

# **NORTH DORSET LOCAL PLAN 2011 – 2026 PART 1 EXAMINATION**

## **HEARING STATEMENT**

### **ISSUE 2**

#### **Climate Change and the Natural Environment, including Renewable and Low Carbon Energy**

March 2015



**Question 2.1: Are the requirements of policy 3: Climate Change sufficiently clear and flexible – are they deliverable and viable in relation to all types of development proposal? Are any of the requirements at risk of becoming outdated in a short timescale? Is the issue of flood risk adequately covered? What are the national targets referred to in policy 3(c)?**

- 1.1 The requirements of Policy 3 are clear with the detail being expressed in the supporting text to the policy. The policy sets out the requirements in relation to the reduction of greenhouse gas emissions. It sets out the possible approaches to reduce greenhouse gas emissions from the design and layout of developments to the fabric efficiency of new buildings. It highlights the importance of renewable energy.
- 1.2 The requirements of Policy 3 are flexible as they ‘seek to reduce’ greenhouse gas emissions through the measures outlined in paragraph 4.8 of LP1, rather than require reductions. The issues of deliverability and viability have been raised in representations on LP1 and changes are proposed to address the points made. The last sentence of paragraph 4.16, which indicated that in relation to the performance of new development, developments should look to go further than the requirements of Building Regulations, is proposed to be deleted. It is also proposed to add some text to the second paragraph of the policy to indicate that viability could be reason why improvements to the energy performance of buildings would not be required.
- 1.3 Changes are proposed to the text on flood risk (in paragraphs 4.27 to 4.30 of LP1) in response to the comments made by the Environment Agency (EA) in their representations. The proposed revised supporting text to address the EA’s concerns specifically mentions the sequential test and exception test and highlights the importance of considering flooding from all sources.
- 1.4 The targets referred to in Policy 3(c) are those set out in Part L of the Building Regulations with allowable solutions being supported by the policy in cases where the viability or feasibility of meeting the requirements of the regulations is not achievable on site. This is in line with the current approach being proposed by Government (as included in the Infrastructure Bill currently progressing through Parliament). If the Government’s policy changes, elements such as that related to allowable solutions could be considered outdated however, the policy itself is more flexible as it refers to “off site or near site” measures rather than specifically to Government policy on allowable solutions.

**Question 2.2: Is the Council's approach to the protection of the AONBs (as revised) satisfactory and justified (policy 4)? Should the Council be seeking to identify and protect areas of tranquillity (NPPF paragraph 123)?**

- 1.5 The approach to the protection of the AONB was amended after the pre-submission consultation to reflect the comments received from the two AONB. It is the Council's view that the wording now reflects their concerns. Based on the comments received and having reference to the national approach to the protection of the AONBs, the approach being proposed in LP1 is considered to be the most appropriate strategy and therefore is justified. The Council also supports the two AONB's Management Plans.
- 1.6 As part of the scoping stage of the SA process (as reported in COD011 the SA Scoping Report 2009) the relative tranquillity of areas within Dorset (as identified on the CPRE tranquillity map) was used to inform the framework of objectives upon which the assessment of policy and site options was based.
- 1.7 The CPRE tranquillity map shows that areas of high tranquillity are effectively coterminous with the areas which have a low proximity to services as shown in Figure 3 of the Sustainable Development Strategy Background Paper 2013 (SDS001). Similarly, the areas which are designated as AONB are also identified as being tranquil with conservation and enhancement of the tranquillity of the landscape being one of the key aims in the AONB Management Plans. As a result of the AONB designation and relatively poor accessibility, the Local Plan's spatial strategy does not promote any significant development within these tranquil areas.
- 1.8 Although the spatial strategy within LP1 does not promote development in the tranquil areas, neither does it specifically seek to prevent development which could have an impact on tranquillity such as wind turbines, saw mills and other industrial uses which would require an essential rural location but may produce a noise disturbance. It is however felt that the protection given to the countryside and built and natural environment in the overall policy framework of LP1 offers sufficient protection to areas which are also identified as being tranquil.

