

Planning

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

Date: 17 March 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 following your letter of 16 February 2023 with our responses to the requests, queries and comments which you have raised. Firstly please accept our apologies for the delay in responding.

You asked us to provide a response with our position on an:

‘...approach to decision-making [*that*] incorporates sufficient flexibility to enable housing proposals to explore site specific mitigation projects relative to nutrient pollution in Poole Harbour where feasible and that restrictions upon commencement of planning permissions should be avoided where possible.’
(Inspectors’ letter of 16 February 2023).

As part of this revised approach, you specifically asked for us to consider including wording within the proposed pre-commencement condition which would allow for site specific mitigation proposals to be incorporated into developments where these were agreed with Natural England and Dorset Council. You also requested that Option 1 and Option 2, set out in the Position Statement, remain part of the package of measures that could enable development to take place in the Poole Harbour catchment.

We welcome the Inspectors’ suggestions on our approach to mitigating the impacts of developments on Poole Harbour habitat site. Following publication of Natural England’s updated guidance in March 2022 our intent has been to develop a simple and straightforward process for delivering nutrient neutrality. We are regularly engaging with developers to explore opportunities for nutrient neutrality through delivery of ‘development specific mitigation measures’ proposed as part of a planning application and will continue to do so.

We therefore agree with the Inspectors that we should continue to work with applicants to fully explore the opportunities for delivering mitigation measures as part of the decision-making process and to consider the use of the restrictive condition as a ‘fallback position’ where it has not been possible to identify suitable mitigation measures at the point a decision is taken. We will amend our approach to achieving nutrient neutrality to reflect this and update the drafting of the restrictive condition.

The revised condition and our updated position statement will be prepared in collaboration with the Council's solicitor. Taking legal advice, we will ensure that the drafting meets the legislative requirements of necessity, relevance to planning, relevance to the development permitted, enforceability, precision, and reasonableness.

In your letter, you raise concerns about the use of planning obligations to address nutrient neutrality alongside, or in lieu of the provision of affordable housing. This was considered as part of Option 2 in the Council's joint position statement but rejected as the preferred approach.

The reasons for this option being rejected primarily related to the complexities of drafting an effective legal agreement, the implications for the delivery of affordable housing and potential knock-on impacts for the Purbeck Local Plan. After considering the effectiveness of the options presented in the joint position statement, alongside the measures that will be delivered by government, we have reviewed and updated our approach to this issue. We will present this approach in a revised position statement shortly.

You have sought clarification regarding the existing / updated Nitrogen Reduction in Poole Harbour SPD and Natural England's views on the status of this document. Your query relates to potential discrepancies in the text presented in the joint position statement and our technical paper.

Please accept our apologies for any confusion created by the text in the joint position statement and the council's technical paper. Natural England's letter of the 26 August 2022 ([27054264-ac42-9428-6aba-bc3ff7d4aa9a \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk/27054264-ac42-9428-6aba-bc3ff7d4aa9a)) sets out their position on the adopted Nitrogen Reduction in Poole Harbour Supplementary Planning Document. This letter states that:

'Although the current strategy continues to deliver nitrogen neutrality in Poole Harbour, it does require reviewing and updating to take account of the latest advice from Natural England. A timetable for this update will need to be agreed between Dorset Council, BCP Council and Natural England but in the interim, the existing strategy can continue to be relied upon to deliver nitrogen neutrality requirements for the purpose of the Habitats Regulations.'

The Council agrees with this position and is working with Natural England and BCP Council to fully scope out the work needed to update the SPD. The work to update the SPD has already started and it is estimated that the revised SPD will be at a point where it can be adopted towards the end of 2023.

Following on from your letter and our responses, we will review and update our position statement on this issue, including seeking written confirmation from Natural England that they are content with the proposed approach. The revised position statement will be posted on the Council's website and we will notify you of this at that point.

You have also asked for an update on when the drafts of the addendums to the Habitats Regulation Assessment and Sustainability Appraisal will be available. We are currently still in discussions with the Department for Levelling Up Housing and Communities (DLUHC) in respect to the exemption from the nutrient pollution standards for those sewage disposal works with capacities of less than a population equivalent of 2,000 which is outlined in Amendment NC77 to the Levelling Up and Regeneration Bill.

We are seeking a meeting with officers at DLUHC during the week beginning Monday 27 March 2023. Our position statement may need to be reviewed and updated again after these discussions have concluded. Because of the uncertainties around these issues and finalisation of our position statement, we do not feel able to offer a more precise timetable for finalisation of the Habitats Regulation Assessment and Sustainability Appraisal. We are attempting to clarify the issues and will seek to provide full updates as soon as possible.

Yours sincerely,

Mike Garrity
Head of Planning