

Independent Examination of the Purbeck Local Plan (2018-2034)

Inspectors' interim findings and next steps

We thank the Council for their recent letter of 4 May 2023 confirming the intention not to pursue further work on the Position Statement on nutrient pollution in Poole Harbour. This confirmation follows the submission of other outstanding information to the actions requested and questions raised in ongoing correspondence since the most recent public hearing session on 19 July 2022.

In the above circumstances, we are now writing to you to set out our views on the next steps for the Examination of the Purbeck Local Plan (the Plan). In summary, we are satisfied that there is sufficient prospect that any existing legal compliance and soundness deficiencies relating to the Plan as submitted can be overcome. However, to achieve that we consider that a combination of the proposed main modifications (MMs) and proposed further main modifications (FMMs) that have already been subject of consultation, together with some supplementary main modifications (SMMs) as set out later in this letter, will be necessary.

In reaching the above view, we have given full consideration to all of the evidence submitted and representations made relating to the Plan to date. Our final conclusions and associated reasoning on legal compliance and soundness will be given in the Final Report, which will be produced taking account of all stages of hearings and consultation during the Examination. As such, any views expressed in this letter are preliminary and may alter in the light of any further evidence that emerges, including as part of the necessary consultation process for the SMMs, and associated updates to the sustainability appraisal (SA) and habitats regulations assessment (HRA). It therefore follows that the views expressed in this letter are without prejudice to the conclusions of our Final Report.

Housing need, the housing requirement and housing supply

In response to our letter dated 1 November 2022 (document COR24), the Council submitted a revised calculation of local housing need (document SD144) that is calculated with a base date of 2022 using the 2014-based household projections and the most up-to-date affordability ratios available at the time for the former Purbeck District that were published in 2021. However, more up-to-date affordability ratios have now been published by the Office for National Statistics and therefore, we request that the Council prepare and submit for our consideration a revised update to the local housing need (LHN) figure calculations using the most recent data that is available. The calculations should include a full worked example for uncapped and capped LHN (if a cap is proposed to be

applied) that accords with the methodology set out in Planning Practice Guidance (PPG)¹.

In requesting the above, we have taken account of the advice in PPG² that local housing need calculated using the standard method may be relied upon for a period of two years from the time that a plan is submitted for Examination. However, it is now over two years since the Plan was submitted for Examination, therefore if the most up-to-date calculations were to be materially different then it would inevitably result in a requirement for SMMs to Policy H1 and associated references to housing need and the housing requirement throughout the Plan.

Turning to housing land supply considerations, should there be further changes to the proposed LHN figure in document SD144 arising from the revised calculations that we have requested, we will also require associated updates to the Council's most recent revised 5-year housing land supply calculations (document SD147) dated December 2022. Moreover, in either case, SMMs will be required to Policy H2, the housing trajectory and any associated references elsewhere in the Plan to provide the most up-to-date position on the various components of housing land supply. This should include deductions to the overall windfall allowance to reflect available data for additional monitoring years as included in document SD147 (or any subsequent updates thereto).

As previously confirmed in the Inspector letter of 13 April 2022 (document COR18), we are proceeding on the basis that the absence of a Plan being able to demonstrate a five-year supply need not preclude it from being found sound when taking account of its specific circumstances and the Government's aim for Councils to have adopted plans in place. However, such circumstances are subject to a commitment to undertake an early or immediate review. SMMs, therefore, will be required to clarify and confirm this situation and necessary commitments in the Plan relating to the early review taking place via the ongoing preparation of the Dorset Council Local Plan.

The Plan approach to Suitable Alternative Natural Greenspace (including Morden Park and Policies I5 and V2)

In terms of the circumstances which led to the Council proposing FMMs to Policies I5 and V2 and their supporting text as explored at the hearing on 19 July 2022, we are satisfied that the preparation of the FMMs and the resultant consultation on the associated documents, was undertaken with appropriate regard to and compliance with Government regulations, guidance and associated procedures. In addition, sufficient opportunity

¹ PPG - Paragraph: 004 Reference ID: 2a-004-20201216

² PPG - Paragraph: 008 Reference ID: 2a-008-20190220

has been afforded to representors and interested parties, as part of both the consultation on the FMMs and the additional hearing session in July 2022, to exercise their right to be heard on the proposed changes.

Turning to soundness considerations, the Council have drawn attention to funding being collected through contributions from planning obligations and the Community Infrastructure Levy to deliver habitat site mitigation projects. This includes a series of alternative mitigation projects as set out in the most recent update on interim mitigation projects (IMS) dated November 2022 (document SD146). The evidence addresses the projects expected to be delivered up to 2023/24 and the identification and delivery of further mitigation projects up to 2025/26. In those respects, it is evident that there are potential alternatives to the strategic Suitable Alternative Natural Greenspace (SANG) at Morden to provide a means by which to mitigate the impacts from new homes in the short term. Nonetheless, there is a necessity to identify a sufficient range of projects to support the mitigation of effects from development both prior to and after the expected timeline for the adoption of the Dorset Council Local Plan. In that latter respect, a SMM will be required to take account of the updated IMS, and any commitments of further work to be undertaken in due course, to reflect the most up-to-date position on supporting the deliverability of housing to meet the objectives of the Plan.

