

CHAPTER 4 – NATURAL ENVIRONMENT

SECTION 4.2 WATER RESOURCES

WR/565 (POE/O/NATU/0013)	Environment Agency (192) POE/C/NATU/0449)
WR/569 (POE/O/NATU/0014)	Environment Agency (192) POE/C/DEVE/0442)
WR/1529 (POE/C/NATU/0447)	South West RDA (178)

MAIN ISSUE

- None

4.1 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.1.1** Objection WR/569 suggests that the Plan should include text on water conservation to reflect the provisions of The Water Act 2003. In response, the Council has stated that the Plan has no power to enforce the provisions of the stated Act. The Council does however accept that the issue of water conservation may be expressed in Supplementary Planning Guidance (SPG). I concur with the Council on this issue. I accept that water conservation is a very important issue, but is one that is being addressed through other channels, such as the metering of properties and the pricing framework that applies to the metering system. However, I also consider that reference to the issue in planning policy would be of considerable benefit and judge that SPG is the appropriate place for its expression rather than the Plan itself.
- 4.1.2** I do not consider it necessary to recommend the inclusion of a new policy protecting the nature conservation, amenity or visual characteristics of river corridors, as proposed in Objection WR/565 (supplemented by POE/O/NATU/0013). These issues are covered by generic policies found elsewhere in the Plan. There is no need to break the environment into its constituent parts and apply a policy to each part.
- 4.1.3** Whilst I accept the functional value of the Portland Harbour breakwaters, I consider it unnecessary to include a policy to protect them, as envisaged in Objection WR/1529. If the functional value is as suggested, I am confident that funding will be made available to maintain that function, but this is not dependant on the Local Plan, nor is it obstructed by lack of reference in the Plan.

RECOMMENDATION

Rec. 4/1 – I recommend that no changes be made to the Plan in response to these objections.

.....

PARAGRAPH 4.2.1/POLICY N1 PROTECTION OF NATURAL WATERS

WR/91	River Wey Society (43)
WR/98	Radipole Village Conservation Group (44)
(POE/C/DEVE/0442 both reps)	
WR/570/CWD	Environment Agency (192)
WR/572 CWD	Environment Agency (192)
(POE/C/NATU/0448 both reps)	
WR/571	Environment Agency (192)
(POE/O/NATU/0024	POE/C/NATU/0448)
WR/2140	Environment Agency (192)
(POE/O/NATU/0025	POE/C/NATU/0448)

MAIN ISSUE

- None

4.2 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.2.1** In response to Objection WR/572/CWD that was made on the provisions of the First Deposit version of the Plan, I note the Revised Deposit version now refers to SPZs, rather than the previous reference to Water Source Protection Areas. In addition, paragraph 4.2.1 has been included in the Revised Deposit version to address an objection concerning the requirement on developers to investigate the impacts of development on groundwater. The related objections have been conditionally withdrawn and I see no reason for further comment.
- 4.2.2** Objections WR/570/CWD, WR/571 and WR/2140 wish to see a level of protection to groundwater outside the defined SPZs. If one were minded to recommend as per the objection, it would undermine the basis of the designation itself. I support the current emphasis on SPZs relating to identified potable supplies. In the absence of adequate information from the Environment Agency on additional areas it would wish to see subject to a level of protection, I am unable to comment in any detail on the merit of the objections. Accordingly, no amendment is necessary.
- 4.2.3** Objection WR/98 and WR/91 were made on the provisions of the First Deposit version of the Plan and refer to the need to maintain adequate flow levels in the River Wey. That there will be a demand for water to be supplied to new development is a given. In addition, the fact that new development will occur is also a given. However, I am uncertain how the Plan can have any influence over how the water is supplied. The flow of the River Wey is the concern of the Environment Agency and no amendment to the Plan is required.

RECOMMENDATION

Rec. 4/2 – I recommend that no changes be made to the Plan in response to these objections.

.....

PARAGRAPH 4.2.3/PARAGRAPH 4.2.3.1/PARAGRAPH 4.2.3.2 SURFACE WATER DRAINAGE

WR/2087	House Builders Federation (191)
WR/2088	House Builders Federation (191)
WR/2661	House Builders Federation (191)
WR/2141/CWD	Environment Agency (192)
WR/2144/CWD	Environment Agency (192)
(POE/C/NATU/0445 all reps)	
WR/2142	Environment Agency (192)
(POE/O/NATU/0018	POE/C/NATU/0445)
WR/2143	Environment Agency (192)
(POE/O/NATU/0019	POE/C/NATU/0445)

MAIN ISSUE

- None.

4.3 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.3.1** I accept there may be certain instances, as highlighted in Objections WR/2087, WR/2088 and WR/2661, where ensuring the adoption and future maintenance of sustainable drainage systems (SuDS) can be problematic. However, I do not accept that the possibility of this occurring merits reference in the Plan. To my mind, such reference would be of little benefit to any party. PPG25 clearly encourages their use and I consider the Plan adequately reflects this approach. No amendment is required.
- 4.3.2** As noted above and in Objection WR/2141/CWD, SuDS are supported by PPG25. I note a Pre-Inquiry Change is suggested to include reference to PPG25 in paragraph 4.2.3.1 in response to which I note the objection has been conditionally withdrawn. I recommend the Plan is amended to include this change. I also note a Pre-Inquiry Change is suggested to paragraph 4.2.2, which includes reference to PPG25. This is unnecessary and does not sit easily in the text of that paragraph. I do not recommend it is included in the Plan.
- 4.3.3** Objection WR/2144/CWD refers to the separation of foul and surface water sewers and has been conditionally withdrawn on the basis of Pre-Inquiry Changes (October 2003). However, there appears to be inconsistency between the supporting text which states that this separation is an alternative and Policy N2 that refers to separation as being included under the heading of SuDS. This is contradictory and confusing. From my reading of PPG25, the separation of foul and surface water sewerage cannot be thought of as a sustainable drainage system, but as an alternative. I do accept the penultimate sentence of paragraph 4.2.3.1, as amended by Pre-Inquiry Changes. I recommend therefore that Policy N2 and supporting text be amended accordingly.
- 4.3.4** Objection WR/2142 states that the Plan unduly discounts the use of infiltration systems. I have read the Council's justification for this, which includes reference to the underlying geology of the Plan area. As I understand the use of SuDS, their role is to mimic nature as closely as

possible. Rainwater running off large expanses of impermeable surfaces and being piped away from a site as quickly as possible can cause problems elsewhere. The Council has pointed out that the underlying geology typically causes localised flooding and coastal instability elsewhere. I would add that localised flooding and coastal instability are inevitable consequences of natural systems. I question why new development should attempt to tackle what occurs naturally anyway. In addition they are clearly effects that would occur in the Plan area even if no built development existed within its boundaries.

- 4.3.5** I question why the use of infiltration systems is highlighted as being unlikely to be suitable in the Plan area. Despite what I state above, this may well be the case, but I see no benefit in the Plan saying so. It would be of much more assistance to state that sites will be assessed on a site by site basis. As per the final objection above, the text should be amended to make it clear that SuDS will be expected on all sites. In addition, it should be made clear that the option to separate foul and surface sewerage connections as an alternative is an exception to this general presumption and should be justified. Regarding reference to whether the Plan should refer to the feasibility of SuDS (Objection WR/2143) on sites or to whether the text should state that they cannot be provided, I consider it to make little difference. I do not consider the word 'feasible' to relate only to matters of technical feasibility as the Council appears to state in its evidence.

RECOMMENDATIONS

Rec. 4/3 – I recommend that:-

- (i) Paragraph 4.2.3.2 be amended (to include the relevant Pre-Inquiry Change (October 2003)) as follows:-
 “The provision of SuDS will be expected on all developments, unless it can be demonstrated to the satisfaction of the Local Planning authority that it is unfeasible to do so. On sites where the use of SuDS has been discounted, significant benefits may be gained by the provision of separated foul and surface water systems with separate connections off site...”
- (ii) Policy N2 be amended as follows:-
 “...drainage systems technology to reduce the risk of flooding or, if this is not feasible, the provision of separate foul and surface water drainage systems”.
- (iii) Paragraph 4.2.3.1 be amended as per Pre-Inquiry Changes (October 2003)
- (iv) No other changes be made to the Plan in response to these objections.

PARAGRAPH 4.2.4/POLICY N3 WEYMOUTH CATCHMENT AREAS

WR/92	River Wey Society (43)
WR/1525	River Wey Society (43)
WR/99	Radipole Village Conservation Group (43)
WR/1526	Radipole Village Conservation Group (44)
WR/615/CWD	Dorset Wildlife Trust (197)
WR/575/CWD	Environment Agency (192)
(POE/C/NATU/0443 all reps)	
WR/2146/CWD	Environment Agency (192)

(POE/C/NATU/0445)

MAIN ISSUE

- None.

4.4 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.4.1** The Council has proposed a Pre-Inquiry Change deleting Policy N3 and supporting text in paragraph 4.2.4. The reason given is that the Policy and text adds no value beyond that provided by Policy N2. Having read the deleted Policy and text, I concur with the Council and have recommended accordingly. In those circumstances I have not considered these objections further.

RECOMMENDATION

Rec. 4/4 – I recommend that:-

- Pre-Inquiry Changes (October 2003) that propose deletion of Policy N3 and paragraph 4.2.4 be accepted and subjected to the necessary statutory procedures.
- No further changes be made to the Plan in response to these objections.

.....

PARAGRAPH 4.2.6/POLICY N5 SITE DRAINAGE

WR/577 (POE/C/NATU/0445)	Environment Agency (192)
WR/93	River Wey Society (43)
WR/1527	River Wey Society (43)
WR/1528	Radipole Village Conservation Group (44)
WR/100	Radipole Village Conservation Group (44)
WR/690	Mr C McGown (198)
WR/2249/CWD (POE/C/NATU/0443 all reps)	English Nature (219)

Main Issue

- None

4.5 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.5.1** The Revised Deposit version of the Plan shows Policy N5 and paragraph 4.2.6 as deleted. This is the version of the Plan before the Inquiry. As such these objections do not relate to the Plan before me. The exception is where an objection that has been conditionally withdrawn is to the deletion of the policy (Objection WR/2249/CWD). I note that the issues addressed in the deleted text are dealt with in an amended Policy N2 and supporting text. I have indicated my acceptance of Policy N2 and supporting text above. Accordingly, no amendment is required.

RECOMMENDATION

Rec. 4/5 – I recommend that no changes be made to the Plan in response to these objections.

.....

PARAGRAPH 4.2.7/PARAGRAPH 4.2.7.1/POLICY N6 RIVERINE FLOODING

WR/2149 (POE/O/NATU/0015	Environment Agency (192) POE/C/NATU/0446)
WR/2663 (POE/O/NATU/0022	Environment Agency (192) POE/C/NATU/0446)
WR/593/CWD	Environment Agency (192)
WR/594/CWD	Environment Agency (192)
WR/2147/CWD	Environment Agency (192)
WR/2148	Environment Agency (192)
WR/3120	Environment Agency (192)
WR/1039	Government Office for the South West (221)
WR/2277 (POE/C/NATU/0446 all reps)	Government Office for the South West (221)
WR/3010 (POE/O/NATU/0026)	Environment Agency (192)

MAIN ISSUE

- Should the Plan make it clear that Policy N6 does not apply solely to those areas shown in the Plan as liable to flood?

4.6 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.6.1 This part of the Environment chapter has been subject to Pre-Inquiry (October 2003) and Further Pre-Inquiry (January 2003) Changes in response to elements of the objections made. Regarding reference to three categories of flood risk zone introduced, as highlighted in Objections WR/2277 and WR/3010 (the latter of which has been supplemented by POE/O/NATU/0026), I am unclear as to what the desired outcome is. In fact I consider the suggested Changes to paragraph 4.2.7.1 to be of little assistance. It is tautologous to state that areas that are developed and that fall within a high flood risk area lie within a 'high risk developed area'. Nothing is done with this information in the Plan and, to my mind, nothing needs to be done. Table 1 of PPG25 clearly sets out the appropriate planning response according to whether an area at high risk is developed, undeveloped & sparsely developed areas or part of a functional flood plain. I do not consider that the identification of the appropriate planning response in three defined scenarios in any way indicates what the Council has termed as 'a sequential flood risk assessment'. In assessing proposals against Table 1 of PPG25, there is no thought process whereby the decision maker assesses anything sequentially. If a proposal is located in an area defined as high risk and it is surrounded by built development, the appropriate planning response is clearly defined in the table. This misinterpretation of PPG25 should not find its way into the adopted Plan. I do not therefore

recommend in favour of the Pre-Inquiry or Further Pre-Inquiry Changes to paragraph 4.2.7.1.

