



The Planning  
Inspectorate

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# Report to Purbeck District Council

by **David Hogger BA MSc MRTPI MCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date **31 October 2012**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE PURBECK**

**LOCAL PLAN (PART 1)**

Document submitted for examination on 25 January 2012

Examination hearings held between 8 and 17 May 2012

File Ref: PINS/B1255/429/1

## Abbreviations Used in this Report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
CD	Core Document
CS	Core Strategy
DGTP	Dorset Green Technology Park
DPD	Development Plan Document
GPG	Good practice guide
Ha	Hectare
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP1	Local Plan Part 1
MM	Main Modification
PDC	Purbeck District Council
pdI	Previously developed land
PPTS	Planning Policy for Traveller Sites
RIA	Retail Impact Assessment
RS	Regional Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SANG	Suitable Alternative Natural Greenspace
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SD	Submission Document
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SLP	Swanage Local Plan
SOCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

The

Framework: The National Planning Policy Framework

### **Information Note**

The title of the submitted document was the Purbeck Core Strategy. However, the Council has resolved to re-name the document the Purbeck Local Plan (Part 1) in order to accord with recent changes to the plan preparation process. A consequential modification is proposed to explain the change in approach **[MM1]** thus ensuring consistency with national policy. For the avoidance of doubt the new title has been referred to throughout this report.

This Report is accompanied by the Appendix containing the Main Modifications.

## **Non-Technical Summary**

This report concludes that the Purbeck Local Plan (Part 1) provides an appropriate basis for the planning of the District in the short-term, providing a number of modifications are made to the Plan, including one requiring a partial review of the document to commence in 2013. The Council has specifically requested that I recommend any Main Modifications (MM) necessary to enable it to adopt the Local Plan (LP1). All MM have been agreed by the Council and I have recommended their inclusion after full consideration of the representations from other parties on the matters which they raise.

The modifications, many of which are required to ensure consistency with the National Planning Policy Framework, can be summarised as follows:

- A commitment to commence a partial review of the LP1 within the next year;
- Clarification over the duty to co-operate;
- The insertion of a model policy on the presumption in favour of sustainable development;
- Strengthened policies relating to wildlife and habitat protection;
- The identification of an employment site at Bere Regis;
- Revised policy on retail provision in the District;
- Increased flexibility on the use of rural buildings and the provision of small scale market housing in the countryside to enable the provision of affordable housing;
- Clarification of the advice on sustainable design;
- The revision of the monitoring section to provide a more robust structure; and
- A range of lesser changes to ensure that the wording of policies and text are clear and in accordance with national policy.

## Introduction

1. This report contains my assessment of the Purbeck Local Plan - Part 1 (LP1) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority submitted what it considered to be a sound plan (although since submission the Framework was published which has resulted in the requirement for several modifications to the plan). The basis for my examination is the pre-submission Core Strategy (Nov 2010) with proposed changes following consultation (SD13).
3. My report deals with the Main Modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These MMs are set out in the Appendix.
4. The MMs that relate to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA). As part of the Habitats Regulations assessment (HRA) it has been independently confirmed that the MMs will not lead to any effects on a European site that have not already been assessed. I have taken the consultation responses, the SA and the HRA into account in writing this report. The seven Statements of Common Ground (SOCG) that were submitted have also been taken into account.

## Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation.
6. It is a requirement that the Council engages constructively, actively and on an ongoing basis with neighbouring local authorities, the County Council and a range of other organisations. The Duty to Co-operate Statement (SD25) sets out a range of issues where co-operation has been achieved and it is clear that such engagement between the interested parties will continue<sup>1</sup>, for example in relation to potential development at Crossways (West Dorset District), the joint Heathland Development Plan Document (DPD), the Gypsy and Traveller DPD and the imminent review of the Poole Core Strategy. A Memorandum of Understanding is being drawn up by the Dorset Environment Managers Group committing the relevant local planning authorities to work together to deliver sustainable growth. I am satisfied that the duty to co-operate has been met.

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<sup>1</sup> See response to Inspector's Question 20 from week 2 of the hearing

7. It is, however, a requirement that local plans are positively prepared which could include meeting unmet requirements from neighbouring authorities. To this end **MM3** relating to the relationship to other nearby local authorities is required in order to ensure that the plan is effective.

## **Assessment of Soundness**

### **Preamble**

#### *National Planning Policy Framework*

8. This report takes into account changes to national planning guidance and policies which have taken place since the plan was submitted for examination. Although the National Planning Policy Framework (the Framework) was published after LP1 was submitted for examination all parties were given the opportunity to comment on the implications of the Framework on LP1. Further consultation was undertaken on the Council's statement regarding the consequences of the Framework for LP1 and the responses received have been taken into account in the preparation of this report.

#### *Regional Planning Policy*

9. The approved Regional Strategy (RS) for the south west is Regional Planning Guidance 10 (2001) and its proposed replacement is the Draft Revised Regional Spatial Strategy for the South West incorporating the Secretary of State's Proposed Changes (2008). The revocation of the RS is now enabled by section 109 of the Localism Act but this has yet to take place. However, there is no realistic prospect of this previously emerging RS becoming part of the development plan and therefore it now carries little weight. However, regard should still be had to the evidence which supported it, in so far as it remains relevant to the assessment of the soundness of LP1.

#### *Public Consultation*

10. Concern was expressed regarding the public consultation that was undertaken by the Council in a number of settlements. However, the requirements of the Statement of Community Involvement (SCI) have been met and the level and nature of the consultation undertaken was appropriate.

### **Main Issues**

#### *Introduction*

11. There are a number of significant constraints to development within Purbeck District, including large areas of international, national and local nature conservation value; the limited capacity of the local road network (particularly during the summer season); the south-east Dorset green belt; and the high quality of much of the landscape, including the Dorset Area of Outstanding Natural Beauty and the Jurassic Coast World Heritage Site. It is also relevant that there are currently no development plan policies adopted by the Council on which it can rely in its determination of planning applications.
12. It is against this background and having taken into account all the representations, written evidence and the discussions that took place at the

examination hearings and the site visits that I undertook, that I have identified nine main issues upon which the soundness of the Plan depends. A small number of other recommendations are made in order to ensure compliance between LP1 and the Framework and these are set out under 'Other Matters'.

## **Issue 1 – The overall provision for housing**

### *National Planning Policy*

13. The Framework establishes the presumption in favour of sustainable development and states that local planning authorities should positively seek to meet the development needs of their area. Local plans should meet objectively assessed needs unless any adverse impacts would significantly outweigh the benefits or there are policies in the Framework (for example relating to protected wildlife sites and the green belt) which indicate that development should be restricted. The objective should be to boost significantly the supply of housing.
14. There is also a requirement for local plans to reflect the national policy in favour of sustainable development. To this end a new policy is required in chapter 5 of LP1 to confirm the Council's positive approach towards sustainable development **[MM5]**, thus ensuring consistency with national policy.

### *The Housing Needs of South East Dorset*

15. The Bournemouth and Poole housing market area includes Bournemouth, Poole, Christchurch, East Dorset and Purbeck. The forecast need for 2006-2026 is for about 38,950 dwellings<sup>2</sup>. It is acknowledged that the plans for these local planning authorities are at various stages of preparation but currently there would be a potential supply of over 41,000 dwellings over the period. This indicates that the housing target is likely to be exceeded on a sub-regional basis and it has been confirmed by the other Councils referred to above that the conurbation can meet its own housing needs without strategic provision being made in Purbeck.

### *The District's Housing Needs*

16. The Strategic Housing Market Assessment (SHMA)<sup>3</sup> identifies a need for about 3,400 dwellings in the District between 2011 and 2031 (170 per annum). If population projections are used then the demand could be as high as 4,000 dwellings<sup>4</sup> by 2026. The draft revised RS included a target of 5,150 dwellings for Purbeck but this included 2,750 at Lytchett Minster (the Western Sector). Over the same period LP1 allocates 2,400 dwellings (120 per annum), which is the same number as the revised RS proposed for elsewhere in Purbeck (i.e. excluding the Western Sector).

