Map 3, we think it would help if the policy and the map could use identification numbers (or names) in order to allow the user of the document to clearly cross-refer between the two.
- During Reg 14 we raised concern that Policy CNP1 overlapped adopted Local Plan allocations, and this could result in policy contradictions, particularly as far as the primary school site was concerned. For reference, LP Policy CHIC3 states: “The existing primary school site off Rashley Road in Chickerell ... may be developed for housing, provided that a replacement school, including school playing fields, sufficient to serve Chickerell has been secured as part of the Chickerell Urban Extension.” However, we (Dorset Council as the education authority for the neighbourhood plan area) have expressed a desire to retain the existing Chickerell Primary School site, and that the new primary school planned for at the Chickerell Urban Extension will be in addition to the current one. For this reason we do not intend to carry forward Policy CHIC3 into the forthcoming Dorset Local Plan and are content for the existing primary school site to be covered by proposed Policy CNP1.

## Policy CNP2

- As with the previous policy and Map 3, it would be helpful for the reader if a system of identification names or numbers could be used. It would be sensible to use the same reference codes that were used in the supporting LGS assessment (May 2020).
- We note that there appear to be three small areas of LGS marked on Map 3 which are not listed in Policy CNP2. These appear to relate to the grassed areas at Fishermans Close, Marshallsay Road, and May Terrace Gardens, and are described in para 4.9. It is not clear what their status is meant to be. As they do not appear to be covered by any NP policies, we suggest that they should be removed from any maps in the plan in order to avoid confusion.

### **Policy CNP3 ‘Land to the rear of Montevideo House’**

- This policy allocates the existing caravan park, known as Montevideo Park, for housing. The stated reason for this is not to meet local needs or provide additional housing but to “improve the character of the local area” (paras 4.18, 4.19 and 4.22).
- The examiner should be aware that the site first got permission as a caravan / park home site in 1966, and a number of amended schemes have been approved since then. A decision on the most recent application (ref WD/D/19/001358) was issued on 22 Sept 2020, which granted permission to extend the site further eastwards in order to accommodate a further 10 park homes.
- It should be noted that the park homes on the site are considered permanent dwellings rather than temporary or holiday accommodation. This is an important fact to note as this allocation is unlikely to yield a net gain in dwellings; in fact, it could yield a net loss if there are fewer houses built than park homes removed (a point we raised at Reg 14).
- For reference, details of the most recent application, including the committee report that summarises the main points relating to this site can be found at [https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=DCAPR\\_138599](https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=DCAPR_138599)
- Knowledge of this latest application is required to understand why paragraph 4.19 specifies that the site allocation is limited to “the area on which caravans have been lawfully sited (as at January 2020), and does not include the undeveloped grounds to the rear.” The consequence of this is that the recently extended area of the caravan park falls within the proposed Wildlife Corridor (Policy CNP4).
- Chickerell Town Council put in an objection to this latest application, partly on the grounds that it falls outside the defined development boundary (as does the whole of the existing site). However, it has now been approved and this fact should be reflected in the supporting text to the neighbourhood plan. Ignoring the approval could lead to perverse outcomes and not result in achieving the overriding objective of this policy which is to improve the character of the local area.
- In addition to the above, the following comments are made by a Senior Conservation Officer at Dorset Council:
  - This is the only site allocation in the NP and the text refers to some comments ‘from the Conservation Team’ reflecting the possibility for development here. This might be the case, but the text could benefit from greater clarification and perhaps some addition. The text states that ‘the residential park homes...are detrimental to its setting and affect its aesthetic value’ (4.20, p. 15), but it is not clear that it is understood exactly how the setting contributes to the significance of the Listed Building. Without this, it is then not possible to establish how replacing these with ‘low density housing’ would either improve the setting, or result in less harm than is caused by the smaller, less

intrusive park homes. The text should make it clear that the significance is understood and the policy worded accordingly to reflect arising constraints/opportunities.