- 4.6.2** Objection WR/2147 has been withdrawn on the basis that paragraph 4.2.2 is amended to include reference to PPG25. I am satisfied that this is appropriate and recommend accordingly.
- 4.6.3** Objections WR/1039, WR/2148, WR/2149 and WR/2663 propose amendments to the text of paragraph 4.2.7 referring to PPG25, to climate change and to the need for flood risk assessments. In general, I consider it unnecessary to reiterate national planning policy in the Plan. I agree that climate change is a relevant consideration in assessing flood risk, but see no benefit in setting this out. The Plan's general approach to the issue of flooding is adequately expressed. I consider that Pre-Inquiry Changes (October 2003) to paragraph 4.2.7 relating to flood risk assessments are sufficient and recommend accordingly. As areas that may be subject to Zone 3c as defined in PPG25 have not been identified in the Plan I see no justification in including the revised text as suggested in POE/O/NATU/0015.
- 4.6.4** Objection WR/593/CWD proposes an amended form of wording for Policy N6, introducing consideration of the introduction of a flood risk where none currently exists. This is the issue that Policy N2 attempts to address and no amendment is therefore necessary to address this objection. I note the objection has in any event been conditionally withdrawn.
- 4.6.5** Regarding the proposed amendment to the text of Policy N6, I consider that the issue addressed by the proposed additional text is adequately addressed already in the Plan's support for the incorporation of SuDS into new development. No amendment is required.
- 4.6.6** On the main issue, Paragraph 24 of PPG25 refers to the indicative maps provided by the Environment Agency, stating that they should be used as bases for consultation and not as the sole basis for decisions. I consider it is worthwhile for the Plan to state clearly that the flood maps are indicative only and that the relevant Plan policies apply to all areas at risk, rather than just to the areas shown on the indicative maps. The relevant objection (WR/594CWD) has been conditionally withdrawn, but it is not clear on what change to the Plan this withdrawal has been made. Nevertheless I recommend that the Plan should be amended to make clear the Council's approach to the use of the indicative flood maps. As an aside to my consideration, I note that the two riverine flood risk areas are denoted on the Proposals Map as tidal flood risk areas and subject to Policy N7. I recommend that the areas be denoted correctly as riverine flood risk areas.

RECOMMENDATIONS

Rec. 4/6 – I recommend that:-

- (i) The Plan be amended in accordance with the published Pre-Inquiry Changes to paragraphs 4.2.2 and 4.2.7.
- (ii) Paragraph 4.2.7.1 be amended as follows;
“...Agency has produced maps that indicate “areas liable to flood” for main rivers, including the River Wey. These indicative flood maps constitute the bases for consultation with the Environment Agency and do not comprehensively illustrate all areas subject to Policy N6. The Borough Council as Land Drainage Authority...”
- (iii) The Proposals Map be amended to denote correctly the two riverine flood risk areas defined by the Council.

- (iv) No further changes be made to the Plan in response to these objections.
-

POLICY N6 MANOR FARMSTEAD, WATERY LANE, BROADWEY

WR/699/Site Ref. HW24
(POE/C/DEVE/0208)

Mr M Madely (201)

MAIN ISSUE

- Should the site of the Manor Farm buildings be included within a Riverine Flood Risk area?

4.7 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.7.1 This objection argues that as the site is not known to have flooded since local river improvements were carried out some 40 years ago, it should not be shown as subject to riverine flooding (Policy N6).

4.7.2 As this objection interrelates with and complements that submitted by the same objector to Policy D1 of the Plan it is considered within that part of my report dealing with Policy D1 (See section 2.11).

RECOMMENDATION

Rec. 4/7 – See Rec 2/11

.....

POLICY N6, 60 & 60A CHARLBURY CLOSE

WR/1369/Site Ref. XW08
(POE/C/NATU/0441)

Mr D Woodington (239)

MAIN ISSUE

- Based on historic flooding records, should 60 and 60a Charlbury Close be included within the Riverine Flood Risk area?

4.8 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.8.1 Like the areas shown on the indicative map produced by the Environment Agency, the *precise* boundary of the flood risk area defined by the Council on the Proposals Map is not the primary consideration. In exercising the precautionary principle as per PPG25, I support the Council in applying this local designation to the areas shown on the Proposals Map. It may go some way to alleviate the objector's concerns to point out that Policy N6 is intended to apply only to development that would increase the risk of flooding.

RECOMMENDATION

Rec. 4/8 – I recommend that no changes be made to the Plan in response to this objection.

.....

POLICY N6 RIVER JORDAN, PRESTON TO BOWLEAZE COVE

WR/1378/Site Ref. XW09
(POE/C/NATU/0441)

Bourne Leisure Limited (243)

MAIN ISSUE

- Is the extent of the Riverine Flood Risk area defined along the River Jordan from Preston Road to Bowleaze Cove justified in the light of historic flooding records?

4.9 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.9.1 The extent of the Riverine Flood Risk area is based on the indicative map produced by the Environment Agency and in the absence of further evidence that could be used to redefine the flood risk area I consider the definition in the Plan to be acceptable. In line with my conclusion above in paragraph 4.8.1, I do not therefore recommend in favour of this objection.

RECOMMENDATION

Rec. 4/9 – I recommend that no changes be made to the Plan in response to this objection.

.....

POLICY N6/MAP CHANGE N6.3 ALTERATION OF RIVERINE FLOOD RISK AREA AROUND WYKE OLIVER ROAD

WR/1562
WR/2462
(POE/C/NATU/0441)

Mr & Mrs B Weedon (255)
Mr & Mrs B Weedon (255)

MAIN ISSUE

- Based on historic flooding records, should the entire curtilage of 15 Wyke Oliver Road be included within the Riverine Flood Risk area?

4.10 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.10.1 In line with my conclusion above in paragraph 4.8.1, I do not recommend in favour of these objections.

RECOMMENDATION

Rec. 4/10 – I recommend that no changes be made to the Plan in response to these objections.

.....

SECTION 4.2.9/PARAGRAPH 4.2.10/POLICY N7 TIDAL FLOODING

WR/590/CWD	Environment Agency (192)
WR/591/CWD	Environment Agency (192)
WR/2153 CWD	Environment Agency (192)
WR/706/CWD	Portland Harbour Ltd (203)
WR/473	South West RDA (178)
WR/474	South West RDA (178)
WR/2362	Mr S & Mrs H Morris (234)
(POE/C/NATU/0447 all reps)	
WR/2150	Environment Agency (192)
(POE/O/NATU/0020	POE/C/NATU/0447)
WR/2151	Environment Agency (192)
(POE/O/NATU/0021	POE/C/NATU/0447)
WR/2152	Environment Agency (192)
(POE/O/NATU/0016	POE/C/NATU/0447)
LPI/2364	Mr S & Mrs H Morris (234)
(POE/C/NATU/0444)	

MAIN ISSUE

- None

4.11 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.11.1** Objections WR/590/CWD, WR/591/CWD and WR/706/CWD were all made on the provisions of the First Deposit version of the Plan. They have been conditionally withdrawn and although the conditionality has not been made clear, it is assumed to be in response to changes that were made on the provisions of the First Deposit version of the Plan (January 2001).
- 4.11.2** In line with my conclusion in paragraph 4.6.1, I do not recommend in favour of the proposed Pre-Inquiry Change (October 2003) that suggests inserting a second sentence to paragraph 4.2.9. I do however support the inclusion of the subsequent two Pre-Inquiry Changes to paragraph 4.2.9 that respond to objection WR/2153/CWD that has been conditionally withdrawn. I consider these proposed changes, which have resulted in the conditional withdrawal of various objections, are acceptable.
- 4.11.3** I do not consider the part of Policy N7 that refers to the slab height should take its reference point as the surrounding ground level, as put forward in Objections WR/590 and WR/2151. I concur with the Council that the relevant reference is to the level of protection provided by the 1 in 200 year standard defences. In addition, I do not accept that Policy N7 should specify a maximum slab height above the flood defence level. Objection WR/2152 proposes specific reference for the need to consult with the Environment Agency in deciding slab heights. In my view, this reference is

unnecessary. Accordingly I accept that the text of Policy N7 in the Revised Deposit Version of the Plan is adequate.

- 4.11.4** I do not accept that the existence of flood defences indicates that further defensive measures should not be required or that guidance offered in paragraph 4.2.10 is unnecessary (Objection WR/474). Paragraph 69 of PPG25 provides support for the Council's approach of requiring raised slab heights behind defences. Given the life of today's built development, the precautionary principle must take precedence where future conditions are uncertain. As noted by the Council, a 1 in 201 year, or worse, flooding event is likely to overtop existing defences and no one is in a position to say that this could not occur within the foreseeable future. I support the Plan's approach in this regard.
- 4.11.5** I do not accept the assertion made in objection WR/2362 that the flood risk at Osprey Quay bears any relation to any one person's memory of individual flooding events in that location. The Council has been informed, through the appropriate lines of communication, that there is a risk and the Plan appropriately addresses that risk.
- 4.11.6** Objections WR/2152 and WR/2150, which have been supplemented by POE/O/NATU/0020, propose deleting reference to the 1 in 200 year level to promote flexibility to acknowledge that the Environment Agency's flood risk maps may not be accurate. Other than that, no arguments on why this flexibility is required are provided in support of these objections. I consider use of the 1 in 200 year flood level in the Plan to be in accordance with the precautionary principle urged by PPG25. In particular circumstances where it is accepted the flood risk is less than is shown on the flood risk map, flexibility can be introduced in implementation. No amendment is therefore required.
- 4.11.7** Objection WR/473 states that the requirement in Policy N7 to raise slab height behind existing flood defences to a 1 in 200 year standard is inconsistent with Policy N9. I see no inconsistency as Policy N7 addresses proposals for development behind existing defences whilst Policy N9 refers to works that will provide flood defences to the surrounding area. No amendment to the Plan is therefore required.
- 4.11.8** Objection LPI/2364 supports other objections from the same objector that promote more development at Chiswell (see section 4.14 below). It is suggested that development at Chiswell should be subject to fewer restrictions based on flood risk by questioning the statement in paragraph 4.2.10 that tidal flooding at Chiswell is more complex than at Osprey Quay. From the written evidence submitted on behalf of the Council and presented at the Inquiry I note the flooding risk at Chiswell has been established by the Environment Agency and responds to the Posford Duvivier report (CD140). Despite flood protection measures that have been acknowledged in that report I note the flood risk remains. None of the evidence presented in support of this objection has convinced me to take a view on the flood risk in this area different from that advised by the Environment Agency.

RECOMMENDATIONS

Rec. 4/11 – I recommend that:-

- (i) Pre Inquiry Changes (October 2003) relating to paragraph 4.2.9, except for the suggested inclusion of a second sentence, be accepted and subjected to the necessary statutory procedures.
- (ii) No further changes be made to the Plan in response to these objections.

this area it would be a better solution to provide this policy in the Plan, rather than to delete the flood risk identification, thus leaving the area with no flood risk policy.

- 4.13.2** I note the Council's assertion that, because of surrounding ground levels, there is no point at which floodwaters could flood the area in question. I am however guided by the Environment Agency on this matter and its objection clearly states that on the best information available the Park District falls within the 1 in 200 year flood risk area. I understand the Council's line of reasoning on this particular issue. However, I see no difference between its reliance on a sufficient ground level measurement providing protection to the area from floodwaters as any different from a reliance on flood defences, which may offer a similar degree of protection. Paragraph 24 of PPG25 clearly states that the indicative maps 'do not differentiate between defended and undefended areas'. If floodwaters do find their way over the ground level relied upon by the Council, it is more likely than not that the Park District could be inundated. I have to add that I do not share the Council's confidence that 2.44 metres above ordnance datum necessarily offers protection that would mean the Park District is not at risk from tidal flooding. This figure is, after all, only 7 centimetres above a 1 in 200 year flood risk.
- 4.13.3** As far as I am concerned identifying risks is not a precise science. No-one would be able to say that a level of floodwaters within the time frame of the Plan period will not exceed 2.44 AOD. I urge the Council to exercise the precautionary principle advocated in PPG25 rather than to rely upon a 7 centimetre change in ground level to protect an area of Weymouth town centre. I consider the Council should be guided by the Environment Agency on the extent of the areas subject to flood risk and recommend the Proposals Map should show the Tidal Flood Risk Area applies to the Park District.
- 4.13.4** The Council has stated that for new development it would be unreasonable to require an elevated slab height when surrounding properties are at ground level and below the level of 1 in 200 year floodwaters, particularly in an area that has little potential for development because of its densely developed character. Again, this may be so, but I cannot support the Council in its approach. I have recommended that the Park District is included within the Tidal Flood Risk Area, and also recommend that the Council either amend Policy N7 so that it may apply to the area or include a new policy specifically for the Park District. On the evidence before me I favour amending Policy N7.
- 4.13.5** In ideal circumstances, development would not occur within an area subject to a significant flood risk. Substantial development already exists within the area of the Park District however and there is the possibility that some limited new development proposals could come forward. The Plan should therefore set out how the Council would wish to control that new development. I do not consider requiring an elevated slab height is the only means by which the Plan can address the issue of flood risk. Given the limited scale of development likely to be possible within the Park District it may for example be sufficient to require either a slab level as suggested by the Environment Agency or that ground floor levels should be designed as garages and non-habitable rooms and that electrical sockets are located well above possible flood levels. This may be an either/or policy approach the Environment Agency would be prepared to accept. Otherwise I recommend a policy based on slab levels in accordance with the

Environmental Agency's evidence dated 16 January 2004 (POE/O/NATU/0023) is used.

