

## Chesil Bank Neighbourhood Plan – Dorset Council Comments

### Introduction

Thank you for consulting Dorset Council on the Chesil Bank Neighbourhood Plan (December 2022).

This response considers the extent to which the Plan complies with National Policy and Guidance (primarily the National Planning Policy Framework 2021) and is in general conformity with the strategic policies of the development plan for the area (the adopted Joint West Dorset, Weymouth and Portland Local Plan). The neighbourhood plan should also contribute to sustainable development and be compatible with EU obligations (under retained EU law) including the SEA Directive of 2001/42/EC.

Comments made by Dorset Council’s Engineer (Development Liaison) and Conservation Officer at Regulation 14 stage relating to the accessibility of the proposed housing sites and heritage matters (Policies CBNP5, CBNP6, CBNP7 & CBNP8) have been repeated in this consultation response as they are considered to remain relevant.

Dorset Council has actively engaged with Chesil Bank Parish Council throughout the preparation of the Neighbourhood Plan. This engagement has helped to shape the Plan and as such this representation mainly contains commentary on the Plan where Dorset Council considers issues remain but is supportive of approaches where appropriate.

### Plan Period

The front cover confirms that the Plan period will cover the years 2022 – 2032, a ten-year time horizon.

### Neighbourhood Area

Dorset Council supports section 1.2 and figure 1 which discusses and depicts the Neighbourhood Plan area, a requirement for submission. It is noted that Chesil Bank Parish Council covers the four parishes of Abbotsbury, Fleet, Langton Herring and Portesham.

### Housing Requirement

Paragraph 5.1.1 and Table 2 of the Chesil Bank Neighbourhood Plan helpfully summarises the emerging Dorset Council Local Plan expectations for the delivery of future housing in the Chesil Bank area by its components. As an update, the latest monitoring data for 1 April 2022 now indicates 11 commitments.

The Neighbourhood Plan group has, however, commissioned additional research into the needs of their community. The Chesil Bank Housing Needs Assessment (2021) concluded that it would be prudent to provide some additional housing sites to increase the housing provision over and above that which would come through windfall sites. Paragraph 5.1.3 continues that “this could enable a better mix of housing that could address some of the imbalance / needs identified. In

particular, there is likely to be a need for smaller dwelling types / apartments, homes for first time buyers and affordable homes for rent – including those suitable for older residents.”

Although the Neighbourhood Plan does not explicitly set out a housing need figure for the plan area, it is noted that none of the four proposed allocations, individually or cumulatively, would (if developed) be out of scale with the existing settlements in the plan area. For this reason, no concerns are raised regarding the proposed housing requirement (considered to be in general conformity with the adopted local plan) or the scale of development set out in this draft Neighbourhood Plan.

#### Policy CBNP1. Dwelling Types

Policy CBNP1 sets out details of the types and sizes of housing expected to come forward and reflects the conclusions of the Chesil Bank Housing Needs Review (2021). The policy is in general conformity with the adopted West Dorset, Weymouth & Portland Local Plan (2015) Policy HOUS3 Open Market Housing Mix and Policy HOUS1 Affordable Housing.

#### Policy CBNP2. Dwelling extensions

Policy CBNP2 seeks to limit the maximum size of any extension to existing stock to that typically allowed under Permitted Development, unless there is clear evidence that the proposed change is to provide for a clearly established local need aligned with Policy CBNP1.

In an Area of Outstanding Natural Beauty (AONB) PD extensions can be summarised as single story only, projecting no more than 3m out to the rear (4m for detached home) and adding no more than half the width of the original house if extending to the side.

The support text acknowledges that “It is accepted that there may be occasions where an extension is justified that is aligned to the housing needs of the area – for example the need for annexe accommodation to provide care facilities for a relative or working from home where the existing property is too small.”

Dorset Council acknowledges the communities’ concerns that “house sizes are generally larger than elsewhere in the former West Dorset area, which means they are generally less affordable” and that many such properties have been extended in recent years, making them even less affordable to local residents on average wage levels.

Nevertheless, Dorset Council is concerned that the proposed approach is unnecessarily restrictive even with the justified exceptions. It is considered that homeowners should be allowed to extend their homes beyond what is allowed under Permitted Development rights subject to it being acceptable in terms of character and amenity, living conditions of occupiers of neighbouring properties etc. It is also noted that this policy seemingly conflicts with the aspiration and wording of Policy CBNP11. Homeworking which supports home working opportunities.

This policy is not considered to be in generally conformity with Policy ENV15 which seeks to optimise the potential of the site and make efficient use of land, subject to the limitations inherent in the site and impact on local character. The proposed policy would also not be in

general conformity with Policy SUS2, criterion iii) which states that within defined development boundaries (DDB) residential development to meet the needs of the local area will normally be permitted. Outside the DDBs, Policy HOU6 requires extensions to be subordinate in scale and proportionate to the original dwelling and not harm the character of the locality or its landscape setting. The supporting text continues “Particularly within the AONB and outside the main settlements, the volume of cumulative extensions to existing dwellings should generally be no greater than 40% of the original dwelling.”