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<sup>2</sup> Council's written answer to Inspector's question 4

<sup>3</sup> 2012 Update - CD120a

<sup>4</sup> Council Examination Statement PDC/4.1

17. The Council argues that there is currently insufficient evidence to demonstrate that significant additional housing (above the 120 dwellings/annum) could be accommodated within the District without harm to European protected sites. Higher housing numbers were assessed (e.g. 1,000 on the edge of Wool, 500 on the edge of Wareham and 500 on the edge of Lytchett Minster)<sup>5</sup> but it was concluded that although there may be the potential to mitigate growth at Wool (in terms of heathland protection), there would only be limited opportunities elsewhere.
18. The Sustainability Appraisal<sup>6</sup> (SA) acknowledges that future housing needs will not be met and implies that this is a consequence of the constraints imposed by European protected habitats and transport infrastructure. Therefore on the basis of the evidence available the Council concluded that a precautionary approach should be adopted and that LP1 should include a figure of 2,400 dwellings (increased to 2,520 to take the plan up to 2027) – a number which it was confident could be successfully implemented in tandem with heathland mitigation measures. The Council argues that there is currently insufficient certainty that a higher level of growth would not significantly harm protected habitats and species. In its view the potentially adverse effects of development on European protected sites outweigh the objective of meeting all the District's housing needs. In the circumstances at the time (based on the ecological evidence available) it was reasonable for the Council to conclude that there was no certainty that a target of 170 dwellings a year could be achieved without harm to ecological interests and that the identification of a target of 120 dwellings per year was therefore justified. However, it is clear that more recent detailed analysis gives reasonable confidence that in some locations appropriate heathland mitigation measures could be provided.

#### *Housing and Heathland Protection*

19. Significant progress has been made (primarily by land owners) on the identification of sites for the provision of mitigation measures and the evidence demonstrates that there is the potential to accommodate such measures on a number of sites in the District (in the form of Suitable Alternative Natural Greenspace – SANGs). Further detailed assessment is required to enable confident conclusions to be drawn with regard to the contribution such sites can make to mitigating the impact of residential development but a number of reasonable opportunities appear to be available. The Framework encourages local planning authorities to be aspirational and to seek opportunities to deliver sustainable development. Current evidence indicates that the District could accommodate a higher level of growth than is currently being proposed by the Council (accompanied by appropriate mitigation measures) and hence its housing needs could be met more fully.
20. In terms of the housing allocations in LP1 and other potential residential development, reference to protecting ecological assets and the provision of mitigation measures (in the form of SANGs) is required in order to ensure that sites of ecological importance are afforded the appropriate protection. Therefore modifications **MM14 - part** (north west Purbeck), **MM17** (south west Purbeck); **MM20** (central Purbeck); **MM28** (north east Purbeck); **MM35**

<sup>5</sup> HRA Implications of Additional Growth Scenarios for European Protected Sites – CD112

<sup>6</sup> SD15

and **MM38** (south east Purbeck); and **MM52** (overarching policy advice relating to new development in the District as a whole) are necessary to strengthen the protection afforded to such sites in accordance with national policy.

#### *South East Dorset Green Belt*

21. A review of the green belt has been undertaken by the Council<sup>7</sup> and was subject to a number of public consultation exercises. However, paragraph 85 of the Framework advises that 'safeguarded land' should where necessary be identified between urban areas and the green belt in order to meet longer term development needs. Bearing in mind the other significant constraints that exist in the District and the need for local planning authorities to positively seek opportunities to meet the development needs of their area, such an approach would be appropriate in Purbeck but it has not been adopted by the Council.
22. Land to the north of the allocated site in Lytchett Matravers is referred to by the Council, in its Statement on Matter 2, as having the potential to accommodate future settlement expansion and there is no reason to conclude that this and other appropriate 'safeguarded land' could not be specifically identified. Green belt boundaries should only be altered in exceptional circumstances but the local planning authority must be satisfied that the boundaries will not need to be altered at the end of the plan period and the evidence indicates that currently such certainty cannot be assured. It is therefore recommended that the green belt boundary and in particular the identification of 'safeguarded land' for future growth, be considered as soon as practicable **[MM2]**. This is an essential change in order that LP1 is justified, effective and consistent with national policy.
23. The land at Holton Heath and Sandford that it is proposed by the Council to add to the green belt was considered by the Inspector for the Purbeck District Local Plan<sup>8</sup>. He concluded that although the areas 'are no doubt capable of contributing to the Green Belt purposes' he could not recommend their inclusion because the test requires that the assumption that led to the land being initially excluded from the green belt has been 'clearly and permanently falsified by a later event'<sup>9</sup>. At that time the Structure Plan continued to identify the area as a strategic location for development. That allocation has now been abandoned and consequently this 'later event', which is exceptional in its nature, has occurred and provides the justification for the extension of the green belt at Sandford and Holton Heath.
24. Objection was raised to the inclusion of land in the vicinity of Worgret Road (to the west of Wareham) in the green belt. This is part of a re-alignment of the western boundary of the green belt, which is currently poorly defined on the ground and which has been artificially tied to administrative boundaries. The Framework states that boundaries should be clearly defined using physical features that are readily recognisable and likely to be permanent. The Council has followed this advice by proposing a boundary that follows specific features on the ground. The exceptional circumstances required to alter a green belt

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<sup>7</sup> CD127

<sup>8</sup> Inspector's Report 2002

<sup>9</sup> COPAS v the Royal Borough of Windsor and Maidenhead (2001)



boundary therefore exist and the Council's approach is sound.

### **Conclusion on Issue 1**

25. *Paragraph 14 of the Framework specifically states that objectively assessed needs should be met unless any adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the Framework indicate that development should be restricted. Paragraph 152 advises that significant adverse impact on the environmental dimension of sustainable development (i.e. biodiversity) should be avoided and options which reduce or eliminate such impacts should be pursued. It is also reasonable to apply the principle in paragraph 118 (first bullet point) which advises that if significant harm cannot be adequately mitigated planning permission should be refused.*
26. *Against this background the Council's precautionary approach to the allocation of housing sites is currently justified because of the uncertainty regarding the effect of development on European Nature Conservation sites. However, it has not been conclusively demonstrated that the most appropriate strategy is being promoted by the Council, particularly for the medium to longer term in the plan period. It is clear that there may now be reasonable opportunities available for the provision of heathland mitigation measures, particularly in the medium term, and the Council acknowledge this to be the case.*
27. *I have given very careful consideration to the situation. On the one hand LP1 does not allocate sufficient land for housing but on the other hand further detailed work is required to confirm the suitability of a number of potential heathland mitigation sites. I must also take into account the fact that the proposed settlement extensions would make a significant contribution to housing supply in the short term (including affordable housing). Circumstances are similar to those surrounding the Purbeck Local Plan Final Edition (2004) which was never statutorily adopted because the implementation of a strategic housing allocation at Holton Heath and the provision of the Sandford by-pass could not be satisfactorily achieved without significant harm to nature conservation interests, thus creating what has been described as a policy vacuum.*
28. *The Council currently has no adopted policies in place and if LP1 is not adopted there is the risk of 'planning by appeal' and the loss of public confidence in, and support for, the process. This cannot be in the best interests of the local community especially bearing in mind that the Framework promotes the need to strengthen local decision making and reinforces the importance of up-to-date plans. I am also mindful that there is the potential for a significant level of development to be allocated at Crossways (on the boundary with Purbeck) by West Dorset District Council, in the West Dorset, Weymouth and Portland Local Plan. Also Poole Borough Council is proposing to review its Core Strategy in 2013. The duty to co-operate, together with the timing of these various documents will ensure that cross boundary issues can be more thoroughly addressed.*
29. *A majority of the policies in LP1 would endure throughout the remaining 15 years of the plan period and in the short term LP1 would provide an appropriate framework for housing development in the District (see paragraph 35). It is particularly in the medium to long term that the Council should be*