- The addition would be to make provision for the repair and retention of the barn and stable buildings, which are currently in poor order and only partly occupied. These certainly do contribute to the significance of the building and are likely to be considered curtilage-listed buildings. It is unlikely that any proposals that sought to demolish them would be considered favourably.
- Comments from an engineer in the Highways Safety team:-
  - Suitable vehicular and pedestrian access arrangements would need to be secured onto Chickerell Road. Given the carriageway and footway in the vicinity of the site sufficient vehicular visibility is likely achievable. The internal highway layout should be built to an adoptable standard.

#### **Map 5**

- As with other maps, it would be useful if the key indicated which policies it relates to.

#### **Policy CNP4**

- As noted in para 4.26, the allocation east of Chickerell (adopted LP Policy CHIC2) includes a requirement for the development to connect to the Chickerell Link Road (B3157). This would involve a link road going directly across the proposed Wildlife Corridor.
- In addition, the proposed amended policy CHIC2 as set out in the Local Plan Review Preferred Options Consultation (August 2018) includes a requirement for: “a skate park, senior football pitch, and changing pavilion on land south of Green Lane.” This would also be on land included in the proposed Wildlife Corridor.
- Our concern lies in whether the proposed Wildlife Corridor could render this allocation undevelopable. As the allocation would deliver c. 490 dwellings on the area to the east of Chickerell, we consider it a large-scale allocation. Therefore our concern is that this policy could put the delivery of this allocation at risk. If this is the case then there is an issue of the proposed Neighbourhood Plan not being in general conformity with the strategic policies in the Local Plan, and therefore not meeting one of the basic conditions. We suggest that more detail is provided either in the supporting text or the policy to explain how this potential conflict can be overcome.
- As noted above (Policy CNP3) an application for a further 10 park homes has recently been granted on land to the east of Montevideo Park. This falls within the proposed Wildlife Corridor. We suggest that this area is removed from the proposed Wildlife Corridor.

#### **Map 6**

- As with the other maps, it would be useful if the key indicated which policies it relates to.

### **Policy CNP5**

- As with Policy CNP1, since the Reg 14 consultation the Government has removed the A class group of uses from the Use Classes Order. We therefore suggest amending the first sentence of the policy as follows: “Within the defined local retail centre in Charlestown (as identified on Map 6), retail and other E class or similar sui generis uses appropriate to a local centre will be supported.”
- The second part of the policy doesn’t appear to read correctly. The following amendments might help: “Development proposals to improve the provision of community facilities (including those listed below and shown on Map 6) will be supported. ~~and~~ Every effort should be made to work with the local community and relevant authorities to investigate potential solutions to avoid ~~the any~~ loss of any of the following facilities:”
- While we appreciate that the named facilities are shown on Map 6, we think it would help if the policy and the map could use identification numbers (or names) in order to allow the user of the document to clearly cross-refer between the two.

### **Policy CNP6**

- On page 24 there appears to be three different names given to Budmouth College (Budmouth School, Budmouth Academy and Budmouth College). While the institution might be referred to by all three names (and possibly others) it might help readability if there was less variation in naming this site.
- While Policy CNP6 reserves a specific parcel of land for school expansion (as identified in Map 6), paragraph 6.5 states: “Any undeveloped land adjoining the School should be reserved for such a purpose...” It appears that the supporting text does not correspond with the policy. We suggest that the supporting text is amended in order to align with the intentions of the policy.

### **Policy CNP7**

- As with our comments to Policy CNP2, it would be helpful for the reader if a system of identification names or numbers could be used in Policy CNP7 and Map 6. It would be sensible to use the same reference codes that were used in the supporting LGS assessment (May 2020).
- We note that the proposed Cobham Drive LGS appears to comprise of five separate sections. As there is no obvious connection between these sections apart from the fact that they are part of the same housing estate, there is an argument to say that they should be assessed separately. For example, the small section adjacent to Stainforth Close has signs saying “No Ball Games” which presumably means it has a lower recreational value than other sections without this restriction.

### **Policy CNP8**

- Policy noted. We have no comments other than to agree that wildlife corridors are important to help tackle the decline in biodiversity.

