

Date: 21/03/2013

Ref: MN/DP/10.221

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Dear Richard,

**Christchurch and East Dorset Joint Core Strategy – North Eastern Verwood New Neighbourhood  
(Pre-Submission Policy VTSW5)**

I refer to the Councils "Analysis of Responses" dated February 2012 along with our previous correspondence and meetings regarding the above site and our telephone conversation earlier this week.

Our clients are very concerned and disappointed that the Analysis does not include a clear and positive statement of the Council's intention to re-allocate the site as discussed between us.

You stated in your e-mail of 14 January 2013 that if Natural England agree that the necessary mitigation can be provided, you would confirm that this overcomes the reason why the site was deleted as part of the Proposed Changes. The Analysis does not do this and merely states:

*".....the site could not be delivered with a SANG at the time of the consultation, and the agents have been actively seeking a solution to this with Natural England. The Inspector will determine whether this site is acceptable and will be required to meet the housing target, as with any others promoted by other planning agents during the Public Examination".*

The requirements under section 20 of the Planning and Compensation Act 2004 to submit to the Secretary of State various supporting documentation dealing with the representations received on the draft Core Strategy are set out at Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. There are two distinct requirements depending on whether the consultee is a Regulation 18 or a Regulation 20 consultee. The procedure for Regulation 18 consultee (as confirmed by yourself that our client Linden Homes was such) responses is set out in Regulation 22(1)(c)(i) to (iv) and we do not believe that the Councils Analysis meets these requirements.

Our concerns are that:

- 1 The Analysis does not accurately summarise the main issues set out in the response we submitted on behalf of our clients (required by Regulation 22(1)(c)(iii)); and



**RTPI**



2. The Analysis does not state how those representations have been taken into account (required by Regulation 22(1)(c)(iv)).

On point 1 in particular (but among other omissions, see my letter of 12 February 2013 and our representations) the Analysis makes no mention that our clients have fully addressed the reasons for the site's de-allocation and have agreed a comprehensive mitigation strategy with you and Natural England (please find enclosed confirmation of agreement from Natural England). The Analysis should state that this agreement has been reached and the reasons for the de-allocation of the site resolved, as your e-mail of 14 January indicated it would.

In summary, my letter of 12 February stated that:

- The Council should provide a positive statement of its intent to re-allocate the site and the reasons for that course of action;
- The Council should state that it actively supports the re-allocation of the site because this will serve a clear planning purpose and will help ensure the Plan meets the tests of soundness as set out in paragraph 182 of the NPPF.

The consultation response we submitted also set out in summary the main points and these have not been referred to or addressed in the Analysis. Merely stating that the response is included and will be before the Inspector is not, in our view enough. Such an approach may suffice for a Regulation 20 consultee response but not a Regulation 18 consultee response where the Regulations require more detail to be included.

Turning to point 2, it is our understanding that the requirement in Regulation 22(1)(c)(iv) that a statement shall set out how Regulation 18 consultee representations have been taken into account imports more than just a procedural requirement. I cannot see how the statement of fact set out in the officers comments in respect of our representations along with the introductory remark that no changes will be made, leaving any issues to the Inspector, can meet that requirement.

There should, I believe, be a statement on what the Council have done to take the representations into account. That could be that the Council do not believe that any change is required to the submitted Core Strategy but here the Council have already agreed that by meeting the concerns of Natural England the site could be allocated. At the pre-application meeting on 14<sup>th</sup> February 2013 the approach to the reinstatement of the allocation of the site was discussed. The notes of the meeting are enclosed with this letter and highlight your confirmation that *“the Council are prepared to view the site positively”* and *“that the Councils would be producing a position paper on housing and suggested that details of the Councils’ current position are included within that.”*

That statement should form part of the officers comments in the Analysis and does not. As such, in conjunction with point 1 above, I believe that the Analysis, to the extent it purports to be a Regulation 22 statement, is flawed.

I would now like to discuss actions necessary to provide a clear view to the Inspector about the Council's position on the allocation of the site in accordance with the requirements of the Regulations.