*seeking to allocate further land to meet more fully its housing needs.*

30. *It has been suggested that rather than progressing with the adoption of the submitted Local Plan, the Council should divert its resources to an immediate review of the document, thus ensuring that the review would be adopted prior to the currently anticipated date of 2017. There are arguments both ways but I consider that the objectives of the Framework are best achieved in the short term by the adoption of the current document (as proposed to be modified), which is programmed for later this year. If the plan was withdrawn for further work to be undertaken by the Council the policy vacuum in the District would remain which would be contrary to the objective of achieving local plan coverage across the country as soon as possible and it is not clear that much time would be saved by taking this approach, bearing in mind work on the review will start in earnest next year. In these exceptional circumstances I consider that the adoption of LP1 as a short term measure is the most appropriate way forward and that the Council's approach is justified.*
31. *It is recommended that a section is included in LP1 entitled 'Future Partial Review' [MM2]. This commits the Council to a partial review of the plan to commence in 2013 (with adoption in 2017)<sup>10</sup> and refers to achieving a target of 170 dwellings per annum. Among the issues to be addressed in the review will be additional settlement extensions to contribute to meeting housing needs and a review of the green belt including the potential for safeguarded land. This will enable the Council to consider in detail and resolve heathland mitigation measures and also to co-operate with West Dorset District Council with respect to potential development at Crossways. It is also recommended that a new paragraph be inserted in the supporting text in order to add detail to the Council's approach [MM8].*
32. *The Council will not be able to rely on these reasons for delay in three years time. This is a short term expedient approach and because the District will continue to be under pressure for additional housing (a need that is likely to increase) it is imperative that the early review is undertaken. If there was any evidence that this could not be achieved then LP1 would not be sound. On the basis that the review of LP1 will commence in 2013, the plan can currently be considered to be sound. This approach should not be seen as a template for others to follow, it is only justified because of the exceptional circumstances which currently exist in this District.*
33. *With the Modifications proposed LP1 makes sound provision for housing in the short term and includes the mechanism by which housing supply, particularly in the medium to longer term, can be boosted.*
34. *It is against the background of an imminent review of the local plan that the remainder of this report should be read.*

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<sup>10</sup> See 'Response to Queries Raised by the Inspector after Completion of the May 2012 Hearing Sessions'

## **Issue 2 – Housing supply, type and density – including affordable housing and accommodation for gypsies and travellers.**

### *Housing Supply, Type and Density*

35. Paragraph 47 of the Framework requires Councils to demonstrate a five year supply of housing plus 5% and this requirement can be achieved. The Council's Five Year Supply Assessment<sup>11</sup> demonstrates a six year supply of housing (based on 120 dwellings/annum – not the 170 for which there is a need) comprising allocations, commitments and Council owned land that it has identified for development in the next five years. A 20% buffer would be available. Evidence<sup>12</sup> shows that viability for residential development remains strong despite the economic downturn. There is no allowance for windfall until the end of the plan period.
36. Much of the allocated housing development is expected to commence in 2013 and no substantive evidence was submitted to demonstrate that this could not be achieved and that delivery would not be in line with the housing trajectory. It is anticipated that the settlement extensions would be completed by 2020/2021. There is, however, a significant reliance for housing provision towards the end of the plan period (between 2018 and 2026) on what is described as the Character Area Potential<sup>13</sup>. In itself the evidence base on this matter is proportionate but there is no certainty that such sites will continue to come forward and, although a 50% discount has been applied by the Council, to rely solely on them as the only source of housing for a number of years threatens the effectiveness of the plan. Whilst monitoring the situation would enable the Council to review LP1 there needs to be sufficient confidence from the start that specific deliverable sites will be available, preferably for 15 years. Such confidence for the longer term cannot be gained from the plan as currently drafted and this adds weight to the need for a partial review of the plan (see conclusions on Issue 1).
37. Concern was expressed regarding the robustness of the Strategic Housing Land Availability Assessment (SHLAA)<sup>14</sup>. However, it was prepared in line with the advice in the Planning Policy Statement 3 Practice Guidance and was agreed by the SHLAA panel. There is no evidence that the identified sites are not suitable for housing development or unavailable and there is no reason to conclude that they could not be viably developed.
38. The plan enables the provision of a mix of housing but the Council proposes the insertion of a specific bullet point in Policy SE regarding the provision of family housing in Swanage **[MM39]**. Local Planning Authorities should establish their own approach to housing density and **MM64** establishes how the Council will meet that requirement by referring to the density advice set out in the townscape character assessments. These two recommended changes will ensure that the plan is justified and consistent with national policy.

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<sup>11</sup> CD 110

<sup>12</sup> CD 113 and CD 114

<sup>13</sup> CD108

<sup>14</sup> CD117

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### *Affordable Housing*

39. The Council accepts that there is a significant need for affordable housing in the District which would not currently be met over the plan period. It is estimated that 520 units of affordable housing per annum would be required between 2011 and 2016 if all needs were to be met<sup>15</sup>. Delivery over the past 4 years has been just 136 units. In essence the problem stems from the relatively low overall housing allocations. The Council confirms that further studies are required with regard to the overall housing provision but that to delay LP1 at this stage to enable that work to be undertaken would delay the delivery of the affordable housing that could be achieved under the current proposals.
40. The level of affordable housing supply would be low in all five spatial areas of the District and although there would be a 50% requirement in the Swanage and Coast sub-market area, LP1 does not satisfactorily address this issue of supply but states that the shortfall is 'due to environmental constraints'. This under-delivery of affordable housing is not a new phenomenon in the District and it is my opinion that the Council has not attached sufficient weight to seeking ways of achieving the objective of meeting the need for affordable housing in full<sup>16</sup>, especially bearing in mind that affordable housing delivery is a corporate priority for the Council. This is a matter to be addressed in the partial review. Concern has been expressed regarding the viability of the 50% requirement. However, such provision has recently been secured by the Council<sup>17</sup> and in any event the policy includes sufficient flexibility to accommodate any unforeseen issues regarding viability.
41. In order to facilitate the provision of affordable housing the Framework advises that consideration is given to allowing some market housing in rural areas in order to secure additional affordable housing. In order to reflect that approach **MM48** and **MM50**, which establish the principle and clarify that further detail will be set out in the Council's Housing Strategy, are necessary. In order to ensure that development on rural exception sites would reflect sustainability requirements, PDC intend to make it clear that the number of dwellings proposed should be commensurate with the settlement hierarchy **[MM49]**. This would be consistent with national policy.

### *Gypsies and Travellers*

42. Following submission of LP1 the Planning Policy for Traveller Sites (PPTS) was published and this sets out, for example in paragraph 11, guidance on the content of policies in relation to travellers. A joint Gypsy and Traveller DPD is being prepared by local authorities in Dorset which will make allocations to provide a 5, 10 and 15 year supply of sites. This DPD is scheduled for adoption in 2014.
43. Originally the Council proposed a policy setting out criteria against which any proposals for gypsy or travellers sites would be assessed. However, with the advent of the PPTS, which requires the consideration of joint development plans that set targets on a cross-authority basis, the Council is proposing to

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<sup>15</sup> CD120a

<sup>16</sup> Para 47 of the Framework

<sup>17</sup> Planning permission 6/2012/0079

rely on the advice in the PPTS until such time as the joint DPD is adopted. This is a pragmatic approach to the issue which in these circumstances is appropriate and therefore **MM51**, which sets out the Council's approach, is necessary. Policy DH did include a reference to preventing gypsy and traveller sites from within 400m of protected heathland. However, in the interests of flexibility this restriction is to be deleted [**MM53**]. Such changes are recommended in the interests of soundness.

