



North Dorset Local Plan 2011 - 2026

Representations on behalf of C G Fry & Son Ltd

Introduction

These representations on the North Dorset Local Plan 2011 - 2026 Pre-Submission Document (the Plan) are submitted on behalf of our client, C G Fry & Son Ltd (C G Fry).

C G Fry controls land on the east side of the Gillingham Strategic Site Allocation (SSA) known as Park Farm, which is a key element of the SSA as a whole. This land is identified as *Land to the East of Ham* on Figure 9.1 – Four Main Areas Proposed for Development.

These representations supplement any representations submitted by the landowner, which C G Fry supports. C G Fry is part of the consortium that controls the majority of the SSA land, which has also submitted representations. C G Fry is a named party to these representations.

In each case, we set out our comment and then identify the change(s) sought to the relevant part of the Plan.

2 North Dorset Context

Comment

Paragraph 2.49, Objective 1 second bullet-point refers to encouraging renewable energy technologies appropriate to the local area. The considerations are wider and should include viability as well as the particular characteristics of the site and the development proposal.

Change Sought

Amend the second bullet-point to read:

"encouraging the use of renewable energy technologies appropriate to the site and scheme in question, where these are appropriate to the local area; and"

Policy 3: Climate Change

Comment

Paragraph 4.8 fourth bullet-point refers to development incorporating the highest standards of construction, including the use of renewable energy where appropriate. It is considered that this is imprecise and unclear in terms of what these standards are and who will be the arbiter of the what are highest construction standards.

Change Sought

Delete "*..the highest standards of construction..*" and replace with "*...sustainable construction techniques...*"

Comment

Paragraph 4.16 indicates that the Council will rely on the Government's Zero Carbon Policy but then sets out an expectation that developments should go further than this. This lacks clarity and provides inadequate guidance for communities and developers.

Change Sought

Delete the final sentence of paragraph 4.16 and make any consequential changes to other Plan text and policy.

Comment

Paragraph 4.17 is based on the premise that the most efficient way of meeting Zero Carbon requirements is to incorporate renewable or low carbon technology, which should be the priority for all new developments. This claim is not properly evidenced. Use of the word "*should*" is too prescriptive.

Change Sought

Amend paragraph 4.17 to read:

To meet the requirements of the Government's Zero Carbon policy, developments should first consider measures....Secondly developers should consider renewable or low carbon energy technology initiatives, subject to site and scheme characteristics and viability."

Policy 4: The Natural Environment

Comment

Paragraph 4.41: The claim that reducing pressure on habitats can be achieved by reducing development pressure is imprecise, misleading, inconsistent with the NPPF and not based on evidence.

Change Sought

Delete "...reductions in development pressure particularly in sensitive locations,..." from the first sentence of paragraph 4.41.

Comment

Paragraph 4.89: The requirement "...for developments within Poole Harbour catchment to be nitrogen neutral..." is imprecise and not based on evidence. The meaning of *developments / large and small scale developments* is unclear. The examples provided for mitigation are misleading and the precise mitigation would need to be assessed on the basis of the effects of a particular development and the nature of the site.

Changes Sought

Delete paragraph 4.41 and replace with:

Development in the Poole Harbour SPA and Poole Harbour Ramsar Site should deliver appropriate mitigation based on the objectively assessed effects of the development, taking into account the Strategy for Managing Nitrogen for Poole Harbour.

Comment

Policy 4 part d): Part d is overly prescriptive and imposes unrealistic and unjustified requirements on development ie for it to be carbon neutral. Defining mitigation is unnecessary in Policy and is a detailed matter for individual developments.

Change Sought

Amend Policy 4 part d) to read:

Development in the Poole Harbour SPA and Poole Harbour Ramsar Site will be required to include appropriate effect-based mitigation.

Policy 7: Delivering Homes

Comment

Paragraphs 5.40 - 5.42 and Policy 7 Housing Mix: The prescribed proportion of unit sizes/bedroom numbers for affordable and market housing to 2026 is not based on evidence and is inflexible to meet identified needs and market demand that may change over time.