I ask that you submit a position statement to the Inspector as soon as possible that addresses the above issues as an addendum to the submission documentation. We will prepare draft text for that statement for you to consider in the next few days. Beyond that, a statement of common ground between us would be helpful in confirming all the points of detail regarding the mitigation strategy, setting out the background to the site, confirming that the concerns raised have been adequately addressed and establishing that the site can and should be re-allocated, together with the proposed policy wording.

I am sure you will recognise the importance of addressing this matter as soon as possible and will dedicate the necessary resources to deal with this expediently.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mike Newton', with a long horizontal stroke extending to the right.

Mike Newton  
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Date: 20 March 2013  
Our ref: North East Verwood SANG  
Your ref: North East Verwood



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**BY EMAIL ONLY**

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Dear Mr Arthur

**Planning consultation:** SANG Proposal, Land at north east Verwood Feb 2013

Thank you for your consultation on the above dated 20 February 2013 which was received by Natural England on 20 February 2013.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **The Conservation of Habitats and Species Regulations 2010 as amended**

I am writing to confirm that Natural England is able to advise you and East Dorset District Council that the above document, SANG Proposal, Land at north east Verwood (Feb 2013) Ref 1522\_R05i\_JSA\_JTF, provides sufficient detail to provide the basis on which a future planning application could come forward and demonstrate no likely significant effect in relation to considerations under the Habitats Regulation 2010. At this stage in the planning process Natural England can therefore advise you that we would make no objection to a proposal, supported by the document, coming forward as an allocation in the Christchurch and East Dorset Core Strategy.

The document outlines a clear package of mitigation and enhancement measures which, with the agreement of the Forestry Commission, can be shown to be deliverable and effective as is required under the Regulations.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Nick Squirrell. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Nick Squirrell®  
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Land Use Operations  
Natural England

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## LAND NORTH OF RINGWOOD ROAD, VERWOOD

### MINUTES – PRE-APPLICATION MEETING

East Dorset District Council, 14/02/2013, 1:30pm

Attending:	Richard Henshaw	Policy Planning Manager (EDDC)
	Sally Knott	Policy Officer (EDDC)
	Julia Holmes	Development Management Officer (EDDC)
	Nicholas Hayden	Tree Officer (EDDC)
	Frances Pickering	Linden Homes
	Mike Newton	Boyer Planning
	Ellen Kendrick	Boyer Planning
	Julian Arthur	Tyler Grange
	Jon Berry	Tyler Grange

Minutes	Action by	Date
<b>1</b>	<b>Core Strategy Update</b>	
1.1	Member approval for formal submission of the Core Strategy to the Secretary of State will be sought at EDDC on 25 February 2013 and at CBC on 26 February.	
1.2	The nominal date for submission is 15 March 2013, with an examination 11 weeks after submission (provisionally). As a Green Belt authority it could potentially be fast-tracked.	
1.3	RH indicated that the anticipated key issues would revolve around housing delivery.	
1.4	RH confirmed that EDDC are in the process of completing the SHLAA update, after which the five year housing land supply figures would be updated. It is hoped this will be completed by the time the Core Strategy is submitted in March.	

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**2 Approach to reinstatement of allocation of site**

- 2.1 MN stated that a pre-hearing modification to reinstate the site allocation would be desirable.
- 2.2 RH indicated that if the Inspector believes there are a lot of issues to address, the Councils are willing to make pre-hearing modifications, but not if there are only one or two issues.
- 2.3 RH confirmed that the Councils will be seeking advice as to the best way forward in the initial discussions with the Inspector. RH thought that modifications to the Core Strategy were almost certain to be necessary but could not say if these would be pre or post examination (or both).
- 2.4 RH advised that the ONS 2010 household projections are expected in spring (after submission) which will need to be considered with regards to the scale of the housing requirement and the adequacy of supply against that requirement.
- 2.5 RH confirmed that the Councils have evidence to show good delivery in both areas (approximately 95% of approvals over last five years).
- 2.6 MN raised concerns that the Council's positive stance towards the possible reinstatement of the site as an allocation should be made in a stronger manner.
- 2.7 RH confirmed that the Councils would be producing a position paper on housing and suggested that details of the Councils' current position are included within that.
- 2.8 MN suggested that the comprehensive representations submitted be used to help formulate that section of the document.
- 2.9 MN requested that, should there not be a pre-hearing modification, both parties work together to agree policy wording. This process can be started as soon as possible.
- 2.10 RH confirmed that the Council are prepared to view the site positively.