#### *Conclusion on Issue 2*

44. *LP1 places too much reliance on Character Area potential for the latter part of the plan period and the approach being adopted by the Council would result in a significant under-provision of affordable housing. These are deficiencies in the plan but they can be addressed in the forthcoming partial review, which as explained in the conclusions to Issue 1, is the most pragmatic way forward.*

### **Issue 3 – Housing site selection and spatial distribution**

#### *The Council's Overall Approach to Site Selection*

45. The Council assessed a number of potential housing sites through a process of sustainability appraisal and undertook a number of public consultation exercises on the options available. Policy LD identifies Swanage, Upton and Wareham as the most sustainable settlements and allocations are proposed in these towns. However, public consultation results<sup>18</sup> also suggest that there is some support for development at Bere Regis, Lytchett Matravers and Wool and residential development is proposed in the first two villages but not in Wool.
46. The former Government Office for the South West advised in 2009<sup>19</sup> that the Dorset Green Technology Park (DGTP), near Wool, and Holton Heath / Admiralty Park could be considered as 'fix points' around which housing distribution should be explored. Such exploration has not been undertaken by the Council in sufficient depth to enable a definitive conclusion to be drawn with regard to the potential, particularly in respect of DGTP, for development in or near to these locations.
47. The Council did not undertake a thorough analysis of previously developed land (pdl) in the District because it was the view that such potential is very limited. It could be argued that the Council formed its conclusion without any robust analytical evidence and that there are areas of pdl, for example on the DGTP, where in principle there may be the opportunity for development that would contribute to reducing the shortfall in housing provision. Bearing in mind the need to seek all appropriate opportunities to accommodate new residential development, the Council should reconsider the potential contribution that could be made by pdl.

#### *Spatial Distribution*

48. Turning first to **South West Purbeck** the Council argues that development at

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<sup>18</sup> CD17c

<sup>19</sup> CD100

Wool is not supported by the Parish Council; that the village has recently accommodated new housing (Purbeck Gate) and that further growth may have detrimental highway consequences, particularly because of the delays caused at the level crossing.

49. The views of the local community are important but should be balanced against the need for additional housing in the District; the opportunities to mitigate adverse impacts on European protected sites; the sustainability credentials of the village (which is identified as a key service village and includes shops, schools, a station on the main London to Weymouth railway and the nearby DGTP); and the likelihood that the current re-signalling of the railway line will result in reduced delays at the level crossing.
  
50. The study entitled 'Implications of Additional Growth Scenarios for European Protected Sites' (CD112) cautiously suggested that 1,000 dwellings could be considered at Wool provided suitable heathland mitigation measures could be secured. The Council did not explore this option in depth (nor consider afresh the opportunity for a lower level of growth in the Wool area) because the Study was published at the time when the Council was agreeing the pre-submission Core Strategy and significant time would have been required to undertake the technical work associated with what would have been a major change in policy direction. However, on the evidence submitted it is reasonable to conclude that a suitable mitigation scheme could be drawn up. If this was the case then the potential for some growth at Wool should be acknowledged by the Council as a way of securing additional development to meet the identified housing need. This would be in accordance with advice from the former Government Office for the South West referred to above.
  
51. In 2005 the Wool Partnership published 'Wool – vision for a sustainable community' and in 2012 a Masterplan for the Dorset Green Technology Park was prepared on behalf of the land owners. These indicate that in principle the area could accommodate some growth and initially the Council allocated a site for 50 dwellings but this was removed from the submission document on the grounds that Wool had already accommodated sufficient housing for the plan period (at Purbeck Gate). This approach does not stand up to thorough scrutiny because housing need in the area and over the District as a whole, is still significant. It should be the Council's objective to significantly boost the supply of housing and also to identify sites where possible for up to 15 years ahead. It is acknowledged that there remain issues regarding the provision of SANGs and further work on the transportation implications of any growth in the Wool area may be required but these should not necessarily be seen as insurmountable impediments to development in the area, particularly in the medium to long term.
  
52. In terms of **North East Purbeck**, the Secretary of State's proposed changes to the RS included a western extension at Lytchett Minster of 2,750 dwellings. The Council did not proceed with this allocation because there was no reasonable certainty that the proposal could be implemented without adverse effects on internationally protected wildlife sites. Consequently a smaller allocation of 500 dwellings was considered but ruled out by the Council on similar grounds. Evidence was submitted, however, that indicates that suitable land may be available on the South Lytchett Estate for the creation of a SANG, although it was acknowledged that any such consideration is at an

early stage.

53. The Council did consider the potential for large-scale growth at Lytchett Minster in its response to the Proposed Changes to the Regional Strategy<sup>20</sup> but concluded that the area would not be suitable for large scale development primarily for reasons of nature conservation, green belt, flood risk, highway implications and conservation of the historic environment. On the evidence submitted this currently remains a reasonable conclusion to draw but the potential for development in this area in the longer-term could be considered, although because Lytchett Minster and neighbouring Upton are close to the Bournemouth/Poole conurbation, some weight should be attached to the risk that any significant residential development could display the character of a 'dormitory town' and not provide a sustainable, inclusive and mixed community.
54. The identification of Upton as a town in the settlement hierarchy is justified because of its size and the range of facilities and services nearby. Evidence demonstrates that the proposed allocation of 70 dwellings at Policeman's Lane is sound. Issues of flooding can be satisfactorily overcome, highway safety concerns can be addressed (as set out in the Development Brief – CD150) and the SOCG<sup>21</sup> confirms that appropriate SANG can be provided and that development would be nitrogen neutral. **MM32** (as it relates to Upton) is therefore recommended. The use of Sandy Lane as the boundary of the green belt in the vicinity of Frenches Farm is appropriate because it is a physical feature that is readily recognisable and likely to be permanent. There is insufficient justification for excluding the farm buildings from the green belt, especially as paragraph 89 of the Framework enables the appropriate redevelopment of a previously developed site in such circumstances.
55. With regard to Lytchett Matravers a settlement extension of about 50 dwellings is proposed at Huntick Road. Although agreement has not been reached with the land owner regarding suitable mitigation measures, the evidence indicates that appropriate land is available for such use to the east of the allocated site or elsewhere on the wider landholding (which is supported by Natural England) and that there are no insurmountable problems that would prevent mitigation measures being implemented. **MM32** (as it relates to Lytchett Matravers) is recommended. The Statement of Common Ground<sup>22</sup> between the Council, Natural England and the landowners confirms that the wording proposed in the local plan on this matter has the agreement of all parties. Natural England states that the approach being adopted is suitable to satisfy the Habitats Regulations and I agree. The allocation and the deletion of the heathland mitigation symbol from Map 14 [**MM33**] are required in the interests of soundness.
56. However, a fallback position is proposed by the Council which would be reliant on a review of the green belt boundary. Such a review is anticipated as part of the overall partial review (see conclusions to Issue 1) and therefore it is appropriate to refer to the fallback position should the allocated development not materialise. In order to aid effectiveness **MM31** is therefore necessary.

