

CBPC RESPONSE TO QUESTIONS FROM EXAMINER

Chesil Bank Parish Council (CBPC) responded on 10 April 2023.

QUESTION 1

Please could the following dates be confirmed: (a) the date of the designation by Dorset Council of the Chesil Bank Neighbourhood Area; **10th January 2019** (b) the dates of Regulation 14 Consultation being 20 April 2022 until 20 June 2022; **Confirmed** (c) the date of the submission of the Plan to Dorset Council; **6th December 2022** and (d) the dates of the Regulation 16 Consultation. **20th January-3rd March 2023**

CBPC RESPONSE

Dates provided.

QUESTION 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?

CBPC RESPONSE

Date: 24 June 2022 Our ref: 390597 Your ref: Chesil Bank Neighbourhood Plan

Mrs M Harding Clerk to the Council Chesil Bank Parish Council

BY EMAIL ONLY - theclerk@chesilbankparish.org

Hornbeam House, Crewe Business Park Electra Way Crewe Cheshire CW1 6GJ

Dear Mrs Harding

Chesil Bank Neighbourhood Plan Pre-Consultation 2022 – 2032

Thank you for your consultation request on the above dated and received by Natural England on 20 April 2022.

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Generic advice is provided in the Annex attached.

Yours sincerely

Sally Wintle Consultations Team

QUESTION 4

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

CBPC RESPONSE

We do not recall receiving any comments from Historic England but will double check.

FROM MATTHEW PEARCE (EA)

A key principle of the planning system is to promote sustainable development. Sustainable development meets our needs for housing, employment and recreation while protecting the environment. It ensures that the right development, is built in the right place at the right time. To assist in the preparation of any document towards achieving sustainable development we have identified the key environmental issues within our remit that are relevant to this area and provide guidance on any actions you need to undertake.

Flood risk

Your neighbourhood plan includes allocations which are located in areas at increased risk of surface water flooding. We have concerns in relation to these proposed housing allocations, in particular LH-02, however some other allocations are also affected to a lesser degree.

In accordance with the National Planning Policy Framework (NPPF) para 155-160, we remind you that the Sequential Test should be undertaken if the plan is proposing development or promoting growth to ensure development is directed to the areas of lowest flood risk taking climate change into account. The application of the Sequential Test should be informed by the Local Planning Authority's Strategic Flood Risk Assessment (SFRA).

It is important that your Plan also considers whether the flood risk issues associated with any proposed development can be safely managed to ensure development can come forward. Without this understanding your Plan is unlikely to comply with the NPPF.

The Lead Local Flood Authority will be able to advise further on areas at risk from surface water flood risk (including groundwater and sewerage flood risk) in your neighbourhood plan area. The Surface Water Management Plan will contain recommendations and actions about how areas at risk of surface water flooding can be managed. This may be useful when developing policies or guidance.

Wastewater infrastructure

As your plan proposes development or promotes growth we recommend early consultation with Wessex Water to determine whether there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water associated with any proposed development within environmental limits of the receiving watercourse. This may impact on the housing figures and the phasing of development.

Please note that if there is not sufficient capacity in the infrastructure then we must be consulted again with alternative methods of disposal.

General opportunities

Drawing up a neighbourhood plan is an opportunity to think about improving a local environment. General opportunities for neighbourhood planning include:

- New green spaces or improvements to public space through new development. This could include linking open spaces to make green corridors for people and wildlife, planting trees, or making improvements water quality and to local waterways.
- Recognising the value of certain environmental features within a plan to help bring forward environmental projects without development to help secure wider funding.
- Helping a community to manage the risk of flooding by providing landscaping to manage and store water, and by promoting the use of sustainable drainage systems (SuDS).
- It could also help to promote the use of wood and recycled materials in construction, and encourage energy and water efficiency measures for new builds. These measures will reduce the cost of construction for developers and help to reduce utility bills for those using the building. This will also help the environment by reducing emissions and improving air quality.

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. For your information, together with Natural England, English Heritage and Forestry Commission we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at:

<https://neighbourhoodplanning.org/toolkits-and-guidance/consider-environment-neighbourhood-plans/>

I hope this information is useful.