### **Para 9.2**

- Appears to be a small typo at the end of the second sentence – perhaps amend to “...increasing pressure on the Heritage Coast’s ~~its~~ wildlife and views.”

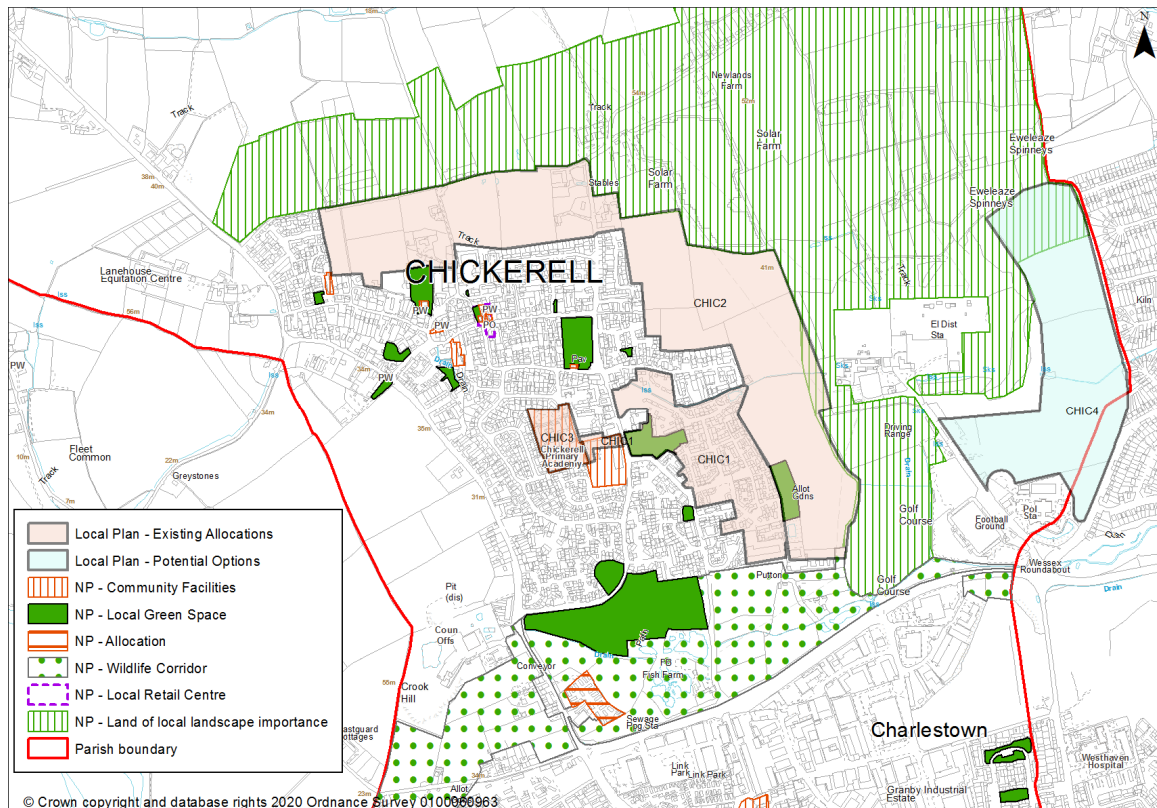
### **Policy CNP9**

- It would be helpful if the policy could indicate which map(s) show the areas where this policy applies.

### **Policy CNP10**

- The map below shows proposed allocations in the submitted neighbourhood plan in relation to allocations in the adopted Local Plan (pink areas), and potential future options (blue areas).
- We note that the proposed Land of Local Landscape Importance (LLLI) designation overlaps to a small extent with CHIC2 and CHIC4. However, masterplans for these two areas illustrate that the areas that are overlapped are likely to be open space / green infrastructure, and therefore should be compatible with the proposed designation.
- We wish to echo the concern expressed by Persimmon Hones that the proposed LLLI includes a small area of land to the north of CHIC2, east of School Hill, which is required for the delivery of CHIC2. Persimmon have been working with Dorset Council (and its predecessors) since 2015 to produce a suitable masterplan for the area. Early on it was agreed that in order for safe access to School Hill to be achieved, additional land to the north of ‘The Stables’ was required. We understand Persimmon have today (16 October 2020) submitted an outline planning application for this site. As with our comments with regards to Policy CNP4, we have concern over any policy that could risk the delivery of this large-scale allocation. We suggest that the extent of the proposed LLLI is reduced slightly to allow for the Persimmon scheme to make a safe link to School Hill.





