

Questions to Chesil Bank Parish Council (CBPC) and Dorset Council (DC)

Dorset Council responded on the 19 April 2023.

Question to CBPC and DC

1. Please could the following dates be confirmed:

DC response:

(a) the date of the designation by Dorset Council of the Chesil Bank Neighbourhood Area; [10 January 2019](#)

(b) the dates of Regulation 14 Consultation being 20 April 2022 until 20 June 2022; [agree](#)

(c) the date of the submission of the Plan to Dorset Council; [6 December 2022 \(an updated HRA was supplied on 11 January 2023\)](#)

(d) the dates of the Regulation 16 Consultation. [Friday 20 January 2023 until Friday 3 March 2023.](#)

Question to CBPC

2. The Basic Conditions Statement (BSC) notes on page 20 that Natural England (NE) were consulted about the Habitats Regulations Assessment (HRA). Could the outcome of the consultation, such as a copy of the comments, be provided?

Question to DC

3. I note that in view of the lack of comments from NE on the Regulation 16 consultation, DC is consulting NE again directly on the final version of the report. Could a copy of the response be provided?

DC response: [Any correspondence will be forwarded on receipt.](#)

Question to CBPC

4. Could I be provided with a copy of any comments made by the Environment Agency and Historic England about the Strategic Environmental Assessment?

Question to DC

5. The Appropriate Assessment in the HRA report recommended that recreational pressure on the European sites within the Plan area would be mitigated by the need for net new residential dwellings to make a financial contribution to the delivery of the Chesil & The Fleet Interim Recreation Mitigation Strategy. In the final section of the DC Regulation 16 response, DC supports the amendment of Policy CBNP18 to include a reference to the requirement to make a financial contribution. Please could DC suggest an appropriate amendment to the policy? Any comments from CBPC would be welcome.

DC response:

[We suggest the following wording is added to Policy CBNP18:](#)

[Net new residential dwellings within the Neighbourhood Area will make a financial contribution to delivery of the Chesil & The Fleet Interim Recreation Mitigation Strategy, in line with Dorset Council guidance.](#)

[It would be helpful if the supporting text could be updated as a consequential change.](#)

Question to CBPC

6. Does CBPC have any comments on the suggestion to amend objective d) of the Plan to: "To identify and encourage the provision of tourism, leisure and recreational activities according

to the various needs of the community and its visitors". See the Regulation 16 representation from Avison Young (UK) Limited.

Questions to DC

7. Does DC consider that the final sentence of Policy CBNP3 generally conforms with the strategic policies of the Local Plan, more specifically Policy SUS (iii)?

DC response:

The final sentence of Policy CBNP3 states *"New built holiday accommodation will not be supported in these settlements."* with reference to the settlements of Abbotsbury, Fleet and Langton Herring. Consequently, new build holiday accommodation would only be supported at Portesham.

NPPF (2021), Annex 2: Glossary lists 'tourism development' as a main town centre use. NPPF, paragraph 87 continues "Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan." However, NPPF paragraph 84 states that planning policies and decision should enable "sustainable rural tourism and leisure developments which respect the character of the countryside".

The adopted West Dorset, Weymouth & Portland Local Plan, Policy SUS2 (ii) states *"Within the defined development boundaries residential, employment and other development to meet the needs of the local area will normally be permitted."*

Policy SUS2 (iii) clarifies that *"Outside 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: new employment, tourism, educational/training, recreational or leisure related development.;"* (amongst other listed uses). The policy is supportive of sustainable rural tourism in the countryside subject to the need to protect the countryside and environmental constraints.

The Local Plan should, however, be read as a whole and Policy ECON6 Built Tourism Accommodation clarifies that *"New built tourist accommodation will be supported:*

- *Within an established settlement of more than 200 population;*
- *Through the re-use of an existing building;*
- *Through the replacement, intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation and site."*

Portesham has a defined development boundary (i.e. an established settlement) and Abbotsbury is listed as a settlement with a population greater than 200 people in the Plan.

Policy SUS2 (iii) and ECON6 consequently have been drafted to resolve this tension between national policy seeking to direct main town centre uses towards town centres (through the sequential test) and the need to support rural tourism.

Dorset Council's preference would be for Abbotsbury to be removed from the list of settlements not supported or for the sentence to be struck out. Should the latter option be suggested, we are content that Policy SUS2 (iii) and Policy ECON6 in the adopted Local Plan will continue to apply.

8. The Neighbourhood Plan allocates a site for affordable housing on land adjoining Stone Cottage, Fleet. Policy CBNP6 states that it shall be for one affordable dwelling accessed from the existing access to Stone Cottage. Considering the location within the West Dorset Heritage Coast and the AONB and the proximity to the Chesil Bank and Fleet internationally protected habitats, does DC consider that the allocation generally conforms with the strategic policies of the Local Plan, notable ENV1 and ENV2?
9. In addition, the Plan (paragraph 5.2.10) notes that the landowner intends to retain ownership of the site and provide the dwelling as an affordable home for rent. Is DC content that the dwelling would meet the criteria for building an affordable home in those circumstances, including deliverability and retention in perpetuity and could development management be sufficiently robust to pre-empt attempts to circumvent the affordability criteria? Also, there is a Regulation 16 representation from Martin Foley (3 March 2023) who understandably would like to build a small affordable home within his property for his two sons but, according to the accompanying information, failed to engage with the preparation process early enough for his proposal to be taken into account in drafting the Plan. Does DC consider that agreeing to Policy CBNP6 would create a precedent for other similar single plot allocations, within the Neighbourhood Plan Area and elsewhere in Dorset?

DC response to Q8 & Q9:

European Sites

It is Dorset Council's view that the amendment to CBNP18 would result in the NP not adversely affecting a European site, as any planning application would need to achieve nutrient neutrality and pay a contribution to mitigate the recreational pressure issue.

