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FONTMELL MAGNA NEIGHBOURHOOD PLAN

Regulation 16 Consultation 27 April to 8 June 2018

Response Form

The proposed Fontmell Magna Neighbourhood Plan has been submitted to North Dorset District Council for examination. The neighbourhood plan and all supporting documentation can be viewed on the District Council's website via: www.dorsetforyou.gov.uk/planning/north-dorset/planning-policy

Please return completed forms to:

Email: planningpolicy@north-dorset.gov.uk

Post: Planning Policy (North Dorset), South Walks House, South Walks Road, Dorchester, Dorset, DT1 1UZ

Deadline: 4pm on Friday 8 June 2018. Representations received after this date will not be accepted.

Part A – Personal Details

This part of the form must be completed by all people making representations as **anonymous comments cannot be accepted**. By submitting this response form you consent to your information being disclosed to third parties for this purpose, personal details will not be visible on our website, although they will be shown on paper copies that will be sent to the independent examiner and available for inspection. Your information will be retained by the Council in line with its retention schedule and privacy policy (<https://www.dorsetforyou.gov.uk/privacypolicy>). Your data will be destroyed when the plan becomes redundant.

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

	Personal Details (if applicable)*	Agent's Details (if applicable)*
Title	Mrs	
First Name	Laura	
Last Name	Scott Walby	
Job Title (where relevant)		
Organisation (where relevant)		
Address	██████████ ██████████ ██████████	
Postcode	██████	
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Email Address	██████████ ██████████	

Part B – Representation

1. To which document does the comment relate? Please tick one box only.

<input checked="" type="checkbox"/>	Submission Plan
<input type="checkbox"/>	Consultation Statement
<input type="checkbox"/>	Basic Conditions Statement
<input type="checkbox"/>	Other Please specify:

2. To which part of the document does the comment relate? Please identify the text that you are commenting on, where appropriate.

	Location of Text
Whole document	
Section	Paragraphs 5.6, 1.13, 2.7, 2.17, Map 8
Policy	Policy 4, Drainage Policy 11, Housing Policy FM8
Page	
Appendix	

3. Do you wish to? Please tick one box only.

<input type="checkbox"/>	Support
<input type="checkbox"/>	Object
<input checked="" type="checkbox"/>	Make an observation

4. Please use the box below to give reasons for your support/objection or make your observation.

Any specific 'objections' contained within this comment are not made to Neighbourhood Plan as a whole but are suggestions on the basis that in part, the Neighbourhood Plan lacks clarity, is unenforceable and does not go far enough to achieve its objective to protect the parish from planning proposals which are potentially harmful to the parish and community in Fontmell Magna. The Draft NP should be amended to rectify these defects.

These defects are evidenced by the fact that recent planning applications including but not limited to 2/2017/2014/OUT and 2/2017/1856/FUL prove that it is and will continue to be necessary for neighbours to object to proposals in a piecemeal fashion. These applications were brought forward in order to be predetermined before the NP is made but they are also of sites that were assessed by and rejected as development sites by the NP and as such are a useful tool to measure the plan policies by. Unfortunately, without amendment, the Draft NP will not make the determination of planning applications any less susceptible to abuse by developers, clearer or achieve the desired outcomes of preventing harm to neighbouring properties and residents' amenity. It does not provide clear grounds to refuse inappropriate and unsustainable development or direct the actions of planning applicants. This is an opportunity missed.

It remains my perception throughout my involvement with the NPG that the consultant to the NPG seemed to me to be actively unilaterally moderating our aims to result in a plan that has no real teeth in a few key areas, and in others, despite our explicit request and clear requirement for improvement on the status quo, does not differ substantially or at all from the provisions in the Local Plan, and does not address residents' valid comments and suggestions, particularly with regard to drainage issues, ground-water flooding, local housing need and neighbouring amenity.

Comment 1. Lack of a Parish Housing Need Survey and failure to submit Housing Needs Assessment as a submitted document with the Neighbourhood Plan.

As the Housing Focus Group lead, I wanted to conduct a parish-wide Housing Needs Survey to get a real understanding of what our need was locally if we were going to assess or allocate sites for development and as a potential defense to developer proposals which were likely to be for bigger developments than (as both the parish survey and developer proposals later confirmed) residents were

going to be happy with. This suggestion was considered to be too onerous and would require too much printing. We were dissuaded from conducting a HNS due to the extra paperwork and the perception that people would not answer it.

With hindsight, I wonder whether that was because the East Dorset Housing Market Analysis conducted by GL Hearne was due to come out, and it would be seen to be the guiding document on housing numbers if there was no local HNS. However, we now know that villages are only supposed to supply land to meet local rather than strategic needs, but we are unable to quantify what those local needs are because we did not conduct the survey so we are powerless to defend ourselves against overdevelopment on the grounds of excessive units of housing. I still maintain the lack of a Housing Needs Survey is a real flaw in the Plan especially in the light of recent case law.