RECOMMENDATION

Rec. 4/13 – I recommend that:-

- (i) The Proposals Map revert to showing the Park District as subject to Tidal Flood Risk.
 - (ii) Policy N7 is reworded to refer to the slab level standards in POE/O/NATU/0023 and subject to agreement with the Environment Agency to include the alternative option of restrictions being imposed on ground floor uses and the location of electrical sockets.
 - (iii) No other changes be made to the Plan in response to this objection.
-

PARAGRAPH 4.2.11/PARAGRAPH 4.2.13/POLICY N8/POLICY N8A/PARAGRAPH 4.2.13.1/ POLICY N8B/PARAGRAPH 4.2.14 CHISWELL TIDAL FLOOD RISK AREAS

LPI/1260	Mr S & Mrs H Morris (234)
LPI/1261	Mr S & Mrs H Morris (234)
LPI/1263	Mr S & Mrs H Morris (234)
LPI/2366	Mr S & Mrs H Morris (234)
LPI/2367	Mr S & Mrs H Morris (234)
WR/2369	Mr S & Mrs H Morris (234)
WR/1041	Government Office for the South West (221)
WR/2278	Government Office for the South West (221)
WR/586/CWD	Environment Agency (192)
WR/588/CWD	Environment Agency (192)
WR/589/CWD	Environment Agency (192)
WR/1530/CWD	Environment Agency (192)
WR/2158/CWD	Environment Agency (192)
WR/1531/CWD	Environment Agency (192)
WR/2159/CWD	Environment Agency (192)
(POE/C/NATU/0444 all reps)	
WR/2157	Environment Agency (192)
(POE/O/NATU/0017	POE/C/NATU/0444)

MAIN ISSUES

- Is Policy N8a that refers to the extreme tidal flood risk area at Chiswell, necessary?
- Should criterion (iii) in Policy N8b be reworded to include areas remote from the area subject to 1 in 200 year flood risk?
- Are the design standards for Chiswell acceptable?
- Is the 1 in 5 or 1 in 10 year flood event too pessimistic in the light of coast and flood protection works that have been completed?
- Is the term "Extreme Tidal Flood Risk Area" as applied to part of the Chiswell area overly pessimistic?
- Should development in Chiswell be encouraged in order to enhance the old village character and to enable additional buildings to add protection from overtopping waves?

4.14 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.14.1** These objections are complemented by another that relates to the future planning policy for the Chiswell Tidal Flood Risk Area (See section 2.41 of this report). In the interests of convenience and to avoid repetition, all these objections are considered within this section of my report. I shall deal with the issue raised in section 2.41 first and then with each of the above issues in turn.
- 4.14.2** I am aware that in accordance with Policy D1 and Appendix 1 to the Plan, the Development Boundary marks the acceptable extent of the built up area and that within it, subject to detailed policies in the Plan, development may be permitted. I have no doubt but that Chiswell does form part of the developed area and the objection that suggests the area be excluded (Objection WR/579/CWD/Site Ref. XP03 – see section 2.41) does not argue otherwise. The objector's view focuses on the development potential of the area that is implicit in its being within the Development Boundary. Policies N8a and N8b deal with this matter and establish a detailed and appropriate policy approach to development within the flood risk area. I therefore accept it is correct to use the Development Boundary to define the actual extent of the settlement and where necessary to use specific policies to introduce constraints on development within such areas.
- 4.14.3** Objections WR/589/CWD, WR/588/CWD, WR/2158/CWD, WR/2159/CWD, WR/1531/CWD, WR/1530/CWD and WR/586/CWD were made on the provisions of the First Deposit version of the Plan. In response to changes made to the text of the Revised Deposit version and in Pre Inquiry Changes, these objections were conditionally withdrawn. I have no reason other than to accept the changed wording, so will not consider these objections further.
- 4.14.4** Objection WR/1041 was made on the provisions of the First Deposit version of the Plan. Changes were made to the text of the Revised Deposit version in response to this objection, which has not been withdrawn. As I consider the changes acceptably address the objection, I have not considered further the matters raised.
- 4.14.5** Objection LPI/1260 was made on the provisions of the First Deposit version of the Plan. Although it has not been withdrawn, I consider changes made to the text of paragraph 4.2.11 in the Revised Deposit version appropriately address the historical context for Chiswell raised in this objection.
- 4.14.6** No argument is made in Objection WR/2278 that has raised the **first issue** to support the contention that Policy N8a is not necessary. Given the extreme risk of marine flooding that affects this area I consider this policy is justified.
- 4.14.7** The wording suggested for criterion (iii) in Policy N8b by Objection WR/2157 (as supplemented by POE/O/NATU/0017) that has raised the **second issue** would include areas not within the flood risk area and thus not defined on the Proposals Map. Whilst flooding risks may occur in areas outside the defined risk area I see no reason to change the wording of the policy as suggested and thus to make the area within which the policy would apply indeterminate.
- 4.14.8** **The third issue** is raised in Objection WR/2369 that seeks to have design standards for Chiswell that are robust and not unduly restrictive included in the Plan. I note from the Council's response that the standards referred to are contained in the Chiswell Design Brief. I consider it would not be

appropriate to include details of matters such as design criteria for particular locations in the Plan and that this is a matter best left for SPG. As the Design Brief is not before me I cannot comment on whether or not the details it contains fully address this issue.

- 4.14.9** Objection LPI/1263 was made on the provisions of the First Deposit version of the Plan and raised the **fourth issue**. The Revised Deposit version of the Plan now refers to a 1 in 5 - 10 year event, thus appropriately reflecting the flood defence capability as estimated by the Environment Agency.
- 4.14.10** On the **fifth issue** I have received no evidence in writing or at the Inquiry in support of Objection LPI/2366 to demonstrate the term "Extreme Tidal Flood Risk Area" as applied to part of Chiswell, and itself derived from the Posford Duvivier Study (1998), does not accurately reflect the situation. I cannot give any weight to subjective opinion that is unsupported by tangible evidence that questions the Study and suggests a significantly different level of risk.
- 4.14.11** The **sixth issue** as raised in objection LPI/1261 suggests development in Chiswell should be allowed in order to enhance the character and appearance of the settlement and in my view has considerable merit in principle. I have however taken account of the extreme flooding risk that affects this area and in particular the likelihood that buildings would need to withstand primary wave impact and surging flows. With those matters in mind and having regard also to the provisions of PPG25, I have somewhat reluctantly concluded it would be inappropriate to encourage development in this area.

RECOMMENDATION

Rec. 4/14 – I recommend that no changes, other than as proposed in Pre Inquiry Changes (October 2003) for paragraph 4.2.13 and 4.2.13.1, be made to the Plan in response to these objections.

.....

POLICY N9 OSPREY QUAY FLOOD FLOW PATH

WR/585/CWD	Environment Agency (192)
WR/707/CWD	Portland Harbour Ltd (203)
POE/C/NATU/0447 both reps)	

MAIN ISSUE

- None

4.15 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.15.1** These objections were both made on the provisions of the First Deposit version of the Plan and suggest Policy N9 should refer to the need to protect land surrounding the Osprey Quay site from flooding and to establish minimum ground floor levels for development within Osprey Quay. These objections have subsequently been conditionally withdrawn. No information on the conditionality has been provided but is assumed to have

been in response to amendments made in the Revised Deposit version. Regardless, I consider that Policy N9 relates to restricting development within the Osprey Quay Flood Flow Path and not any development that may occur nearby. The unimpeded flow of water is the issue and not detailed development control advice or protection of the surrounding area. These issues are dealt with elsewhere in the Plan. No amendment is therefore required.

RECOMMENDATION

Rec. 4/15– I recommend that no changes be made to the Plan in response to these objections.

.....

PARAGRAPH 4.4/PARAGRAPH 4.4.2 MINERALS

LPI/1265	Mr S & Mrs H Morris (234)
LPI/1264	Mr S & Mrs H Morris (234)
LPI/2370	Mr S & Mrs H Morris (234)
WR/1499	Dorset County Council (254)
(POE/C/NATU/0440 all reps)	

MAIN ISSUE

- Should the Plan include policy to guide the restoration and after use of quarries?

4.16 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.16.1 Having read the objections and the Council's response, I concur with paragraph 5.1 of the Council proof POE/C/NATU/0440 and consider the restoration of quarries is a matter for the County Minerals Local Plan and not for this Plan. In addition, as Policy D1 establishes policy guidance for development on all land outside development boundaries (including quarries) I see no reason for this Plan to include policy guidance on after uses for redundant or soon to be redundant quarries. The Plan does not and should not attempt to make definitive proposals for all land within the Plan area. To attempt to do so for quarries in response to this issue would pre-empt and may jeopardise negotiations taking place between principally the County Council as Minerals Authority and quarry companies. These are taking place with a view to obtain agreement on restoration and after use for quarries, the planning permissions for many of which are up to 50 yrs old and do not provide for restoration and after-use. I note that Policy TO9, that proposes a centre for tourism and management of conservation interests within part of a redundant quarry, addresses the need for such a centre and cannot be taken as a precedent for the Plan to suggest after uses for all redundant quarries in the Plan area.

RECOMMENDATION

Rec. 4/16 – I recommend that no changes be made to the Plan in response to these objections.

.....

POLICY N11 CONVERSION OF BUILDINGS OUTSIDE THE DEVELOPMENT BOUNDARY

WR/595/CWD Tourism South East (193)
 WR/2288 Government Office for the South West (221)
 (POE/C/NATU/0218 both reps)

MAIN ISSUE

- Should Policy N11 give priority to employment uses when dealing with proposals to convert buildings outside the Development Boundary?

4.17 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.17.1 Before addressing these objections, I note the chapter that includes Policy N11 is titled 'Natural Environment'. The policy addresses the conversion of buildings outside the development boundary and does not in my view deal with a matter that should logically be within this chapter. Although not a matter the subject of an objection and therefore not a matter on which I can make a formal recommendation, I suggest the Council considers moving section 4.5 to Chapter 3, perhaps swapping it with section 3.3.

4.17.2 Objection WR/595/CWD was made on the provisions of the First Deposit version of the Plan and has been conditionally withdrawn in response to changes made to the Revised Deposit version. In the circumstances I have not considered this objection further.

4.17.3 The **main issue** has been raised in Objection WR/2288. To my mind the emphasis in PPS7 is on the reuse of rural buildings for economic development purposes rather than residential (see paragraph 19 – PPS7). This emphasis has been carried through from PPG7 and I see no reason why this policy stance needs to be re-stated &/or justified further in this Plan.

RECOMMENDATION

Rec 4/17 – I recommend that no changes be made to the Plan in response to these objections.

.....

SECTION 4.6 LANDSCAPE

WR/551/CWD Environment Agency (221)
 WR/1550/CWD Environment Agency (192)
 (POE/C/NATU/0232 both reps)

WR/1341
(POE/C/NATU/0240)
LPI/2050
(POE/O/EMPL/0008)

Mr S & Mrs H Morris (234)
Mr EC Bond (142)
POE/C/DEVE/0207)

MAIN ISSUE

- None

4.18 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.18.1 Objections WR/551/CWD and WR/1550/CWD were made on the provisions of the First Deposit version of the Plan (January 2001). Changes were made to the Revised Deposit version (May 2003) that in my view fully address these objections that have been conditionally withdrawn. In the circumstances I have not considered them further.

4.18.2 Objection WR/1341 objects to a lack of reference to Common Land in the Plan and on the Proposals Map. I concur with the Council's view that the Plan should not concern itself with rights over land, particularly Common Land, which has its own status independent of planning legislation. I therefore see no reason to include reference to Common Land in the text of the Plan or on the Proposals Map.

4.18.3 Objection LPI/2050 is one of a number of objections from the same objector (ref 142), the main thrust of which is to question proposal E2(g) in the Plan and to suggest the land should be subject to a landscape designation such as ALLI. This matter is considered in section 6.10 of this report.

RECOMMENDATION

Rec. 4/18–

- (i) See Rec 6/10
- (ii) That no further changes be made to the Plan in response to these objections.