Changes Sought

Delete references and replace with a requirement that housing developments seek to provide a mix of housing types and sizes that respond to prevailing need and market demand.

Policy 8: Affordable Housing

Comment

Paragraph 5.81 justifies an approach whereby affordable housing is sought on sites with capacity for three or more dwellings *inter alia* because it will assist small local builders. This distinction is arbitrary and is not supported by evidence.

Change Sought

Remove "...or local builders..." from the fourth bullet point of paragraph 5.81.

Comment

Paragraphs 5.100 - 5.103 and Policy 8: The proposed tenure types and split have not been fully evidenced. They are also too inflexible to respond to changes over the next 14 years. Furthermore, they do not take proper account of the contribution of the private rented sector or other tenures such as discount market housing in perpetuity at a percentage of market value. C G Fry has experience in delivering discount market housing eg Tolpuddle (West Dorset DC).

Changes Sought

Amend the relevant paragraphs and Policy 8 to refer to discount market housing and incorporate flexibility for affordable housing provision to respond to prevailing need, new forms of tenure that may emerge over time and viability considerations.

Comment

Paragraph 5.105: The measure of affordability and who will be the arbiter is unclear and this provides the potential for uncertainty and confusion.

Changes Sought

Delete paragraph 5.103. The matter would be addressed satisfactorily by the changes sought to paragraphs 5.100 - 5.103 above.

Comment

Paragraph 5.108: The layout and design of a housing development, including the location and concentration of affordable housing, is a detailed matter to be considered on a site and scheme-specific basis, taking account of the views of stakeholders and viability/deliverability considerations. Any Local Lettings Plan would need to be prepared in conjunction with and agreed by the developer.

Changes Sought

Amend paragraph 5.108 as follows:

The location and concentration of affordable housing within large housing developments should help deliver mixed and balanced communities, subject to site specific circumstances, deliverability and the requirements of affordable housing providers.

Policy 21: Gillingham Strategic Site Allocation

Comment

Energy efficiency at paragraph 9.32, Design Principles on page 249 and Policy 3 - Climate Change:

In summary, these requirements are considered to lack clarity and are not properly justified as follows.

Paragraph 4.8, fourth bullet-point: Incorporating the highest standards of construction into development proposals: There is no indication as to how this will be measured, who is the arbiter or what these are.

Policy 3 part c: In Policy 3 c), there is no indication what the national targets referred to are or evidence to justify why they should be exceeded.

Paragraph 9.32, fifth bullet-point: There is no indication of what a "...high level of energy performance..." is, how it is to be assessed or by whom?

Design principles, page 249 (Energy Efficiency and Design Performance): There is no justification as to why the solutions should exceed statutory minima or any indication as to how the Council will promote such solutions.

Paragraph 9.36, first bullet-point: There is no indication as to what reductions will be sought, how they will be promoted and measured, by whom and how these reductions are justified.

Paragraph 9.37: There is no justification why solar panels and ground source heat pumps are likely to be needed to meet Zero Carbon Policy.

Changes Sought

Delete reference to exceeding statutory minima.

Require the SSA development to meet relevant building regulations and codes in place at the time.

Remove statements that lack clarity.

Remove statements/requirements that are not properly evidenced.

Comment

Paragraph 9.72: Completing the gaps in pedestrian/cycle routes within land controlled by the developer is a realistic objective. While it is recognised that the Council could seek a contribution from a developer to complete linkages across third party land - such as the link referred to over Fern Brook - it is unreasonable to require developers to engage in the process. This is a matter for the Council to pursue using relevant powers and other means as necessary.

Changes Sought

Amend the final sentence of paragraph 9.72 to read:

Where appropriate, contributions may be sought from developers towards the physical works associated with completing pedestrian and cycle linkages to the town centre where such works are required on land outside their control.

Comment

Policy 21 parts q and r: These sites are outside the control of the consortium and the relevant landowners have yet to establish their intentions. It would therefore be inappropriate and unreasonable for the consortium to meet the requirements of q and r.

Changes Sought

Delete parts q and r.