Affordable Housing

Dorset Council has not previously expressed concerns with the wording of Policy CBNP6. Land adjoining Stone Cottage, however, on revisiting the Policy / supporting text we wish to raise a concern with the delivery mechanism proposed.

Policy HOUS2 states "*small scale sites for affordable housing adjoining settlements maybe provided that:*

- *the council is satisfied that the proposal is capable of meeting an identified, current, local need within the town, local parish or group of parishes, which cannot otherwise be met;*
- *the scheme is of a character, scale and design appropriate to the location;*
- *there are secure arrangements to ensure that the benefits of affordable housing will be enjoyed by subsequent as well as initial occupiers."*

The NPPF 2021, Annex 2 Glossary clarifies "*Affordable housing for rent: meets all of the following conditions:*

(a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable);

(b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and

(c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent

schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)."

The Chesil Bank Neighbourhood Plan, Paragraph 5.210 states *"The landowner has indicated that it is their intent to retain the site in their ownership and provide the dwelling as an affordable home for rent (with rents set at least 20% below local market rents and made available to people in affordable housing need with a local connection) – which would fall within the definition of affordable housing."*

Dorset Council's Housing Team response:

We do think it would be difficult to get one unit to meet the NPPF conditions for a house to rent. The NPPF states the landlord should be a Registered Provider. We think it would be very difficult, and not worth the effort, for a landowner of a small piece of land to be an RP. They could consider selling the site to an RP but we don't think that there would be much interest in a single unit plot and it does not sound like this is their intention anyway.

It would be easier to provide the unit as a discount to open market unit with the discount and eligibility criteria set out in the S106. This has been done a few times, though not normally for a single unit.

DC Policy Team:

The advice from the Council's Housing Team has highlighted several practicalities' that make it seem unlikely that such a small scheme can be delivered for rent under the NPPF definition however the Housing Team have experience in delivering small schemes instead as 'Discount market sales housing'. Should the allocation be taken forward, we would suggest the supporting text at 5.2.10 is amended to refer to discount market sales, sold at a discount at least 20% below local market value within an appropriately worded S106 agreement which would also detail the eligibility criteria for occupying the dwelling.

AONB and West Dorset Heritage Coast

Dorset AONB partnership response:

The site is within the AONB and West Dorset Heritage Coast. Specifically, the site is within the South Dorset Ridge & Vale Character area, as defined by the AONB's Landscape Character Assessment (LCA):

The LCA notes that the urban fringes of Weymouth, including Chickerell, have impacted upon the undeveloped character of this area to some degree. However, within the specific locality of the site there is a good degree of separation and detachment from these influences, due to the enclosed topography resulting in a secluded ambience, with the area also being home to the listed parish church and associated listed boundary features to the north of the site area.

The nature of landform and public access is such that impacts on the character of the area from the use of this site would be relatively localised. Nonetheless, they could be of such significance to weigh quite heavily against any future application for a dwelling.

Overall, the proposed site has some distinct disadvantages due to its greenfield nature and its position/relative isolation. Were the proposal for an open market home, I consider that the foreseeable impacts on the character and appearance of the AONB and Heritage Coast

would lead to its rejection. Consequently, a key question that will need to be addressed is whether the benefits of delivering an affordable home in this specific location would carry sufficient weight to counterbalance the harms. One issue that I feel should be considered is the proximity of this site to the Weymouth area, particularly the strategic housing allocations at Chickerell, which will provide a proportion of affordable homes. It may be, given the proximity more sustainable housing provision at Chickerell, that the provision of further nearby affordable homes within sensitive countryside locations is not considered consistent with the protective provisions of NPPF para 176 and/or wider policies of NPPF and the Local Plan.

DC response:

We agree with the Dorset AONB Partnership, that the scheme has some distinct advantages but that the need for affordable housing in this area must be balanced against the harm to the character and appearance of the AONB and Heritage Coast, even though only localised views would be affected. Whether the scheme fulfils the definition of 'Affordable Housing' is considered significant in the planning balance. The Dorset Council Housing Team consider it unlikely that the scheme can be secured for rent under the NPPF definition but have experience elsewhere in delivering small schemes for discount market sales through an appropriately worded S106 agreement. However, the greatest need is for affordable housing for rent.

10. Comments from CBPC would be welcome on the above questions about Policy CBNP6.

Question to CBPC

11. Policy CBNP8 allocates land for one dwelling on land adjoining 4 Court Close, Langton Herring. Given the concerns expressed by the Environment Agency in the Regulation 16 response, please could CBPC explain how the tests outlined in NPPF paras 159 – 165 have been satisfied?

Question to DC

12. Policy CBNP10 considers Sustainable Business Growth and includes a policy which applies to Abbotsbury, Portesham, Langton Herring and Fleet. DC suggests that Fleet should be considered under a separate rural employment criterion because of its dispersed settlement pattern. Please could DC suggest an amendment to the Plan which might be employed?

DC response:

Dorset Council's concerns relate to the inclusion of Fleet in the list of settlements because of Fleet's dispersed nature. We would be content with simply striking through reference to Fleet. The second part of the policy text applies to countryside locations, such as Fleet, and is supported.

"Small-scale employment development (Use Class E) of a size appropriate to the rural nature of the area will generally be supported within or adjoining the settlements of Abbotsbury, Portesham, Langton Herring ~~and Fleet~~ or through the re-use or replacement of an existing building.

Elsewhere, in the wider countryside, including in and around Fleet, opportunities for new and expanding businesses will be limited to: existing premises (including their possible replacement or small-scale extension); as part of a farm diversification scheme; or justified on the basis that a rural location is essential for that type of business."