It is noted that a similarly worded Policy was proposed in the recently made Charmouth Neighbourhood Plan, however the examiner concluded that in his opinion “should extensions be proposed which are deemed to be too large, the application of Policies ENV12 and ENV16 of the WDWPLP would avoid harm to the character and appearance of the area and avoid harm to neighbours.” The Policy criterion was recommended for deletion in that instance.

### Policy CBNP3. Holiday / second home restrictions

Dorset Council understands that in the Chesil Bank Parish area the latest available data suggests about 1 in 4 homes are in use as second homes or holiday lets which consequently significantly reduces the number of local residents that live in the area all year round.

Table 3 helpfully provides a breakdown of the % vacant homes and % second homes within Abbotsbury, Fleet and Langton Herring and Portesham. The supporting text recognises that the data does not indicate that the level of second / holiday homes ownership in Portesham is significantly different to the rest of Dorset to justify special measures but that the group will keep the data under review.

As wider background, this is an issue explored by several other Neighbourhood Plan groups along the Heritage Coast, most notably in Portland, Bridport and Charmouth. The corresponding examiner reports provide a helpful discussion and loose benchmarks to help judge a level of second home ownership at which a policy could be justified.

The evidence in support of the Bridport Neighbourhood Plan suggested a range of between 8.6% to 16.4% homes with ‘no usual residents’ in the 2011 census, although the figures had likely increased by the time of the examination. It was acknowledged by the examiner that second home ownership differs across the neighbourhood plan area with Symondsburry being the most affected. The examiner however concluded that “the current level of second and holiday home ownership has been judged insufficiently intrusive and the consequences of such a policy insufficiently researched.”

The Portland Neighbourhood Plan examiner expressed serious concerns not only about the evidence put forward to justify their draft policy (HS3) but also how it would be applied. In this instance, evidence from the 2011 Census, the latest ‘hard’ data available on household occupancy and residency, is that 3.9% of properties in the former Borough of Weymouth and Portland were second homes, and 6.7% in West Dorset. Paragraph 9.17 of the Plan indicates that in 2011 the proportion was even less in Portland with only 3.4% of properties second homes, which does not suggest any strong or particular imbalance in the housing market that

would indicate a second homes policy is needed or justified. The examiner was “not satisfied that policy HS3 provides an appropriate framework to shape and direct sustainable development and therefore I am recommending that the policy and its supporting text are deleted from the Plan.”

In Charmouth, the community again turned to Census data of homes with ‘no usual residents’ as representing the most consistent, official data for making comparisons. This data includes second homes and holiday homes, both representing housing unavailable for permanent occupation. For Charmouth, the ‘2011 Census’ figure shows that 26.5% of the housing stock (West Dorset 10%) has ‘no usual residents’ and is higher than any other coastal parish between Charmouth and Portland e.g. a similar coastal village and tourist destination, Burton Bradstock, is 20.4%. In this instance, the examiner concluded that he “did find that the evidence in favour of a principal residency policy is compelling”. He agreed that this section of Policy H3 has regard to national guidance, is in general conformity with Policy HOUS3 of the WDWPLP and meets the Basic Conditions.

Given the level of usual residents / second homes in Chesil Bank seems comparable to Charmouth where the examiner found the evidence to be compelling, Dorset Council would not seek to object to the proposed policy.

We would however reiterate the same warning raised with Charmouth of the unintended consequences that could result from such a policy approach. For example, the policy could put increased pressure on the existing housing stock being bought and used as second homes. Such unintended consequences should be fully considered.

The wording of the policy largely aligns with the made Charmouth Neighbourhood Plan Policy H3 with no concerns raised.

In respect of general conformity, Policy ECON6 Built tourist accommodation of the adopted West Dorset, Weymouth & Portland Local Plan is not considered strategic, though criterion ii reflects a strategic aspect of policy ECON4.

#### [Policy CBNP4. Affordable Housing – Local Connection](#)

Draft policy CBNP4 is considered to be in general conformity with Policies HOUS1 and HOUS2 of the adopted West Dorset, Weymouth & Portland Local Plan and reflects the agreed Dorset Council approach to housing allocations as set out in the Dorset Housing Allocations Policy.

#### [Policy CBNP5. Land east of North Mead Farm \(PO03\)](#)

Land east of North Mead Farm is located outside but adjacent to the defined development boundary for Portesham. Constraints include the site’s location in the village Conservation Area and Dorset Area of Outstanding Natural Beauty (AONB) which washes over the whole village. The site is located behind Trafalgar House and Shepherds Cottage which are both Grade II listed. The Council’s Strategic Housing Land Availability Assessment (SHLAA) assessment (LA/PORS/001) raises landscape and heritage concerns however these are addressed in more detail by the Plan’s supporting evidence.

A site Options and Assessment (April 2021) prepared by AECOM has re-assessed the site under the reference PO03 Land to the east of North Mead Farm and although similar constraints are identified to that of the Dorset Council SHLAA, the report concludes “This site is potentially suitable for a small amount of development to integrate with recent development on adjoining site to south (WD/D/19/001849)”. The site assessment table suggests that a small amount of development may be suitable on the western part of the site leading from the recent housing development on the bordering site to the south. However, any development would need to be sensitively designed to reduce any impact on the conservation area. An indicative capacity of 3-6 dwellings is estimated.