The Housing Needs Assessment "HNA" made an assessment that the parish should provide 30-35 homes throughout the plan period but did not produce accurate base figures as to housing need throughout the parish. The HNA was not included in the submission documents but only as supporting evidence. (Similarly, if the Conservation Area Assessment is adopted, why also not the Housing Needs Assessment, Landscape Assessment, Ecology Assessment, and Heritage Assessment). I question whether the LA will give these assessments any real weight when decisions come to be made with regard to overdevelopment in units of housing for both major and minor developments. It seems to me that it would be a real advantage if possible to have this accepted by the LA as an authoritative basis for whether the parish is doing enough to meet its quota towards housing targets for the plan duration and so counter developers' arguments that the Local Plan is out of date because it does not provide an adequate five year housing land supply. Indeed, the lack of five year housing supply ought to be specifically addressed within the plan policies.

Although I asked this question at the time I did not receive an adequate response and so I raise the question again – why does the NP not make specific provision to address the question of lack of five year housing supply leading to an overriding presumption in favour of sustainable development, and developers arguing by extension a presumption that any development, i.e. their development, is sustainable development unless proved otherwise. This effectively shifts the heavy burden onto the objectors rather than the developers to demonstrate that the development is unsustainable. Fontmell Magna has always been able to demonstrate a five year supply of housing land and continues to do so. Currently the LA Consultees seem very loathe to make any adverse comments on the record and the community feels that its voice is not being heard. The question is, will the NP make any difference if it is silent on this?

In effect what is happening currently is that in a planning application most of the Consultees raise no objection and rely on Landscape or the AONB as a last line of defence – what then happens if the Government changes National Policy? It will surely be necessary to make sure that the assessments relied upon in the NP are upheld by the LA.

Objection/Comment 2 Drainage Policy

It will be clear from viewing any of the current development proposals that drainage is a big concern to many residents. The LA seems take at face value developers' assertions that land is not in a flood risk area and takes no action to comment on neighbours' concerns. It seems a wasted opportunity, therefore, for the Draft NP to offer no improvements whatsoever to the current position. To propose that "consideration should be given" to drainage boreholes too easily allows the developer to say "I considered it and considered it wasn't necessary" This has indeed been the case in relation to 2/2017/2014/OUT at Mill Street. Flooding from surface and groundwater is given very little weight in the SEA and this continues to be a real omission.

The SEA should explain more fully why sites were rejected as well as explaining why others were accepted. This would help the LA to understand and follow the decisions in future as the community does not want to have to make repetitively the same arguments to the LA in respect of any future similar applications on the same sites.

Foul Water

Most properties are not on mains drainage, and those that are served by Wessex Water, ultimately connect to the local sewage treatment plant at West View that is near capacity. There should be a clear policy that, if we are going to have major developments, that application can only be determined once there is an agreement in place for an upgrade for Wessex Water STP at West View and

developers should pay a contribution towards upgrading of the to enable all residents (at some agreed cost) to connect to an upgraded plant.

Surface Water

All major developments should have, as at St Andrew's View, culverts or drainage ditches on the uphill side adjacent to farmland which are to be maintained in perpetuity by the adjacent landowners to divert water so as to prevent surface and some ground field water from passing on to adjacent residential properties.

Nearly all Fontmell properties' surface water goes to attenuation ponds or soakaways. However in the LA no-one seems to want to learn the lessons from past development in Fontmell. At St Andrew's View, surface water goes to an attenuation pond. Some evaporates and it then goes on to a soakaway next to the brook. In summer this soakaway acts as it should but in winter, it acts as a sump, attracting groundwater from the field and it then overflows into the brook, for which we have a discharge license. This is why developments that have no means of ultimate discharge are liable to further increase surface water and groundwater flooding to neighbouring properties and the location of new development needs to be controlled.

Ground Water

It is apparent from attending nearly all the NP consultations that many properties are affected by seasonal ground-water issues. Despite having raised residents' concerns relating to groundwater to JW and the NPG Chair on numerous occasions at Housing Focus Group meetings, JW's SEA fails to even mention groundwater (p8). This is a real problem because when determining development applications groundwater is passed from pillar to post between the Local Authority "LA" as LLFA and the Environment Agency "EA" but neither actually bothers to give a public response to consultation when it comes to a planning application and all Wessex Water is interested in is preventing water from entering the sewage mains. Site specific policies in FM 19-22 are insufficient to deal with new sites that will be put forward in future.

Because the heavy soil gets increasingly waterlogged throughout the wet season and also after significant rain events, many residents have reported to me at various consultation events that soak-aways designed to accept surface water do not disperse water fast enough and are liable to overflow, leading to water lying on the surface or draining onto lower lying ground or roadways.