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<sup>20</sup> CD 143f

<sup>21</sup> SOCG/06

<sup>22</sup> SOCG/07

The aforementioned review should include consideration of land off Deans Drove and Foxhills Lane<sup>23</sup>

57. There is no conclusive evidence to substantiate the fear that the scale of the two allocations in North East Purbeck would have a significantly detrimental impact on local infrastructure or the character of the local community and they would provide an appropriate contribution to meeting housing need in the area.
58. Morden is classified as a 'Village Without a Settlement Boundary' where development would be permitted only in exceptional circumstances. It was argued that employment and market housing should be allowed in order to retain a strong, vibrant and healthy community. The supporting text to policy CO refers to allowing appropriate small scale employment uses and the policy itself confirms that the re-use of rural buildings for employment or housing may be permitted. Policy RES would allow market housing on rural exception sites if it would enable the provision of a significant amount of affordable housing. The promotion of healthy communities is an important objective but this has to be balanced against the need to conserve the natural environment and the Council's approach to development in such locations is reasonable and sound.
59. In many respects Wareham, (**Central Purbeck**) is the hub of the District and enjoys a good range of facilities and services. However, in its slightly elevated position it benefits from a distinctive and attractive setting, the inner boundary of which is largely defined by the flood plains of the rivers Frome and Piddle to the south and north, Poole Harbour to the east and the route of the by-pass to the west. The Council is proposing an allocation of 200 dwellings in the town at Worgret Road which would not cause significant harm to its setting and would assist in strengthening the vitality and viability of the town's services and facilities.
60. Concern was expressed regarding the release of the land at Worgret Road from the green belt. The Green Belt Review<sup>24</sup> addressed sites that had been considered suitable or partly suitable in the 2010 Review. It concluded that land at Worgret Road does not contribute to meeting the five purposes of the green belt<sup>25</sup> and that therefore, taking into account all other considerations, it was appropriate to allocate the site for development. The conclusions of the Council are reasonable and sound.
61. The development of the Worgret Road site relies in part on the identification of SANG. Suitable land has been identified for this use to the west of Stoborough and is supported by Natural England. The Council originally proposed an additional heathland mitigation site off Nutcrack Lane, Stoborough but it could not be demonstrated that this would be satisfactory and therefore it is recommended for deletion from Map 11 **[MM24]**. It is reasonable to conclude that the proposed SANG will satisfactorily fulfil its function.
62. The proposed residential development at Worgret Road, Wareham may have detrimental implications for Wareham Common SSSI which lies nearby to the

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<sup>23</sup> Participant 3422

<sup>24</sup> CD127

<sup>25</sup> Para 80 of the Framework



site. It is important that adverse effects on the natural environment are minimised and therefore it is appropriate to include the requirement that any recreational impact on the SSSI as a result of the development would be appropriately managed. **MM23** and **MM25** are therefore necessary to ensure that appropriate protection would be afforded to the SSSI in accordance with national policy.

63. Playing fields, which are not surplus to requirements, should be protected unless equivalent or better replacement facilities are provided (paragraph 74 of the Framework). There may be a risk to the well-used playing fields at Wareham Middle School because they are shown on Map 11 as being within the mixed use allocation at Worgret Road and therefore it is proposed that their status is confirmed and that they be afforded appropriate protection. **MM22** and **MM24** are therefore essential in the interests of soundness.
64. There may be potential in the longer-term for small scale growth at North Wareham and Sandford, although currently there is insufficient substantive evidence to conclusively demonstrate that sustainable development could be achieved. The identification of such land is likely to rely on an assessment of the potential for safeguarded land in relation to the green belt.
65. A proposal for significant development at Worgret Manor to the west of Wareham was tabled but part of it is on land that has now been included within the green belt (see paragraph 24). Whilst Worgret Manor may in the future be an 'area of search' for the Council, weight will have to be attached to the impact of any potential development on the setting of Wareham (see paragraph 59) and also on the need to secure satisfactory SANG.
66. Swanage, in **South East Purbeck** is the largest town in the District in terms of population but is heavily constrained by landscape and ecological designations. It is right that the town should accommodate some growth to meet the needs of the area and the Council is proposing that any such allocation should be included in the forthcoming Swanage Local Plan (SLP), on which work has already commenced.
67. The Council has consulted on a number of potential housing sites in Swanage but because there is uncertainty regarding education and healthcare provision in the town it decided to defer any detailed site allocations to the forthcoming SLP. There are many constraints to development in the town and other issues have been raised, for example relating to accessibility and the protection of the town's character and setting in the AONB, which need to be addressed. It is important that the local community is given the fullest opportunity to contribute towards the consideration of these matters and the delivery of the sustainable development that it needs. Both the District Council and Swanage Town Council are committed to working in partnership and proposals are already being developed for extensive public consultation focussed on neighbourhoods within the Parish.
68. Concern was expressed regarding the figure of 200 dwellings which would be allocated in the SLP (a figure that would now be nearer 150 following a permission having already been granted)<sup>26</sup>. The figure primarily stems from

<sup>26</sup> Planning permission 6/2012/0079

the consideration of the development options<sup>27</sup> and bearing in mind the need for housing throughout the area, it can be concluded that the Council's approach is reasonable and sound.

69. In **North West Purbeck** a settlement extension of 50 dwellings is proposed at Bere Regis, to be allocated in a subsequent plan. There is clear support for this scale of development in the village and the safeguarding of land at North Street for employment use will contribute towards sustainability objectives. In the interests of positive plan making it is therefore recommended that specific reference to this provision is included in the policy **[MM15]**.
70. West Dorset District Council is considering the allocation of between 1,200 and 1,500 dwellings at Crossways, which is on the border with Purbeck District. Opportunities for growth in this general location have been considered in the past, for example at Redbridge Pit, but PDC have not allocated any development to this part of the District. It is apparent that there may be the opportunity for some sustainable growth in this locality and therefore the reference to this matter in **MM3** is justified and consistent with national policy.

#### *Conclusion on Issue 3*

71. *Within the current context the Council's approach to site selection and spatial distribution (as modified) is sound.*

### **Issue 4 - Whether the plan makes sound provision for employment and retail growth**

#### *Employment Provision*

72. There is a forecast need for 11.5 ha of employment land to meet demand<sup>28</sup> and the Council has identified about 35 ha for future employment development, although only one new site is allocated in the submitted plan, at Huntick Road, Lytchett Matravers. Paragraph 21 of the Framework requires the provision of a clear economic strategy. Consequently a reference to the specific employment site allocation at Bere Regis **[MM15]** is necessary to clarify the Council's strategy (further clarification is provided by a number of Additional Modifications). In this way the Council's support for appropriate economic growth is confirmed and in this respect LP1 will be sound.
73. Concern was expressed regarding the potential for economic growth at Swanage, which because of its relatively isolated position makes it less likely to attract significant investment. There is, however, an undeveloped employment allocation at Prospect Business Park which is intended to meet local needs and sales have been agreed on three plots, equating to nearly half of the Park. The Council is aware of the need to balance housing and employment growth but the geographical circumstances of the town do place unusual constraints on enabling significant economic growth in the short-term. The Council's approach is justified and sound.

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<sup>27</sup> CD 30 Volume 4

<sup>28</sup> CD96

74. No employment land is allocated at Wareham but the town does have three industrial estates and much of the land around the town is constrained, for example by the green belt. There is, however, the opportunity for further economic growth of about 8ha at Holton Heath Industrial Estate, a few miles to the north, which is accessible from the town by train and bus. Improved cycle links are also proposed. Elsewhere in the District the significant employment provision would be at the Dorset Green Technology Park, where there is currently about 20ha available.

### *Retail Provision*

#### *Policy Context*

75. The Framework places significant emphasis on enabling viable and vital town centres to remain at the heart of communities. Whilst it is important that needs for retail (and other town centre uses) are met, it is essential that such needs have been properly assessed (especially in the case of an out-of-centre store as suggested for Wareham) and that it has been satisfactorily demonstrated that there would be no significant adverse impact on the town centre. It is also important that the local plan reflects the vision of local communities.

76. Against this background I consider that there are three main factors to be addressed:

- the retail needs of the area;
- the viability and vitality of the existing town centres; and
- sustainability issues in terms of reducing the need to travel.