Draft policy CBNP5 seeks to address the constraints identified through appropriate policy criteria. Policy CBNP5 is also considered to be in general conformity with Policy SUS2 of the Adopted West Dorset, Weymouth & Portland Local Plan. Criterion i) states “Development in rural areas will be directed to the settlements with defined development boundaries and will take place at an appropriate scale to the size of the settlement.”

The supporting text notes that an earlier application on an adjacent site owned by the same landowner has been recently approved but had not provided any affordable housing as it fell below the Government threshold in an Area of Outstanding Natural Beauty. The supporting text states “it would be appropriate to require 50% of the new homes to be affordable.”

It is not clear why a higher percentage requirement has not been set? Nevertheless, the supporting text to Local Plan Policy HOUS2 states that “Allowing market housing cross-subsidy on exception sites was considered when this plan was prepared. This can be brought forward where the community wants it, through neighbourhood planning, as it would not be contrary to the strategic policies in this plan.” In this context, Policy CBNP5 is considered to be in general conformity with Policy HOUS2.

The Council’s Conservation Officer has previously advised. The AECOM site assessment (Apr 2021, p. 25) and the explanatory text in the NP (p. 21) make it clear that development on this site is only going to be suitable towards the W end, where it is closer to the existing built-form, but also at the lower part of the site, which slopes up to the E. However, the policy text does not make any reference to this restriction. In general, and to guard against any unsuitable larger development proposal which could seek to fill the whole allocated site, I would suggest that: i) the site is reduced from its current extent to an area at the W end of the site which is considered suitable; or ii) the text is amended to state specifically that the allocation is for a small number of dwellings positioned at the W end of the site.

The Council’s Engineer (Development Liaison) at Dorset Council has previously advised. Site 1: Likely to be ok given the highway in the vicinity and the access position also it is an extension to an existing recent cul-de-sac development.

#### [Policy CBNP6. Land adjoining Stone Cottage \(FL-05\)](#)

Land adjoining Stone Cottage is located on Fleet Road. Although Fleet does not have a settlement with a defined development boundary the site is located near a to a cluster of

homes. The site is constrained by the Dorset AONB, Heritage Coast, and proximity to the listed Holy Trinity Church. Fleet Road is also subject to surface water flooding in this location.

An assessment by AECOM adds “In terms of topography, the site is steep, though the western side of the site is less steeply sloping due to the presence of a stream. However, there is a risk of flooding from this stream.” Development on the northern part of the site would be inappropriate given proximity to the Grade I listed Church of the Holy Trinity and group TPO on the area of woodland on this part of the site. The assessment concludes that “The site is potentially suitable for one dwelling on the southern half of the site subject to flood risk assessment.”

The policy states that “Any new buildings must avoid areas within the site that are shown to be at risk of surface water flooding, and information submitted with the application to clarify the measures that will be incorporated to enable safe access / egress to the road network at times of heavy rainfall and surface water run-off.”

Dorset Council has some general concerns that the site doesn’t benefit from any natural boundaries or hedgerows as it sits within a larger agricultural field. Consequently, great care will need to be taken to ensure that the site integrates into its surroundings by providing substantial planting along the site’s boundary.

The Council’s Conservation Officer has previously advised. It does not seem to have been flagged in the site assessment, but this site (and the whole field) is situated on an area of recorded medieval strip lynchets (Dorset HER ref: MDO1116). The policy has now been updated and states that “the development proposals should be accompanied by the results of an archaeological evaluation carried out according to a Written Scheme of Investigation agreed with the Council’s Senior Archaeologist.”

The Council’s Engineer (Development Liaison) at Dorset Council has previously advised. Site 2: Appropriate Vehicular Visibility designed to the speed of the road will be required, trimming of hedges to the north and south of the access will likely be required. Also there appears to be a large tree within the highway verge immediately to the south of the proposed access, it is highly likely this will need to be removed to accommodate the required vehicular visibility.

The Consultation Statement addresses this point by stating that the tree came down in a storm.

#### [Policy CBNP7. Land at Higher Farmhouse \(LH-01\)](#)

Land at Higher Farmhouse is located on the south-eastern edge of Langton Herring. The village does not have a defined development boundary as it has a population of less than 200 people. The site is constrained by the Dorset AONB and Heritage Coast. The village has a conservation area and several listed buildings although they are located away from the site. Langton Herring is the largest settlement in the parish and has a church, community hall and pub.

The supporting AECOM report suggests “The site is well related to the existing settlement, well enclosed and a limited number of dwellings designed sympathetically could limit the impact on the setting of the conservation area.” The assessment warns that “access would be via a narrow,

single lane track to the existing dwelling which, could not easily be widened due to existing properties. Shop Lane is also narrow and could not accommodate traffic from a significant number of additional dwellings”. The report concludes that “this site is potentially suitable; however, access is a considerable constraint and advice would be needed from a highways officer to understand whether this site could be made suitable.”

