

## Frances Summers

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**From:** Dorsetforyou <dorsetforyoudonotreplymailbox@dorset.gov.uk>  
**Sent:** 22 November 2018 14:39  
**To:** Frances Summers  
**Cc:** digitalteam@dorset.gov.uk  
**Subject:** Bere Regis Neighbourhood Plan 2018 Representations form

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

## Bere Regis Neighbourhood Plan 2018 Representations form

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**Reference number:** FS-Case-96795363

**Name:** Stephen Young

**Email address:** StephenY@pro-vision.co.uk

**Organisation / Group:** Pro Vision Planning & Design

### subform 2:

First line of address	Second line of address	Town	Postcode
Grosvenor Court, Ampfield Hill	Ampfield	Winchester	SO51 9BD

**Does the plan meet the basic conditions?:** No

**Comment:** Our client, The Charborough Estate (the Estate), support the following proposed allocations on land that it owns to the north of Bere Regis within the Neighbourhood plan:

- a) BR7 (1): Back Lane (housing);
- b) BR7 (2): North Street (housing); and
- c) BR8: North Street (employment)

The Estate also accepts that an allocation similar to BR2 (SANG) is necessary to mitigate for recreational pressure on the Dorset Heaths SAC arising from District-wide, need-driven, residential development.

Land to the north of the village, between the settlement boundary and the A35 (including the above sites), is a suitable location for development generally. This area was isolated from the wider countryside by the

construction of the Bere Regis bypass in the 1980s and is not AONB or Green Belt nor at risk of flooding. There are no listed buildings within any of the proposed sites, though there are a number in the vicinity and a Conservation Area adjoins the land. Within this context, the 2017 Environment and Infrastructure Capacity Study undertaken by consultants LUC for Purbeck District concluded that Bere Regis (both to the north and north-east of the village) was within the least constrained parts of Purbeck District. Given that the Council's 2010 Settlement Strategy identifies Bere Regis as one of the 7x 2nd tier settlements (a Key Service Village), after higher tier settlements Swanage, Upton and Wareham, it is therefore sustainable for additional development to occur at Bere Regis, especially as a number of the other 2nd tier settlements (Corfe Castle, Bovington, Sandford), are more constrained.

However, the Estate has a number of concerns regarding the Plan. These are outlined below.

Comments regarding Proposed Allocations BR7(1): Back Lane and BR7(2): North Street

In relation to the proposed residential allocations it appears that the indicative levels of development are based solely on average densities (30 dwellings per hectares: 30dpa). Accordingly for Back Lane (1.8ha), the suggested level of development is around 55 units, while that at North Street (0.5ha) is around 12 units.

The Estate is not aware of more extensive evaluations to have given rise to these indicative figures. It may be that detailed figures could be forthcoming with such further investigations, including an assessment of the effect of other planning policies. For example, other adopted and emerging Local Plan Policies (eg adopted Policy GI and emerging Policy I4, both relating to open space) may be such that parts of the sites currently anticipated by the Neighbourhood Plan to provide housing may face pressure to be used for open space instead. This may be problematic to the current wording of the Neighbourhood Plan, relating to allocations generally, as open space requirements are likely to be separate from and in addition to that required for District-wide SANG purposes. As a result the necessary open space may not be deliverable within the proposed SANG area. This possible conflict could therefore jeopardise the aspiration for 105 dwellings within the Neighbourhood Plan and place pressure to release unsuitable or unsustainable sites.

It is therefore important to note that there is other land, within the control of the promoter of these sites (and adjacent to them) that could provide this open space requirement alongside the housing and SANG land, while at the same time ensuring (a) that Back Lane and North Street deliver their anticipated yields, while (b) maintaining Back Lane itself as a "green lane".

BR5: Noise Attenuation

The Estate objects to the current wording of BR5 and its supporting text regarding noise attenuation. While the aims of the Policy to screen both the Back Lane allocation and the wider village are laudable, the detail is not acceptable. The suggestion in the wording of the Policy that "attenuation might be achieved through the creation of noise attenuation bunds using surplus excavated material from the development of allocated sites" generates a number of issues and uncertainties.

The wording of BR5 and supporting text is too prescriptive. There a number of assumptions implicit in the frequent use of the word "will". The content of the Oct 2017 Noise Assessment by consultants Impact Acoustics that accompanies the plan is by no means clear that acoustic screening is essential (as opposed to desirable): the document only indicates (in Section 7.2) that "a 10m earth bund at the road facing boundary with a western return is recommended"; it does not use the word "essential". There may also be other solutions to any noise issues that are not allowed for by the current wording.

Furthermore, the Policy seeks to make the development of part of the Back Lane site (namely the noise attenuation element) conditional to all of the other sites proposed for allocation elsewhere. This is unreasonable. This approach places the Estate in a ransom position, as it appears to require all other sites (over which the Estate has no control) to be developed in advance of the Back Lane and North Street sites to provide the source of spoil for the acoustic bund. Such an approach goes against the deliverability of the sites within the Plan, because if any of the other sites do not come forward (for whatever reason), then the Back Lane site (and any acoustic enhancements) cannot proceed.