**Question 2.3: Should policy 22 provide more encouragement for renewable and low carbon energy schemes – is it sufficiently positive (NPPF para 97)?**

- 1.9 Policy 22 promotes an open approach to decisions on renewable and low carbon energy projects with evidence provided on the potential impacts as well as benefits of a scheme being made publically available. The policy seeks to highlight the key issues which need to be considered and the multiple benefits that can result, beyond the reduction in greenhouse gas emissions. In particular it highlights the local community benefits that may arise out of a renewable or low carbon energy development.

- 1.10 Whilst policy 22 sets out the approach to considering the benefits and potential impacts of renewable and low carbon energy installations it cannot be taken in isolation. Policy 3 goes further than just promoting renewable and low carbon energy developments by setting a framework for reducing energy consumption in both the existing and new buildings. It requires an approach which seeks to secure the highest levels of energy efficiency and seeks to promote renewable and low carbon energy generation both on site and off site.
- 1.11 In addition to the promotion of greenhouse gas reductions, Policy 3 seeks to promote local community action. It seeks to promote the consideration of greenhouse gas reduction measures through neighbourhood plans to promote wider acceptance of the need to tackle climate change in a way that is appropriate to the local area.
- 1.12 Taken together policy 3 and policy 22 are considered to provide a positive policy framework that provides sufficient encouragement for renewable and low carbon energy schemes.

**Question 2.4: Policy 4c refers to development that may have consequences for the Dorset Heathlands and paragraph 4.82 refers to development in the southern parts of the District. Firstly, is it sufficiently clear exactly what type of development (and at which locations) would be expected to contribute towards management and/or mitigation measures? And secondly how would a prospective developer know the scale of contribution that would be requested and to what project the contribution would be made?**

- 1.13 Research undertaken on the Dorset Heathlands has indicated that urban expansion within 5km of the heathland sites has contributed to the degradation of its quality. This impact is particularly relevant for residential developments and the local authorities in south east Dorset have worked together to develop a framework for mitigating this impact whilst enabling development to take place. This Dorset Heathlands Planning Framework (COD039) has been adopted as a Supplementary Planning Document (SPD) by the south east Dorset local authorities who have heathland sites within their boundary.
- 1.14 The Dorset Heathlands Planning Framework sets out that residential development within the 5km heathland buffer zone should either deliver sufficient suitable alternative semi-natural greenspace to provide recreation opportunities, or contribute to fund mitigation works on the heathland sites.
- 1.15 Evidence document ECC005 (Implications of the Habitats Regulations Assessment of the North Dorset Local Plan) details the implications for the Local Plan of the heathlands buffer and includes a map (Figure 4.1) showing the area of North Dorset that falls within the 5km zone. As only a relatively small part of North Dorset falls within the Heathlands buffer, the Council has not adopted the Dorset Heathlands

Planning Framework but uses the approach developed in this document as a basis for mitigating the impact of residential development within 5km of the heathlands. Further background to the preparation of the Framework / SPD and the Council's involvement in the process is set out in Section 3 of the Council's Duty to Co-operate Statement (SUD019).

- 1.16 The Dorset Heathlands Planning Framework applies to residential development only. The current levels of contribution, as set out in the Dorset Heathlands Planning Framework, are £1,524.00 per new house and £952.00 per new flat. Contributions collected from residential developments in North Dorset would be put towards works undertaken by the Urban Heaths Partnership or a similar organisation to implement mitigation measures on sites within 5km of the District boundary. As set out in paragraph 3.11 of the Council's Duty to Co-operate Statement, funds collected in North Dorset have been used to fund measures to protect the heathland site at Black Hill, Bere Regis in Purbeck District.

### Question 2.5: What is the status of 'Important Open and Wooded Areas' – should they be referred to in LP1?

- 1.17 Policy 1.9 Important Open and Wooded Areas (IOWA) is a 'saved' policy of the North Dorset District-wide Local Plan (First Revision) Adopted Plan (COD030). This policy was 'saved' beyond transitional arrangements in September 2007 by a direction under paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004.
- 1.18 The NPPF 'Annex 1: Implementation' Paragraph 211 states that *"For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework"*. Paragraph 215 clarifies that *"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*.
- 1.19 IOWAs will continue to be used for development management purposes by virtue of 'saved' policy 1.9. The retention of this policy will also enable the designated areas to be reviewed through the Local Plan Part 2 (LP2) and / or neighbourhood plans. Where settlement boundaries are removed, it will no longer be necessary to retain IOWAs as any green space would be subject to countryside policies. Where settlement boundaries are retained (i.e. around the four main towns) the existing IOWA designations could provide the starting point for the consideration of introducing Local Green Space designations.
- 1.20 National policy on Local Green Spaces is set out in paragraphs 76 to 78 of the NPPF. These Local Green Spaces, where new development will be ruled out other than in very special circumstances, can only be designated through local or neighbourhood plans and should be small in scale and in close proximity to the communities they