The Council’s Engineer (Development Liaison) at Dorset Council has previously advised. Site 3: Given the quantum and nature of highway in the vicinity of the site, it’s unlikely the Highway Authority would object.

The Council’s Conservation Officer previously advised. Again I cannot see this mentioned in the evidence base, but the site is on an area of recorded earthworks relating to part of the shrunken settlement of Langton, most likely it is on or around the site of the medieval manor house (Dorset HER ref: MDO1327). The policy has been updated and states “Any development proposals will need to be accompanied by the results of an archaeological evaluation carried out according to a Written Scheme of Investigation agreed with the Council’s Senior Archaeologist.”

The policy text proposes only a single dwelling in this location and is considered appropriate. The proposed site allocation is considered to be in general conformity with Policy SUS2 of the adopted West Dorset, Weymouth & Portland Local Plan.

#### Policy CBNP8. Land adjoining 4 Court Close (LH-02)

Land adjoining 4 Court Close is located due north of Land at Higher Farmhouse and further within the settlement of Langton Herring. The site is again constrained by the Dorset AONB and Heritage Coast. The site is considered more sensitive in regards to its proximity to the village Conservation area and its location diagonally opposite the Grade II listed Higher Farm Cottage. The site is also located in an identified area for surface water flooding.

The supporting AECOM site assessment report notes that “The plot is small and high-quality design would be necessary to ensure that a further dwelling was in keeping with the existing development and was not interruptive, particularly given visibility from the open space behind the site. Infill to the side of the existing dwelling, rather than behind may be less visually intrusive and reduce the landscape and visual impact.” Impacts on neighbourhood properties including privacy/ overlooking and loss of daylight would also need to be considered.

Draft Policy CBNP8 allocates the site for one dwelling and supporting text and policy criterion set out appropriate design and heritage expectations. The requirement for a drainage scheme is also appropriate. The proposed site allocation is considered to be in general conformity with Policy SUS2 of the adopted West Dorset, Weymouth & Portland Local Plan. However, Dorset Council agrees with the AECOM sites assessment that the plot is small and would require high quality design to deliver.

The Council’s Conservation Officer has previously suggested a minor change to the wording in criterion 3 of the policy. The inclusion of this text is welcomed.

The Council’s Engineer (Development Liaison) at Dorset Council has previously advised. Site 4: Given the quantum and nature of highway in the vicinity of the site, it’s unlikely the Highway Authority would object.

#### Policy CBNP9. Ensuring Nutrient Neutrality

Paragraph 5.3.1 of the Neighbourhood Plan identifies the new requirement for Nutrient Neutrality in the catchment of the Chesil and the Fleet SAC and SPA. The supporting Habitats Regulation Assessment (February 2022) prepared by AECOM has been updated (April 2022) to reference Nutrient Neutrality. The report was further updated (January 2023) to reference recreation at Chesil and the Fleet.

Paragraph 5.22 of the AECOM assessment helpfully summarises the issue, “On 16th March 2022 a letter was sent to Chief Planners by Natural England which identified European sites where a new requirement for nutrient neutrality had been identified. Natural England’s advice to planners is that the affected European sites are suffering from excessive nutrient enrichment (known as hypereutrophication) and this is resulting in negative effects on the interest features of the sites, such as through smothering macroalgal growth, a process called eutrophication. In Table 2 of the letter Chesil & The Fleet SAC and SPA are identified to be suffering from excessive nitrogen and phosphorus levels.”

Paragraph 5.23 continues “In Natural England’s view any further ‘in combination’ release of nutrients from development, through discharge of treated sewage effluent, will contribute to the continuing failure of the SPA/SAC to achieve its conservation objectives. This is an important consideration since a plan cannot legally be adopted, or a project consented, if it will have an adverse effect on the integrity of a European site ‘in combination’ with other plans and projects. While the amount of growth in the Neighbourhood Plan is very small (so small that it may not translate at all into an actual net change in the local population) it is nonetheless captured by the new requirement to undertake calculations to determine if the growth it is allocating is likely to be nutrient neutral.”

The HRA is clear that, it is also necessary for the Neighbourhood Plan to contain a sufficient policy framework to ensure planning applications for the allocated sites can demonstrate they can achieve nutrient neutrality through mitigation if necessary.

Paragraph 5.25 concludes with a policy wording recommendation to cover the newly identified issue of nutrient neutrality for Chesil & The Fleet SAC/SPA: This wording has been incorporated in full within Policy CBNP9 and states ‘Applications for net new residential development within the Neighbourhood Area will only be supported if they are able to demonstrate nutrient neutrality and, where necessary, deliver appropriate mitigation to ensure this requirement is met’. With that requirement in place, it is considered that the Neighbourhood Plan will contain a sufficient policy framework to protect the SAC/SPA from nutrient pollution.

As highlighted in the report, Dorset Council is working actively with Natural England to develop specific guidance and a calculator tool to enable the necessary calculations to be undertaken.



The Council have set up a specific webpage for when further information does become available.

#### [Nutrient Neutrality - Dorset Council](#)

#### [Policy CBNP10. Sustainable Business Growth](#)

Policy CBNP10 sets out a policy framework for sustainable business growth across the plan area.

