



Planning Policy
Purbeck District Council
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Dorset Wildlife Trust
Brooklands Farm,
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Dorset. DT2 7AA

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www.dorsetwildlifetrust.org.uk
By email to ldf@purbeck-dc.gov.uk

31st July 2012

Dear Sir/Madam

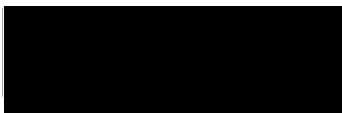
Main Modifications to the Core Strategy

Please find attached Dorset Wildlife Trust's representation form on the main modifications.

In addition we would like to record support for the comments made by Natural England.

I would be pleased to discuss our representations should you have any queries or require further information.

Yours faithfully,



Imogen Davenport
Director of Conservation
idavenport@ dorsetwildlifetrust.org.uk



Part of a
nationwide network
of Wildlife Trusts

Protecting **Wildlife** for the Future



INVESTOR IN PEOPLE

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Purbeck District Council
Purbeck Local Plan
'Planning Purbeck's Future'
Main Modifications to the Core Strategy
Representation Form (June/July 2012)

Your Details

Agent's Details (*where relevant*)

Title	Ms	
Name	Imogen Davenport	
Job Title (<i>where relevant</i>)	Director of Conservation	
Organisation (<i>where relevant</i>)	Dorset Wildlife Trust	
Address	Brooklands Farm, Forston, Dorchester	
Postcode	DT2 7AA	
E-mail	idavenport@dorsetwildlifetrust.org.uk	
Tel. Number	01305 264620	

Responses should be sent to:

Email: **ldf@purbeck-dc.gov.uk**

or

Post: Planning Policy, FREEPOST RSAX-LTRK-TRKE, Purbeck District Council,
Westport House, Worgret Road, Wareham, Dorset, BH20 4PP

Fax: 01929 557348

Representations will only be accepted that refer to a change shown in the Schedule of Main Modifications, or to the Habitats Regulations Assessment Update or Addendum to Sustainability Appraisal.

Return to Purbeck District Council by Tuesday 31st July 2012

Late or anonymous representations will not be accepted. All representations received will be published on the Council's website, along with your name.

An example of a completed form is available on the Council's website.

Alternatively, if you would like help completing this form please contact the Planning Policy Team.

For further information, visit http://www.dorsetforyou.com/purbeck_consultation, email **ldf@purbeck-dc.gov.uk** or call 01929 557359 to speak to a member of the Planning Policy Team.

You should comment only on the Main Modifications, the Habitats Regulations Assessment Statement and/or the Addendum to the Sustainability Appraisal.

Responses on the above documents will be sent to the Planning Inspector. **Therefore, you do not need to repeat your previous comments or re-submit your previous representations.**

The Inspector will decide if further public hearing sessions are required as part of the examination process. All representations on matters of soundness will be fully considered by the Inspector. You may choose to request to appear at a public hearing to clarify your comments on the Main Modifications. Do you consider it necessary to participate at the oral part of the examination?

<input type="checkbox"/> No , I do not wish to participate at the oral examination	<input checked="" type="checkbox"/> Yes , I wish to participate at the oral examination
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If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary in the space below:

DWT wishes to participate in discussions in relation to biodiversity. We would be happy to make oral representations on any of our submissions which follow, but in particular would wish to appear to discuss MM52.

Please note that the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature Imogen Davenport

Date 31/07/12

Representations:

You are asked to comment on the Main Modifications to the Core Strategy, the Habitats Regulations Assessment Statement and/or the Addendum to the Sustainability Appraisal:

Part A: Legal Compliance – Has the **process** of preparing this Core Strategy been followed in accordance with national guidance?

Part B: Soundness – Is the **content** of the Core Strategy sound, in other words, is it 'justified', 'effective' and 'consistent with national policy'?

Please use the forms overleaf to submit your response.

FORM A: Your Comments on Legal Compliance

Are the Main Modifications to the Core Strategy legally compliant?

*(In other words, has the **process** of preparing this version of the Core Strategy been followed in accordance with national guidance?)*

Yes

No

No Comment

Comments:

Please use the space below to provide more detailed comments (expand box as necessary)

FORM B: Your comments on the Schedule of Main Modifications

PLEASE USE A SEPARATE SHEET FOR EACH REFERENCE NUMBER

Please state the relevant reference number that you are commenting on from the Schedule of Main Modifications in the box below (e.g. MM1):

MM3

Comments without the relevant reference number will not be accepted.