#### *Retail Need*

77. The CS has been informed by a number of retail studies. The Purbeck volume of the 2008 Joint Retail Assessment<sup>29</sup> advised that Swanage and Wareham both had a requirement for new convenience floorspace of about 1,000 sqm (gross) but it concluded<sup>30</sup> that in terms of a large food store, this should be located in Swanage. Another Retail Impact Assessment (RIA) was undertaken in 2010<sup>31</sup>. This concluded that Wareham had the greatest potential to support a store of about 2,000 sqm (net) and that the Worgret Road Middle School would be the most suitable site. In Swanage it was concluded that only capacity for a smaller store of about 1,500 sqm existed.

78. In response to ongoing public concern about a new food store at Wareham, the Council commissioned further work in 2011, to take into account revised population projections and housing targets<sup>32</sup>. This work led to the conclusion that the predicted need for convenience floorspace had reduced from 2,000 sqm by 2016 to a maximum of about 1,260 sqm (net) by 2027<sup>33</sup>. However, it

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<sup>29</sup> CD 145a

<sup>30</sup> Paragraph 9.13

<sup>31</sup> Retail Impact Assessment September 2010 – CD147

<sup>32</sup> CD149

<sup>33</sup> NLP CD149

should be noted that this figure makes no allowance for trade leakage from the District. Based on current levels of trade draw and leakage it was concluded that the greatest capacity for new convenience floorspace is in Swanage where just over 900 sqm (net) could be accommodated, with about 55 sqm (net) in Wareham. On this basis there is not sufficient justification for a strategic food store allocation.

79. In terms of qualitative need the 2008 Assessment identified scope for an improvement in Purbeck's convenience offer and the 2010 Assessment confirmed that a store of around 2,000 sqm (net) in Wareham would offer the greatest qualitative benefits to residents. It also advised that an extended Co-Op store in Swanage could improve the town's qualitative offer.
80. Given the differing findings of the more recent studies on retail need in the District, it is difficult to come to a definitive conclusion but based on current trade patterns and the population projections; there is limited evidence of need for the significant expansion of convenience floorspace.

#### *Viability and Vitality*

81. Concerns regarding the viability and vitality of Wareham town centre have been evident for many years. Existing stores have been trading below their benchmark levels and the provision of an out-of-town food store may have a negative impact on the town centre (albeit one that it may be able to shoulder). Certain types of retailing could be precluded from a new food store (for example a chemists and a post office) and it was suggested that comparison goods could be limited to a maximum of 25% of the total floorspace, to reduce the impact on the town centre as a whole<sup>34</sup>. If a new out of centre store in Wareham were to be operated by the same company as already exists in the town centre, there may be a detrimental effect on the town centre. Whilst there were assurances that the existing store in the town would be retained, I appreciate local residents' fears about the future viability and vitality of the town centre. What happens to the existing store is likely to be of critical importance and much would also depend on the level of trade clawed back from stores outside the District, which currently loses about 45% of its expenditure mostly to stores in Poole.
82. The position in Swanage is different, partly due to its location. Existing stores appear to be trading well above benchmark level. The 2010 RIA concluded that an extended food store in Swanage would have the lowest level of impact and that convenience floorspace in the town would continue to trade above benchmark.

#### *Sustainability*

83. With regard to shopping patterns there is no conclusive evidence to show that what would be a relatively small increase in convenience floorspace in Wareham (2,000 sqm) would significantly reduce leakage to much larger stores<sup>35</sup>, irrespective of whether it is a 10/15 minute drive time from Wareham or the District as a whole that is taken to be the catchment area. Similarly I

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<sup>34</sup> CD147

<sup>35</sup> For example Asda Poole (5,384 sqm); Tesco Mannings Heath (5,447 sqm) and Tesco Fleetsbridge (3,635 sqm)

was provided with no conclusive evidence that the attraction of the conurbation for shopping trips of all kinds (including linked trips) is likely to diminish significantly or that the impact in terms of reduced vehicular journeys is likely to be substantial.

### *Retail Conclusion*

84. Looking at the retail evidence in the round, it is far from conclusive. There is some quantitative need, which would be greater if some of the significant trade leakage could be clawed back. More floorspace and the possibility of a different operator would increase qualitative choice. However, I have attached significant weight to the proposed allocations for the Worgret Road sites in Wareham. The Council is proposing to afford protection to the playing fields at Wareham Middle School, which form part of the preferred retail site (site 1 in CD147). The other potential retail site in Worgret Road (site 2 in CD147) is to be the focus for the proposed residential development. These changes are recommended in **MM24** (Map 11). The need for housing is certain, whereas the need for an out-of-town retail store in Wareham has not been conclusively justified. I consider that these reasons are sufficiently compelling to justify a policy stance which does not seek to significantly alter existing trading patterns and justifies the Council in not seeking to claw back a higher proportion of the retail leakage to Poole and Dorchester.
85. In conclusion the Council's decision not to allocate a retail site in Worgret Road Wareham is justified for the following reasons: there is no clear latent qualitative need for additional convenience floorspace based on current market shares; the perceived visual impact on the character and setting of the town; the public opposition to the proposal; the lack of suitable town centre and edge of centre sites; and the potential of the 'proposed' retail site in Worgret Road to accommodate housing. This approach is in line with the advice in the Framework - that plans need to take local circumstances into account and ensure that they reflect the priorities of their communities. It is clear that there is significant local opposition to the provision of an out-of-centre store in Wareham but that there is potential to expand an existing store in Swanage, which would contribute to the wider regeneration of that town centre.
86. Although the individuality of town centres should be respected it is important that needs for retail floorspace are met and that suitable sites are available. Taking into account all the issues summarised above it is clear that Swanage is currently an appropriate focus for such retail growth and although it will be the function of the Swanage Local Plan (a document which will be subject to consultation with the residents of Swanage) to allocate such a site, the LP1 provides the appropriate framework within which decisions on retail provision can be taken. **MM10, MM11, MM12, MM36, MM58 and MM59** clarify the Council's overall approach to retail development and set out the location and scale of floorspace provision. These are necessary to make the plan sound. For reasons of consistency a reference to the concentration of new retail development within town centres or local centres and clarification regarding the review of town and local centre boundaries in policy LD is recommended to make the plan sound **[MM7]**.
87. The Council is committed to monitoring retail provision and it was confirmed at the hearing session that the retail evidence base would need to be up-dated.

This could most efficiently be achieved as a component in the forthcoming partial review relating to housing provision (see paragraph 31) and may well lead to a change in the need for new retail floorspace.

#### *Conclusion on Issue 4*

88. *LP1 as proposed to be modified currently makes appropriate provision for employment growth. In terms of retail development the evidence is less compelling but in the short term I am satisfied that the Council's approach is justified but that retailing will be an issue that needs to be re-visited as part of the forthcoming partial review.*

#### **Issue 5 – Whether the plan affords appropriate protection to plants, wildlife and habitats**

89. About 21% of the District's area is of international importance for nature conservation and the designations include Special Protection Areas (SPA), Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI), Ramsar sites, National and Local Nature Reserves and Sites of Nature Conservation Interest. There are eight European sites located completely or partially within the District and it is a requirement that an assessment is made of the potential effects of spatial and land use plans on these sites (the Habitats Regulations Assessment - HRA)<sup>36</sup>.
90. The preparation of the HRA has been an iterative process and its primary conclusion is that without mitigation measures the development proposals in the District would result in adverse effects on the ecology of the area. Consequently a number of mitigation measures have been considered which would compensate for those effects and a significant number of modifications to LP1 are proposed, which if adopted would overcome the concerns of Natural England<sup>37</sup> and would ensure that development would not adversely affect the European sites.
91. Work is progressing on the Joint Heathlands DPD which is being prepared by south-east Dorset local planning authorities. This will provide a longer term mitigation strategy across the area, including the identification of strategic SANG. It will also identify other potential mitigation measures. However, its submission has been delayed and therefore it is essential that LP1 includes appropriate policies and advice on the matter.
92. The provision of mitigation primarily through the implementation of SANGs is a logical approach which provides alternative sites for people to visit, thus reducing the pressure particularly on areas of protected heathland. In order to establish what is required with regard to the provision of SANGs it is recommended in the interests of soundness that specific guidance is provided in Appendix 5 against which any proposal can be assessed [MM80]. It is the intention that this guidance, when adopted, will be used by all local planning authorities in south-east Dorset. Mitigation measures would also be required for residential development in the countryside and this is reflected in a new

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<sup>36</sup> SD16

<sup>37</sup> See Statement of Common Ground 05

paragraph under **MM43** which is recommended as a modification in order to ensure that any adverse consequences for biodiversity would be addressed. In order to comply with the Habitats Regulations it is necessary to include a reference to the need for tourist accommodation to provide the appropriate mitigation [**MM54**].