Criterion 1 generally seeks to support small-scale employment development (Use Class E) of a size appropriate to the rural nature of the area within or adjoining the settlements of Abbotsbury, Portesham, Langton Herring and Fleet or through the re-use or replacement of an existing building.

Policy ECON1 of the Adopted West Dorset, Weymouth & Portland Local Plan 2015 is considered strategic and generally supports employment development within or on the edge of a settlement or through the re-use or replacement of an existing building.

The supporting text to Policy ECON1 explains that sensitive small-scale development in and around suitable settlements, can help bring about economic activity and local job opportunities. “While the plan generally seeks to concentrate development in the areas which are most accessible, it is recognised that small-scale employment development in rural areas, through well-designed new buildings on the edge of existing settlements, the re-use and adaptation of existing buildings, or the re-use and adaptation of existing buildings, or farm diversification schemes, is of value even though such development is unlikely to be served by public transport.”

The settlements of Abbotsbury, Portesham and Langton Herring are relatively well defined however some concern is raised with listing Fleet as a location because of its dispersed settlement pattern. Dorset Council is still supportive of rural employment where appropriate and would instead suggest that employment development in Fleet is considered under a separate rural employment criterion.

Criterion 2 supports New built tourist and care-related accommodation within Portesham, or through the re-use and adaptation of an existing building.

Policy ECON6 supports new built tourism accommodation in established settlements of more than 200 population. Locally, these are the settlements of Portesham and Abbotsbury. Policy ECON6 is not considered strategic and therefore a locally derived policy can be supported. It would however be helpful if the supporting text could clarify the reduced role of Abbotsbury.

Criterion 3 sets out clear design expectation for all new employment development and is appropriate.

#### [Policy CBNP11. Homeworking](#)

Policy CBNP11 states that the provision of outbuildings to support expanded home working may be acceptable, subject to three criteria.

Under the General Permitted Development Order 2015 (as amended), outbuildings are permitted under Part 1, Class E where the ground area of all enclosures within the curtilage

would not exceed 50% of the total area of the curtilage, the building or enclosure is not situated on land forward of the principal elevation, the building would not be greater than a single storey and with various limits on height. Other restrictions apply where development is within the curtilage of a listed building, development has previously been granted by change of use under the order, the construction of a veranda or raised platform, or where a dwelling, antenna or container. Development is not permitted by Class E in an Area of Outstanding Natural Beauty if the total area of the ground covered by buildings situated more than 20 metres from the dwellinghouse would exceed 10 square metres.

Similar ancillary development is covered by Part 1, Class A the permitted enlargement, improvement or other alteration of a dwellinghouse. Again, where the ground area of all enclosures within the curtilage would not exceed 50% of the total area of the curtilage and subject to larger height restrictions than outbuildings but again limited with conditions.

Beyond Part 1, Class E (or Class A), within defined development boundaries employment and other development to meet the needs of the local area will normally be permitted under Local Plan Policy SUS2, Criterion ii). Outside the defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints, and be restricted to listed exceptions including alterations and extensions to existing buildings in line with their current lawful use. There is no specific Planning Policy on outbuildings / ancillary buildings in the Adopted West Dorset, Weymouth & Portland Local Plan.

Local Plan Policy ENV16 Amenity, is relevant, and seeks to minimize development impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it.

Policy ENV1, criterion i) applies to development within the Dorset AONB and Heritage Coast and states “The plan area’s exceptional landscapes and seascapes and geological interest will be protected, taking into account the objectives of the Dorset AONB Management Plan and World Heritage Site Management Plan. 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.”

Since the 2019 Covid-19 pandemic, various studies have found a significant proportion of the working population wish to continue with home working and / or hybrid working but that many homes do not have a dedicated workspace or that the space available was cramped and unsuitable for effective working. Dorset Council therefore agrees that this is an issue that could be considered by Neighbourhood Planning groups.

Nevertheless, the above review of nationally permitted development rights, demonstrates that up to half the curtilage of the garden can be covered by buildings up to 4 meters in height where dual pitched roof and beyond 2 metres of the boundary. In these circumstances, it is difficult to imagine many scenarios where a modest sized office outbuilding would not be permitted.

If a specific policy is still considered appropriate, it is recommended that further criteria are added to the policy to reflect the plan area’s location in the Dorset AONB and Heritage Coast and exceptional landscape quality.

Further alignment with Permitted Development rights could also be helpful, such as noting the Class E restriction on outbuildings beyond 20 meters of the dwellinghouse, that seeks to protect the AONBs landscape quality from excessively sized out buildings in larger curtilages.

#### [Policy CBNP12. Community and recreational facilities](#)

The first part of Policy CBNP12 seeks to support, in principle, development proposals to expand existing community, recreational and leisure facilities.

The provision of new facilities will be supported within or adjoining the settlements of Abbotsbury, Portesham, Langton Herring and Fleet subject to several criteria.

