

Charmouth Parish Council

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MINUTES OF THE PLANNING COMMITTEE MEETING HELD AT 6.00PM ON TUESDAY 14 SEPTEMBER 2021 AT THE ELMS

In attendance: Cllrs Julie Leah, Andrew Lightfoot, Katie Moore, (ex officio Peter Noel and Judith Sheppard), Andy Bateman (NHPSG) and the Clerk, Lisa Tuck.

PL21/11 PUBLIC QUESTIONS, COMMENTS OR REPRESENTATIONS

No members of the public were present.

PL21/12 APOLOGIES FOR ABSENCE

No apologies were received.

PL21/13 DISPENSATIONS

No dispensations were received.

PL21/14 DECLARATIONS OF INTEREST

Peter Noel declared an interest in item PL21/16 (c) on the agenda.

PL21/15 MINUTES

RESOLVED that the minutes of the meeting of the Planning Committee held on the 13 July 2021, circulated to members, were a correct record and were signed by the Chair.

PL21/16 APPLICATIONS

- (a) Application No. WD/D/20/002875 Land south of Nutcombe Close – Erection of 1 No. dwelling (Amended Plans) – **The Parish Council would only reiterate the previous comments made.**
- (b) Application No. P/CLP/2021/02085 Millview Cottage, The Street – Proposed demolition of existing swimming pool extension and construction of small single storey rear extension – **The Parish Council has no objection to this application. It is a replacement at the rear of the house away from The Street and is about half the depth of the existing structure (both being single storey).**
- (c) Application No. P/FUL/2021/00554 Stonebarrow Manor, Stonebarrow Lane – Conversion of existing Manor House to 5 dwellings including extensions. Use Stonebarrow Barn as independent dwelling (removal of cond. 4 of 1/W/2002/0886-holiday employment occupancy link); erect new dwelling and modify existing vehicular access (Amended scheme) - **The Parish Council is pleased that the issue of over-development has been addressed by the reduction of two of the proposed dwellings.**

However, there is concern that this scheme is proposing 100% open market housing and it is felt that there should be an apportionment calculation in line with Para 30 of NPPF 2021. NPPF 2021 Para 64 indicates that on developments in designated rural areas (inc. AONBs) affordable homes can be sought below the national threshold of 10 units (= 'major development') i.e. normally 5-9 units.

The Parish Council is also concerned about the access and visibility, in line with the Highway Authority's comments, given the number of vehicles that will be using the site on a daily basis.

- (d) Application No. P/HOU/2021/02616 7 Fernhill Heights, Fernhill – Installation of door into rear of property (retrospective) - **The Parish Council has no objection to this application as it does not affect neighbouring properties.**
- (e) Application No. P/HOU/2021/02617 22 Ellesdon – Erect ground floor bedroom extension - **The Parish Council has no objection to this application as the garden is large enough for there to be no impact on neighbouring properties.**
- (f) Application No. P/FUL/2021/02348 1 Devonedge, The Street – Change of Use of part of ground floor from Class E (commercial, business & service) to Class C3 (additional living accommodation for existing residential flat) with alterations to The Butchers shopfront window to create serving hatch, remove existing external hairdressers door and reinstate window. Replacement of Frontage Railings/awning/post and hanging panel sign - **The Parish Council does not object to this application as it is recognised that the property has been vacant for over 2 years. However, the emerging Neighbourhood Plan for Charmouth is keen to retain businesses and only a small part of the property is now being kept for retail purposes. There is also concern about what the commercial usage may be and in particular the hours of usage in a predominantly residential setting. If granted, the Parish Council would suggest a condition is applied to ensure this is not a nuisance in the future.**

PL21/17 APPROVAL/REFUSAL/WITHDRAWAL OF PLANNING PERMISSION/TREE APPLICATIONS:

- (a) Tree application P/TRC/2021/01942 Charmouth Tennis Club – H1 Leylandii – Remove – largely dead H2 Leylandii – Remove – interfering with neighbouring structures. **Application not seen by PC and subsequently approved by DC.**
- (b) Request in March for Yew trees in the front of St Andrews Churchyard to have TPO added. Response received seeking clarification as to why the Council would like the trees protected. A response is still awaited and will be chased up again with a copy to Cllr Daryl Turner.

