



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*)

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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

<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:

The proposed modifications to policies raise important consistency issues that should be examined orally.

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 

Date 31 July 2012

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):

MM52

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)

Paragraph 109 of the NPPF acknowledges that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains to biodiversity where possible. Paragraph 110 of the NPPF requires plans to minimise the effect on the natural environment, not to inhibit all development.. The modification proposed for new development is drawn too tight for SPA, SAC, Ramsar and possible SAC and SPA sites. As written any adverse effect would render a proposal for new development unacceptable and the policy would not allow for flexibility where mitigation and enhancement might outweigh the adverse effect. This is contrary to paragraph 117 of the NPPF which requires the impact on biodiversity to be minimised

Policy BIO should include wording that recognises that there may be appropriate cases where new development might be accepted if the adverse effect is satisfactorily mitigated and biodiversity enhanced. By being too prescriptive the policy is not flexible and is also contrary to national policy. Without further amendment and clarification the policy is not effective and not consistent with the NPPF.

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).

The first bullet point should be amended to read:

"Not be permitted where there is an unacceptable impact on the integrity of European protected sites (SPA, SAC, Ramsar, possible SAC, potential SPA)".

The last sentence should be amended to read:

"In considering the acceptability of proposals, the Council will assess their direct, indirect and cumulative impacts relative to the significance of the nature conservation value, and balance them against other sustainable development objectives and the impact and effectiveness of any mitigation and enhancement measures. Mitigation and enhancement measures that encourage biodiversity will be looked upon favourably"

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):

MM53

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)

The suggested alteration to proposed modification MM52 raises a consistency issue with the rationale of proposed modification MM53 in that the lack of due regard to the full weight of paragraphs 109, 110 and 117 of the NPPF has meant that the flexibility proposed in this modification has not been applied to existing tourist development within the 400m buffer zone.

The proposed modification is justified as being to provide flexibility but this degree of flexibility has only been selectively applied and there remains a major anomaly with the position of existing tourist accommodation within 400m of a protected heathland. If flexibility is to be accorded to gypsy, traveller and travelling showpeople accommodation it is unfair and unreasonable that flexibility is not being incorporated by a proposed modification for existing tourist accommodation.

Concurrent flexibility should be afforded to those existing tourist facilities that already exist within the 400m and they should not be treated in the same vein as new tourist

accommodation proposals as that is inequitable. A further modification should be made for clarity and consistency. Without such clarification the policy is not effective and not consistent with the NPPF.

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).

The following should be substituted for the bullet point proposed for deletion:

"Upgrading of existing tourist accommodation and facilities where the direct, indirect and cumulative impacts are not outweighed by effective mitigation and enhancement measures".

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):

MM54

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)

The insertion of "and tourist accommodation" is too broad and ignores the fact that there is already existing tourist development within the 400m - 5km zone around heathlands. There is a need to clarify what is meant by the insertion as it is unclear and imprecise. As a result the policy is not effective and not consistent with the NPPF.

It is considered that as proposed the modification could be interpreted as applying to any tourist development whereas there could well be circumstances where enhancement and upgrading of existing tourist accommodation would be beneficial especially coupled with worthwhile mitigation of any existing impact and and overall enhancement.

The uncertainty of the modification requires clarification.

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).

The proposed modification should be altered to read:

"and new tourist accommodation", and a sentence added at the end:

"The enhancement and upgrading of existing tourist accommodation and facilities should be accompanied by an assessment of the direct, indirect and cumulative impacts relative to the significance of the nature conservation value, and balanced by effective mitigation and enhancement measures".