93. New development that would discharge directly or indirectly into Poole Harbour could have an adverse effect on that SPA/Ramsar site. The objective is to ensure that new development would be nitrogen neutral and in order to clarify advice on this matter and to ensure that such pollution is minimised **MM14** (part), **MM18**, **MM21**, **MM26**, **MM29**, **MM30**, **MM32**, **MM41**, **MM55**, **MM56** and **MM57** (which adds flexibility) are essential, thus ensuring LP1 is sound.

#### *Conclusion on Issue 5*

94. *On the fifth issue it can be concluded that with the proposed modifications LP1 affords appropriate protection to plants, wildlife and habitats. The policies are justified, positively proposed, consistent with national policy and effective.*

### **Issue 6 – Whether the plan is based on a sound assessment of infrastructure requirements, including transportation, community facilities, provision for tourists and green infrastructure, and gives sufficient guidance on its provision**

#### *Transport Infrastructure*

95. The Purbeck Transportation Study was updated in 2010 to reflect changes in funding priorities and a number of major road schemes were removed, to be replaced by a more sustainable package of measures. This change in approach is accommodated in policy IAT which establishes the criteria against which proposals will be assessed in order to improve sustainable accessibility.
96. In order to reflect the advice in the Framework with regard to parking provision a new criterion is recommended [**MM72**] which refers to parking levels being in line with the guidance in the Local Transport Plan. This provides clarity for prospective developers and is consistent with national policy.

#### *Community Facilities*

97. Policy CF encourages the provision of community facilities in appropriate locations but in order that the policy more accurately reflects the advice in the Framework, an additional section is recommended with regard to the replacement of facilities and services. At the same time increased flexibility would be introduced in terms of the safeguarding of existing facilities and services and ensuring that any impact on the environment would be minimised. These modifications [**MM60** and **MM61**] are necessary to ensure that the policy is sound. The provision of allotments is a concern to some residents but this is a matter more appropriately addressed in forthcoming documents to be prepared by the Council.

### *Tourist Facilities*

98. It was suggested that new tented camping sites (or extensions to existing sites) should be allowed in the AONB and green belt in order to support economic growth in rural areas and more specifically that Morden Park should be identified as a strategic recreational site.
99. The Framework (para 115) makes it clear that great weight should be attached to the protection of the AONB and to retaining the openness of the green belt (para 79). The Council's approach reflects this need for protection and no substantive evidence was presented to demonstrate that the need for tourism related economic growth should outweigh this important objective.
100. With regard to Morden Park it is the ambition of the landowner that the area is opened up to the public as a Country Park with some tourist accommodation. On the face of it this seems to be a suitable use for such a site but firstly there is no compelling evidence that this is a strategic issue and therefore consideration of the matter would be more appropriately accommodated in a forthcoming element of the local plan; secondly work is underway on a review of camp sites in the District which when completed will inform the decision making process; and thirdly the Council has agreed to make specific reference in LP1 to working with Estates in the preparation of Management Plans. This is recommended in **MM47** and is necessary to ensure that the plan accords with national policy on protecting the local and natural environment.

### *Green Infrastructure*

101. The Council's approach to the provision of green infrastructure is consistent with the advice in paragraph 114 of the Framework. It is reasonable to carry forward areas that are afforded protection in the Purbeck Local Plan Final Edition because they have been subject to public consultation but they should be re-assessed as part of the forthcoming partial review of LP1. Paragraph 75 of the Framework requires the protection, enhancement and extension of public rights of way and consequently **MM62** is recommended which inserts a reference in the policy to public rights of way. Such a modification is sound.

### *Other Infrastructure*

102. The Infrastructure Plan<sup>38</sup> does not identify any significant infrastructure constraints, although it makes it clear that the provision of transport, heathland mitigation measures and water and sewerage infrastructure are critical to implementing development proposals in LP1. There is a reliance on developers contributing to such provision but this is an established procedure and one which will be superseded by the Community Infrastructure Levy Charging Schedule which is programmed for adoption in 2014.
103. Concerns were expressed regarding the lack of clarity on the relationships between residential and economic development and infrastructure provision. However, the information is available primarily in the Purbeck Infrastructure Plan and the Purbeck Transportation Study and is referred to in chapter 9 of LP1 and in this regard the plan is sound.

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<sup>38</sup> CD35 Volume 9: Purbeck Infrastructure Plan



104. The provision of superfast broadband, which was an issue raised by a number of respondents, is anticipated by the end of 2014 and this will contribute towards facilitating home working, which in turn may result in fewer work related journeys in the District.

*Conclusion on Issue 6*

105. *It has been satisfactorily demonstrated that, subject to the proposed main modifications, LP1 is based on a sound assessment of infrastructure requirements and gives sufficient guidance on its provision.*

**Issue 7 – Whether policies on the protection of the countryside, coast, landscape, historic environment and heritage are justified**

*Countryside*

106. Paragraph 55 of the Framework allows, in certain circumstances, for the re-use of redundant or disused buildings in the countryside for housing. In order to reflect this approach and ensure soundness, the provision of appropriate references in policy CO and its supporting text are necessary **[MM44 and MM46]**.

107. The prosperity and sustainability of rural communities is an important objective and in order to confirm the Council's support for this approach, the reference to sustainable rural communities in paragraph 8.2.2 **[MM42]** and the similar additional sentence in policy CO **[MM45]** are recommended to ensure that LP1 is sound.

108. Local planning authorities should seek opportunities to achieve sustainable development. One way this could be achieved is through co-operation with land owners. There are several large Estates within the District and in order to assess recreational and other opportunities the Council is suggesting that management plans could be drawn up to bring forward development and associated mitigation measures for European protected sites. The introduction of this aspirational element into LP1 accords with national advice and is necessary for soundness **[MM43 and MM47]**.

*Landscape*

109. Concern was expressed regarding the protection of the AONB but paragraph 115 of the Framework confirms that AONBs are afforded the highest status of protection. Nevertheless **MM38** is recommended which emphasises the need to consider the impact of development on the AONB in Swanage and demonstrates consistency with national policy. Policy LHH provides protection for the landscape and this is reinforced by policy CO which seeks to protect the environment from adverse impacts.

110. The impact of light pollution should be limited (paragraph 125 of the Framework) and therefore it is necessary to include a requirement in policy LHH, as set out in **MM71**, which would prevent unacceptable levels of light pollution.

### *Historic Environment and Heritage*

111. Paragraph 126 of the Framework emphasises the importance of conserving heritage assets, including assets most at risk through neglect, decay or other threats. In order to reflect the national requirement to conserve heritage assets in a manner appropriate to their significance **MM69** and **MM70** are recommended. It is a requirement that heritage assets are taken into account and therefore, to ensure soundness, a modification is necessary that would afford protection to the heritage assets at Admiralty Park, Holton Heath and DGTP [**MM9**].