Local Plan Policies COM2 and COM4 collectively support new or improved local community buildings, open spaces or recreation facilities where well located to be accessible from the catchment population and would not generate significant single purpose trips. Proposals would not be expected to undermine the commercial viability of other better placed services. The Strategic Approach set out in the Local Plan states that community facilities should be provided within local communities, recognising the benefit of reducing car travel.

The draft policy achieves these aims and can be supported although there is some uncertainty on the central location of Fleet which has a dispersed settlement pattern.

The second part of Policy CBNP12 would not support the loss or reduction of any key facility unless three criteria are met. A helpful list of key facilities is located within paragraph 7.1.1.

The final paragraph requires applicants to engage in early discussions with the Parish Council where a change, closure or expansion is anticipated. While this objective is supported, it is recommended that this requirement forms part of the supporting text to the policy rather than policy itself as it reads as an ‘action’ rather than a policy criterion.

#### [Policy CBNP13. Recreational access to the countryside](#)

Policy CBNP13 is considered to fulfil the strategic approach and to be in general conformity with Policy COM7 criterion v). The policy also has due regards to national policy.

#### [Policy CBNP14. Local Green Spaces](#)

Policy CBNP14 does not support inappropriate development on Local Green Spaces other than in very special circumstances. Local Green Spaces are helpfully listed in Table 3 which are depicted on the policies map at the end of the Plan.

NPPF (2021), paragraphs 101 to 103 explain that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

The policy text reflects National Policy and is supported.

### Proposed Local Green Spaces

Table 3 and the supporting proposals map identify 18 Local Green Spaces largely clustered around the settlements of Abbotsbury, Portesham, Langton Herring and Fleet.

NPPF (2021), paragraph 102 explains that Local Green Spaces should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

All proposed sites are within close proximity to the communities they serve. The Portesham Playing Field and allotments, West Elworth are perhaps the most isolated Local Green Spaces however they are located only a short drive from both Portesham and Abbotsbury and are clearly of local value.

The Old Railway Track between Abbotsbury and Portesham is the largest tract of land and is largely linear in nature. Planning practice guidance advises that there is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.

The supporting justification for the line’s designation argues that although the space is a publicly accessible bridleway it also used for recreation and holds a wildlife and heritage value, as well as views of the ridgeway and local landscape. We agree that the route provides multiple aspects of local value and is appropriate for designation.

### Policy CBNP15. Local Landscape Features

Policy CBNP15 seeks to ensure that development integrates successfully with the area. Development should reinforce local landscape character and its typical features, and these are listed within the policy (features a – i). These features reflect the key characteristics and special qualities of the South Dorset Escarpment. [South Dorset Escarpment | Dorset Area of Outstanding Natural Beauty \(dorsetaonb.org.uk\)](https://www.dorsetaonb.org.uk).

The West Dorset, Weymouth & Portland Local Plan 2015, Policy ENV1 states that “Development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character. Proposals that conserve, enhance and restore locally distinctive landscape features will be encouraged.”

The drafted policy is considered to be in general conformity with Policy ENV1.

### Policy CBNP16. Local Views

Policy CBNP16. Local Views requires “the design and layout of development should minimise adverse impacts on views from public rights of way over open countryside and coast,

particularly towards local landmarks, and preserve and enhance such views where possible.” Public consultation has identified nine important views, listed in paragraph 8.4.1, described in Table 5 and identified on the policies map using a blue triangle.

Dorset Council have previously expressed concerns with other Neighbourhood Plans that introduce a ‘local views’ policy where views are significant and expansive rather than local and discrete. Such policies were considered a landscape character issue rather than a view for protection. The examination of the Stinsford Neighbourhood Plan however concluded that although several views are “far reaching and panoramic” they accepted that in this location, they are characteristic of the dramatic landscape and exceptionally in this location are worthy of protection. The requirement for views from all rights of way and permissive paths to be safeguarded was however considered too general.

In this context, although many of the views are expansive, they are all considered characteristic of the dramatic landscape of the World Heritage Coastline. Several of the views identify specific landmarks including St Catherine’s Chapel Abbotsbury, Hardy’s Monument and Tithe Barn – Abbotsbury which make them easier to interpret.

Any views for inclusion within a policy should be clearly defined on the proposals map with the Council preferring a ‘splay’ symbol.

#### [Policy CBNP17. Dark Skies and Lighting Schemes](#)

Policy CBNP17 seeks to minimise light pollution. New external lighting should be avoided unless for security and safety reasons. Where lighting schemes are necessary, they should be designed to project downwards and be turned off / dimmed when not needed. Low level footpath lighting and the design of new buildings are discussed further.

The Dorset AONB Management Plan 2019-2024 make reference to the importance of retaining dark night skies as a special quality.

The West Dorset, Weymouth & Portland Land Plan 2015, Policy ENV16 Amenity, criterion iii) advises that “Proposals for external lighting schemes (including illuminated advertisement schemes) should be clearly justified and designed to minimize potential pollution from glare or spillage of light. The intensity of lighting should be the minimum necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.” The supporting text adds “Lighting schemes can affect the amenities of occupiers and have wider impacts on a landscape scale through increasing light pollution loss of ‘dark skies’ (particularly in more rural areas), and tranquillity.”