PL21/18 CORRESPONDENCE/OTHER

- (a) As agreed at the July meeting, an enquiry was sent to DAPTC regarding planning inconsistencies – report of response (attached appendix A). A copy of the enquiry to Dorset Council to be sent to Cllr Daryl Turner.
- (b) Communication from DC explaining the extreme pressure the planning department are currently experiencing.
- (c) Email from a resident of Fernhill Heights asking the Council to consider the provision of low cost housing. Andy Bateman confirmed that this is the objective of the NHP.

PL21/19 NEIGHBOURHOOD PLAN STEERING GROUP

- (a) Update from NHP Steering Group re Submission Consultation – Andy Bateman reported that following the response to the examiners questions (attached Appendix B), the examiners draft report is expected shortly. It is anticipated that there could be two issues regarding policies H3 (primary residency) and CC2 (coastal change). The report will be sent out to Councillors straight away and any comments should be sent to Andy before the deadline, bearing in mind that

objections can only be made on errors or if the examiner has not followed due process. It is hoped that when voting at the referendum, the parishioners will look at the bigger picture and not dismiss the plan if specific issues haven't been included.

Andrew Lightfoot asked that the Council's appreciation be minuted for the speed and comprehensiveness of the response by the Steering Group. He also mentioned that it seems as though the Government are starting to reign in the proposed planning reforms.

The meeting closed at 6.53pm.

DRAFT

PLANNING INCONSISTENCIES

Information received from Neil Wedge, DAPTC:

1. **TRIAGE APPLICATIONS** - Our members operate a number of different approaches to planning applications and sometimes it is appropriate to stop and think about what you as a council want to prioritise for your members to look at. Quite rightly you've picked out an example where there is little or no value in taking up committee time, but another example where for whatever reason you've been missed out of the standard process. I'm looking at pulling some best practice from a few councils where they 'triage' applications that come in to them before they go to committee. Essentially what they are doing is looking at the application and if it fits the bill for committee it gets added to the agenda; if not the Clerk responds on behalf of council with a 'no objection' reply easily making the 21 day deadline. There are naturally going to be debates about what's in and what's out as far as the triage process (normally done by the Clerk/Chair/Vice Chair of Planning Committee) – early on it might be trial and error until you are happy you have it sorted. The upside of this approach is you get to committee or full council with the applications that matter for the community. I'm a fan of this approach as we have a lot of councils struggling with Clerk hours and trying to hit the 21 day deadline and the volume of applications is a bit unpredictable and this is one way of making lighter work of the challenge.
2. **MISSING APPLICATIONS & RECENT CHANGES by DC PLANNING** – The planning team are currently battling with low resources, a number of vacancies, the Local Plan (massive response to it) and putting the IT/portal improvements in place whilst they merge the old districts. In short they are severely stretched and despite this the reports of missed notifications to parishes isn't common or significant. It is though probably inevitable in some cases. So please let them know as and when you find out with some specific examples and if you write to them via email stress the importance of certain types of applications for your council. DC have put in a number of changes to help them manage the workload, because on the back of all the above, they have seen this year a 20% uplift in applications. They have recently announced they are stopping the notifications to neighbours and even in exceptional circumstances asking agents or the builders to post site notices – simply whilst they manage the workload. They have to email your council though as a statutory consultee – so if you are missed off then they need to allow you reasonable time to consult and respond.

We are working with DC and some of the Clerks using the triage process to provide some training in two areas:

- The planning portal
- How to triage applications

More news will follow on this in the coming weeks and it will also be open to councillors too – making the leap from responding to 100% of applications goes against the grain for longer standing councillors, but increasingly we are seeing a more fleet of foot approach being taken and I feel that's something we should encourage more – but clearly need to take folk on that journey and get across how it might work.

On Neil's advice, a further email has been sent to DC (2 Sept 2021) seeking clarification as to why Parish Council's are no longer consulted on tree applications as this isn't Neil's understanding.

Lisa Tuck
Clerk

APPENDIX B

INDEPENDENT EXAMINATION OF THE CHARMOUTH NEIGHBOURHOOD PLAN

EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Mrs Lisa Tuck
Clerk to Charmouth Parish Council

Mr Nick Cardnell
Senior Planning Officer
Dorset Council

Examination Ref: 02/AM/CNP

Via email

18 August 2021

Dear Mrs Tuck and Mr Cardnell

CHARMOUTH NEIGHBOURHOOD PLAN EXAMINATION

Having carried out my visit to the Charmouth Neighbourhood Plan (CNP) Area, I have identified some matters on which clarification from Charmouth Parish Council (CPC) and Dorset Council (DC) would assist me in my examination of the CNP. May I request the submission of responses to my questions within **2 weeks** from the date of this letter, although an earlier response would be most welcome.