PARAGRAPH 4.6.1/POLICY N12 AREA OF OUTSTANDING NATURAL BEAUTY POLICY AREA

WR/262	Mr & Mrs G & D Wareham (87)
WR/334	Mr MI Pullman (148)
WR/413	South Dorset (159)
WR/534	Farming and Rural Conservation Agency (534)
WR/782	Ms H Ellery (209)
(POE/C/NATU/0232 all reps)	

MAIN ISSUE

- None

4.19 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.19.1** Objection WR/534 was made on the provisions of the First Deposit version of the Plan (January 2001) and suggested the Plan should make it clear the AONB is a national designation. Changes were made to the Revised Deposit version (May 2003) that in my view fully address this objection although I note it has not been withdrawn. In the circumstances I have not considered this objection further.
- 4.19.2** Objection WR/262 refers to a perceived difficulty in ascertaining the extent of the AONB. I see nothing amiss in the way the designation has been depicted on the Proposals Map and make no recommendation to change the Plan.
- 4.19.3** Objections WR/334, WR/413 and WR/782 all take issue with the Plan's approach to the possibility of development within the boundary of the AONB. I do not support the contention that the AONB should be protected from development without qualification, as suggested in objection WR/334 and implied in the others, particularly as AONB include some built development. Paragraph 21 of PPS7 refers to the economic and social well being of designated areas. The Local Planning Authority clearly has to balance these concerns against the objective to protect the natural beauty of the landscape within the AONB.
- 4.19.4** In addition, Objection WR/413 considers the policy wording to be irrational as it could be argued that any development would adversely affect the natural beauty of the AONB. I do not accept that argument and in any event there is no contradiction between the general thrust of Policy N12 and that of national planning policy on this issue as it is clear to the reader that the natural beauty of the landscape is the prime consideration within the AONB. I note updated national policy guidance has been provided in PPS7 but considering the extent and nature of the AONB in the Plan Area I see no reason to amend the Policy or supporting text.
- 4.19.5** Objection WR/782 refers to a lack of confidence in the Council arriving at the correct planning decision when implementing this policy of the Plan. Policy interpretation is not a matter on which I can comment or make a recommendation.
- 4.19.6** I note the Plan states that part of the designated AONB will not be subject to Policy N12 (the built up areas of Preston and Littlemoor – see paragraph 4.6.1). As recognised in the Plan (paragraph 4.6.1), the designation of an AONB is a function performed at a national level. Regardless of the nature of any part of the AONB, suburban or not, the Council should apply Policy N12 across the AONB designation, the full extent of which should be shown on the Proposals Map. It may be the case that because of the suburban character of Preston and Littlemoor certain proposals may be more acceptable within those areas than within other areas of the AONB. On the same basis certain proposals may be more acceptable within that part of Upwey that is 'washed over' by the AONB designation than it would be within areas of open countryside. I do not therefore accept there is any reason not to apply Policy N12 to the whole of the area within the designated AONB. This is not a matter that has been the subject of objection and I am not therefore able to make a formal recommendation on it. I suggest however that the Council reconsiders the policy situation set out in the Plan with a view to showing the whole of the AONB on the Proposals Map and to make it clear that Policy N12 applies to that area.

RECOMMENDATION

Rec. 4/19– I recommend that no changes be made to the Plan in response to these objections.

.....

PARAGRAPH 4.6.2/POLICY N13 AREAS OF LOCAL LANDSCAPE IMPORTANCE (POLICY WORDING)

WR/157/CWD	Portland Court Leet (54)
WR/412	South Dorset Friends of the Earth (159)
WR/783	Ms H Ellery (209)
(POE/C/NATU/0221 all reps)	
LPI/2051	Mr EC Bond (142)
(POE/O/EMPL/0008	POE/C/DEVE/0207)

MAIN ISSUE

- Should the Plan contain a statement supporting the designation of land outside the Plan area as being of landscape importance?

4.20 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.20.1** Objection WR/783 refers to a lack of confidence in the Council arriving at the correct planning decision when implementing this and other policies of the Plan. I am only able to comment on the Plan before me and am not therefore able to consider further this objection that has raised a matter related to policy interpretation.
- 4.20.2** Objection WR/157/CWD expresses a hope that particular areas on Portland can be protected from development for future generations. Although I do not interpret this as an objection, the Council has accepted it as duly made. I note that the area in question, the coastal strip between Southwell and Portland Bill, is designated as an Area of Local Landscape Importance, and that Policy N13 is intended to achieve the objector's objective. In addition I note that the objection has been conditionally withdrawn. In the circumstances I have not considered this objection further.
- 4.20.3** In my opinion, attempting to define the term 'no significant harm', as suggested in objection WR/412, would be a fruitless task. The objection does not offer any thoughts on what form this definition could or should take. To be of any assistance, the 'definition' would have to be comprehensive and address most if not every eventuality. The decision is a matter of professional judgement and I consider the existing wording gives ample guidance to the decision maker. The policy approach is clear and I recommend no amendment in response.
- 4.20.4** The main issue has been raised in Objection LPI/2051 and refers to land in West Dorset District to the west of land the subject of Policy E2(g) (see section 6.10 of this report). It would not in my view be legitimate for this Plan to express a view on the future of land not within the Plan area. The Council may have a view on the matter referred to but that view would need to be expressed other than in a statutory Plan.

RECOMMENDATION

Rec. 4/20 – I recommend that no changes be made to the Plan in response to these objections.

.....

POLICY N13 LAND AT MAY FARM

WR/829/Site Ref. HW25
(POE/C/DEVE/0206)

Mr BG Curtis (213)

MAIN ISSUE

- Is the inclusion of land at May Farm (Markham & Little Francis) within an Area of Local Landscape Importance (ALLI) justified?

4.21 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.21.1 This objection argues that as the objection site is surrounded by development it does not form part of the wider landscape. It should not therefore be designated within the ALLI as that would prevent development of a highly sustainable area of land.

4.21.2 This objection interrelates with and complements that submitted by the same objector to Policy D1 of the Plan (See section 2.6 of this report). In the interests of convenience and to avoid repetition it is considered within that part of my report.

RECOMMENDATION

Rec. 4/21 – See Rec 2/6.

.....

POLICY N13 LAND AT HORSE LYNCH FARM, LITTLEMOOR

WR/376/Site Ref. HW14
(POE/C/DEVE/0211)

FairBriar Homes Ltd (156)

MAIN ISSUE

- Is the inclusion of land at Horse Lynch Farm, Littlemoor within an Area of Local Landscape Importance (ALLI) justified?

4.22 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.22.1 This objection interrelates with and complements those submitted by the same objector to Policies D1 and H1 of the Plan (See sections 2.4 and 5.7 of this report). In the interests of convenience and to avoid repetition it is considered within section 2.4 of my report.

RECOMMENDATION

Rec. 4/22 – See Rec 2/4.

POLICY N13 MARTLEAVES FARM, SOUTH ROAD WYKE REGIS

LPI/526/Site Ref. HW20
(POE/O/HOUS/0022)

Mr & Mrs Smith (189)
POE/C/DEVE/0205)

MAIN ISSUE

- Is the inclusion of land at Martleaves Farm, South Road, Wyke within an Area of Local Landscape Importance (ALLI) justified?

4.23 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.23.1 This objection argues that it is inappropriate to include the objection site within the Area of Local Landscape Importance (ALLI), a matter that would be reinforced should construction of the new road (Policy T14) proceed.

4.23.2 This objection interrelates with and complements those submitted by the same objector to Policy D1 of the Plan (See section 2.7 of this report). IN the interests of convenience and to avoid repetition it is considered within that section of my report.

RECOMMENDATION

Rec. 4/23 – See Rec 2/7.

POLICY N13 LAND SOUTH OF 146 WYKE ROAD

WR/434/Site Ref. HW15
(POE/C/DEVE/0212)

Mr & Mrs E Siviter (163)

MAIN ISSUE

- Is the inclusion of land south of 146 Wyke Road within an Area of Local Landscape Importance (ALLI) justified?

4.24 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.24.1 On behalf of the objectors it is argued that the site (the original objection site that included land to the south of this site) has existing housing development on three sides and already contains development in the form of a dwelling and stabling. The built development on the site means it has no intrinsic landscape value and cannot legitimately therefore be considered

as contributing to the landscape character of the extensive and mostly open area of land to the north and west.

- 4.24.2** This objection interrelates with and complements that submitted by the same objectors to Policy D1 of the Plan (See section 2.20 of this report). In the interests of convenience and to avoid repetition it is considered within that section of my report.

RECOMMENDATION

Rec. 4/24 – See Rec 2/20.

.....

POLICY N13 AREA OF LOCAL LANDSCAPE IMPORTANCE AT RADIPOLE LANE, SOUTHILL

WR/380 Trustees of the Aldwickbury Settlement (157)
(POE/C/DEVE/0207)

MAIN ISSUE

- Is the inclusion of part of the land adjacent to 148 Radipole Lane in the Area of Local Landscape Importance (ALLI) justified?

4.25 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.25.1** This objection complements those by the same objector (ref 157) to Policy E2(g) in the Plan and dealt with in considering issues four and five in section 6.10 of this report. This is a very small area of land that forms part of a larger land holding, much of which is outside the Plan area to the West. As concluded in Section 6.10 of this report the future of this land can only properly be considered when determining the planning policy for the major part of the land to the west. I do not consider this small area of land in itself is of such landscape character as to justify its designation as ALLI and consider it should be shown as countryside in this Plan

RECOMMENDATION

Rec. 4/25 – See Rec 6/10 (ii).

.....

POLICY N13 LAND AT VERNE COMMON ROAD, PORTLAND

LPI/701/Site Ref. HP15
(POE/O/HOUS/0017)

Mr & Mrs Eley (202)
POE/C/DEVE/0416)

MAIN ISSUE

- Is the inclusion of land between Ventnor Road and Verne Common Road, Fortuneswell within an Area of Local Landscape Importance (ALLI) justified?

4.26 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.26.1** This objection interrelates with and complements that submitted by the same objectors to Policy D1 of the Plan (See section 2.21 of this report). In the interests of convenience and to avoid repetition it is considered within that section of my report.

RECOMMENDATION

Rec. 4/26 – See Rec 2/21.

.....

POLICY N13 LAND AT BLACKNOR FORT, WEST OF WESTON

WR/66/Site Ref. HP20
(POE/C/DEVE/0419)

Mr EG Hoskins (31)

MAIN ISSUE

- Is the inclusion of land at Blacknor Fort within an Area of Local Landscape Importance (ALLI) justified?

4.27 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.27.1** This objection interrelates with and complements that submitted by the same objector to Policy D1 of the Plan (See section 2.35 of this report). In the interests of convenience and to avoid repetition it is considered within that section of my report.

RECOMMENDATION

Rec. 4/27 – See Rec 2/35

.....

POLICY N13 AREAS OF LOCAL LANDSCAPE IMPORTANCE - LAND WITHIN PORTLAND PORT ESTATE, EAST WEARES

LPI/708/Site Ref. EP04
LPI/1536/Site Ref. EP05
LPI/1537/Site Ref. EP06
LPI/1538/Site Ref. EP07
(POE/O/EMPL/0003

Portland Harbour Ltd (203)
Portland Harbour Ltd (203)
Portland Harbour Ltd (203)
Portland Harbour Ltd (203)
POE/C/EMPL/0003 both reps)

MAIN ISSUE

- Is the inclusion of land east of the former HMS Osprey complex, East Weares and between the former HMS Osprey complex, Incline Road and East Weares Rifle Range in an Area of Local Landscape Importance (ALLI) justified?

4.28 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.28.1** As a number of the sites referred to in the main issue now have planning permission for development, they have been deleted from the area designated as ALLI in the Plan (see N13.4 on page 179 in the Plan). A subsequent objection from this objector to that change is referred to in section 4.34 of this report. In any event, these objections and the issue raised interrelate with and complement those submitted by the same objector (ref 203) to Policy E2c of the Plan (See section 6.7 of this report). As elaborated in evidence presented at the Inquiry the main thrust of these objections is to promote a separate policy for the area of the Portland Harbour estate. In the interests of convenience and to avoid repetition, the matters raised in the above objections, which have been consolidated in the evidence presented at the Inquiry, are considered within that section of my report

RECOMMENDATION

Rec. 4/28 – See Rec 6/7.

.....

POLICY N13 AREA BOUNDED BY INCLINE ROAD

LPI/1270/XP10
(POE/C/NATU/0221)

Mr S & Mrs H Morris (234)

MAIN ISSUE

- Should the area bounded by the Incline Road, the YOI perimeter wall at the Grove, extending to Glacis, the High Angle Batteries and Redoubt and the Verne Ditch be designated within the ALLI?.

4.29 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.29.1** It is argued that the area referred to includes the historic ruins of old engine sheds and military monuments and has a high natural history interest. These interests are reflected and as appropriate safeguarded by their designation within a site of National Archaeological Importance and parts of the area referred to are within the cSAC, SSSI or a Site of Nature Conservation Interest. There is no justification therefore in terms of safeguarding these interests to include the areas within the ALLI. I do not accept the view expressed in this objection that refers to the boundary of the ALLI which is in my view properly drawn along the cliff edge as it is intended to include the coastal landscape.

RECOMMENDATION

Rec. 4/29 – I recommend that no changes be made to the Plan in response to this objection.

.....

POLICY N13 WESTON VILLAGE, HAYLANDS / BOTTOMCOMBE, WAKEHAM AND WESTON STREET

LPI/1336/Site Ref. XP06
(POE/C/NATU/0221)

Mr S & Mrs H Morris (234)

MAIN ISSUE

- Should the landscape importance of the open fields and other land between Weston Village, Haylands/Bottomcoombe, Wakeham and Weston Street be recognised in the Plan?

4.30 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.30.1 I note from the Council's response to this subject and as explained at the Inquiry that much of this land has an extant permission for quarrying. I was able to confirm at my site inspection that for the most part it comprises an area of isolated fields that are not related either visually or in terms of its location with those areas on Portland that are designated as ALLI. This relatively small area in my view has little in terms of landscape quality to distinguish it from open countryside. Given that conclusion and the existence of a planning permission for quarrying I consider the protection afforded by its being outside the Development Boundary affords appropriate protection. To designate it within an ALLI or similar would achieve little and would in my view de-value the currency of the designation.

RECOMMENDATION

Rec. 4/30 – I recommend that no changes be made to the Plan in response to this objection.

.....