Do you consider this Main Modification (in box above) proposed by the Council to be 'Sound'?

(In other words is the Main Modification 'justified', 'effective' and 'consistent with national policy')

Yes

No

No Comment

If you have chosen 'No', do you consider this change to the Core Strategy be unsound because:

(tick all that apply)

It is not 'justified'

(i.e. the proposed change is not founded on a robust and credible evidence base and/or doesn't provide the most appropriate strategy)

It is not 'effective'

(i.e. the proposed change is not deliverable, not flexible and not able to be monitored)

It is not 'consistent with national policy'

(For explanation of terms refer to guidance notes below)

Comments:

Please use the space below to provide more detailed comments (expand box as necessary)

MM3 Introduces a duty to co-operate, which is welcomed. The text in 1.5.1 refers to working with local authorities within the Local Enterprise Partnership area. The NPPF paragraph 180 refers to working in consultation with Local Enterprise Partnerships and Local Nature Partnerships. Working with the Local Nature Partnership is also required by paragraph 165 of the NPPF. The Local Nature Partnership for Bournemouth, Dorset and Poole is now formally recognised by Government (<http://archive.defra.gov.uk/environment/natural/documents/lnp-list-20120717.pdf>). Dorset Wildlife Trust considers that the supporting paragraph should refer to working in consultation with both the Local Enterprise Partnership and Local Nature Partnership, not just to working with Local Authorities in this area.

Suggested Alterations:

Please use the space below to give details of what alteration(s) you consider necessary to make the Main Modification to the Core Strategy sound and why. Please suggest revised wording (expand box as necessary).

Amend paragraph 1.5.1 to read:

1.5.1 The Council, through the duty to cooperate, will work with local authorities in the Dorset Local Enterprise Partnership (LEP) and Local Nature Partnership (LNP) area on an on-going basis to agree matters of a strategic nature that may steer any future review of the Local Plan. These councils are currently producing a memorandum of understanding to facilitate the duty to cooperate. The Council will work in consultation with the LEP and LNP which will advise on relevant strategic planning priorities.

Note: Please use a separate sheet when responding to more than one Main Modification. Additional sheets can be photocopied and attached to this form or downloaded from www.dorsetforyou.com/purbeck_consultation

FORM B: Your comments on the Schedule of Main Modifications

PLEASE USE A SEPARATE SHEET FOR EACH REFERENCE NUMBER

Please state the relevant reference number that you are commenting on from the Schedule of Main Modifications in the box below (e.g. MM1):

MM 52

Comments without the relevant reference number will not be accepted.

Do you consider this Main Modification (in box above) proposed by the Council to be 'Sound'?

(In other words is the proposed change 'justified', 'effective' and 'consistent with national policy')

Yes

No

No Comment

If you have chosen 'No', do you consider this change to the Core Strategy be unsound because:

(tick all that apply)

It is not 'justified'
(i.e. the proposed change is not founded on a robust and credible evidence base and/or doesn't provide the most appropriate strategy)

It is not 'effective'
(i.e. the proposed change is not deliverable, not flexible and not able to be monitored)

It is not 'consistent with national policy'

(For explanation of terms refer to guidance notes below)

Comments:

Please use the space below to provide more detailed comments (expand box as necessary)

Policy BIO has been re-worded and the 4th bullet deleted which stated that development that could adversely affect SNCIs, LNRs, Ancient Woodland and other priority habitats would be resisted. It is replaced by wording which requires mitigation for "any significant adverse impacts" on these sites and habitats. This is a significant weakening of the policy to which Dorset Wildlife Trust strongly objects.

The NPPF (paragraph 118), states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, and the loss or aged or veteran trees", "unless the need for, and benefits of, the development clearly outweigh the loss". It also requires a sequential approach to avoidance of significant harm (through location on an alternative site), mitigation, or, as a last resort, compensation. The proposed rewording of BIO does not reflect this requirement.

Paragraph 109 of the NPPF requires the planning system to minimise impacts on biodiversity

and contribute to the Government's commitment to halt the overall decline in biodiversity.

Paragraph 114 requires positive planning for the creation, protection, enhancement and management of networks of biodiversity. SNCIs and biodiversity priority habitats form a crucial part of that network, as highlighted in the Lawton report "Making Space for Nature".