Policy CBNP17 is considered to be in general conformity with Policy ENV16.

#### [Policy CBNP18. Local Wildlife and Habitats](#)

Policy CBNP18. has been prepared in general accordance with Local Plan policy ENV2 and has due regards to National Policy.

### Policy CBNP19. Local Heritage Features

Policy CBNP19 requires development to make a positive contribution to the conservation of heritage assets. Regards should be given to the setting of the area’s listed buildings, scheduled monuments and Conservation Areas including non-designated local buildings listed in Table 4. Other features that should be considered and where possible preserved as non-designated heritage assets are listed in the policy (a-p). Locally important buildings are identified on the proposals map with a pink spot while non-designated heritage assets are described in the supporting text to the policy.

The scale of the proposals map makes it difficult to determine if all non-designated heritage assets have been mapped? It is recommended that a set of more detailed maps are prepared, and Dorset Council is happy to assist.

NPPF, Paragraph 203 advises that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Policy ENV4 Heritages Assets, Criterion i) of the Adopted Local Plan for West Dorset, Weymouth & Portland 2015 requires “The impact of development on a designated or non-designated heritage asset and its setting must be thoroughly assessed against the significance of the asset. Development should conserve and where appropriate enhance the significance.” Criterion iv) adds, “Any harm to the significance of a designated or non-designated heritage asset must be justified. Applications will be weighed against the public benefits of the proposal; if it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset, and; if the works proposed are the optimum required to secure the sustainable use of the asset.”

Policy CBNP19. has been prepared in general accordance with Local Plan Policy ENV4 and has due regard to National Policy.

### Policy CBNP20. Local Flood Risk in Portesham

Policy CBNP20. requires “A site specific and proportionate Flood Risk Assessment (FRA) is to be submitted in support of all development proposals within the catchment area (as shown on the Policies Map) that would result in increased surface water run-off in Portesham village or impact on infrastructure related to flood prevention measures, as referenced in the 2019 Flood Investigation Report.” It is also expected that “Development should not impact on the effective operation of the local flood prevention measures, or increase the risk of flooding within the village.” A summary of these actions is set out in the supporting text. The Portesham Flood Investigation Report into the 19 January 2019 event (October 2019) can be viewed on the Council website. [fdrtdrtrdrtrt \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk)

NPPF, Paragraph 167 advises that “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate,

applications should be supported by a site-specific flood-risk assessment.” Footnote 55 to paragraph 167 continues “A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.”

Local Plan policy ENV5 Flood Risk, Criterion iv) states that “Development will not be permitted where it would adversely impact on the future maintenance, upgrading or replacement of a flood defence scheme.”

Dorset Council’s Planning Application Requirements (1 October 2022) explains, a site-specific flood risk assessment (FRA) will be required for the following development proposals:

- development on a site in Flood Zone 2 or 3 including householder, minor development and change of use (exceptions apply to Weymouth Town Centre, please contact us for details);
- development on a site with an area of 1 hectare or more in a Flood Zone 1;
- development on sites less than 1 ha in flood zone 1 (in listed scenarios)
- development in areas identified in a strategic flood risk assessment as being at increased flood risk in future;
- in an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency;
- development that includes culverting or control of flow of any river or stream;
- development (including boundary walls etc.) within 8 metres of the top of a bank of a Main River or Flood Defence Scheme.

[eaa078a2-a51e-7d10-013f-31541f9a99aa \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk/consultations-and-communications/eaa078a2-a51e-7d10-013f-31541f9a99aa)

Environment Agency advice

[Preparing a flood risk assessment: standing advice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/preparing-a-flood-risk-assessment-standing-advice)

Given that much of the village of Portesham is at risk of surface water flooding, and the recent triggering of a Flood Investigation Report (October 2019) into the 19 January 2019 event, it is agreed that there is sufficient local evidence to justify a more localised approach for the requirement of a SFRA in the area defined on the proposals map.

#### [\*\*Policy CBNP21. Portesham’s Development Boundary\*\*](#)

Policy CBNP21 seeks to amend the Defined Development Boundary (DDB) for Portesham. There are three main changes which are listed in the supporting text and can be viewed on the proposals map when cross checking with the adopted local plan position.

Policy SUS2 is considered a strategic policy because it sets out the settlement hierarchy for the district and identified settlements with defined development boundaries (DDBs) in rural areas where development will be directed. However, the supporting text at paragraph 3.5.4 of the

adopted Local Plan clarifies that “Neighbourhood development plans have the potential to deliver a step-change in the level of growth in the plan area. They can make significant changes to the policies in this plan, so long as they do not undermine its strategic objectives and approach. Examples of changes could include: Extending existing defined development boundaries, or adding them to settlements that do not currently have a boundary;”

Dorset Council is supportive of communities who wish to update and amend their defined development boundary and in this regard the changes to the DDB through Policy CBNP21. are supported as they do not undermine the overall objective of the DDB in this location.