Policy HH1

- 1. Question to CPC and DC.** Policy HH1 includes two bullet points. The second bullet point indicates that development which would directly or indirectly detract from the significance of locally important heritage assets, whether designated or non-designated, will be resisted. NPPF (paragraph 203) states that for *“applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*. Does Policy HH1 reflect the balanced judgment which is advised in the NPPF regarding non-designated heritage assets? Would the following rephrased second bullet point of the policy fulfil that advice?

“Any development proposal which would directly or indirectly detract from the significance of locally important designated heritage assets, including any contribution made by their setting will be resisted. In considering applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.”

CPC Response: We don't like the phrase 'balanced judgement' it's ambiguous and open to a wide range of interpretations of scale, harm, loss and significance by the applicant, the planning officer and the community. So we would prefer to stay with our wording. However, if we are compelled to 'relax' our wording then we could possibly add after the words'will be resisted', include: 'unless the proposal offers significant benefit to Charmouth'.

Policy HRA1

- 2. Question to CPC and DC.** In noting that there has been no response from Natural England (NE) to the Regulation 16 consultation, I would be grateful if both Councils consider whether Policy HRA1 reflects the need to consider possible adverse effects, either alone or in-combination, directly or indirectly, on the Sidmouth to West Bay Special Area of Conservation? Would the following rephrased policy fulfil that aim?

“Proposals for development which would adversely affect, either alone or in-combination, directly or indirectly, the Sidmouth to West Bay Special Area of Conservation will not be supported. In particular, etc...”.

CPC Response: We did receive a response from Natural England during Regulation 14 consultation and they were supportive of the policy. The policy wording is based upon the HRA report, which was widely consulted so we don't wish to amend wording that the relevant authority has already supported.

Policy NE4

3. **Question to CPC.** Table 6.5 Proposed Local Green Spaces (LGS) indicates that LGS1 is to be removed. However, LGS1 is still shown on Map 6.5. Should LGS1 be deleted both from Table 6.5 and Map 6.5?

CPC Response: Yes we could delete LGS1 from both the table and the map but we would like to retain the numbering for the other LGSs, so consistency in the LGS Report is maintained. So LGS1 will be deleted but keeping LGS2 – LGS15.

4. **Question to CPC.** Should LGS2 be amended to include the National Trust owned land as shown on the Map accompanying the representation from the Charmouth NP Steering Group? This would appear to exclude the land marked as Cliff Top Caravans and is included within LGS2 on Map 6.5.

CPC Response: Yes this is agreed and we support Charmouth NP Steering Group statement. The map was provided by DC, we were not aware it being incorrect until National Trust commented on it during Regulation 16 consultation.

5. **Questions to DC.** Are the LGS shown in sufficient detail in the Plan to be used effectively in development management? Each LGS is delineated on a larger scale map in the Local Green Spaces Report referred to in Appendix E. Would a link to the document be sufficient if it was inserted in the LGS section of the Plan, or should the individual plans be included? Alternatively, is the Council content with the presentation as it exists?

Policy BET1

6. **Question to DC.** Policy BET1 aims to safeguard housing within Charmouth's retail hub and proposals which would cause the loss of an existing commercial use (Use Classes E, F2, hot food takeaways and public houses) will not be supported unless the existing use is shown not to be viable. Given the General Permitted Development Order (as amended) (Schedule 2, Part 3) now enables Class E (commercial, business and service) to change to Class C3 (dwelling houses) up to 1500 m² without the need for planning permission, how should Policy BET1 be rephrased?

Policy BET2

7. **Question to DC.** The third bullet point of Policy BET2 supports the development of new buildings proposed for Class E subject to a size limit of 100m² gross floor area. Dorset Council has commented in the Regulation 16 consultation response that the definition of small scale should be increased to 500m² to align better with permitted development rights (for example Class I). Please could this be explained, and especially with reference to the current Use Classes Order?

Policy H2

8. **Questions to CPC and DC.** Policy H2 Bullet point 4 states that intermediate affordable housing should be capped at 30% about which Dorset Council has commented that some flexibility is required.

Question to CPC. What is the justification for a cap and why 30%?

CPC Response:

H2 Intermediate Affordable Provision

We believe there is a requirement for a 'cap' on the intermediate affordable housing proportion to safeguard the headroom for the higher priority provision of social/affordable rent housing. Any 'cap' needs to have a numeric representation to provide clarity for applicants. This topic was examined in detail in the independent Charmouth Housing Needs Assessment (HNA) undertaken by AECOM. This study recommended (page 11, Table 2) that the distribution of affordable housing should comprise 'a maximum of 30% intermediate affordable housing' and this recommendation was accepted and incorporated in Policy H2 and summarised in CNP para 8.13.