POLICY N13 PORTLAND HARBOUR COASTLINE

WR/1535/Site Ref. XW11
(POE/O/NATU/0001)

Mrs B Pickett (48)
POE/C/NATU/0221)

MAIN ISSUE

- Should the northern coastline of Portland Harbour be designated as an Area of Local Landscape Importance (ALLI)?

4.31 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.31.1** The land the subject of this objection is designated in the Plan as Local Open Space and as such is subject to Policy C9. I consider the protection afforded by that policy constraint is adequate to address the objector's concerns.

RECOMMENDATION

Rec. 4/31 – I recommend that no changes be made to the Plan in response to this objection.

.....

POLICY N13 LAND AT RADIPOLE & CHAFEY'S LAKES

WR/121/Site Ref. XW07
WR/1534/Site Ref. XW10
(POE/C/NATU/0221)

Mrs B Pickett (48)
Mrs B Pickett (48)

MAIN ISSUE

- Should Radipole Lake and Chafey's Lake be designated as Areas of Local Landscape Importance (ALLI)?

4.32 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.32.1** Both these areas are designated as SSSIs. Whilst the main thrust of that designation is based on the ecology and nature conservation interests of the areas, the constraint it imposes on development and other activity impacts directly and indirectly on the landscape characteristics of the areas. As the level of that constraint is greater with this national designation than it would be with a local designation as an ALLI, I consider there is no benefit in adding a layer of lesser control. In any event, the designation of ALLI is not intended to apply to every open area of land.

RECOMMENDATION

Rec. 4/32 – I recommend that no changes be made to the Plan in response to these objections.

.....

PROPOSED MAP CHANGE N13.3 REDUCTION IN AREA OF LOCAL LANDSCAPE IMPORTANCE AT SOUTHWELL BUSINESS PARK

WR/2029
(POE/C/EMPL/0461)

Mrs B Pickett (48)

MAIN ISSUE

- Is the proposed additional development proposed at the Southwell Business Park and the consequent loss of areas of Nature Conservation Interest, Local Landscape Importance and part of the designated Heritage Coast and Portland Coastline justified without a firm requirement to implement compensatory improvements?

4.33 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.33.1** This objection interrelates with and complements a number of others submitted by the same objector to, in particular, Policies E2d, E2.1, N16, and N14 of the Plan. It also raises arguments similar to those raised in a number of other objections that relate to the overall policy promoted in the Plan for land in the vicinity of the Southwell Business Park. In the interests of convenience and to avoid repetition, all these objections are considered within section 6.8 of this report.

RECOMMENDATION

Rec. 4/33 – See Rec 6/8.

.....

PROPOSED MAP CHANGE N13.4 ALTERATION TO AREA OF LOCAL LANDSCAPE IMPORTANCE AT PORTLAND PORT, EAST WEARES

LPI/2208
POE/O/EMPL/0003

Portland Harbour Ltd (203)
POE/C/EMPL/0003)

MAIN ISSUE

- None

4.34 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.34.1** This objection was consolidated in Proofs of Evidence submitted on behalf of the same objector and considered at the Inquiry. The matter raised, which relates to the designation in the Plan of parts of the Portland Harbour estate as ALLI, interrelates with and complements those made by the same and other objectors on the planning policy that should apply to this area. In the interests of convenience and to avoid repetition, these are all dealt with at section 6.7 of this report.

RECOMMENDATION

Rec. 4/34 – See Rec 6/7.

.....

PARAGRAPH 4.7.1/POLICY N14 THE HERITAGE COAST, PORTLAND COAST AND COASTAL MANAGEMENT (POLICY WORDING)

WR/279
WR/411

C.H.I.P.S (Chiswell Community Group) (94)
South Dorset Friends of The Earth (159)

WR/535	Farming and Rural Conservation Agency (190)
WR/784	Ms H Ellery (209)
(POE/C/NATU/0220 all reps)	
LPI/709	Portland Harbour Ltd (709)
(POE/O/EMPL/0003	POE/C/EMPL/0003)

MAIN ISSUE

- None

4.35 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.35.1** Objection WR/279 was made on the provisions of the First Deposit version of the Plan, was supplemented by POE/O/NATU/0029 and expresses concern at the untidy nature of land at Chiswell. In raising this concern, the objection has not indicated how the Plan should respond to the situation to which reference is made. I know of no way a planning policy document such as this Local Plan can address the matter raised, which relates to the way in which land is managed.
- 4.35.2** Objection WR/535 was made on the provisions of the First Deposit version of the Plan (January 2001). Although it has not been withdrawn, changes were made to the Revised Deposit version (May 2003) that in my view fully address this objection. In the circumstances I have not considered this objection further.
- 4.35.3** Objection WR/411 questions if the designation of Heritage Coast is given sufficient importance in the Plan. Furthermore the requirement to conserve and enhance is questioned. In response, the Council has pointed out that this and various other designations are in existence to inform planning decisions and not as moratoria on development. In my view, a development satisfying criterion (ii) could well conserve the natural beauty of the coastline. In addition I do not consider the enhancement of the natural beauty and the possibility of development are necessarily mutually exclusive. I conclude that the Plan has an appropriate level of emphasis on the protection of the Heritage Coast and recommend no amendment in response.
- 4.35.4** Objection WR/784 refers to a lack of confidence in the Council arriving at the correct planning decision when implementing this and other policies of the Plan. As I am only able to comment on the Plan before me and not on policy interpretation I have not considered this objection further.
- 4.35.5** Objection LPI/709 was consolidated in Proofs of Evidence submitted on behalf of the same objector and considered at the Inquiry. The matter raised, which relates to the designation in the Plan of parts of the Portland Harbour estate as ALLI, interrelates with and complements those made by the same and other objectors on the planning policy that should apply to this area. In the interests of convenience and to avoid repetition, these are all dealt with at section 6.7 of this report.

RECOMMENDATION

Rec. 4/35 – (i) See Rec 6/7.

- (ii) That no changes be made to the Plan in response to these objections.
-

POLICY N14 MARTLEAVES FARM, SOUTH ROAD WYKE REGIS

LPI/527/Site Ref. HW20
(POE/O/HOUS/0022)

Mr & Mrs Smith (189)
POE/C/DEVE/0205)

MAIN ISSUE

- Is the inclusion of part of the land at Martleaves Farm, South Road, Wyke within the Heritage Coast and Portland Coastline policy area justified?

4.36 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.36.1 This objection argues that as the objection site makes no contribution to the character of the open land to the west it should be excluded from the area designated as Heritage Coast and Portland Coastline, a matter that would be reinforced by construction of the new road (Policy T14). The Heritage Coast designation should only extend to the western boundary of the proposed road.

4.36.2 This objection interrelates with and complements those submitted by the same objector to Policy D1 of the Plan (See section 2.7 of this report) and is therefore considered within that part of my report.

RECOMMENDATION

Rec. 4/36 – See Rec 2/7

.....

POLICY N14 LAND AT BLACKNOR FORT, WEST OF WESTON

WR/65/Site Ref. HP20
(POE/C/DEVE/0419)

Mr EG Hoskins (31)

MAIN ISSUE

- Is the inclusion of Blacknor Fort within the Heritage Coast and Portland Coastline policy area justified?

4.37 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.37.1 This objection interrelates with and complements that submitted by the same objector to Policy D1 of the Plan (See section 2.35 of this report). In the interests of convenience and to avoid repetition it is considered within that section of this report.

RECOMMENDATION

Rec. 4/37 – See Rec 2/35.

.....

PROPOSED MAP CHANGE N14.1 REDUCTION IN HERITAGE COAST & PORTLAND COASTLINE AT SOUTHWELL BUSINESS PARK

WR/2030	Mrs B Pickett (48)
WR/2449	Association for Portland Archaeology (253)
(POE/C/EMPL/0461 both reps)	

MAIN ISSUE

- Is the proposed additional development at the Southwell Business Park and the consequent loss of areas of Nature Conservation Interest, Local Landscape Importance and part of the designated Heritage Coast and Portland Coastline justified without a firm requirement to implement compensatory improvements?

4.38 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.38.1** These objections interrelate with and complement a number of others submitted by the same and other objectors to the overall policy promoted in the Plan for land in the vicinity of the Southwell Business Park. In the interests of convenience and to avoid repetition, all these objections are considered within section 6.8 of this report.

RECOMMENDATION

Rec. 4/38 – See Rec 6.8.

.....

POLICY N14/MAP CHANGE N14.2 HERITAGE COAST & PORTLAND COASTLINE AT PORTLAND PORT, EAST WEARES

LPI/2209	Portland Harbour Ltd (203)
(POE/O/EMPL/0003	POE/C/EMPL/0003)
LPI/1267	Mr S & Mrs H Morris (234)
WR/2448	Association for Portland Archaeology (253)
(POE/C/NATU/0220 both reps)	

MAIN ISSUE

- None

4.39 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.39.1** Objection LPI/2209 refers implicitly to Map N14.2 on page 180 of the Plan and objects to additional areas of Heritage Coast and Portland Coastline that are shown on that map. It is argued that the Proposals Map needs to reflect the provisions of PPG20 by acknowledging that particular types of development, including ports, require a coastal location. The arguments raised in this and other objections from the same objector were consolidated and supplemented by evidence presented at the Inquiry. In the interests of convenience and to avoid repetition these are considered together at section 6.7 of this report.
- 4.39.2** Objection WR/2448 expresses concern over a large area of coast proposed for development. The Plan recognises the areas within the Portland Port and East Weares area that have planning permission but does not propose additional areas for development. I am therefore unable to consider this objection further. In any event, the arguments raised therein that relate to the status of this land, together with the views expressed in objection LPI/2209 interrelate with and complement those made by the same and other objectors on the planning policy that should apply to this area. As stated in paragraph 4.39.1 above, in the interests of convenience and to avoid repetition, these are all dealt with at section 6.7 of this report.
- 4.39.3** Objection LPI/1267 suggests the area subject to Policy N14 should include all the open, undeveloped coast of East Weares. I note from the Council's response (POE/C/NATU/0220) that the boundary of the Heritage Coast includes the vast majority of coastal land on the eastern side of Portland. It correctly excludes those areas with existing planning consents together with a number of very small areas of land that I accept naturally 'round off' the areas subject to those consents. In those circumstances I do not accept it would be appropriate to include all the open undeveloped land within East Weares as subject to Policy N14.

RECOMMENDATIONS

- Rec. 4/39 – (i) See Rec 6/7.
(ii) That no changes be made to the Plan in response to these objections.
-

SECTION 4.8/PARAGRAPH 4.8.1 NATURE CONSERVATION

WR/1383	British Wind Energy Association (246)
WR/559/CWD	Environment Agency (192)
WR/632/CWD	Dorset Wildlife Trust (197)
WR/633/CWD	Dorset Wildlife Trust (197)
WR/628/CWD	Dorset Wildlife Trust (197)
WR/961/CWD	English Nature (219)
WR/962/CWD	English Nature (219)
WR/963/CWD	English Nature (219)
WR/977/CWD	English Nature (219)
(POE/C/NATU/0236 all reps)	

MAIN ISSUE

- None

4.40 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.40.1** Objections WR/559/CWD, WR/628/CWD, WR/632/CWD, WR/633/CWD, WR/961/CWD, WR/962/CWD, WR/963/CWD and WR/977/CWD were made on the provisions of the First Deposit version of the Plan (January 2001). Changes were made to the Revised Deposit version (May 2003) that in my view fully address these objections all of which have been conditionally withdrawn. In the circumstances I have not considered these objections further.
- 4.40.2** Objection WR/1383 states that the Plan's nature conservation policies should be reviewed to ensure they are compatible with the Government's climate change strategy. No indication is provided in the objection on how the existing policies do not comply with climate change policy and I find no conflict between the nature conservation policies before me and the need to look at alternative forms of energy. It may be the case, on certain occasions, that nature conservation interests prevent the construction of alternative energy facilities. By the same token the need for alternative energy facilities may in certain instances outweigh nature conservation interests. I recommend no amendment in response.

RECOMMENDATION

Rec. 4/40 – I recommend that no changes be made to the Plan in response to these objections.

.....