serve. Local Green Space can be designated due to its local significance or the fact that it is demonstrably special to the local community. Designated areas can include areas of historic significance, playing fields, wildlife sites or areas which contribute to the character and appreciation of an area.

- 1.21 Whilst the role and function of IOWAs is not entirely the same as that for Local Green Spaces, they are nevertheless both ‘local landscape designations’ which have much in common, which is why they are considered to be a potential starting point for the consideration of introducing Local Green Space designations.
- 1.22 Council’s approach to Local Green Space designation is set out in paragraphs 7.132 to 7.135 of LP1. The text of the Pre-submission version of LP1 made reference to IOWAs, but since it is likely that they will either be deleted or reviewed with a view to Local Green Space designation through LP2 or neighbourhood plans, it was considered that this text would become quickly out of date. Consequently, the proposed change in the submitted version of LP1 deletes the relevant text.
- 1.23 To assist communities in the preparation of their Neighbourhood Plans the Council has prepared a guidance note to help them identify, assess and designate green areas as Local Green Spaces, which is available on this web page - <https://www.dorsetforyou.com/neighbourhoodplanning/north>. Informal guidance on how IOWAs could be used to inform the designation of Local Green Spaces is provided in this guidance note, which states:
- 1.24 ***“Important Open/Wooded Areas within Settlements***
- 1.25 *Policy 1.9 Important Open or Wooded Areas (IOWA) is a saved policy of the North Dorset Local Plan 2003. The IOWAs were designated to protect the amenity and character of settlements from the pressure of infill development. All settlements were surveyed and where it was considered that an open or wooded area contributed significantly to the amenity and character of a settlement, it was designated as an Important Open or Wooded Area on the Proposals Map. Both public and privately owned areas of land were included.*
- 1.26 *The most important criterion used for selection was ‘the overall contribution that the IOWA gives in visual or amenity terms to public areas within the town or village’, as set out in paragraph 1.54 of the 2003 Local Plan. School Playing Fields and Recreation Grounds were included within Settlement Boundaries and designated as IOWAs in view of their amenity value in both visual and recreational terms.*
- 1.27 *Given the existing IOWA designation accords with the general principles of the Local Green Space designation in seeking to protect important open areas within settlements because of their amenity and character value it is advised that these designations should be taken into account when the designation of Local Green Spaces is being considered. However, it should be noted that the Local Green Space designation may not be appropriate for all IOWAs.*

- 1.28 *At the same time as green areas are designated as Local Green Spaces it is advised that IOWA designations should be reviewed / deleted so as to avoid any overlapping designations. The IOWA designations will continue to be saved until they are deleted either: through the North Dorset Local Plan – Part 2: Site Allocations or a neighbourhood plan. If communities do not want to risk losing the protection from development that existing IOWA designations provide, it is recommended that they give consideration to designating these areas, where appropriate, as Local Green Spaces”.*

**Question 2.6: What does the term ‘local green space’ encompass (in paragraph 4.105)? Should it be included in the Glossary of Terms?**

- 1.29 National policy in relation to ‘Local Green Space’ is set out in paragraphs 76 to 78 of the NPPF. More guidance is provided in paragraphs 37-005-20140306 to 37-022-20140306 of the PPG.
- 1.30 The term ‘Local Green Space’ in paragraph 4.105 has the same meaning as ‘Local Green Space’ in the NPPF and PPG. The term is explained in more detail in paragraphs 7.132 to 7.135 of LP1.
- 1.31 If considered helpful for the reader, this term could be added to the Glossary of Terms. The term could be defined as in paragraph 37-005-20140306 of the PPG with a cross-reference to national policy and guidance as follows *“Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities. National policy and guidance on Local Green Space is set out in paragraphs 76 to 78 of the NPPF and paragraphs 37-005-20140306 to 37-022-20140306 of the PPG respectively”.*