This 30% 'cap' reflects the existing 2015 Local Plan Policy HOUS1 iv) which states:

Within any affordable housing provision, the councils will seek the inclusion of a minimum of 70% social / affordable rent and a maximum of 30% intermediate affordable housing, unless identified local needs indicate that alternative provision would be appropriate.

The Charmouth Housing Needs Assessment (HNA para 120) indicates that historically there hasn't been strong demand for intermediate housing and found no evidence of different local needs to justify an alternative provision.

The CNP policy already provides similar flexibility to the Local Plan. The Local Plan is based on a 'will' stipulation but with scope for alternative provision depending on identified local needs. The CNP Policy H2 Bullet 4 already reflects local needs and incorporates 'should' and CNP para 2.8 explains how an applicant can make a case to justify an alternative provision.

So, we believe the need for a 'cap' is justified and evidence-based, conforms with the Local Plan and provides equivalent, if not more, flexibility where justified and therefore does not need re-drafting.

Question to DC. How should this part of the policy to be rephrased?

Policy H3

9. **Question to CPC.** Dorset Council has commented that a principal residence occupancy condition on new homes could put pressure on existing dwellings to be bought to be used as second homes. In my opinion, this additional demand for second homes on a fixed supply of existing houses would result in upward pressure on house prices which, as explained in the first sentence of paragraph 8.22 of the justification, is what the policy is designed to avoid. Has the CPC borne this in mind when considering the principal residence policy and does the Parish Council have any further comment to make?

CPC Response:

H3 Principal Residency (PR) Policy

Charmouth (CNP paras 8.22-8.23) has a very high proportion of second homes (2011 26.5% houses with 'no usual residents' further evidenced by Dorset Council's analysis of recent tax/electoral records). These figures are amongst the highest in Dorset and higher than several 'made' NPs with PR policies e.g. in Cornwall. From the outset, CNP (para 2.11) has had an objective to 'restrict the growth of second homes to maintain a balanced community' which has been consistently endorsed by the community, including Charmouth Traders. The primary planning tool for tackling this issue is a PR policy which we see as an essential requirement and why we take the opportunity to respond in detail.

Previously, a professional planning consultant commented on this policy in the Basic Conditions Statement indicating that there were 'no conformity issues raised in Dorset Council's Regulation 14 response' and that 'there is evidence that the demand for holiday homes adversely impacts on housing affordability and trade'.

We can confirm that considerable thought has been given to any 'unintended consequences' resulting from a PR policy as the following points will demonstrate. There are now several examples of PR policies which have been examined and 'made' which confirms that they meet Basic Conditions. We have studied numerous NPs in coastal tourist resorts in Cornwall, not only because they face similar issues to Charmouth, but have the longest experience of PR policies in practice and local knowledge of any impacts on their housing markets.

Focussing on Dorset Council's concern over 'unintended consequences'. As part of the Dorset Local Plan Review, Dorset Council issued in Dec 2020 a Second Homes Background Paper (BP para nos. below refer to this document). The findings were primarily based on the Purbeck Local Plan and St Ives Neighbourhood Plan.

The Purbeck Local Plan (BP para 4.2.2) commissioned consultants to examine the possible affordability impacts of a PR policy. In the context of a considerable supply* of second homes it concluded: 'that it was highly unlikely that introducing such a policy would increase house prices in the second-hand stock' and 'that it would be unlikely that such a policy would substantially impact upon new and existing build house prices, and Purbeck District Council considered the impact of the policy on affordability to be neutral'. It is irrational that, if Dorset Council is genuinely concerned about this 'unintended consequence', they have continued to progress with a PR policy in this draft plan which, following re-organisation, they became responsible.

*It is important to note that the 2011 Census indicates that Charmouth has more than double the % of homes 'with no usual resident' than Purbeck District.

BP para 4.2.3 indicates that research in St Ives has found that existing housing has become even less affordable for buyers. If the source material in the footnotes is examined, this 'research' relates to publications by Christian Hilber of LSE. This comprises a blog and journal article which refer to research studies undertaken of a completely different type of second homes policy and housing market in Switzerland. In these research studies, St Ives is only mentioned in passing as another area with a second homes policy - NB they do not include any specific analytical research of St Ives. Unfortunately, these articles were picked up by the media resulting in ill-informed commentary on the house price impacts of the St Ives policy. An analysis of house price rises over the last 5 years in the main 20 coastal resorts in Cornwall shows that St Ives' increases are 1.74 percentage points below the average which gives little backing to the contention that their PR policy is distorting the market.