The response from Mr Cleaver of DCC as LLFA to possible policy wording to mitigate flood risk is totally inadequate to deal with the real situation in Fontmell Magna parish. Relying on developers to produce their own reports in due course, where or if they consider it necessary, and in all probability only after outline permission has been granted is the worst form of self-regulation possible. Consequently, the reference to monitoring planning grants of planning permission contrary to LLFA and EA advice (SEA draft plan assessment para 12.2) is just paying lip service to what should happen, rather than what does not, in Fontmell Magna, seem to merit a response. The generic description of the parish soils does not offer adequate detail to be relevant to individual sites and the summary of site conditions is an inaccurate representation of the relative risk posed to individual sites from flooding as recognised by people who live in the neighbouring properties. For example, the assessment of sites, which appears to have been lifted from the draft SEA fails to distinguish between sites that are very prone to flooding such as site 12 at the foot of the chalk escarpment, and sites 1 and 22 on the other side of the A350.

LLFA and Mr Cleaver can get it right, however, as shown by this abbreviated extract from a recent nearby application:

May 2017 Gary Cleaver PLN17-045 2/2017/0595/OUT

Dear Planning Team,

Re: DCC/LLFA Consultation – Surface Water Management.

Proposal: Develop the land by the erection of 10 No. dwellings and form new vehicular access, (outline application to determine access only).

Location: Land At E 382790 N 111000, Hine Town Lane, Shillingstone, Dorset.

Thank you for consulting Dorset County Council's (DCC) Flood Risk Management (FRM) team, as relevant Lead Local Flood Authority (LLFA) in this matter. It is appropriate that we are consulted with specific regard to surface water drainage proposals for major development as defined within Article 2(1) of the Town & Country Planning, Development Management Procedure, England, Order 2015. Given that the proposal under consideration relates to the erection of 10 dwellings, we acknowledge that it qualifies as major development.

The site (red line boundary) of the proposal is shown to fall entirely within Flood Zone 1 (low risk – fluvial flooding), as indicated by the Environment Agency’s (EA) indicative flood modelling. However the site is thought to be at some theoretical risk of localised surface water flooding, in proximity to the south-eastern boundary, as shown by relevant mapping. This surface water flooding, thought to occur during severe rainfall events (1:100/1000yr) is shown to follow the line of an adjoining, and partially culverted channel, which has the status of an Ordinary Watercourse.

The indicative mapping of surface water flood risk highlighted above suggests a (1:30yr) risk of flooding. In keeping with the requirements of the National Planning Policy Framework (NPPF), all major development proposals must take due consideration of prevailing flood risk, specifically surface water management, and should offer a viable drainage strategy that does not place either the proposed site at risk, or generate off site worsening. We acknowledge that the proposal under consideration is supported by a site specific Drainage Assessment document which outlines both the character & nature of the site, and offers a conceptual surface water drainage strategy. We do not accept the statement made within s3.2 of the assessment document, that the site is too small to *present any risk / if surface water run-off is not effectively managed*. However whilst we do accept the basic principles of the surface water strategy set out within the Drainage Assessment provided, and acknowledge that the current application is both Outline and specific, it is essential that the conceptual arrangement is deliverable and appropriate. To this end we have some concerns that the proposed drainage strategy specifies discharge rates and outfall sizes in advance of a detailed design, that any downstream constraints on the receiving system are not identified, and that the alignment of the open channel in proximity to the site is unclear. We would highlight that any works that obstruct flow within a channel / system with the status of Ordinary Watercourse, may require prior Land Drainage Consent (LDC) from DCC, as LLFA. The requirement for LDC is independent of planning permission.

Why does Shillingstone merit such an exacting and thorough approach to drainage issues and Fontmell Magna not?

Paragraph 5.6 This section still needs clarification. It is far too easy for a developer to sidestep this issue given the current draft NP wording which is unclear and unenforceable. A definition of an ‘initial’ assessment should be included. Is it just a paper exercise and is it just from the EA website into fluvial flood risk, which would be inadequate. What triggers the requirement for a borehole test and when does it have to be carried out in the planning application process i.e. to accompany an application in order for it to be valid? Who ultimately decides when it is needed? When does it have to be carried out in the year? Many developers try and carry out initial test at the very end of summer in order to avoid showing the true extent and magnitude of localised groundwater flooding and surface water run-off on site (for example 2/2017/2014/OUT).

The British Geological Association publishes groundwater maps relevant to the planning process at a modest fee and it is suggested these should accompany all new dwelling applications. Aquifer maps showing location and size of water-bearing aquifers were submitted by me to JW but these were dismissed without a full explanation as to why aquifer maps are not relevant in determining site selection.