Comment

We welcome the flexibility in the text to Policy 21 at paragraph 9.57 relating to the location of the mixed-use local centre. At the present time, the precise location of the local centre cannot be established for a number of reasons. Accordingly, the landowner seeks flexibility clearly identified both in Policy 21 and the accompanying text as well as on Figure 9.1 – Four Main Areas Proposed for

Development, Figure 9.3 - Concept Plan for Gillingham Strategic Site Allocation and Figure 9.5 - Gillingham Southern Extension Proposals Map for the local centre to be situated on the Shaftesbury Road corridor, albeit within, astride or immediately adjoining the SSA boundary identified by Figures 9.1 and 9.3.

However, it is considered that the land identified as the *Shaftesbury Road Corridor (Local Centre) – Policy 21* on Figure 9.5 represents an approach that is overly rigid and prescriptive and does not provide sufficient flexibility to enable the developers to respond to issues that may arise during the preparation of the Master Plan Framework and subsequent planning applications.

Furthermore, we object to the requirement in paragraph 9.57 for the site identified for the local centre by the concept plan to be used for employment purposes in the event that an alternative site is identified. This takes no account of the location of the site and the uses proposed around it. Furthermore, the Council's evidence base indicates that no further employment land allocations are required in Gillingham or the District as a whole.

Changes Sought

Paragraph 9.11: *The southern extension ~~will~~ should be accommodated within these boundaries on the Shaftesbury Road corridor unless it can be demonstrated that modification or areas of departure are justified in accordance with paragraph 9.19 and.....*

Paragraph 9.57: *In the event that this site does not come forward as part of the mixed-use local centre, the Master Plan Framework should ~~show it as protected employment land where development will be permitted in accordance with Policy 11 – The Economy. identify appropriate alternative use(s) for it that reflect the location of the site and the proposed uses around it.~~*

Paragraph 9.76: *A mixed-use local centre will be provided ~~within~~ as part of the southern extension....*

Paragraph 9.78: *The Master Plan Framework should show land in the Shaftesbury Road corridor (as indicated on the concept plan), ~~including land on Kingsmead Business Park, as the preferred location for the local centre, unless a suitable alternative location can be identified within or immediately adjoining the SSA boundary can be identified and agreed with the Council.~~*

Policy 21 part r: Delete "...a range of employment..." from final sentence and replace with "...appropriate use or..."

Any other consequential amendments to the Plan as may be required to address the comment.

Appendix C. Standards and Guidance for Parking Provision

Comment

Figure A2 at paragraph C.12 is unclear and inconsistent.

Changes Sought

Re-draft Figure A2 or provide suitable explanation.

Request to Participate in the Examination

We request the right to represent our client at the examination in view of the recognition in the Plan that the Gillingham SSA is a key site, which is critical to the delivery (Plan, paragraph 5.8)

A055606/SC 24 January 2014

For office use only

Batch number: _____ Received: _____
Representor ID # _____ Ack: _____
Representation # _____

x

North Dorset Local Plan Part 1

Pre-submission Consultation 29 November 2013 to 24 January 2014

Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012)

Response Form

For each representation you wish to make a separate response form will need to be completed.

This is a formal consultation on the legal compliance and soundness of the Local Plan before it is submitted to the Secretary of State for examination by an Inspector. For advice on how to respond to the consultation and fill in this form please see the 'Guidance Notes for Making Representations' that can be found on the Council's website at www.dorsetforyou.com/planning/north-dorset/planning-policy

Please return completed forms to:

Email: planningpolicy@north-dorset.gov.uk

Post: Planning Policy, North Dorset District Council, Nordon, Salisbury Road, Blandford Forum, Dorset DT11 7LL

Alternatively you can submit your comments online at: www.surveymonkey.com/s/NorthDorsetLocalPlan

Deadline: 5pm on 24 January 2014. Representations received after this time may not be accepted.