Dorset Council (BP para 7.11) consulted Cornwall Council and St Ives NP on this matter and it was indicated that 'it was too early to fully be able to evaluate the impacts of such a policy'. Cornwall is not showing any signs of 'cold feet' due to this 'unintended consequence'. Cornwall Council's website continues to promote neighbourhood plans' use of a PR policy by issuing an advice note on how to justify and write such policies. It is significant that Cornwall's neighbourhood plans, including for coastal tourist destinations similar to Charmouth, continue to come forward with such policies and be successfully 'made'. We have reviewed many Cornwall NPs and their Examination Reports and have yet to find this 'unintended consequence' issue raised, let alone result in the policy being amended/deleted.

The BP's conclusions (BP paras 8.1.1-3) indicate concerns about a PR policy at a District level but acknowledges that 'this is a relatively new and up and coming policy area and its effects are yet to be fully seen and analysed' and may require further studies. Significantly, BP para 8.1.2 states 'that if a community is particularly concerned about high local rates of second homes, this may best addressed (sic) through a Neighbourhood Plan, as any impacts would then be more localised'. Charmouth is very concerned and wishes to grasp the opportunity to manage the increase in second homes in its NP.

Upper Marshwood Vale NP is a recent ('made' May 2020), nearby (4 miles/6.5 km from Charmouth) neighbourhood plan which provides some relevant considerations. The Examination reviewed its PR policy and the following conclusions can be reached:

- The Examiner stated that the area's 2011 vacancy rate of 23% of homes used as a second homes/holiday lets was indicative of a widespread use of residential properties as non-primary residences and was satisfied of the need to control the proliferation of second homes i.e. by using a PR policy. Charmouth has a higher vacancy rate of 26.5% confirming the need for, and justification of, its PR policy;
- Upper Marshwood Vale (like Charmouth) is covered by the 2015 West Dorset, Weymouth & Portland Local Plan. Upper Marshwood Vale's PR policy, having passed Examination, indicates that a PR policy does not raise conformity issues with the Local Plan applicable to Charmouth;

It is important to consider Charmouth's future housing market and take account of Dorset Council's estimate of a housing need of 3 pa (based on recent historic rates). In the 2011 Census there were 927 dwellings and adding 10 years x 3 additional units pa equates to a 2021 estimated housing stock of 957. The agreed housing requirement forecast of 48 would bring the total stock to 1005 by the end of 2035. The PR policy would only apply to the new 48 homes i.e. less than 5% of the total stock. Put another way, if the 48 new homes were unrestricted and occupied at the current percentage of second homes (26.5%), this equates to less than 1 house pa over the Plan period. So, with a PR policy, you have one second home purchaser pa being diverted to seek an opportunity in the existing stock. In our view, these proportions are considered too small to materially distort the market. The more conventional but unpredictable complexities in the market (interest rates, employment levels, consumer confidence etc, etc.) would have a much more significant impact on prices of the entire stock. The existing stock of 957 will still exist without the residency restriction and, in theory, would only incur price increases if second home demand exceeds current levels. The Examiner's question is predicated on 'additional demand' for second homes on existing homes but there is no evidence (either provided or that we are aware exists) to support this contention.

In considering future demand, Dorset Council's comments have made clear that Charmouth's sea defences cannot be maintained. This would result in loss of the seafront car parks, World Heritage coastal visitor centre and other tourist facilities, with little opportunity to replace nearby. This could have devastating impacts on Charmouth's vitality and economy which would lead to the loss of amenities available to the local area, resulting in reduced demand for housing in general and second homes in particular.

With regard to the first sentence in 8.22, we see that a PR policy would contribute positively to all the aspects mentioned there of concern to the community. Clearly there is an affordability gap in Charmouth regarding the existing stock of housing. Barring an unlikely collapse in house prices, an affordability gap will generally remain with or without a PR policy but, for the reasons stated above, there is no evidence to conclude it would necessarily widen. CNP's focus is on ensuring new homes meet local needs and it aims to support small, relatively affordable, homes. The PR policy would give residents competitive advantage to access new homes by being able to satisfy the PR restriction. These restricted new homes should be priced lower than market rates and prospective permanent residents would no longer be outbid by buyers of second homes/holiday lets. In addition, CNP aims to support affordable home provision where residents will be prioritised through the local connection policy.