### *Coastal Erosion*

112. Local plans are required to take into account coastal change and this is particularly, although not exclusively, an issue in Swanage. Dorset County Council (as Highway Authority) acknowledges that Shore Road, Swanage, could be adversely affected by coastal change and that Northbrook Road may have to be used as an alternative route into the town. However, it has been confirmed that the design of the junction improvements that are proposed at Washpond Lane/Northbrook Road will not prevent this from happening. There is sufficient evidence to demonstrate that the Council has taken full account of coastal change in the preparation of LP1 but in order that this is more accurately reflected in the document **MM40** is recommended, which ensures that issues of flood risk and coastal erosion will be addressed in the preparation of the SLP, thus ensuring soundness.

### *Conclusion on Issue 7*

113. *The policies and supporting text on the protection of the countryside, coast, landscape, historic environment and heritage, as modified, are sound.*

## **Issue 8 – Whether the policy on design is justified**

114. Initially the Council proposed two policies on design (D and SD) but there was substantial overlap and the potential for confusion. The Council argued that a single policy would add clarity and that is correct. It is recommended that references to avoiding the effects of light pollution on local amenity [**MM63**] and to the provision of appropriate housing densities [**MM64**] are included in the plan, in order to meet the requirements of the Framework.

115. In terms of sustainable design the radical reduction in greenhouse gas emissions and the delivery of renewable and low carbon energy (and associated infrastructure) are central to the provision of sustainable development. The amended policy incorporates flexibility by requiring 10% of energy to come from on-site renewables after part L of the Building Regulations has been satisfied or a 20% reduction overall. This approach will contribute to achieving national sustainability objectives<sup>39</sup> and references to the consideration of viability constraints and a review of the requirements following a review of part L (in 2013), provide additional flexibility. Modification **MM66** is therefore necessary in the interests of soundness.

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<sup>39</sup> For example paras 94, 95 and 97 of the Framework

116. Clarification regarding BREEAM ratings and support for energy efficiency improvements to existing buildings are justified and consistent with national policy [**MM67** and **MM68**]. Paragraph 120 of the Framework requires the prevention of unacceptable risks from pollution and consequently **MM65** is recommended which refers to the need to reflect published advice regarding land contamination, thus ensuring consistency with national policy.

*Conclusion on Issue 8*

117. *The amalgamation of the two design policies and the consequential rewording of policy D are justified, consistent with national policy and in all other respects are sound.*

**Issue 9 - Whether the plan is capable of being satisfactorily monitored**

118. It is important that local plans can, if necessary, respond to changing circumstances and therefore there is a need for effective monitoring. The Council confirmed that the Annual Monitoring Report will continue to assess indicators, targets and triggers for policy review but in order to ensure that this is undertaken in a thorough and robust manner it is recommended that the Monitoring Framework be strengthened and in particular a new section is included related to the monitoring of the significant sustainability effects of plan implementation [**MM73**]. A new paragraph is recommended in chapter 6 which includes an explanation of the Council's commitment to a robust cycle of monitoring and review [**MM8**].

*Conclusion on Issue 9*

119. *With the modifications proposed LP1 will be capable of being satisfactorily monitored, thus ensuring that the plan will be effective and sound.*

**Other Matters**

120. There are a small number of modifications required in order to ensure that LP1 meets other requirements as set out in the Framework.

*Inset Maps and Proposals Map*

121. A number of changes are proposed in order to up-date inset maps (e.g. conservation area boundaries in relation to policy LHH). It is important that plans are up-to-date to ensure effectiveness and therefore **MM74, M75, MM76, MM77, MM78** and **MM79** are necessary.

122. The Council's written response<sup>40</sup> regarding the issue of the proposals map is clear and although the map will identify two categories of proposal (statutory and non-statutory) the circumstances are such that this is the most appropriate approach to take. Appendix 4 of LP1 satisfactorily explains the status of the various designations.

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<sup>40</sup> See 'Inspector's Question 3' regarding the Proposals Map and the Council's response

### *Settlement Boundaries*

123. Settlement boundaries will be reviewed through subsequent plans, for example the Swanage Local Plan and the Purbeck Site Allocations Plan. A set of criteria will be drawn up by the Council to ensure consistency. Bearing in mind issues of detail that are likely to arise this is an appropriate approach for the Council to take.

### *Reliance on Subsequent Plans*

124. Criticism was voiced regarding the Council's reliance on forthcoming plans to establish the framework for some elements relating to sustainable growth in the District. Two of the forthcoming plans will be prepared jointly with other local planning authorities<sup>41</sup>, leaving only the Swanage Local Plan and the Purbeck Site Allocations Plan to be prepared solely by the local planning authority. These two plans will include consideration of matters that are of local rather than strategic significance and may form the basis for a number of neighbourhood plans that are anticipated. They will be reliant on evidence that is not currently available, for example relating to heathland mitigation, healthcare provision and landscape protection. There is clear justification for the Council to take this approach and it can be concluded that there is no undue reliance on the preparation of subsequent plans.

### *Flexibility*

125. Paragraph 157 of the Framework supports a flexible approach to the use of land and therefore it is recommended that the word 'approximately' or 'around' be inserted in front of the housing numbers in the allocations and related references **[MM6, MM13, MM16, MM19, MM27, MM34 and MM37]**. A level of uncertainty remains over housing provision because of the tight ecological constraints, hence it is recommended to amend spatial objective 2 to introduce flexibility **[MM4]** which is justified and sound.

126. *The modifications proposed above will ensure that LP1 is sound.*

## **Overall Conclusions on the Issues**

127. LP1 has been positively prepared. It seeks to meet assessed development requirements where it is reasonable to do so and consistent with achieving sustainable development. It would not be reasonable to allocate land for development where there would be a significant risk to the protection of European sites. In these circumstances it is the most appropriate strategy for the short term based on the available evidence at the time; it can be delivered and it is in general accordance with the policies in the Framework.

128. However, the identified housing needs would not be met, primarily because of the uncertainty regarding the ability to provide satisfactory heathland mitigation measures in some locations. Evidence presented to the Examination demonstrates that there are a number of potential opportunities

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<sup>41</sup> South East Dorset Heathlands Plan and the Dorset Gypsy and Traveller Site Allocations Plan

for such provision, which subject to a more rigorous assessment, could enable a higher number of houses to be provided. On this basis and bearing in mind that there is a significant reliance in later stages of the plan period on non-allocated residential sites, it is essential that an early review of the plan is undertaken and the Council is committed to such a review. In terms of employment provision LP1 provides an appropriate strategic framework for growth.

129. It could be argued that this approach to housing provision lets the Council 'off the hook' in the short term but taking all factors into consideration, it is better for the Council to have an adopted local plan (despite its shortcoming in relation to meeting the District's housing needs over the longer term) than for there to be no planning framework to give direction and a level of certainty with regard to development in the District. It is on this basis and on the premise that the early review will be undertaken expeditiously, that LP1 can be considered sound.

## Assessment of Legal Compliance

130. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Local Plan (part 1) is identified within the approved LDS (August 2011) which sets out an expected adoption date of June 2012. The small slippage is acceptable in the local circumstances and the content and timing are broadly compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in April 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is satisfactory.
Appropriate Assessment (AA)	In accordance with the Habitats Directive, Appropriate Assessment has been undertaken which concludes that all negative effects of the LP1 in relation to the conservation of European sites can be overcome.
National Policy	The LP1 complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The LP1 is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The LP1 complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

131. **The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
132. **The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix, the Purbeck Local Plan (Part 1) satisfies the requirements of Section 20(5) of the 2004 Act and sufficiently meets the criteria for soundness in the National Planning Policy Framework.**

*David Hogger*

Inspector

## Appendix – Main Modifications

The modifications in the attached Schedule are expressed in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text.

The policy and paragraph references relate to the submission local plan and do not include any minor changes proposed by the Council.