Paragraph 5.3 The NP should include or applications should be accompanied by the soil classification map showing the site location and soil type. Site specific drainage schemes should include soil classification including particle size, working FW and SW layouts, attenuation volumes in relation to hard surfaces, provide for discharge rates and make provision for 1in100 rainfall events, and demonstrate that the ultimate receiving area of ground, culvert or body of water is capable of receiving these volumes throughout the year.

General Comments

Paragraph 1.13. I do not understand why the NP policy aims to reduce the consultation period from a statutory three weeks to a two week bare minimum. Rather it should be extended for all major applications. No distinction in the draft NP is made between minor and major developments, for which a longer consultation period is normally afforded. More importantly, the issue of validating planning applications and determining applications within a reasonable period of time to prevent applications left open and undecided by the LA for long periods should be dealt with in the NP. Failure to determine is an increasingly common phenomenon that can lead to economic harm to those wishing to sell adjacent properties.

Paragraph 2.7 should be amended to include species and locations of bats identified in various recent

planning applications but in particular 2/2017/1856. These should be addressed in the SEA and Ecology Assessment if it is considered appropriate to limit development locations on grounds of protected species habitats and biodiversity.

Paragraph 2.15 and Policy 4: Nowhere is it made clear what actually constitutes enhancing and conserving the visually sensitive setting of the AONB. In the site assessment process it was discussed that one way of doing this was by maintaining a soft edge to the village in terms of much lower housing densities, ridge heights, a limit on the number of storeys, and longer gardens facing the countryside but this should be clarified. Perhaps refer to the AONB management plan. This is pertinent because the developer of 2/2017/1856 seems to be asserting that removal of the Dutch barn is conserving and enhancing the setting of the AONB to such an extent that the residential garage and open car parking which replace it will be an improvement. The application of the current draft NP Policy 4 does not help to determine situations such as this.

Policy FM8 A design and access statement and a landscape scheme should be provided with all applications. The NPG should consider whether it is appropriate to allow any outline planning permissions for major developments in the setting of or in the AONB or open countryside. In such instances, all applications should provide a site layout plan detailing both landscaping and location of water disposal or treatment services and other infrastructure.

Map 8. Objection comment: I have already commented to the NPG that the map 8 does not correctly delineate existing footpaths within the village. Why has this been ignored? Several permissive footpaths are shown as if they were public footpaths which is not the case. The map needs to be corrected to remove permissive, as opposed to public footpaths from the record unless permission to include them has been specifically obtained from the owners.

I do not believe the NPG has the power to create and publicise 'public' rights of access to land which it does not own or control. The track alongside Fontmell House and leading past Springhead Gardens is not a public footpath. The path from the Church to the footbridge to St Andrew's View is owned by the owner of Moore's Farm and is a permissive path which is closed periodically. The entire footbridge and path leading north from this path is owned by St Andrew's View Management Company Limited, beneficially owned by the proprietors of St Andrew's View and is also a permissive path. Perhaps all the owners should be contacted directly as a matter of courtesy. Whilst residents of the parish are permitted to use these paths, it is perfectly possible to circulate these paths within the parish network without including them in a Local Plan. I am not certain that wider access can be publicised or 'granted' by the NPG or the LA to the general public who may then drive to these locations to commence a walk. Such use by the wider public will have legal, maintenance and insurance cost implications which the NPG has obviously not considered and the Parish Council will be unwilling to bear.

Future Planning Applications

I now understand that the LA (and presumably the NP) is free to set its own 'Local List' of required documents to accompany a planning application – this knowledge would have been extremely useful (if we had been informed at the time) so that we could have influenced decision-makers in this regard. The NP should have been able to insist that drainage reports should include borehole tests in the period from January to April to show what the dispersal rates are for sites, and that this information should be included in order for the application to be validated.

What we have in the draft NP policy 11 at the moment is still not specific enough to be enforceable – Currently applications are submitted with substandard or no information and allowing the information to be updated in due course permits the application to stay alive and undecided for months possibly years, at the behest of developers and with the collusion of the planning department so that applications technically precede the making of the NP and do not have to comply with its provisions (2/2017/2014FUL).

Meanwhile the potential threat of development is allowed to hang over the heads of neighbours who should rightly expect the LA to get on with their job and either grant or refuse the application pending re-submission. If this can be changed by the NP then the opportunity should be taken.

Continue overleaf if necessary

5. Please give details of any suggested modifications in the box below.

See above.

Continue overleaf if necessary

6. Do you wish to be notified of the District Council's decision to make or refuse to make the neighbourhood plan? Please tick one box only.

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

Signature: L Scott Walby

Date: 06.06.2018

If submitting the form electronically, no signature is required.

Please use this box to continue your responses to Questions 4 & 5 if necessary