Conclusion

From our detailed review of PR policies and any 'unintended consequences' we conclude the following:

- The Census data and the District Council's records (CNP para 8.23) and consultation feedback (CNP para 8.22), point conclusively for the need to manage the number of second homes which is a key Objective of CNP (para 2.11) and justifies the need for a PR policy;
- There is overwhelming precedence confirming PR policies meet Basic Conditions including conforming with the relevant West Dorset Local Plan. Charmouth's percentage of second homes exceeds several 'made' NPs confirming the justification for a PR policy;
- Unsurprisingly for a new policy area, there is no hard evidence of the likelihood of 'unintended consequences', at best, it is simplistic, theoretical supply and demand conjecture. We re-state Dorset Council's BP conclusion: 'this is a relatively new and up and coming policy area and its effects are yet to be fully seen and analysed';
- Dorset Council raises no objections or Local Plan conformity issues regarding the PR policy; it primarily requests that 'unintended consequences' should be fully considered. This response confirms the in-depth assessment we have undertaken in reviewing this matter.

The PR policy represents a critical component of the CNP and is the main planning tool at our disposal if the ever-increasing number of second homes is to be managed and provide any chance to sustain a balanced community. We respectfully request, but in the strongest possible terms, that this policy is retained. If evidence does ever come forward to confirm 'unintended consequences' then the PR policy can always be re-visited by the community at the next CNP review.

Policy CC2

10. **Question to CPC.** The first bullet point of Policy CC2 offers support to any engineering works which would maintain or enhance coastal or upstream defences. Dorset Council objects to this part of the policy and recommends that it should be deleted. Please could CPC comment on the recommendation and the reasoning behind it which is contained in the representation from Dorset Council?

CPC Response (shown in bold type):

In order to answer DC position and reasoning, we have made comment in situ, and given topics paragraph numbers...

General: Please note that the DC response mentions 'the emerging Local Plan' several times. However, the Council has agreed in a recent ongoing appeal that "the Emerging Local Plan carries very limited weight given that it is at an early stage of production."

Dorset Council Position

- i) Dorset Council has concerns over the NP's draft policies and proposals in respect to this section of coastline. National planning policy requires plans to reduce risks from coastal change by avoiding inappropriate development in vulnerable areas (paragraph 171 of the NPPF). National policy goes on to state that areas which are likely to be effected by coastal change should be defined as Coastal Change Management Areas (CCMA) and that plans should:
- a) 'be clear as to what development will be appropriate in such areas and in what circumstances; and
 - b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas' (Paragraph 171 of the NPPF).

Please see the response in (iv) below.

- ii) The council has sought to identify CCMA on the policies map of the emerging Dorset Council Local Plan. The council has followed direction in planning practice guidance which states that:

'Local planning authorities should demonstrate that they have considered shoreline management plans, which provide a large-scale assessment of the risks associated with coastal processes, and should provide the primary source of evidence in defining the coastal change management area and inform land allocation within it.' (Paragraph: 072 Reference ID: 7-072-20140306)

iii) The council has also taken account of specific coastal risk planning guidance prepared for the former West Dorset District Council which is also relevant to this section of coastline. The shoreline management plan is neither legislation nor adopted planning policy – despite this it carries significant weight as a material consideration when preparing planning policy and taking decisions on planning applications.

Our understanding was that, as SMP2 is non-statutory, and thus neither legislation nor adopted planning policy, its stance was open to reconsideration (see later comment on SMP review in (vi)). We have been unable to identify the basis on which Dorset Council considers SMP2 to have such weight in planning decisions. Although we were aware of what SMP2 stated (para 10.16) this was still believed to be ongoing, to be reviewed following any potential changes to criteria to be applied such as impacts on tourism or local economy.

In the response from Dorset Council during Reg 14 consultation in 2020, DC did not mention that SMP2 had overriding weight in planning in potentially affected coastal areas. The Council's response at that stage was more about weight of evidence (see below at (vi)). In addition, more recently, our Planning Consultant in the Basic Conditions report states: "The SMP is not part of the Development Plan or national policy, and therefore this does not raise a conformity issue per se." There has been little if any publicly available information about SMP2 since 2011, we have therefore pursued this line because we were unaware of how SMP2 might be being applied in planning.