Paragraph 117 requires promotion of the "preservation, restoration and re-creation of priority habitats".

It is our view therefore that the proposed re-wording does not adequately reflect the NPPF and does not adequately provide for positive planning for biodiversity. We have no objection to re-wording the policy to be positive ("development will be granted provided" rather than "development will be refused unless"), but it should reflect for SNCIs and priority habitats that requirement to avoid first, then mitigate and finally compensate, and to halt the decline in biodiversity.

Suggested Alterations:

Please use the space below to give details of what alteration(s) you consider necessary to make the Main Modification to the Core Strategy sound and why. Please suggest revised wording (expand box as necessary).

Re word the 4th bullet of the second part of revised policy BIO to state:

New development will:

* Need to demonstrate that it avoids significant adverse impacts upon Sites of Nature Conservation Interest (SNCI), National Nature Reserves (NNR), Local Nature Reserves (LNR), Ancient Woodland, aged or veteran trees, UK Biodiversity Action Plan habitat, wetland interests (for example, watercourses, ponds, reedbeds), and other habitats of principal importance for biodiversity. Any adverse impacts on these sites and features which cannot be avoided through location on an alternative site, must be adequately mitigated, or, as a last resort, compensated.

Add a further bullet to state

New development will:

* Demonstrate that it will not cause a net loss in biodiversity.

Note: Please use a separate sheet when responding to more than one Main Modification. Additional sheets can be photocopied and attached to this form or downloaded from www.dorsetforyou.com/purbeck_consultation

FORM B: Your comments on the Schedule of Main Modifications

PLEASE USE A SEPARATE SHEET FOR EACH REFERENCE NUMBER

Please state the relevant reference number that you are commenting on from the Schedule of Main Modifications to the Core Strategy in the box below (e.g. MM1):

MM63

Comments without the relevant reference number will not be accepted.

Do you consider this Main Modification (in box above) proposed by the Council to be 'Sound'?

(In other words is the proposed change 'justified', 'effective' and 'consistent with national policy')

Yes

No

No Comment

If you have chosen 'No', do you consider this Main Modification to the Core Strategy be unsound because:

(tick all that apply)

It is not 'justified'
(i.e. the proposed change is not founded on a robust and credible evidence base and/or doesn't provide the most appropriate strategy)

It is not 'effective'
(i.e. the proposed change is not deliverable, not flexible and not able to be monitored)

It is not 'consistent with national policy'

(For explanation of terms refer to guidance notes below)

Comments:

Please use the space below to provide more detailed comments (expand box as necessary)

Policy D has been deleted, which had previously included the requirement for proposals to "demonstrate support for biodiversity through sensitive landscaping and through built-in features, which provide nesting and roosting facilities for bats and birds". The inclusion of a policy (MM69) which addresses the impacts of light pollution on biodiversity is welcomed, but deletion of this wording does not adequately address the need to "promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species populations" required by NPPF paragraph 117, or encourage "opportunities to incorporate biodiversity in and around developments" (NPPF paragraph 118).

Suggested Alterations:

Please use the space below to give details of what alteration(s) you consider necessary to make the Main Modification to the Core Strategy sound and why. Please suggest revised wording (expand box as necessary).

Within design policies, wording along the lines of the deleted 4th bullet of the previous Policy D (quoted above), should be re-inserted.

Note: Please use a separate sheet when responding to more than one Main Modification. Additional sheets can be photocopied and attached to this form or downloaded from www.dorsetforyou.com/purbeck_consultation

Guidance Note for Completing Representation Form

1. Introduction

1.1 Consultation on the Main Modifications to the Core Strategy is made as part of the examination process and responses will be considered by the Planning Inspector. The Planning and Compulsory Purchase Act 2004¹ (the 2004 Act) states that the purpose of the examination is to consider whether the Core Strategy complies with the legal requirements and is '**sound**'.

- If you are seeking to make representations on the **way** in which the Council has prepared the Core Strategy it is likely that your comments or objections will relate to a matter of **legal compliance**.
- If it is the **actual content** on which you wish to comment or object it is likely it will relate to whether the Core Strategy is **justified, effective or consistent with national policy**.