PARAGRAPH 4.8.2/POLICY N15/POLICY N15A/PARAGRAPH 4.8.4/PARAGRAPH 4.8.5 SITES OF NATIONAL, EUROPEAN & INTERNATIONAL NATURE CONSERVATION INTEREST (POLICY WORDING)

LPI/1268 (POE/C/NATU/0222)	Mr S & Mrs H Morris (234)
WR/335	Mr MI Pullman (148)
WR/410	South Dorset Friends of the Earth (159)
WR/753	Mr M Ross (205)
WR/785	Ms H Ellery (209)
WR/710/CWD	Portland Harbour Ltd (203)
WR/562/CWD	Environment Agency (192)
WR/618/CWD	Dorset Wildlife Trust (197)
WR/649/CWD	Dorset Wildlife Trust (197)
WR/949/CWD	English Nature (219)
WR/950/CWD	English Nature (219)
WR/951/CWD	English Nature (219)
WR/978/CWD	English Nature (219)
WR/2254	English Nature (219)
WR/1542 (POE/C/NATU/0236 all reps)	Government Office for the South West (221)
WR/563	Environment Agency (192)
WR/620/CWD (POE/C/NATU/0237 both reps)	Dorset Wildlife Trust (197)

WR/623	Dorset Wildlife Trust (197)
WR/1543	Dorset Wildlife Trust (197)
(POE/O/NATU/0002	POE/C/NATU/0237)

MAIN ISSUE

- None

4.41 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.41.1** Objection LPI/1268, that was the subject of discussion at the Inquiry, expresses the view that Policy N15 should apply to the whole of East Weares within Portland Port and that the limits of the area within which the Policy applies should not be determined by ownership boundaries. I note that the Revised Deposit version includes Policies N15(a) and N15(b), to which I take this objection now refers. As the boundaries of the designated areas referred to in these policies are established by bodies such as English Nature and not by the Local Planning Authority it would not be appropriate to amend those boundaries in the Plan. In any event I note that for the most part the East Weares areas that are not to be subject to Policy N15 or similar have extant planning permissions and should not in my view therefore be subject to a nature conservation or similar constraint. I have not been able to discern from the written and verbal evidence submitted and presented the reason for the concern expressed on ownership boundaries and have not therefore been able to address that aspect of the objection.
- 4.41.2** Objections WR/335, WR/410, WR/562/CWD, WR/618/CWD, WR/620/CWD, WR/649/CWD, WR/710/CWD, WR/753, WR/949/CWD, WR/950/CWD, WR/951/CWD, WR/978/CWD and WR/1542 were made on the provisions of the First Deposit version of the Plan (January 2001). Changes were made to the Revised Deposit version (May 2003) that in my view fully address these objections, the majority of which have been conditionally withdrawn.
- 4.41.3** Objection WR/785 refers to a lack of confidence in the Council arriving at the correct planning decision when implementing this and other policies of the Plan. I am only able to comment on the Plan before me and make no recommendation in response. In general, I am content with the Plan's approach to nature conservation.
- 4.41.4** Objections WR/623 and WR/1543 have been consolidated by a written statement (POE/O/NATU/0002). This provides supporting arguments for the view expressed in Objection WR/623 that reference should be made in the Plan to the ongoing process of SNCI selection and monitoring together with other designations (Regionally Important Geological Sites (RIGS) and Local Nature Reserves (LNR's)). In response I note the Council has stated that SNCI's have no planning status until designated by the Local Planning Authority through the Local Plan process.
- 4.41.5** Whilst it may be perfectly correct that SNCI's are given 'status' by virtue of identification in the Local Plan, I consider the Council's approach goes against the spirit of what Policy N16 attempts to do. Areas worthy of SNCI status or other designations are identified outside the Local Plan process and the Local Plan reflects their extent at a point in time. In my experience, and as highlighted in the objection, it would certainly not be unusual for a

site to be selected as being suitable for designation at a time other than when a Local Planning Authority is preparing a Plan. I consider the existence of an area with characteristics of a SNCI, RIG or LNR, regardless of when its characteristics have been recognised, can and should be a material consideration when assessing a planning application for development that could have a detrimental impact on the nature conservation or other interests the site contains. The weight afforded to any such interest would of course need to take into account the extent to which a designation has been subjected to public consultation, but lack of public consultation would not prevent any nature conservation or other interest that does exist being a material consideration. Having said this, I do not consider the text of the Plan precludes this possibility. However, for the sake of clarity, and because of the Council's response, I recommend (Rec 4.41(i)) that supporting text to Policy N16 is amended to reflect the above comments.

- 4.41.6** Following on from the above, Objection WR/1543 requests that reference should not be made in the Plan to the Local Planning Authority being the body responsible for designating SNCIs. As stated above, I do not consider the identification of SNCIs on a Local Plan Proposals Map to be the commencement of its relevance to planning decisions. Although I accept that the Council 'designates' SNCIs for the purpose of the Local Plan, I have some sympathy for the objector's concern. I have recommended (Rec 4.41(i)) that the text of paragraph 4.8.5 should be amended along the lines of that put forward in the objection.
- 4.41.7** Regarding the use of conditions and planning obligations to ensure the protection of nature conservation interests as raised in Objection WR/563, I concur with the Council that this is dealt with adequately elsewhere in the Plan. Cross reference to Policy N18 is therefore unnecessary.
- 4.41.8** Objection WR/2254 looks for reference to Reg. 54 of the Habitats Directive, which requires compensatory measures. I consider the issues of mitigation and compensatory measures are already addressed in a sufficient level of detail in the Plan. This does not downplay the importance of the Habitats Directive, but it is simply unrealistic to expect a Local Plan to cross refer to every piece of legislation that may have a bearing on development.

RECOMMENDATION

Rec. 4/41 – I recommend that:-

- (i) Paragraph 4.8.5 be amended as follows
 "...have been selected by a panel of nature conservation organisations and have been identified on the Plan's Proposals Map as Sites of Nature Conservation Interest (SNCIs). Similar identifications have also been afforded to other sites that are of local importance for wildlife or that have importance for their Geology (Local Nature Reserves (LNR's) and Regionally Important Geological Sites (RIGS) respectively). The work of selecting sites suitable for identification in these ways is ongoing and the following Policy N16 applies to all SNCIs, RIGS and LNR's identified on the Proposals Map and to sites identified as worthy of such status that have been selected subsequent to the publication of the Plan. Dorset's Important Geological---
- (ii) No other changes be made to the Plan in response to these objections.

POLICY N15 LAND WEST OF TOD'S WORKS, WIDE STREET

WR/373/Site Ref. EP02
(POE/C/EMPL/0462)

W & J Tod Ltd (154)

MAIN ISSUE

- Is the objection site within an area of international or national nature conservation importance (SSSI)? .

4.42 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.42.1 This objection interrelates with and complements that submitted by the same objector to Policies D1 and B3 of the Plan (See sections 2.38 and 3.8 respectively of this report) and also with a number of others that refer to the planning status of land to the west and north of the Wide Street industrial estate. As stated in paragraph 2.38.2 above, the Council has responded to these objections by publishing PIC's and FPIC's and these have themselves been the subject of objection. For convenience and to avoid repetition, this objection and those that refer to the planning status of land to the west of the Wide Street industrial estate are dealt with in section 2.49 of this report.

RECOMMENDATION

Rec. 4/42 – See Rec 2/49.

.....

POLICY N16 SITES OF NATURE CONSERVATION INTEREST, REGIONALLY IMPORTANT GEOLOGICAL SITES AND LOCAL NATURE RESERVES (POLICY WORDING)

LPI/711	Portland Harbour Ltd (203)
LPI/2210	Portland Harbour Ltd (203)
(POE/O/EMPL/0003	POE/C/EMPL/0003)
WR/561/CWD	Environment Agency (192)
WR/564	Environment Agency (192)
WR/621/CWD	Dorset Wildlife Trust (197)
WR/625/CWD	Dorset Wildlife Trust (197)
WR/626/CWD	Dorset Wildlife Trust (197)
WR/980/CWD	English Nature (219)
WR/981/CWD	English Nature (219)
WR/982	English Nature (219)
WR/409	South Dorset Friends of the Earth (159)
WR/786	Ms H Ellery (209)
(POE/C/NATU/0237 all reps)	
LPI/1269	Mr S & Mrs H Morris (234)
(POE/C/NATU/0223)	

WR/1271
(POE/C/NATU/0231)

Mr S & Mrs H Morris (234)

MAIN ISSUE

- None

4.43 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.43.1** Objections LPI/711 and LPI/2210 were consolidated in Proofs of Evidence submitted on behalf of the same objector and considered at the Inquiry. The matters raised, which relate to Policy N16 and the constraint it imposes on parts of the Portland Harbour estate, interrelate with and complement those made by the same and other objectors on the overall planning policy that should apply to this area. In the interests of convenience and to avoid repetition, these are all dealt with at section 6.7 of this report.
- 4.43.2** Objections WR/409, WR/561/CWD, WR/621/CWD, WR/625/CWD, WR/626/CWD, WR/980/CWD and WR/981/CWD were made on the provisions of the First Deposit version of the Plan (January 2001). Changes were made to the Revised Deposit version (May 2003) that in my view fully address these objections, many of which have been conditionally withdrawn. In the circumstances I have not considered these objections further.
- 4.43.3** Objection WR/564 points to the need for reference to the use of conditions and planning obligations in the supporting text of Policy N16. This is unnecessary as the matter is sufficiently addressed in Policy N18.
- 4.43.4** Objection WR/786 refers to a lack of confidence in the Council arriving at the correct planning decision when implementing this and other policies of the Plan. I am only able to comment on the Plan before me and not on interpretation of policy, as referred to in this objection.
- 4.43.5** Objection WR/982 calls for reference to future SNCI's, RIGS and LNR's. The Council has stated that SNCI's, RIGS and LNR's have no planning status until designated by the Local Planning Authority through the Local Plan process. I refer to my conclusions in paragraph 4.41.5 and my subsequent recommendation (Rec 4/41(i)), which address the argument raised in this objection.
- 4.43.6** Objection WR/1271 relates to the removal of topsoil as a result of quarrying activities. I concur with the Council when it states that this is a matter to be addressed by the Minerals Local Plan and by the County Council as Minerals Planning Authority on attaching restoration conditions to a planning permission. It is not therefore a matter to be addressed in this Plan.
- 4.43.7** Objection LPI/1269, that was the subject of discussion at the Inquiry, expresses the view that Policy N16 should apply to the whole of East Weares within Portland Port and that the limits of the area within which the Policy applies should not be determined by ownership boundaries. As the boundaries of the designated areas referred to in this policy are established by bodies other than the Local Planning Authority it would not be appropriate to amend those boundaries in the Plan. In any event I note that for the most part the East Weares areas that are not to be subject to Policy N16 or similar have extant planning permissions and should not in my view

therefore be subject to nature conservation or similar constraints. From the written and verbal evidence submitted and presented I have not been able to discern the reason for the concern expressed on ownership boundaries and have not therefore been able to address that aspect of the objection.

RECOMMENDATIONS

Rec. 4/43 – I recommend:-

- (i) See Rec 6/7.
- (ii) See Rec 4/41(i).
- (iii) That no further changes be made to the Plan in response to these objections.

POLICY N16 SITES OF NATURE CONSERVATION INTEREST AT EAST WEARES

WR/647/Site Ref. XP07
WR/648/Site Ref. XP08
(POE/O/NATU/0005)

Dorset Wildlife Trust (197)
Dorset Wildlife Trust (197)
POE/C/NATU/0469 both reps)

MAIN ISSUE

- None

4.44 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.44.1** These objections refer to the fact that the Proposals Map does not show the full extent of the SNCI within the area of the Portland Port estate. I note that for the most part the East Weares areas referred to in these objections that are not to be subject to Policy N16 or similar have extant planning permissions and should not in my view therefore be subject to nature conservation or similar constraints.

RECOMMENDATION

Rec. 4/44 – I recommend that no changes be made to the Plan in response to these objections.

POLICY N16 LAND AT WADDON, CORTON & FRIAR WADDON

WR/627/CWD/Site Ref. XW12
(POE/C/NATU/0237)

Dorset Wildlife Trust (197)

MAIN ISSUE

- None

4.45 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.45.1** This objection was made on the provisions of the First Deposit version of the Plan (January 2001) and refers to the omission from the Proposals Map of the section of Waddon, Corton & Friar Waddon SNCI. Changes were made to the Revised Deposit version (May 2003) that fully address this objection in response to which it has been conditionally withdrawn, although the conditionality has not been made clear. In the circumstances I have not considered this objection further.

RECOMMENDATION

Rec. 4/45 – I recommend that no changes be made to the Plan in response to this objection.

.....

PROPOSED MAP CHANGE N16.1 NEW SNCI AT WESTON PLAYING FIELD

WR/2175	Dorset Wildlife Trust (197)
(POE/O/NATU/0003	POE/C/NATU/0237)

MAIN ISSUE

- Should part of the Weston Playing Field be shown in the Plan as an SNCI?

4.46 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.46.1** The Council does not contest the nature conservation interest of the site, the extent of which is shown on a plan dated 16/06/2003 that accompanied the objection that raised this issue (WR/2175). It is however considered that as the site is located outside the Development Boundary and is designated as Local Open Space, it is sufficiently protected from development. I agree the site's status in the Plan gives it a certain degree of protection from development occurring on the site, but does not necessarily protect its acknowledged nature conservation interest. I am unclear as to why the Council chooses to take this approach and consistent with my recommendation at section 4.41 (Rec 4/41(i)) recommend that the site is identified as a SNCI.

RECOMMENDATIONS

Rec. 4/46 – I recommend that:-

- The Plan be amended to identify the site at Weston Playing Field as a SNCI.
 - No further changes be made to the Plan in response to this objection.
-

PROPOSED MAP CHANGE N16.3 DELETION OF SITE OF NATURE CONSERVATION INTEREST AT SOUTHWELL BUSINESS PARK

WR/2028 (POE/C/EMPL/0461)	Mrs B Pickett (48)
WR/2181 (POE/O/NATU/0006)	Dorset Wildlife Trust (197) POE/C/EMPL/0461)

MAIN ISSUE

- Is the deletion of a site of Nature Conservation Interest that is allocated for employment development within the Southwell Business Park justified without a firm requirement to implement compensatory improvements? .

