

Planning

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Susan Heywood and Gareth
Wildgoose
Inspectors
The Planning Inspectorate
By e-mail only

Date: 12 January 2023
Ref: Purbeck Local Plan
Officer: Mike Garrity
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✉ planningpolicy@dorsetcouncil.gov.uk

Dear Ms Heywood and Mr Wildgoose,

The Purbeck Local Plan

We are writing regarding the examination of the Purbeck Local Plan following the Inspectors letter of 16 December and publication of a joint position statement between the council and Natural England on 7 December 2022.

Since publication of the joint statement, Natural England have contacted us to confirm that their position has changed. This change has been prompted by consideration of the detail of the relevant amendment to the Levelling Up and Regeneration Bill (amendment reference NC77: [Amendment NC77 to Levelling-up and Regeneration Bill to Levelling-up and Regeneration Bill - Parliamentary Bills - UK Parliament](#)). The amendment seeks to require the upgrade of wastewater treatment works that serve a population equivalent of more than 2,000. This means that those wastewater treatment works that serve a population equivalent of less than 2000 will not automatically be required to be upgraded technically achievable level for nutrient discharge. The net result being that the requirement for phosphorus neutrality within the Poole Harbour catchment will remain in place unless additional wastewater treatment works are caught by the requirement for upgrade to technically achievable levels.

Discussions with Natural England have established that there would be a need for a limited number of additional wastewater treatment works (two or three in total) to be upgraded to enable the phosphorus neutrality requirement to be removed. The amendment to the Levelling Up and Regeneration Bill, as currently worded, gives power to the Secretary of State to designate additional wastewater treatment works as 'not exempt' thereby requiring their upgrade. We are in the process of writing to the Secretary of State seeking a commitment for those smaller sewage disposal works to designated 'not exempt' and therefore being subject to the nutrient pollution standard (reference section 96D (2) of the Levelling Up and Regeneration Bill). Natural England have indicated that they are making similar representations.

Subject to the outcome of these discussions, we still consider that our approach to safeguarding against nutrient pollution through a pre-commencement condition would be effective in avoiding adverse impacts from development on Poole Harbour habitat site.

In your letter of the 16 December 2022, you have asked us to:

1. Respond to concerns around the preferred option (Option 3 presented in the joint position statement) in respect to:
 - a) the terms of the restrictive condition proposed as part of Option 3;
 - b) mitigating the impacts of nutrient pollution from qualifying development pending upgrades to wastewater treatment works that will be required by the Levelling Up and Regeneration Bill;
 - c) whether our approach to this issue would meet the requirements of a habitats regulations (and more specifically the appropriate assessment required by these regulations); and
 - d) further explanation in respect to Option 2 (specifically the link between funding for affordable homes and habitat site mitigation).
2. Provide confirmation that Options 1 and 2 in the joint position statement could still be pursued as part of package of mitigation measures.
3. Respond with details of when/how the existing Nitrogen Reduction in Poole Harbour Supplementary Planning Document (April 2017) will be updated.
4. Provide confirmation that the joint position statement was prepared in association with Natural England.
5. Provide drafts of the addendums to Habitats Regulation Assessment and Sustainability Appraisal which we have started to prepare.

As well as responding to the actions that are raised in your letter, Natural England's recent change in position means further work, as set out earlier in this letter, will be needed.

You have asked us to respond to the actions in your letter by Friday 20 January 2023. We will not be able to meet this target due to the need for additional dialogue with the Secretary of State and Natural England. We will work on an updated programme to outline when we expect to complete our responses to your actions and confirm this by return as soon as possible. We have also updated the 'latest news' webpages for the local plan plan's examination to keep those interested in the examination up to date on these issues (we will also publish this letter on these pages).

Yours sincerely,

Mike Garrity
Head of Planning