**Policy CNP11**

- We welcome the fact that the policy makes reference to surface water management and advocates open SuDS features (i.e. swales & ponds) in accordance with the recommendations of the (revised) NPPF.

**Policy CNP12**

- Policy noted. We have no comments other than to say we support the use of the Dorset Biodiversity Appraisal Protocol and any measures that help secure ecological enhancements.

**Appendix A**

- It's not clear why it is necessary to repeat the policies in an appendix. We caution that this could cause problems if there are differences between the different versions of the policy text.

**Appendix B**

- As per our comments to Regulation 14, this appendix seems unnecessary as it carries material that should be in the Consultation Statement.

**Appendix C – glossary definitions**

- 'Affordable homes' - It should be noted that the official definition of 'affordable homes' is set out in NPPF, and gets amended periodically. The version given here is an older version and does not mention 'starter homes' and 'discounted market sales housing'.

- Employment – it should be noted that the government has recently removed B1 (offices and light industry) from the Use Classes order and incorporated these uses into a much broader new E class.
- Land of Local Landscape Importance – while this definition is correct as far as it goes, for clarity it should add that this Neighbourhood Plan seeks to redefine the LLLI in relation to Chickerell parish.
- Local Planning Authority LPA – suggest putting ‘LPA’ in brackets.
- Nationally or internationally designated wildlife sites – confusingly, this definition also includes local sites. Either amend the title or the definition. For reference, SNCIs are basically the same as Local Wildlife Sites and are defined further down.
- Local Green Space – the official definition of LGS is set out in NPPF paras 99–101. Although this definition is a summary, it doesn’t give any emphasis to the fact that LGS should be of “particular importance” and “demonstrably special”.
- Sequential Test – it should be noted that this can have other meanings, for example it is also be used when assessing sites in relation to flood risk – see NPPF para 158.

### **SEA Screening Report**

- It has come to our attention at this late stage that the SEA Screening Report (May 2019) omits any reference to the Chickerell conservation area.
- This omission is probably due to a technical issue with the GIS software as the Chickerell conservation area is not shown on map 3.4 of the SEA screening report in the context of other conservation areas in the wider area.
- Page 19 on the SEA Screening Report discusses the effect of the plan’s proposals on designated heritage assets, and so would ideally include consideration of the Chickerell conservation area.
- The SEA Screening Report does however include a consideration of listed buildings in the plan area. Reference to Dorset Explorer (<https://explorer.geowessex.com/?layers=4205,2787,51&basemap=26&x=364628.65&y=80688.31&epsg=27700&zoom=16>) shows that the majority of listed buildings in the parish are within the conservation area.
- It should be noted that Historic England has been duly consulted on both the SEA Screening Report and the draft Neighbourhood Plan. Their response to the SEA Screening is included in Appendix A of the report.
- Similarly, conservation officers at Dorset Council have also had several opportunities to view and comment on the draft Neighbourhood Plan.
- Due to the nature of the plan’s proposals, the main issue that both Historic England and DC’s conservation officers have drawn attention to has been the proposed allocation at the rear of Montevideo House (Policy CNP3). This site is over 600 metres away from the conservation area and the two are not visible from one another. The main heritage issue with regards to this allocation is the presence of the Grade II listed Mondevideo House.
- Considering the above, our view is that the impact of the plan’s proposals on the main heritage assets in the town has been sufficiently considered. We see

no evidence that suggests that adding a specific reference to the Chickerell conservation area would alter the conclusions of the Screening Report.

- However, if the Examiner feels it necessary we will duly amend the Screening Report and re-consult the statutory consultees.