It is noted that there is no intention to amend the DDB around the CBNP5 allocation or to add a DDB around the other villages in the Plan. With regards to the CBNP5 allocation, Dorset Council agrees that the allocation should not be included within the DDB if it is to be developed entirely or mainly for affordable housing. However, the Council considers that neighbourhood plan allocations that are mainly for market housing should normally be included within a DDB/settlement boundary (SB) when they are adjacent to an existing DDB/SB.

In this context, no concerns are raised with the proposed amendments.

#### [Policy CBNP22. Chesil Bank Design Guidance](#)

Policy CBNP22 requires development to deliver sustainable high-quality design. Applicants are expected to demonstrate how their proposed development has followed the Chesil Bank Neighbourhood Plan Design Codes, July 2021 and has had regard to the National Design Guide.

NPPF, paragraph 129 states that “Design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.” All guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code.

The adopted Local Plan does not have a specific policy of Design Codes however collectively policies ENV11, 12 & 13 provide a local framework for good design.

The Chesil Bank Neighbourhood Plan Design Codes, July 2021 have been prepared in line with the latest Government guidance on Design Codes and will be a good reference source for local design guidance.

Policies CBNP23-31 act as a set of design policies.

#### [Policy CBNP23. Settlement pattern](#)

Policy CBNP23 provides guidance on the settlement pattern and reflects the recommendations within the Design Codes in section SP01 Patterns of growth. No concerns are raised.



#### Policy CBNP24. Streets and spaces

Policy CBNP24 provides guidance on streets and spaces and reflects the recommendations within the Design Codes on RC02 Trees and Landscaping, SP03 Layout of buildings and LC03 Boundary and Threshold. No concerns are raised.

#### Policy CBNP25. Views and landmarks

Policy CBNP25 provides guidance on views and landmarks and reflects the recommendations within the Design Codes on RC01 Views and landmarks, RC02 Trees and Landscaping and SP02 Site Situations (Gateway). No concerns are raised.

#### Policy CBNP26. Building Styles

Policy CBNP26 provides guidance on Building Styles and reflects the recommendations within the Design Codes on LC02 Corner Treatment, SP01 Patterns of growth, LC01 Proportion and Scale, SP02 Site Situations (Infill). No concerns are raised.

#### Policy CBNP27. Materials

Policy CBNP27 provides guidance on materials and reflects the recommendations within the Design Codes on LC05 Materials and Building Details. No concerns are raised.

#### Policy CBNP28. Doors and Windows

Policy CBNP28 provides guidance on Doors and Windows and reflects the recommendations within the Design Codes on LC05 Materials and Building Details. No concerns are raised.

#### Policy CBNP29. Roofs and chimneys

Policy CBNP29 provides guidance on Roofs and chimneys and reflects the recommendations within the Design Codes on LC05 Materials and Building Details. No concerns are raised.

#### Policy CBNP30. Parking

Policy CBNP30 provides guidance on Parking and reflects the recommendations within the Design Codes on 4.2.4 Treat vehicle parking as a placemaking exercise, VP01-04. No concerns are raised.

#### Policy CBNP31. Sustainability Features

Policy CBNP31 provides guidance on Sustainability Features and reflects the recommendations within the Design Codes on DS01 Solar roof panels, DS02 Heat Pumps, DS03 Sustainable Building, DS04 Water Management. No concerns are raised.

#### Implementation and monitoring of the plan

It is noted that the Plan is expected to last for 10 years, to cover the period 2022-2032 and that the need for a review will be considered following the adoption of the Dorset Council Local Plan, in order to address any potential conflicts between the two plans. It may also need to be reviewed sooner in light of any national policy / legislative changes.

### Habitats Regulation Assessment (HRA)

The Habitats Regulation Assessment (HRA) dated January 2023 concludes that the Chesil Bank Neighbourhood Plan (CBNP) has a total of 31 policies. Of these policies, five (CBNP5, 6, 7, 8 & 10) had the potential to cause a likely significant effect and were discussed with regards to their impacts upon European sites.

The test of likely significant effects focused on the above policies with regards to the vulnerabilities of the European sites within Table 1 of the HRA. The impact pathways relating to the European site’s vulnerabilities are listed below: Recreational Pressure, Functionally Linked Land; Air Quality; and Water Pollution.

The overarching West Dorset, Weymouth and Portland Local Plan (2015) was discussed and provides protective policies (e.g. ENV2) for European sites, and the HRA of this Neighbourhood Plan was able to conclude that the Plan would not cause likely significant effects upon any European site either alone or in combination with other plans and projects.

As the CBNP is not allocating net new dwellings above the level of the Adopted Local Plan and is required to comply with policies within the Local Plan it could be concluded that the CBNP would not adversely impact European sites either alone or in-combination with other plans and projects. However, policy wording recommendation has been made to cover recreational pressure for Chesil & The Fleet SAC/SPA

The HRA recommends that Policy CBNP18 should make specific reference to the need for net new residential dwellings within the Neighbourhood Area to make a financial contribution to delivery of the Chesil & The Fleet Interim Recreation Mitigation Strategy, in line with Dorset Council guidance.

Dorset Council supports the inclusion of the recommended text to Policy CBNP18 in order to ensure the making of the neighbourhood plan is compatible with and does not breach European Union obligations (under retained EU law).