Detailed uncertainties arising from the current text are:

- where would spoil from other sites (which may proceed in advance of Back Lane) be stored prior to the final use as any bund?;
- who would be responsible for making an application for temporary storage (including, if necessary, commissioning relevant ecology studies of the land on which stockpiles would be located)?;
- who would be responsible for making an application for the construction of the bunds (including commissioning the relevant design parameters and noise assessments)?;
- Who would be responsible for any costs arising from the excavation, transportation, and stockpiling of material from other sites? How would these costs be paid?; and
- who would be responsible for the maintenance of both temporary and permanent bunds?

Further, the disposal of spoil material away from the site at which it is created is likely to require a separate application for permission from Dorset County Council and the Environment Agency as a waste operation. The Estate will not undertake preliminary elements (eg those necessary to deliver temporary stockpiles) on their land, on behalf of other beneficiaries, either in advance of or independent from elements that are directly related to the delivery of the Back Lane development.

Due to the ambiguity arising from the current wording of BR5, and as this issue is also reflected in the preceding explanatory text, the second sentence of the Policy should be amended as follows:

“... Noise attenuation might be achieved through the creation of noise attenuation bunds or by other means to be identified in conjunction with proposed development of the site. Bunds could use surplus excavated material from the development of allocated sites, provided suitable temporary storage locations can be found prior to final use”

The supporting text prior to BR5 should be amended as follows:

“There is a requirement for noise attenuation to be provided between the new residential development on the Back Lane site and the by-pass due to high noise levels from traffic (SE13). It is hoped that such noise attenuation measures could actually be designed to benefit much of the existing village. Because development of all the allocated sites may produce a surplus of excavated material, it is intended that this could be put to good use by providing noise attenuation bunds along the northern side of the village, provided suitable temporary storage locations can be found prior to final use. Use of excavated material on these bunds may also reduce movements of construction traffic through the village and surrounding road network. Any bunds that are created may be landscaped and so may form part of the SANG, although other options for noise attenuation may be available.

The Estate would welcome the opportunity to work with the Parish on this matter, going forwards, and wish to have the opportunity to appear at the Independent Examination if the BR7 and BR8 allocations are opposed by third parties (for whatever reason). We would also wish to attend in relation to the BR5 Noise Attenuation proposals.

**Please tick this box if you would like to be notified of the decision following examination and referendum of the Neighbourhood Plan: Yes**

**subform 1: No Summary Data**

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## Frances Summers

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**From:** Stephen Young <StephenY@pro-vision.co.uk>  
**Sent:** 22 November 2018 14:40  
**To:** email-LocalPlan  
**Subject:** Bere Regis Neighbourhood Plan - comments on behalf of the Charborough Estate

**Importance:** High

Dear Sir / Madam

I am instructed by our client, The Charborough Estate (the Estate), to make representations to this consultation. The representation has been submitted electronically, but due to the limitations of that system (regarding fonts etc) and suggested wording changes and additions (below), I am sending this to the Council direct as well.

The Estate supports the following proposed allocations on land that it owns to the north of Bere Regis within the Neighbourhood plan:

- a) BR7 (1): Back Lane (housing);
- b) BR7 (2): North Street (housing); and
- c) BR8: North Street (employment)

The Estate also accepts that an allocation similar to BR2 (SANG) is necessary to mitigate for recreational pressure on the Dorset Heaths SAC arising from District-wide, need-driven, residential development.

Land to the north of the village, between the settlement boundary and the A35 (including the above sites), is a suitable location for development generally. This area was isolated from the wider countryside by the construction of the Bere Regis bypass in the 1980s and is not AONB or Green Belt nor at risk of flooding. There are no listed buildings within any of the proposed sites, though there are a number in the vicinity and a Conservation Area adjoins the land. Within this context, the 2017 Environment and Infrastructure Capacity Study undertaken by consultants LUC for Purbeck District concluded that Bere Regis (both to the north and north-east of the village) was within the least constrained parts of Purbeck District. Given that the Council's 2010 Settlement Strategy identifies Bere Regis as one of the 7x 2<sup>nd</sup> tier settlements (a Key Service Village), after Swanage, Upton and Wareham, it is therefore sustainable for additional development to occur at Bere Regis, especially as a number of the other 2<sup>nd</sup> tier settlements (Corfe Castle, Bovington, Sandford), are more constrained.

However, the Estate has a number of concerns regarding the Plan. These are outlined below.