The village response is firmly in favour of maintaining, for as long as possible, coastal defences thus we would wish to retain this part of the plan, partly to raise awareness in the village of the possible / likely effect on Charmouth of coastal change, and as a precursor to formulating the coastal adaptation plan, also partly in the hope that criteria, conditions or funding opportunities may be reassessed over the next 15 years. We acknowledge that this is unlikely, and therefore Chapter 10, including CC2, is phrased to support relocation as and when necessary, while not demanding defences. We therefore do not believe it is inconsistent with national or DC planning guidance.

iv) The emerging policies in the NP (to maintain defences along this section of coastline) appear to be inconsistent with those in the shoreline management plan and out of step with the main thrust of national planning policy which is: to avoid inappropriate development on land at risk from coastal change and to make provision to relocate development from areas at risk from coastal change.

DC's comments imply a concern about the CNP policy supporting new development (i.e. additional new buildings) in areas of risk; a concern we would endorse. The aim of CC2 is to provide support for engineering works to existing defences until 2025, also appropriate building adaptations etc. which prolong the life of existing coastal buildings and facilities: it does not encourage additional new buildings. We believe that CC2 bullet point 1 makes this clear but would be happy to further clarify this point in the supporting text. In this context, CC2 supports appropriate, not inappropriate development as stated by DC, and does not conflict with national policy. See 10.34.

Note that the aim of CC2 allows for the maintenance or enhancement of upstream defences once created, which is consistent with 'managed realignment' as stated in SMP2.

In order to clarify the point we could add, after para 2 of 10.34 ... "Policy CC2 outlines ... allowed to fail." "It is accepted that no residential new building development will be permitted in areas of risk."

The village is concerned for the future of existing shoreline amenities: preferably to protect them, otherwise to relocate if possible to an appropriate location. This view has been taken due to what is expected to be extreme difficulty in finding any suitable site to relocate the shoreline amenities.

In the absence of strong evidence to support and justify those emerging policies in the NP the council is concerned that these proposals and policies are not likely to meet the basic conditions around consistency with national planning policy/guidance, a potential conflict between these proposals and policies and the council's emerging planning policies in the Dorset Council Local Plan and lack of clear justification for the proposals/policies.

With regard to the concern that proposals and policies do not meet Basic Conditions, please see the Basic Conditions Report. We believe that clear justification for these is provided throughout Chapter 10 and in the report on 'Coastal Defences – Potential Direct Losses' in Appendix E, both of which provide a wealth of information re what is likely to happen when defences fail. Note: in 2011 SMP2 stated *"The change in SMP policy will result in the damage, and ultimately loss, of a World Heritage visitor centre and part of the car park, with change being through a catastrophic storm event rather than a gradual process. Cliff top properties will become increasingly at risk from erosion, including episodic landslips."*

v) In practice, we have been advised that coastal defences are an unrealistic option as there is currently no funding available now or in the foreseeable future, costs for any defences are in most instances prohibitive and even if funding could be secured, any planning application would receive strong objection by national environmental bodies and likely be refused.

We can find no evidence that Charmouth has had a fully costed evaluation for improved coastal defences. We accept that funding is currently problematic, but circumstances and priorities can change over a 15 year period.

vi) Even if funding and planning permission could be secured, any measures would be short lived as the sea would simply cut around the edge of any defence leaving an exposed armoured hard point.

The length of time that coastal defences could last would depend on the nature of the defences provided, and we are not aware that any assessment of the viability for improved defences has been undertaken specifically for Charmouth. We do agree that provision may be difficult, but the opportunity to explore this would be appreciated.

There has been a recent review of Shoreline Management Plans nationally and no change to this approach has been recommended, so this position is considered up to date.

DC is relying now on the fact that there has been a recent review of SMP2.

However, we have found no reference online to any review or update, national or local. Any review or refresh which has been undertaken has not been made publicly available or communicated to local councils: CPC has no knowledge of any update; the Environment Agency, who would surely have been involved in such a review made no mention in their response, have not queried any text relating to coastal defences, and state they support the aims of CC2; SCADCAG who are the body responsible for SMP2 locally did not respond to CNP Reg consultations either in 2020 or 2021.

In terms of the impact on the local economy through loss of defences, Dorset Council, in their Reg 14 response in 2020, wrote *"... no compelling justification is currently given to why coastal defences should be maintained other than the significant economic impact"*. We thus provided further explanation and evidence in the 2021 version of the Plan.

vii) Community groups are instead encouraged to start with the premise that coastal erosion will happen and that community efforts should seek to be pro-active in the preparation of adaptation planning. Adaptation plans are a separate project that looked to proactively relocate buildings and infrastructure inland before the sea damages or takes these facilities. Using Charmouth as an example, the relocation of the car park or visitor centre could be usefully considered.