It follows from the above, that we consider that it is reasonable that the strategic SANG at Morden should be prioritised to contribute to the necessary mitigation required. In addition, it is evident that enabling development in the form of a holiday park as discussed at the most recent hearing session may be a potential option to assist and/or facilitate delivery of a strategic SANG at Morden Park on land that is within the Green Belt. However, there are also evident alternatives to the use of a holiday park as enabling development, such as making use of compulsory purchase powers in accordance with the requirements of Section 226 of the Town and Country Planning Act 1990 which cannot be ruled out on the basis of the evidence before us.

Having regard to the above, we are also mindful that a strategic SANG of itself has the potential to be considered a form of development that is not inappropriate in the Green Belt. As such, given that there are potential alternatives to Green Belt release, we cannot find that exceptional circumstances currently exist to justify changes to Green Belt boundaries to facilitate enabling development in the form of a holiday park in Morden. It follows that it is also not justified for Policy I5 to make specific reference to the requirement for a holiday park in the allocation for the strategic SANG. In reaching that view, we are satisfied that if it were to be found that enabling development were the only feasible option to deliver the strategic SANG in the future, then a detailed scheme would be

most appropriately assessed against Green Belt policies as part of the planning application process.

In light of the above, SMMs are required to Policies E8, H3, I5 and their supporting text to provide certainty of the intended approach to mitigation projects that are required to ensure no net increase in recreation pressure from development on internationally protected heathland. In particular, the SMMs should clarify the necessary mitigation capacity to be brought forward in the short term to prioritise and support deliverability of sites prior to the expected adoption date of the Dorset Council Local Plan. Furthermore, it should also include a commitment to undertake any additional work required to maintain a pipeline of mitigation projects in the longer term. With respect to Policy I5 and the strategic SANG specifically, the SMMs should address the delivery options insofar as it is considered potentially capable of coming forward independently of a holiday park and how the strategic SANG is expected to be designed and managed via agreement with Dorset Council and Natural England.

The approach to nutrient neutrality

We have had regard to the previous Council correspondence with respect to nutrient neutrality, including the Dorset Council Position Statement dated November 2022, which sets out the approach of using pre-commencement conditions to address phosphorus loading in the Poole Harbour catchment. In that regard, as set out in our previous letter dated 16 February 2023, we have some concerns that a singular reliance on such an approach is unlikely to support the deliverability of housing in the short term. In that light, the role of the Plan has somewhat evolved during the course of its Examination insofar as the continued importance of getting it in place at the earliest opportunity is to support the Government's objective to significantly boost the supply of homes by bringing land forward for development where it is needed in Purbeck. This is particularly important to guide development in the interim period whilst the Dorset Council Local Plan continues to be prepared.

It follows from the above, that SMMs to Policies E7, E9, H3 and I1 and their supporting text will be required to provide a sound Plan approach to nutrient neutrality with respect to the effects of development in the Poole Harbour catchment. In particular, the SMMs will need to clearly set out the necessary requirements of and options for applications for residential development to address the impacts of both additional nitrogen and phosphorus generation arising from it. The identified options in the SMMs will need to incorporate sufficient flexibility to ensure that nutrient neutrality would be capable of resolution through the planning application process to ensure deliverability of housing in advance of the lead-in times for any requirements in the Levelling Up and Regeneration Bill for the

improvement of wastewater treatment works. This includes a reasonable prospect of proposals meeting the requirements of the habitats regulations at application stage once the Plan is adopted, insofar as outcomes of an appropriate assessment would enable the competent authority to be convinced of no adverse effect on integrity of the habitat sites within Poole Harbour.

In this respect we would remind you of the potential solutions suggested in our letter dated 16 February 2023. The SMMs should be based upon and have regard to the comments we made in that letter, including the requirement for SMMs to Policies H3, H11 and/or I1 to address the concern regarding the use of planning obligations and viability / affordable housing issues.

In identifying the above requirements, we are mindful that the Council has committed to review and update the strategy in Nitrogen Reduction in Poole Harbour Supplementary Planning Document (SPD), April 2017. In the interest of certainty, the associated SMM(s) thereto will be required to ensure consistency with national policy insofar as the SPD should only add further detail to the policies in the Plan.

Wareham integrated health and social care

The Council in September 2022 published an update on Policy I6 - Wareham integrated health and social care (document SD140). The evidence identifies a change in circumstances in relation to NHS intentions with respect to the proposed allocation of the former Middle School site in Wareham. As such SD140 also identifies proposed SMMs to Policy I6 of the Plan and its supporting text, together with consequential changes to the Policies Map. Having reflected on the evidence, we are satisfied that SMMs are likely to be necessary. The focus of SMMs should be on ensuring that the Plan approach to the proposed allocation at the former Middle School at Worgret Road, Wareham would be justified and effective in reflecting the scope, location and form of development expected to come forward, the stakeholders involved in future delivery of development, and the policy requirements that would need to be met for planning permission to be granted.