4.47 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.47.1** These objections interrelate with and complement a number of others submitted by the same and other objectors to the overall policy promoted in the Plan for land in the vicinity of the Southwell Business Park. In the interests of convenience and to avoid repetition, all these objections are considered within section 6.8 of this report.

RECOMMENDATION

- 4.47.2** Rec. 4/47 – See Rec 6/8.
-

POLICY N17/PARAGRAPH 4.8.7 EUROPEAN PROTECTED SPECIES

WR/408	South Dorset Friends of the Earth (159)
WR/787	Ms H Ellery (209)
WR/1272	Mr & Mrs H Morris (234)
WR/630/CWD	Dorset Wildlife Trust (197)
WR/631/CWD	Dorset Wildlife (197)
WR/983/CWD	English Nature (219)
WR/984/CWD	English Nature (219)
WR/985/CWD	English Nature (219)
WR/1545/CWD	English Nature (219)
WR/1546/CWD	English Nature (219)
WR/1547/CWD	Environment Agency (192)
WR/1548/CWD	Environment Agency (192)
(POE/C/NATU/0238 all reps)	

MAIN ISSUE

- None

4.48 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.48.1** Objections WR/630/CWD, WR/631/CWD, WR/983/CWD, WR/984/CWD, WR/985/CWD, WR/1545/CWD, WR/1546/CWD WR/1547/CWD and WR/1548/CWD were made on the provisions of the First Deposit version of the Plan (January 2001). Changes were made to the Revised Deposit version (May 2003) that in my view fully address these objections and have resulted in their conditional withdrawal although the conditionality has not been made clear. In the circumstances I have not considered these objections further.
- 4.48.2** Objection WR/408 notes that the relocation of species is rarely successful and objects to reference to it within the text of Policy N17b. It is a fact that there will be occasions where development is permitted that will impact detrimentally upon protected species or those species identified in the relevant Biodiversity Action Plan. Like the objector, the Council readily acknowledges the limitations of re-location. However, it is a pragmatic approach to address a very real situation. I concur with the Council that the only other option is not to attempt relocation with the potential loss of species. To my mind, to attempt relocation is certainly preferable to the 'do nothing' scenario. I recommend no amendment in response.
- 4.48.3** Objection WR/787 refers to a lack of confidence in the Council arriving at the correct planning decision when implementing this and other policies of the Plan. I am only able to comment on the Plan before me and not on policy implementation. I therefore make no recommendation in response to this objection.
- 4.48.4** Objection WR/1272 relates to the removal of topsoil as a result of quarrying activities. I concur with the Council when it states that this is a matter to be addressed by the County Council as Minerals Authority in its Minerals Local Plan and on attaching restoration conditions to a planning permission. No amendment to the Plan is therefore required.

RECOMMENDATION

Rec. 4/48 – I recommend no changes be made to the Plan in response to these objections.

.....

PARAGRAPH 4.8.8/POLICY N18 MITIGATION OF IMPACTS OF FEATURES OF NATURE CONSERVATION VALUE / GEOLOGICAL INTEREST.

WR/1273 (POE/C/NATU/0231)	Mr S & Mrs H Morris (234)
WR/558/CWD	Environment Agency (192)
WR/560/CWD	Environment Agency (192)
WR/1549/CWD	Environment Agency (192)
WR/622/CWD	Dorset Wildlife Trust (197)
WR/635/CWD	Dorset Wildlife Trust (197)
WR/636/CWD	Dorset Wildlife Trust (197)
WR/987/CWD	English Nature (219)
WR/989/CWD	English Nature (219)
WR/988	English Nature (219)
WR/990	English Nature (219)

(POE/C/NATU/0235 all reps)
WR/638
(POE/O/NATU/0004

Dorset Wildlife Trust (197)
POE/C/NATU/0235)

MAIN ISSUE

- None

4.49 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.49.1** Objections WR/558/CWD, WR/560/CWD, WR/622/CWD, WR/635/CWD, WR/636/CWD, WR/987/CWD, WR/989/CWD and WR/1549/CWD were made on the provisions of the First Deposit version of the Plan (January 2001). Changes were made to the Revised Deposit version (May 2003) that in my view fully address these objections and have resulted in their conditional withdrawal although the conditionality has not been made clear. In the circumstances I have not considered these objections further.
- 4.49.2** Objections WR/638 and WR/988, which are supplemented by POE/O/NATU/0004 and POE/O/NATU/0010 respectively, put forward proposals to require positive biodiversity gains where appropriate. I concur with the Council when it states that Policy N18 addresses the issue of mitigation in relation to nature conservation interests. I see no reason to expand the Policy's scope beyond this, especially as existing Policy D3 adequately covers the objectors' concern. I will add that, despite the Council's statement to the contrary, I see no harm in a Local Plan Policy seeking biodiversity gain as a result of development. I could not however support a Policy wording *requiring* this.
- 4.49.3** Objection WR638, along with Objection WR/990, also put forward amended policy wording seeking replacement features. In relation to criterion (i), it is suggested that reference should be made to not just creation of replacement features, but to restoration of similar features and positive management for wildlife in alternative sites. In my view, the creation of replacement features encompasses restoration of similar features and the principle of positive management in alternative sites. No amendment is therefore required. In relation to geological interest, Objection WR/638 proposes an option of exposing new strata by way of compensation. In my view, this suggestion poses a whole host of consequential concerns, the primary one being environmental damage caused by any works. As this is the case, I am unable to support a Policy wording seeking to 'create' another site of geological interest. The Council appears to recognise and support the idea that it may be appropriate in exceptional circumstances, but has not proposed any amendments in response. Another slightly less radical proposal to amend the existing wording of the criterion is for reference to be made to enhance/manage existing equivalent geological features. I consider this suggested amendment has considerable merit. In implementing the criterion the Council would of course be required to adhere to the five necessity tests in circular 01/97 and the guidance contained in Circular 11/95. I consider it reasonable to seek more than a record of geological features where the geological interest will be lost because of a development control decision. Reference to the feature being 'at risk' should be deleted, as the 'risk' has resulted in the loss of the feature, which criterion (ii) seeks to address. I recommend that Policy N18 be amended accordingly.

- 4.49.4** Objection WR/1273 relates to the removal of topsoil as a result of quarrying activities. I concur with the Council when it states that this is a matter to be addressed by the Minerals Local Plan and on attaching restoration conditions to a planning permission. In the circumstances I have not considered this objection further.

RECOMMENDATIONS

Rec. 4/49 – I recommend that:

- (i) Policy N18 (ii) be amended as follows;
“in relation to geology, to record the features and, if appropriate, enhance equivalent geological features”.
- (ii) No other changes be made in response to these objections.

PARAGRAPH 4.8.10/POLICY N18A/POLICY N18A.21/ PARAGRAPH 4.8.11 LORTON VALLEY COUNTRY PARK.

WR/3012/CWD	Dorset Wildlife Trust (197)
WR/3013/CWD	Dorset Wildlife Trust (197)
WR/3014/CWD	Dorset Wildlife Trust (197)
WR/3017/CWD	Dorset Wildlife Trust (197)
WR/2286/CWD	English Nature (219)
WR/3055/CWD	English Nature (219)
WR/3057/CWD	English Nature (219)
WR/3061/CWD	English Nature (219)
WR/3062/CWD	English Nature (219)
WR/3034	Government Office for the South West (221)
(POE/C/TRAN/0001 all reps)	
WR/3067	Woodland Trust (682)
WR/3068	Woodland Trust (682)
(POE/O/TRAN/0016	POE/C/TRAN/0844 both reps)

MAIN ISSUE

- Would the provision of a Country Park within Lorton Valley (Policy N18a – Pre-Inquiry Changes October 2003) provide reasonable compensation for the impact the Orange Route would have on nature conservation interests, such as on Two Mile Coppice and should the Country Park in any event be promoted independent of the road?

4.50 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.50.1** Changes have been proposed in the Pre-Inquiry Changes (October 2003) and Further Pre-Inquiry Changes (January 2004) that in my view fully address Objections WR/3012/CWD, WR/3013/CWD, WR/3014/CWD, WR/3017/CWD, WR/2286/CWD, WR/3055/CWD, WR/3057/CWD, WR/3061/CWD and WR/3062/CWD, all of which have been conditionally withdrawn. I am largely satisfied with the content of both sets of Pre-Inquiry Changes to this part of the Plan and have recommended accordingly. I do, however, consider that text inserted into proposed paragraph 4.8.10 in the Further Pre-Inquiry Changes should be included within the policy wording, rather than in the supporting text.

- 4.50.2** Objection WR/3034 questions the purpose and status of the arrows put forward in the Pre-Inquiry Changes (Map N18a.21). The Council has explained that the arrows indicate the possibility of additional areas being added to the park. Given the uncertainty on the extent of this extension to the park's area, I accept this was appropriate at the time and note the matter has been definitively resolved in the Further Pre-Inquiry Changes (Map N18a.31).
- 4.50.3** The main issue is raised in Objections WR/3067 and WR/3068 (supplemented by POE/O/TRAN/0016), which state that whilst accepting the principle of a Country Park being provided in the Lorton Valley, it should be promoted in its own right and not as providing mitigation for the proposed Weymouth Relief Road (Orange Route alignment). This issue is closely associated with issues considered in Section 10.13 of this report, in particular when dealing with Main Issue 6. In the interests of convenience and to avoid duplication it will not be addressed here.
- 4.50.4** As introduced in section 10.13, I do not however consider the proposed Lorton Valley Country Park can be taken to mitigate (reduce the severity of) the Orange Route. Rather it would bring under public control land of nature conservation interest by way of compensation for the loss of land to the Orange Route, particularly land along the western edge of Two Mile Coppice. I have therefore recommended deletion of the word "mitigation" from Policies N18, N18a and supporting texts and replacement with "compensation".

RECOMMENDATIONS

Rec. 4/50 – I recommend that:-

- (i) The words "mitigate" and "mitigation" in Policies N18, N18a and supporting text be replaced by "compensate" or "compensation" as appropriate.
- (ii) Subject to Rec 4/50(i) the changes proposed in Pre-Inquiry Changes (October 2003) (including amendments to the Proposals Map) be accepted and subjected to the necessary statutory procedures.
- (iii) Subject to Rec 4/50(i) the changes proposed in Further Pre-Inquiry Changes (January 2004) are accepted and subjected to the necessary statutory procedures, except for the change proposed to paragraph 4.8.10.
- (iv) The text proposed as additional to paragraph 4.8.10 in Further Pre-Inquiry Changes (January 2004) is added to the end of Policy N18a.
- (v) No other changes be made to the Plan in response to these objections.

PARAGRAPH 4.9.1/POLICY N19 PROTECTION OF AGRICULTURAL LAND

WR/536	Farming and Rural Conservation Society (190)
WR/537	Farming and Rural Conservation Agency (190)
WR/691	Mr C McGown (198)
WR/2089	House Builders Federation (191)
WR/2662	House Builders Federation (191)
(POE/C/NATU/0231 all reps)	
WR/1274	Mr S & Mrs H Morris (234)
WR/2375	Mr S & Mrs H Morris (234)
(POE/O/EMPL/0010	POE/C/NATU/0231)

MAIN ISSUE

- Should the Plan promote positive action to maintain the rural and historic character of the landscape and encourage productive agrarian uses?

4.51 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.51.1** Objections WR/536 and WR/537 were made on the provisions of the First Deposit version of the Plan (January 2001). Changes were made to the Revised Deposit version (May 2003) that in my view fully address these objections although they have not been withdrawn. In the circumstances I have not considered these objections further.
- 4.51.2** Objection WR/2089 refers to good practice guidance on rural diversification. In principle I find no contradiction between a policy aiming to protect the best and most versatile agricultural land and appropriate support for rural diversification schemes, as expressed in Policy N21. Objection WR/2662 highlights other considerations that may override Policy N19. Again, I find no contradiction between a policy approach of aiming to protect agricultural land as expressed in Policy N19 and the fact that other considerations may be relevant. The Plan is to be read as a whole and I am content with the guidance offered to the decision maker by Policy N19.
- 4.51.3** Objection WR/1274 relates to the removal of topsoil as a result of quarrying activities. I concur with the Council when it states this is a matter to be addressed by the County Council as the minerals authority in the Minerals Local Plan and on attaching restoration conditions to a planning permission. No amendment to this Plan is therefore required.
- 4.51.4** On the main issue Objection WR/691 asserts that some agricultural land is not farmed in its 'best interests' and that recognition of this could lead to the land being identified as being suitable for development. Similarly Objection WR/2375 (supplemented by POE/O/EMPL/0010) suggests that as some farming practices, or indeed the lack of active farm management of land, may degrade land quality, policy in the Plan should address that matter. How agricultural land is managed is not, and should not, be a consideration in identifying land for development and how it is managed (or whether or not it is managed) is not a matter that can be controlled using planning legislation. The identification of land for development should be within the framework set out in national, regional and local planning policy and not take into account how it is being or has been managed. No amendment is required in response to these objections.

RECOMMENDATION

Rec. 4/51 – I recommend that no changes be made to the Plan in response to these objections.