The possibilities and difficulties around the relocation of the car park, the Charmouth Heritage Coast Centre, and other shoreline amenities, are, we believe, well explained in the Plan. CC2 bullet points 2 and 3 establish the locational principles for coastal relocations and we note DC's comments on LP conformity.

Any exploration of Charmouth will show that space is cramped. The shoreline is extremely busy, providing a huge amount of local income, but there are enormous challenges in identifying potential sites for relocation of any of the amenities, especially by the beach, even were such sites to be available for purchase.

Site options will be considered as part of a Village Improvement Project and, as appropriate, adopted as a 'coastal adaptation plan' and/or included in a future revision of CNP. However please note that the Pathfinder Project as summarised in paragraph 10.33 undertook to seek a potential relocation site, but it was later decided that none was suitable. See also the 'Charmouth Parish Council report on the Pathfinder Programme' written in 2019, a link to which can be found in Appendix E.

Recommendations

viii) The council has some more specific comments on the parts of the emerging policy: Bullet point 1, Proposals to maintain or enhance existing defences would be inconsistent with the management policies in the shoreline management. This bullet point should be deleted.

Bp1 states that any defence work (maintain or enhance) will be 'supported'. This is not saying that defences 'will' happen, and we are not demanding that they do (even though we would of course appreciate them).

Bp1 also contains reference to upstream defences, but this is included in SMP2 as 'Managed Realignment' so therefore should remain in the policy.

ix) All references within the supporting text that are inconsistent with the Shoreline Management Plan should also be deleted. The Council would highlight the final sentence of paragraph 10.16, paragraph 10.26, the first sentence to paragraph 10.36, the final two sentences of paragraph 10.38 and the whole of paragraph 10.39. Reference to a future Coastal Defence project in paragraph 10.40 should also be considered for removal.

With respect to removing wording...

10.16 last sentence – ok

10.26 – all – ok - though we would like to retain something about the difficulty in relocation.

Suggest rewording to

"10.26 There will be considerable difficulty in identifying suitable sites to relocate shoreline facilities which have to be by the beach. For example, the Charmouth Heritage Coast Centre and the beach toilets have to be sited by the shore."

10.36 - to delete first sentence – ok

10.38 – to delete final 2 sentences – ok

10.39 – delete all – ok

10.40 – delete mention of "(a) coastal defences" – ok. Note this means AppG project 2 will have to be amended.

The village has contributed to, read and supported the content relating to the coast and defences throughout the whole CNP process. See also (ii) above.

We believe it is not possible to have a NPlan which runs to 2035 without mentioning an element which is likely to significantly affect the village at some time in the future after 2025, as the current defences start to fail.

x) Bullet point 2 supports the relocation of coastal premises and services subject to or damaged by coastal change or flooding will be supported if there is no prospect of future improvements to coastal defences to safeguard the premises, and to an appropriate location suitable for purpose.

The council supports this part of the policy which seeks to make provision to relocate infrastructure which is likely to be affected by coastal change.

xi) Bullet point 3, helpfully outlines where relocated housing would be suitable, within DDBs or where no suitable site exists, outside but adjoining the DDBs or as a brownfield site, not of high environmental value. An appropriate site anywhere in the parish can be considered if replacing an important community asset or amenity. You might wish to define any areas which are considered appropriate for relocated development on the policies map.

See above at para (vii)

This approach is considered to be in general conformity with adopted Policy ENV7 ii) which states “the replacement of properties affected by coastal change may be permitted within a defined area agreed through a community relocation strategy as an exception to normal policy.”

The Council is also supportive of the proposal to prepare a Village Improvement Project within paragraph 10.40 which seems to provide a similar role to a coastal adaption plan. A commitment towards the preparation of a coastal adaption plan within the Policy text would be encouraged and supported.

National Planning Policy Framework July 2021

1. **Question for CPC and DC.** A revised version of the National Planning Policy Framework was published by the government on 20 July 2021, alongside a final version of the National Model Design Code. I would be grateful if you could please advise me whether you consider any modifications in relation to the non-strategic matters covered by the draft CNP are necessary as a result of the publications and, if so, what these are?

CPC Response: We don't think there are any implications that we can see.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter and any subsequent responses are placed on the Parish Council and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

Andy Mead

Examiner