2. Legal Compliance

2.1 The Inspector will first check that the Core Strategy meets the legal requirements under s20(5)(a) of the 2004 Act before moving on to test for soundness. You should consider the following before making a representation on legal compliance:

- The Core Strategy should be within the current Local Development Scheme² (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Council, setting out the plans it proposes to produce over a 3 year period. It will set out the key stages in the production of the Core Strategy which the Council proposes to bring forward for independent examination. If the Core Strategy is not in the current LDS it should not have been published for representations.
- The process of community involvement for the DPD in question should be in general accordance with the Council's Statement of Community Involvement (SCI)³. The SCI is a document which sets out the Council's strategy for involving the community in the preparation and revision of its plans, including the Core Strategy.
- The Core Strategy should comply with the Town and County Planning (Local Development) (England Regulations) 2004 as amended⁴. Prior to submission the Council must publish the documents prescribed in the regulations, and make them available at their principal offices and their website. The Council must also place local advertisements and notify the statutory bodies (as set out in the regulations) and any persons who have requested to be notified.
- The Council is required to publish a Sustainability Appraisal report prior to submitting the Core Strategy. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The Core Strategy should have regard to national policy set out in Planning Policy Statements/Guidance and Circulars⁵.

¹ http://www.opsi.gov.uk/ACTS/acts2004/ukpga_20040005_en_1

² <http://www.dorsetforyou.com/lids/purbeck> and can be viewed at District Council offices

³ <http://www.dorsetforyou.com/sci/purbeck> and can be viewed at District Council offices

⁴ <http://www.opsi.gov.uk/si/si2004/20042204.htm> (2004 regulations) and

http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf (2008 amending regulations)

⁵ <http://www.planningportal.gov.uk/planning/planningpolicyandlegislation/currentenglishpolicy>

- The Core Strategy must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. county and district). These are the Purbeck Community Plan 2009-2020⁶ and The Community Strategy for Dorset (2007-2016)⁷.

3. Soundness

3.1 To be sound a Core Strategy should be:

- **Justified**

This means that the Core Strategy should be founded on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having a stake in the area
- Research/fact finding: the choices made in the plan are backed up by facts

The Core Strategy should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Core Strategy should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

- **Effective**

This means the Core Strategy should be deliverable, embracing:

- Sound infrastructure delivery planning
- Having no regulatory or national planning barriers to delivery
- Delivery partners who are signed up to it
- Coherence with the strategies of neighbouring authorities

The Core Strategy should also be flexible and able to be monitored by:

- Indicating who is to be responsible for making sure that the policies and proposals happen and when they will happen.
- Being flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the Core Strategy should make clear that major changes may require a formal review including public consultation.
- Ensuring that any measures which the Council has included to make sure that targets are met are clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the Core Strategy needs amendment. The monitoring framework is in Appendix 3 of the Core Strategy.

- **Consistent with national policy**

The Core Strategy should be consistent with national policy. Where there is a departure, the Council must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the Council should include a policy or policies which would depart from national policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are that justify a different policy approach to that in national policy and support your assertion with evidence.

⁶ <http://www.dorsetforyou.com/media.jsp?mediaid=149032&filetype=pdf> and can be viewed at District Council offices

⁷ <http://www.dorsetforyou.com/dorsetcommunitystrategy> and can be viewed at District Council offices

- 3.2 If you think the content of a Core Strategy is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:
- Is the issue with which you are concerned already covered specifically by any national planning policy? If so it does not need to be included.
 - Is what you are concerned with covered by any other policies in the Core Strategy on which you are seeking to make representations or in any other part of the Purbeck Local Plan⁸. There is no need for repetition between documents in the Local Plan.
 - If the policy is not covered elsewhere, in what way is the Core Strategy unsound without the policy and what should the policy say?

4. General advice

- 4.1 The modifications are set out in the Schedule of Main Modifications. You can only comment on these, or the Habitats Regulations Assessment Statement, or the Addendum to the Sustainability Appraisal. Comments should not be made on text that has not been modified.
- 4.2 Form A is for comments on Legal Compliance and should only be completed once. You should only comment on whether the preparation of the Proposed Changes to the Core Strategy is legally compliant, rather than commenting on earlier versions.
- 4.3 Form B is for comments on Soundness. You should complete a separate form for each proposed change. You will need to state whether each change is sound or not. If you seek to amend the Core Strategy, you should support your comments with evidence as to why it should be altered and provide alternative wording. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
- 4.2 Where there are groups who share a common view on how they wish to see a Core Strategy changed, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- 4.3 Further detailed guidance on the preparation, publication and examination of Core Strategies is provided in The Plan Making Manual⁹.