POLICY N20 AGRICULTURAL DEVELOPMENT

LPI/418
(POE/C/NATU/0224)

CPRE Mid Dorset Group (160)

MAIN ISSUE

- None

4.52 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.52.1 As made clear at the Inquiry this objection accepts the provision of temporary residential accommodation (eg a caravan) where, as stated in Policy N10, it is necessary for the efficient agricultural use of the land. The objection expresses the view that such temporary accommodation should not be allowed to develop into long-term accommodation unless the farming business it supports can be shown to satisfy a long-term viability test.

4.52.2 This is not in fact an objection to the Plan but to interpretation and application of the Policy, which needs to take into account the relevant provisions of PPG7. It would not be appropriate to repeat national planning policy guidance in the Plan. Nothing I read or heard at the Inquiry demonstrated that the concerns expressed in this objection were not appropriately dealt with in either the Plan or in PPG7.

RECOMMENDATION

Rec. 4/53 – I recommend that no changes be made to the Plan in response to this objection.

.....

POLICY N21 FARM DIVERSIFICATION

WR/94 River Wey Society (43)
(POE/C/NATU/0225)

MAIN ISSUE

- None

4.53 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.53.1 This objection expresses concern that as the proliferation of stables and their associated manure heaps pose a threat to water quality, particularly in the River Wey, the Plan should contain controls to ensure this does not occur. I note from the Council's response that in accordance with criterion (ii) of Policy N22, where appropriate the Council addresses this issue by attaching a standard condition to a planning permission (eg a permission for the erection of stables) controlling the storage of manure. As the creation of manure heaps is not in itself an activity that is controlled under the planning legislation, I consider Policy N22 goes as far as it can in addressing this matter. This objection was in any event withdrawn at the Inquiry.

RECOMMENDATION

Rec. 4/53 – I recommend that no changes be made to the Plan in response to this objection.

.....

POLICY N22/PARAGRAPH 4.11.3 STABLES & HORSE RELATED ACTIVITIES (POLICY WORDING)

WR/101	Radipole Village Conservation Group (44)
WR/515 (POE/C/NATU/0225 both reps)	Mrs VM Durston (188)
WR/994 (POE/O/NATU/0009)	English Nature (219) POE/C/NATU/0225)
WR/692 (POE/C/NATU/0226)	Mr C McGown (198)

MAIN ISSUE

- None

4.54 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

4.54.1 Objection WR/101 considers that the matter of the risk of pollution from manure is not adequately addressed. As I have noted in paragraph 4.53.1 above, criterion (ii) of Policy N22 covers this matter sufficiently. In objecting to the quality of grazing areas and horses being ridden on footpaths, Objection WR/515 raises issues that the Local Plan is unable to influence. I recommend no amendment in response.

4.54.2 The perceived ambiguity of the policy wording is highlighted in objection WR/692, which does not set out how the policy wording should be changed. The objection goes on to state that this ambiguity suggests that any case could be argued positively. I have no difficulty in comprehending the policy wording and see no ambiguity. This objection also refers to a proposal for a new stable complex at Suckthumb Quarry to replace the existing complex at Perryfield (Policy N23). In the interests of convenience and to avoid repetition, objections to Policy N23 are dealt with at section 4.56 below.

4.54.3 Objection WR/994 considers the emphasis of the Policy to be incorrect, in that it could be interpreted as overriding other policies in the Plan. The perception that this Policy overrides other policies in the Plan is misplaced as it is accepted practice that the policies of a Development Plan need to be read in conjunction with one another and with national planning policy guidance without that relationship being made explicit on all occasions. Although the Policy clearly states that development *will* be permitted provided the criteria are met, in the event of a conflict with other policies, those other considerations could not be ignored.

RECOMMENDATION

Rec. 4/54 – I recommend that no changes be made to the Plan in response to these objections.

POLICY N22 LAND BETWEEN SUCKTHUMB AND COOMBEFIELD QUARRIES

WR/1356/CWD/Site Ref. XP09	Ms S Lees (235)
----------------------------	-----------------

(POE/C/NATU/0225)

MAIN ISSUE

- None

4.55 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.55.1** Objection WR/1356/CWD/Site Ref. XP09 was made on the provisions of the First Deposit version of the Plan (January 2001). It suggests that despite not having an existing group of buildings on it, land between Suckthumb and Coombefield Quarries is suitable for the development of stables. Changes were made in the Revised Deposit version (May 2003), particularly the allocation in Policy N23 of a replacement site for the Perryfield stables, that in my view fully address this objection, which has been conditionally withdrawn. In the circumstances I have not considered this objection further. Objections to Policy N23 are considered in section 4.56 of this report.

RECOMMENDATION

Rec. 4/55 – I recommend that no changes be made to the Plan in response to this objection.

.....

PROPOSED MAP CHANGE N23.1 NEW COMMERCIAL STABLES ALLOCATION AT SUCKTHUMB QUARRY

WR/2376	Mr CJW Miller (328)
WR/2468	Mr CJW Miller (328)
WR/2475	Miss SM Camp (346)
WR/2477	Miss S.M Camp (346)
WR/2479	Mr JH Clayton (358)
WR/2481	Mr JH Clayton (358)
WR/2482	Mr GH & Mrs EM Reynolds (360)
WR/2484	Mr GH & Mrs EM Reynolds (360)
WR/2485	Mrs JA Gilbert (370)
WR/2487	Mrs JA Gilbert (370)
WR/2488	Mrs SJ Langton (380)
WR/2490	Mrs SJ Langton (380)
WR/2492	Mr B Stewkesbury (389)
WR/2494	Mr B Stewkesbury (389)
WR/2495	Mr & Mrs Barton (395)
WR/2497	Mr & Mrs Barton (395)
WR/2498	Mrs S Donovan (404)
WR/2500	Mrs S Donovan (404)
WR/2501	Mr AG Prentice (405)
WR/2503	Mr AG Prentice (405)
WR/2504	Mr Tony Pavey (451)
WR/2506	Mr Tony Pavey (451)
WR/2507	Mr & Mrs Evans (470)
WR/2509	Mr & Mrs Evans (470)
WR/2545	Mr A.R Comben (692)
WR/2585	Mr & Mrs Gordon (722)

WR/2587	Mr & Mrs Gordon (722)
WR/2591	G & DR King (726)
WR/2593	G & DR King (726)
WR/2598	Mr R Shaw (728)
WR/2600	Mr R Shaw (728)
WR/2601	Mr & Mrs M Bright (729)
WR/2603	Mr & Mrs M Bright (729)
WR/2616	Miss C Collister (738)
WR/2618	Miss C Collister (738)
WR/2619	Mr Richard Elliot (739)
WR/2621	Mr Richard Elliot (739)
WR/2622	Mr KW Thomson & Miss LF Hayes (740)
WR/2624	Mr KW Thomson & Miss LF Hayes (740)
WR/2626	Mrs PIM Pavey (742)
WR/2628	Mrs PIM Pavey (742)
WR/2636	Mr JWS & Mrs SM Masters (749)
WR/2638	Mr JWS & Mrs SM Masters (749)
WR/2640	Mrs LE Rumbelow (751)
WR/2642	Mrs LE Rumbelow (751)
WR/2694	Mr A.R Comben (692)
(POE/C/NATU/0226 all reps)	
WR/2259	English Nature (219)
(POE/O/NATU/0009	POE/C/NATU/0226)
WR/2542	J.I Harris (691)
WR/2543	J.I Harris (691)
WR/2544	J.I Harris (691)
(POE/O/NATU/0012	POE/C/NATU/0226)
LPI/2243	Portland Town Council (217)
(POE/O/NATU/0028)	(POE/NATU/C/0026)
LPI/2469	Mr Keith Williams (329)
LPI/2471	Mr Keith Williams (329)
(POE/O/NATU0027	POE/C/NATU/0226 both reps)

MAIN ISSUES

- Is the allocation of a site within Suckthumb Quarry for the relocation of the existing Windmill Stables complex at Perryfield justified and acceptable in terms of the environmental impact it would have generally and in particular on matters such as residential amenity and road safety?
- Should the main access to the proposed stables in Suckthumb Quarry be either between 42 and 44A Weston Street or through The Barns service road?

4.56 INSPECTOR'S CONSIDERATIONS & RECOMMENDATIONS

- 4.56.1** Objection WR/2259, which has been supplemented by POE/O/NATU/0009, suggests paragraph 4.11.3 in the Plan should acknowledge that horse riding in sensitive locations may have adverse effects on nature conservation interests and that the lack of enforcement against riding on footpaths should not be taken to imply informal permission has been granted. Horse riding is not an activity that can be controlled using planning legislation and it would not therefore in my view be appropriate to include

references in the Plan as suggested as to do so could be misinterpreted to indicate it can.

- 4.56.2** Objections WR/2376, LPI/2243, LPI/2469, WR/2470, LPI/2471, WR/2542, WR/2543 and WR/2544 were supplemented by evidence presented both verbally and in writing at the Inquiry (see POE/O/NATU/0027, POE/O/NATU/0028 and POE/O/NATU/0012).
- 4.56.3** The issues have been raised in most of the objections listed above and no attempt has therefore been made to differentiate which objections have raised which issue.
- 4.56.4** On the **first issue** I note the proposed allocation site is within the western part of Suckthumb Quarry, which has been reclaimed and consists of backfilled quarry waste. The site is about 100m from the nearest residential property and is within an extensive area that is designated in the Plan as an Important Open Gap (Policy D2). It does not contain any existing buildings that could be used as the nucleus around which to group the proposed stable building(s) as per Policy N22(i).
- 4.56.5** Referring firstly to that part of the issue that relates to the justification for finding a site on which to relocate the existing stables, I note the existing stables have been operating for some 25 years under temporary planning permissions on a site at Perryfield and that the land on which the existing stables operate has planning permission for the extraction of minerals that is expected to be implemented in the foreseeable future. I also note the business is vibrant and serves both local residents and tourists to the area. Nothing I read or heard convinced me that the need to find a suitable site on which to relocate this business is other than both urgent and a matter that should in principle be considered positively.
- 4.56.6** I am concerned however that the proposed allocated site is within an extensive Important Open Gap, the western part of which comprises a worked out and reclaimed quarry, the future of most of which is not addressed in this Plan. As this land has, is, or will be the subject of mineral extraction its future is, as I understand it, to be determined by a non-statutory exercise carried out jointly by quarry operators and the County Council as Minerals Authority. As shown on Map N23.1 in the Plan, the allocation site is located within this extensive open area, is physically isolated within the area of former quarry, and has boundaries that do not seem to relate to clearly defined features on the ground. The policy itself only refers to the revocation of the existing stables operation and that access should not be from Avalanche Road. No guidance is provided on where suitable access could be provided, which would in any event need to be outwith the allocated site, or on the scale and nature of the uses that will be accepted as part of the overall scheme. I note for example from the Council's response (see paragraph 13.1 in POE/C/Natu/0226) that it has been accepted there will be a need for on-site residential accommodation to be provided. This important matter is not addressed in Policy N23 and the above expressed view of the Council would appear to contradict paragraph 4.11.2 in the Plan.
- 4.56.7** I have considered the various arguments raised in the above objections that refer to matters such as the visual impact the proposed stable complex would have on this open area, the impact the proposed stable use would have on residential amenity through noise and other forms of disturbance and the impact vehicular and horse traffic generated by the proposed use would have on nearby highways. I have also considered the suggestion

that relocation to a site further to the east would involve significantly less environmental and other impact, but note that site is considered as operational quarry land and would be materially affected by dust and noise from a stone crushing plant. Without details of matters such as overall layout of the buildings and landscaping, locations of those elements of the proposed use that tend to generate most noise, and details of access, it is not possible to determine the overall impact the proposal would have and hence whether or not it would be acceptable. I do not therefore consider the principle of the proposed use being established within this sensitive area can be established based on the limited information provided in the Plan and in evidence presented in support.

4.56.8 A relocation site could be expected to have a much greater degree of permanence in planning terms than the existing operation at Perryfield. A much improved level of design, materials and landscaping could therefore be expected for a relocated stables building complex than is displayed by the existing complex. On those bases I was able to form the view at my site inspection that given the scale of the open land that comprises the disused quarry it should be possible to find a location within it and devise a development scheme that would be acceptable in terms of the environmental impact it would have generally and in particular on matters such as residential amenity and road safety. Determination of such a proposal should however form part of an exercise to devise a comprehensive operational and restoration plan for the whole of the disused, current and future quarry area of which the site subject to Policy N23 forms a part. I have recommended accordingly.

4.56.9 The **second issue**, which has been raised by a number of the above objections, can relate only to the reference in the Plan that states access to the proposed stables site shall not be provided from Avalanche Road. No details are given in the Plan of where vehicular, pedestrian and horse access would be provided. Whilst I note the Highway Authority has not objected to Policy N23, I am not able to consider this issue without further information on how and where access to the proposed stables would be provided. This situation reinforces the conclusion I have reached in paragraph 4.56.8 above under the first issue.

RECOMMENDATIONS

Rec. 4/56 – I recommend that:-

- (i) Policy N23 be deleted from the Plan and replaced by a form of wording that acknowledges the need to relocate the stables from Perryfield and confirms that a relocation site will be investigated as part of a wider exercise that will be subjected to public consultation to determine the full restoration and re-use of the whole of the disused quarry at Suckthumb/Coombe field.
- (ii) No further changes be made to the Plan in response to these objections.

.....