Changes to the Policies Map

The Policies Map is not defined in statute as a development plan document and therefore, we do not have the power to recommend main modifications to it. Nonetheless, the Council should consider whether the proposed SMMs would necessitate any consequential changes to make certain that the Plan, and the Policies Map, read coherently as a whole would ensure that the relevant policies are justified and effective. Any such changes to the Policies Map should be made available for

consultation in due course alongside the schedule of proposed SMMs. The consultation should also include the necessary changes to resolve the previously identified issues and errors in the Council letter dated 25 October 2022 (document SD142).

Next Steps

In identifying the SMMs that we consider are necessary at this stage, we have taken full account of all of the evidence and information available. We must stress that these are findings resulting in proposed SMMs that will be subject of consultation and our views are therefore provided without prejudice to the conclusions of the Final Report. We are not seeking comments on our findings or additional evidence beyond our specific requests at this stage.

We assume the Council would be content to adopt the Plan incorporating the SMMs that we have indicated are necessary, in addition to any MMs and FMMs that we subsequently recommend relating to other parts of the Plan that are not specifically addressed in this letter. If that is the case, we would be grateful if the Council would now prepare the updated statistical information we have requested and a full schedule of SMMs to reflect our findings in this letter. Should this not be the case, please advise us as a matter of urgency in order that we can consider how best to progress the Examination.

The Council when preparing the proposed schedule of the SMMs should review the relevant elements of the Plan and existing proposed MM and FMMs schedules to identify potential inconsistencies and also any additional consequential changes to the Plan that may be required. The aim should be to combine all of the proposed changes required to individual policies and their associated supporting text in the SMMs to reflect the comprehensive change(s) now proposed to be made and thereby avoid any overlap between the proposed MMs, FMMs and SMMs.

Any SMMs that we subsequently recommend would form part of our Final Report. We, therefore, request that before the consolidated SMM schedule is published the Council should allow us the opportunity to review it in order to ensure that it reflects our understanding and to avoid any obvious soundness issues. As such, the full consolidated schedule of proposed SMMs in response to this note should be sent to us via the Programme Officer by not later than 5pm on Friday 30 June 2023.

We will work with the Council, through the Programme Officer, to finalise the wording of the proposed SMMs. Once we are satisfied with the final wording, we will confirm that consultation can go ahead and we will agree a timescale with the Council. We will need to consider the consultation responses and the results of any necessary updates to the SA and the

HRA to take account of the proposed SMMs, before finally concluding whether or not each are required to make the Plan sound.

Summary of Actions requested

We request that the Council provide the following **by not later than Friday 30 June 2023**:

- A revised update to LHN figure calculations using the most up-to-date figures available, including a full worked example for uncapped and capped LHN (if a cap is proposed to be applied) that accords with the methodology set out in PPG.
- A revised update to 5-year housing land supply calculations taking account of the revised LHN figure calculations.
- A schedule of proposed SMMs for our consideration that incorporate the required changes set out in the detail of this letter and thereby, include proposed modifications to the following:
 - Policy H1 and associated references to housing need and the housing requirement throughout the Plan should further changes be required following the requested updates to the LHN figure calculations.
 - Policy H2, the housing trajectory and any associated references elsewhere in the Plan to provide the most up-to-date position on the various components of housing land supply. This should include clarification and confirmation of the housing land supply situation in the Plan and necessary commitments relating to the early review taking place via the ongoing preparation of the Dorset Council Local Plan.
 - Policies E8, H3, I5 and their supporting text to provide certainty of the intended approach to SANG delivery to divert visitor pressure to ensure that there is no net increase in recreation pressure on internationally protected heathland provide mitigation and/or the necessary forms of mitigation to achieve that outcome. This should include any commitments for further work to be undertaken in respect of heathland mitigation in due course to assist deliverability of residential development taking account of the timescales for preparation of the Dorset Council Local Plan, and specifically address the delivery options for the strategic SANG.
 - Policies E7, E9, H3, H11 and I1 and their supporting text to provide a sound approach to nutrient neutrality with respect to the effects of development in the Poole Harbour catchment. This includes the necessary requirements of and options for applications for residential development to address the impact of both additional nitrogen and phosphorus generation arising from it to enable the deliverability of housing in the short term. The SMMs

should take account of the concerns regarding the use of planning obligations / viability / affordable housing.

- Policy I6 of the Plan and its supporting text to ensure that it is justified and effective in reflecting the scope, location and form of development expected to come forward via the proposed allocation at the former Middle School at Worgret Road, Wareham, the stakeholders involved in future delivery of development, and the policy requirements that would need to be met for planning permission to be granted.
- Identification of any proposed and consequential changes arising from the previous actions that are necessary to make certain that the Plan, and the Policies Map, read coherently and as a whole would ensure that the relevant policies are justified and effective.

If there are any procedural or other questions arising from this correspondence, the Council should contact us via the Programme Officer. We are not inviting, and do not envisage accepting, any comments or additional evidence from other examination participants at this stage.

Susan Heywood and Gareth Wildgoose

INSPECTORS

24 May 2023