### Comments regarding Proposed Allocations BR7(1): Back Lane and BR7(2): North Street

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The Estate is not aware of more extensive evaluations to have given rise to these indicative figures. It may be that detailed figures could be forthcoming with such further investigations, including an assessment of the effect of other planning policies. For example, other adopted and emerging Local Plan Policies (eg adopted Policy GI and emerging Policy I4, both relating to open space) may be such that parts of the sites currently anticipated by the Neighbourhood Plan to provide housing may face pressure to be used for open space instead. This may be problematic to the current wording of the Neighbourhood Plan, relating to allocations generally, as open space requirements are likely to be separate from and in addition to that required for District-wide SANG purposes. As a result the necessary open space may not be deliverable within the proposed SANG area. This possible conflict could therefore jeopardise the aspiration for 105 dwellings within the Neighbourhood Plan and place pressure to release unsuitable or unsustainable sites.

It is therefore important to note that there is other land, within the control of the promoter of these sites (and adjacent to them) that could provide this open space requirement alongside the housing and SANG land, while at the same time ensuring (a) that Back Lane and North Street deliver their anticipated yields, while (b) maintaining Back Lane itself as a “green lane”.

#### BR5: Noise Attenuation

The Estate objects to the current wording of BR5 and its supporting text regarding noise attenuation. While the aims of the Policy to screen both the Back Lane allocation and the wider village are laudable, the detail is not acceptable. The suggestion in the wording of the Policy that “*attenuation might be achieved through the creation of noise attenuation bunds using surplus excavated material from the development of allocated sites*” generates a number of issues and uncertainties.

The wording of BR5 and supporting text is too prescriptive. There a number of assumptions implicit in the frequent use of the word “will”. The content of the Oct 2017 Noise Assessment by consultants Impact Acoustics that accompanies the plan is by no means clear that acoustic screening is essential (as opposed to desirable): the document only indicates (in Section 7.2) that “a 10m earth bund at the road facing boundary with a western return is **recommended**” (our emphasis); it does not use the word “essential”. There may also be other solutions to any noise issues that are not allowed for by the current wording.

Furthermore, the Policy seeks to make the development of part of the Back Lane site (namely the noise attenuation element) conditional to all of the other sites proposed for allocation elsewhere. This is unreasonable. This approach places the Estate in a ransom position, as it appears to require all other sites (over which the Estate has no control) to be developed in advance of the Back Lane and North Street sites to provide the source of spoil for the acoustic bund. Such an approach goes against the deliverability of the sites within the Plan, because if any of the other sites do not come forward (for whatever reason), then the Back Lane site (and any acoustic enhancements) cannot proceed.

Detailed uncertainties arising from the current text are:

- where would spoil from other sites (which may proceed in advance of Back Lane) be stored prior to the final use as any bund?;
- who would be responsible for making an application for temporary storage (including, if necessary, commissioning relevant ecology studies of the land on which stockpiles would be located)?;
- who would be responsible for making an application for the construction of the bunds (including commissioning the relevant design parameters and noise assessments)?;
- Who would be responsible for any costs arising from the excavation, transportation, and stockpiling of material from other sites? How would these costs be paid?; and
- who would be responsible for the maintenance of both temporary and permanent bunds?

Further, the disposal of spoil material away from the site at which it is created is likely to require a separate application for permission from Dorset County Council and the Environment Agency as a waste operation. The Estate will not undertake preliminary elements (eg those necessary to deliver temporary stockpiles) on their land, on behalf of other beneficiaries, either in advance of or independent from elements that are directly related to the delivery of the Back Lane development.

Due to the ambiguity arising from the current wording of BR5, and as this issue is also reflected in the preceding explanatory text, the second sentence of the Policy should be amended as follows:

“... Noise attenuation might be achieved through the creation of noise attenuation bunds ~~using~~ or by other means to be identified in conjunction with proposed development of the site. Bunds could use surplus excavated material from the development of allocated sites, provided suitable temporary storage locations can be found prior to final use.”

The supporting text prior to BR5 should be amended as follows:

“There is a requirement for noise attenuation to be provided between the new residential development on the Back Lane site and the by-pass due to high noise levels from traffic (SE13). It is hoped that such noise

attenuation measures could actually be designed to benefit much of the existing village. Because development of all the allocated sites ~~will~~ may produce a surplus of excavated material, it is intended that this ~~will~~ could be put to good use by providing noise attenuation bunds along the northern side of the village, provided suitable temporary storage locations can be found prior to final use. Use of excavated material on these bunds ~~will~~ may also reduce movements of construction traffic through the village and surrounding road network. ~~These~~ Any bunds that are created ~~will~~ may be landscaped and ~~can~~ so may form part of the SANG, although other options for noise attenuation may be available. ~~Bunds will be created in order of priority to the community, so as to avoid a series of small ineffectual bunds being created.~~

The Estate would welcome the opportunity to work with the Parish on this matter, going forwards, and wish to have the opportunity to appear at the Independent Examination if the BR7 and BR8 allocations are opposed by third parties (for whatever reason). We would also wish to attend in relation to the BR5 Noise Attenuation proposals.

Regards

**Steve**

**Stephen Young** BSc (Hons) | T 01794 368 698 | M 07900 818 464  
Senior Planning Consultant

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