Part A – Personal details

This part of the form must be completed by all people making representations as **anonymous comments cannot be accepted**. Representations cannot be treated in confidence as Regulation 22 of the Town and County Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. By submitting this response form on the pre-submission North Dorset Local Plan Part 1 you consent to your information being disclosed to third parties for this purpose, but signatures, private telephone numbers and e-mail addresses or private addresses will not be visible on our web site, although they will be shown on paper copies that will be sent to the Inspector and available for inspection.

*If an agent is appointed, please complete only the Title, Name and Organisation boxes to the personal details but complete the full contact details of the agent. All correspondence will be sent to the agent.

Personal Details (if applicable)*	Agent's Details (if applicable)*
Title	Mr
First Name	Simon
Last Name	Coles
Job Title(<i>where relevant</i>)	Director
Organisation (<i>where relevant</i>)	C G Fry & Son Ltd WYG
Address	Hawkridge House, Chelston Business Park, Wellington, Taunton
Postcode	TA21 8YA
Tel. No.	01823 666150
Email Address	Simon.coles@wyg.com



Part B – Representation

The North Dorset Local Plan 2011 to 2026 Part 1 and its supporting documents have been published in order for representations to be made prior to submission to the Secretary of State for examination. The purpose of the examination is to consider whether the Local Plan complies with the **legal requirements** and is **'sound'**.

If you are seeking to make a representation on the **way** in which documents have been prepared it is likely that your comments or objections will relate to a matter of **legal compliance**.

If you are seeking to make representations on the **content** of the documents it is likely that your comments or objections relate to the **soundness** of the plans and whether it is justified, effective or consistent with national policy.

Further information on the matter of legal compliance and the issue of soundness can be found in the 'Guidance Notes for Making Representations'.

If you need help completing the response form please see a member of the Planning Policy Team at one of the consultation exhibitions or call 01258 484201.

1. Please select which document you are commenting on:

- North Dorset Local Plan 2011 to 2026 Part 1 (please complete Questions 2 to 9)
- Final Sustainability Appraisal Report (please complete Questions 2 and 10)
- Habitats Regulations Assessment (please complete Questions 2 and 10)

2. Please state the part of that document you are commenting on:

See separate representations dated 24 January 2014
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3. Do you consider the Local Plan to be legally compliant and prepared in accordance with the Duty to Cooperate, legal and procedural requirements?

- Yes No

4. Do you consider the Local Plan to be 'sound'?

- Yes No

5. If you consider the Local Plan to be unsound please specify your reason(s) by ticking the box(es) that apply below

- It has not been positively prepared
- It is not justified
- It is not effective
- It is not consistent with national policy



6. Please give specific details of why you consider the Local Plan has not been prepared in accordance with the Duty to Co-operate, legal or procedural requirement or why you consider the plan to be unsound. Alternatively, if you wish to support any aspects of the plan please also use this box to set out your comments.

SEE SEPARATE STATEMENT DATED 24 JANUARY 2014

Continue on a separate sheet if necessary

7. What change(s) do you consider are necessary to ensure that the Local Plan is legally compliant and sound? It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

SEE SEPARATE STATEMENT DATED 24 JANUARY 2014

Continue on a separate sheet if necessary

8. If your representation is seeking a change, do you consider it necessary to participate in the oral part of the examination?

No, I do not wish to participate in the oral examination

Yes, I would like to participate in the oral examination

9. If you wish to participate in the oral part of the examination please outline why you consider that to be necessary. Please note that the Inspector determines who is heard at the examination.

WE WISH TO PARTICIPATE IN VIEW OF THE STRATEGIC IMPORTANCE OF THE GILLINGHAM SSA AND THE POINTS BEING RAISED BY C G FRY & SON LTD.

10. Please outline your comments on the Final Sustainability Appraisal Report or Habitats Regulations Assessment. Comments are not confined to 'soundness' issues, but respondents can express their opinions on the above documents and use it as a reference point on the 'soundness' of the Local Plan.

11. Do you wish to be notified of any of the following? Please tick all that apply. We will contact you using the details you have given above.

That the Local Plan Part 1 has been submitted for independent examination

The publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan Part 1

The adoption of the Local Plan Part 1.

Signature: _____

Date: 24 JANUARY 2014

If submitting the form electronically, no signature is required.