

**INDEPENDENT EXAMINATION OF THE CHESIL BANK**

**NEIGHBOURHOOD DEVELOPMENT PLAN**

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Derek Troughton  
Chair: Chesil Bank Neighbourhood Plan Steering Group

Nick Cardnell  
Senior Planning Policy Officer  
Dorset Council

Examination Ref: 01/AM/CBNP

29 March 2023

Dear Mr Troughton and Mr Cardnell

**CHESIL BANK NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION**

Following the submission of the Chesil Bank Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Chesil Bank Parish Council (CBPC) and Dorset Council (DC), to which I would like to receive a written response(s) by **Wednesday 12 April 2023** if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the SEA Environmental Report, the Habitats Regulation Assessment Report and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in the Plan that might lead me to advise that the examination should not proceed.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 3 April 2023. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

### 3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

### 4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from CBPC and DC.

I have several questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Wednesday 12 April 2023**.

### 5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, I have raised a number of questions that will require further consideration and must provide you with sufficient opportunity to reply. Consequentially, the examination timetable may be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the CBPC and DC websites.

Thank you in advance for your assistance.

Your sincerely

*Andy Mead*

Examiner

## **ANNEX**

From my initial reading of the Chesil Bank Neighbourhood Plan, the supporting evidence and the representations that have been made to the Plan, I have the following questions for Chesil Bank Parish Council (CBPC) and Dorset Council (DC). I have requested the submission of responses by **Wednesday 12 April 2023**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

### **Question to CBPC and DC**

1. Please could the following dates be confirmed: (a) the date of the designation by Dorset Council of the Chesil Bank Neighbourhood Area; (b) the dates of Regulation 14 Consultation being 20 April 2022 until 20 June 2022; (c) the date of the submission of the Plan to Dorset Council; and (d) the dates of the Regulation 16 Consultation.

### **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?

### **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.

### **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)?
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?
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?