⁸ <http://www.dorsetforyou.com/ldf/purbeck>

⁹ <http://www.pas.gov.uk/pas/core/page.do?pageId=51391>

'Planning Purbeck's Future': Main Modifications to the Core Strategy Statement of Representations Procedure

The Purbeck Core Strategy will replace the Purbeck District Local Plan Final Edition (2004) as the strategic planning document. The Council submitted the Core Strategy for Examination in January 2012 and public hearings were held during May 2012. A number of issues have been raised, requiring some further amendment to the Core Strategy. These amendments are set out in the following consultation documents: Schedule of Main Modifications, Habitats Regulations Assessment Statement and Addendum to the Sustainability Appraisal (June 2012).

Subject Matter and Area Covered by the Document

Covering the period 2006-2027 the Core Strategy determines the location and distribution of new development across Purbeck District, allocating three strategic housing sites at Lytchett Matravers, Wareham and Upton. It also contains development management policies that will be used to determine planning applications.

Period for Representations

The consultation period begins **19th June 2012**. Representations received after **31st July 2012** will not be accepted. Representations should be made on the official response form, and sent to ldf@purbeck-dc.gov.uk, or by post to *Planning Policy, Purbeck District Council, Westport House, Worgret Road, Wareham, Dorset, BH20 4PP*, or fax to 01929 557348.

Please note that we will only accept representations referring to the changes shown in the 'Schedule of Main Modifications' and with the correct reference number (e.g. MM1).

The Council will forward all representations to the Inspector, there is no need to re-submit previous representations. Responses will be published.

If you wish to continue to be contacted on planning policy matters following the completion of the Examination of the Core Strategy, and/or when the inspector's report is published, and/or when the Core Strategy is adopted, please complete the attached form to confirm.

Consultation Arrangements

All consultation documents and response forms are available to view on the council's website (http://www.dorsetforyou.com/purbeck_consultation) and at the council's offices (Mon-Thurs 8:45am-4:45pm, and Fri 8:45am-4:15pm). Hard copies of the consultation documents can be purchased for £10 inc. P&P. There is no charge for the response forms.

A hard copy of the **Main Modifications to the Purbeck Core Strategy** is also available for inspection at: **Corfe Castle Library**, East Street, Corfe Castle (Mon 2.30pm-4:30pm, Wed 4:30pm-6.30pm, Sat 10am-12pm), **Dorchester Library**, Colliton Park, Dorchester (Mon 10am-5.30pm, Tue 9:30am-7pm, Wed 9:30am-1pm, Thu 9:30am-5.30pm, Fri 9:30am-7pm, Sat 9am-4pm), **Lytchett Matravers Library**, High Street, Lytchett Matravers (Mon 9.30am-1pm/2pm-5pm, Tue 2pm-5pm, Thu 9.30am-1pm, Fri 2pm-7pm, Sat 9.30am-12:30pm), **Poole Central Library**, Dolphin Centre, Poole (Mon-Fri 9am-6pm, Sat 9am-5pm), **Upton Library**, Corner House, Upton Cross, Poole (Mon 2pm-5pm, Tue 9:30am-12.30pm, Wed 9:30am-12.30pm/2pm-6.30pm, Fri 2pm-5pm, Sat 9am-12:30pm), **Lytchett Minster & Upton Town Council**, 1 Moorland Parade, Moorland Way, Upton (Mon-Thu 9am-12.30pm), **Swanage Library**, High Street, Swanage (Mon 10am-6.30pm, Wed 9:30am-5pm, Fri 9:30am-5pm, Sat 9.30am-4pm), **Swanage Town Council**, Town Hall, High Street, Swanage (Mon-Fri 10pm-1pm/2pm-4pm), **Wareham Library**, South Street, Wareham (Mon 10am-5pm, Tue 2pm-6.30pm, Thu 9:30am-5pm, Fri 9:30am-5pm, Sat 9am-12:30pm), **Wareham Town Council**, Town Hall, Wareham (Mon-Fri 10pm-1pm), **Wool Library**, D'Urberville Centre, Colliers Lane, Wool (Tue 3pm-6pm, Thu 10am-12pm, Sat 10am-12pm).