### **3 SANG Mitigation Strategy**

- 3.1 JA advised that walking routes, tree thinning, mire creation, way finding devices and provision for dog walkers had been agreed with Nick Squirrel at the Forestry Commission, along with some habitat restoration.
- 3.2 JA advised that Nick Squirrel had confirmed that there was no requirement for car parking.
- 3.3 JA stated that Linden Homes have instructed a solicitor to construct a form of words to secure the SANG provision through a S106 agreement.
- 3.4 RH indicated that an email had been received from Nick Squirrel confirming that he was happy with the SANG proposal.
- 3.5 MN stated that the SANG proposal is not just for mitigation, but a positive addition to the local area. RH agreed and stated that this was one of the main thrusts of the plan.

### **4 Application**

- 4.1 MN set out the reasons for submitting an application at this time. An application would provide a lot of information to assist with the site allocation; it is not an adversarial stance. An extension of time is possible.
- 4.2 MN confirmed the intention to increase the site capacity to 65 units.
- 4.3 RH confirmed that there is no impediment to the increase in policy terms. The site can deliver what it physically can and it would be down to the detail.
- 4.4 MN confirmed that it would be an outline application with all matters reserved except access.
- 4.5 JH stated that the application would need to demonstrate that the site can accommodate 65 units given the constraints.
- 4.6 RH advised that amended draft policy KS3 requires development briefs to be agreed with the Councils in advance of planning approval being granted for the new neighbourhoods. The development brief would be a



parameter setting exercise and deal with the principles relating to habitat, affordable homes, TPOs etc. and would not have to be a substantial document.

4.7 JH raised concerns that the application could not be determined prior to the Core Strategy being adopted and an extension of time would be necessary.

4.8 FP suggested the development brief be used to agree the submission documents.

4.9 Following a query by JA, RH confirmed that the issue of the cumulative effects of development on the SPA is dealt with through policy and a separate statement is not required.

4.10 RH advised that the aim is to move to CIL by April 2014. Currently at the initial stages but are looking to submit in summer.

4.11 MN confirmed that representations would be submitted to the current CIL consultation.

4.12 MN advised that a public consultation regarding the application is provisionally set for 12 March and agreed to keep EDDC informed of the details.

## **5 Layout**

5.1 JB confirmed that there would be some tree loss due to the proposed access and visibility splays, and this would be addressed in the arboricultural report.

5.2 JB reiterated concerns that the woodland block TPO conflicts with the Natural England recommendation of mire creation. A transition strategy would be proposed as a form of mitigation.

5.3 NH stated that collectively the trees create an imposing backdrop and raised concerns over exposing trees that were not previously exposed.

5.4 NH stated that his initial thoughts are that it would be difficult to support a large section of removal unless it can be proved that there would be no impact. Regardless of the Natural England recommendations, the trees are of amenity and political value.

5.5 MN advised that the initial Broadway Malyan report included some tree loss and that it is a question of balancing the loss against the significant benefits.

**6 Screening Opinion**

6.1 MN confirmed that a request would be resubmitted for a 65 unit scheme and that information would be submitted with regards to the legal feedback on the previous screening opinion.

**7 Tree Preservation Order**

7.1 Addressed under Item 5.

**8 A.O.B.**

8.1 RH confirmed that EDDC would take advice from Nick Squirrel regarding the increase to 65 units and habitat restoration, and therefore could not add anything further to Nick's comments to JA.

8.2 The Officers were thanked for their time.