Kind regards,

Matt

Matthew Pearce

Planning Advisor – Wessex Sustainable Places

Environment Agency, Rivers House, Sunrise Business Park, Higher Shaftesbury Road, Blandford, Dorset, DT11 8ST

QUESTION 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.

CBPC RESPONSE

The existing wording is as follows:-

To identify and encourage the provision of leisure and recreational activities according to the various needs of the community.

In other words, it is being suggested that we should add the words "tourism" and "visitors".

Objective (d) is aimed primarily at the needs of the community – tourism is a business that the plan acknowledges as being important (see section 6) but this nonetheless needs to be balanced with not compromising the rural nature of the area. It is covered (indirectly) in objective (c) that refers to supporting a range of businesses, and which includes the point about the local environment. It would therefore be more appropriate to include the reference to tourism within that objective, i.e.:

To encourage small-scale development that will support a range of businesses, tourist attractions and accommodation, shops and community services that meet the needs of local people and visitors, and protects and enhances the quality of the local environment.

We note the proposed change to CBNP3 suggested by Avison Young (UK) Limited, but do not consider that this provides clear guidance or reflects the issues underlying this policy.

QUESTIONS 7-10 (Also for DC to respond)

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?

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?

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

CBPC RESPONSE

There have been no new developments in Fleet for many years and there is a shortage of suitable housing for young people who have not only grown up in the area, but have also found employment nearby and wish to buy or rent a home for themselves. It has been a key objective of our plan to try and satisfy this need and the reason for inclusion of the site is that, overall, the feedback from the community was favourable.

We do recognise the environmental sensitivity of Fleet and indeed much of the wider area – which is why we have had the potential impact of site developments guided by professional input (the AECOM support packages) and looked to take on board comments from the various statutory consultees in framing the policy wording and criteria.

There are other examples of housing provided within or adjoining communities that do not have a defined development boundary and are not considered to be a ‘larger village’ under SUS2 (both Holwell, and also Upper Marshwood Vale). The latter is perhaps the better example, as the site was slightly apart from the main body of the small settlement of Marshwood and was within the Dorset AONB, as well as close to several Listed Buildings. As with that plan (where there were particular community benefits in terms of a site for a shop), the Fleet site provides a particular community benefit which would not otherwise come forward (i.e. affordable housing).

The Regulation 16 representation from Martin Foley is noted and had he submitted the proposal during the Call for Sites process, then the site could have been assessed independently through the AECOM technical support package, and views of the community could have been considered. It was not appropriate for the process to be compromised by including the site at a later stage, even though it might have been regarded favourably by the community had it been submitted at the right time. Project 1 recognises that the Parish Council will look to identify further sites in the future, most appropriately through a future review of this plan, and would welcome considering Martin Foley’s site at that time.

QUESTION 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?

CBPC RESPONSE

The site does not lie within flood risk zones as referenced in the NPPG (Paragraph: 078 Reference ID: 7-078-20220825), but does show up as being at risk according to the surface water flood maps provided by the Environment Agency, so on that basis a sequential test does appear to be triggered (if only just – see below).

Our understanding is that this map has not been updated since the drainage works were undertaken, and as such the site may no longer be at risk. However it has not been possible to get confirmation of this in writing from any of the statutory bodies or from Dorset Council as the LLFA (as the latter team no longer comment or assist on Neighbourhood Plans). We accept that we have not been able to evidence this, but hoped that it may be possible for the landowner to demonstrate this through the submission of an FRA and drainage strategy as part of the planning application process.

We also considered that given the scale of development, it was marginal whether a sequential test would be appropriate, as if done in two stages (first as a side extension undertaken as householder development (which is exempt from the need for a sequential test), and then subdividing the extended dwelling into two homes), we think that a sequential test would not be needed.

Also, we do not consider that it would be possible to pass a sequential test, but the alternatives at lower risk (e.g. increasing the amount of dwellings on LH01) would be locally controversial and risk the whole plan failing at referendum.

This is the basis on which we have submitted the site – should the Examiner consider that it cannot pass due to a lack of sequential test, then we would reluctantly agree that the site should be deleted.