

Dorset Council

Purbeck Local Plan (2018-2034)

Response to Inspector's Matters, Issues and Questions

Matter F: Environment

7 June 2019

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Matter F

Issue 1: Environment Policies (Policy E1, Policy E2, Policy E3, Policy E4, Policy E5, Policy E6, Policy E7, Policy E8, Policy E9, Policy E10, Policy E11 and Policy E12)

Question 1

Is policy E1 (Landscape) effective and consistent with national policy particularly in respect of areas designated as an AONB, heritage coast and World Heritage Site?

1. Yes, the Council considers that Policy E1 is:
 - a) *effective* –the policy requires decision makers to consider the effects of development on the natural beauty of the Dorset Area of Outstanding Natural Beauty (AONB) (pursuant to the objective of conserving and enhancing its natural beauty¹) and preserving the ‘outstanding universal value’ of the Jurassic Coastline World Heritage Site; and
 - b) *consistent with national planning policy* - the requirements of Policy E1 are consistent with paragraph 172 of the National Planning Policy Framework (NPPF) 2019. Most of Purbeck’s coastline is defined as part of a heritage coast and is also designated as part of the AONB (Appendix 1). Other than in the supporting text, Policy E1 does not explicitly refer to heritage coasts as paragraph 173 of the NPPF suggests planning policies and decisions need not apply separate policy criteria where land is already designated as part of a National Park, AONB or the Broads. The Council recognises that national planning policy makes reference to World Heritage Sites in ‘Chapter 16 Conserving and enhancing the historic environment’. It decided to refer to the Jurassic Coastline World Heritage Site in the first part of Policy E1 because of the nature of the coastline’s ‘outstanding universal value’ (the section of coastline was principally designated for its natural significance - specifically those exposures along the coastline which provide an almost continuous sequence of rock formations spanning the Mesozoic Era), and the objectives around its conservation and enhancement closely aligning and complementing those relating to the AONB.

Question 2

(a) Has the Plan had regard to the statutory duties in relation to designated heritage assets set out in Sections 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990?

2. Yes, the Council has given consideration to: the desirability of preserving the special interest of listed buildings and preserving or enhancing the character or appearance of conservation areas, when assessing the suitability of housing sites through the Strategic Housing Land Availability Assessment [SD22], when preparing its housing strategy and in drafting Policies E2 and H2.

¹ Section 85 (1) Countryside and Rights of Way Act 2000

3. The Council's Strategic Housing Land Availability Assessment [SD22] site assessment methodology specifically refers to both listed buildings and conservation areas as considerations that the Council has taken into account when assessing the suitability of a site. The Council found that the following sites were unsuitable in full, or part, because of the potential adverse effects of development on the character or appearance of a conservation area or a listed building (reference assessments: SHLAA/0015, SHLAA/0022, SHLAA/0036, SHLAA/0044 and SHLAA/0077).
4. The Council's 'Housing Site Selection Background Paper January 2018' [SD54], which was first published as part of the 'New Homes for Purbeck' consultation, outlines how the Council took listed buildings and conservation areas into consideration when selecting its housing strategy. Appendix 1 of this background paper includes initial assessments of the potential impacts of homes on heritage assets (including listed buildings and conservation areas).
5. The Council took the assessments in the background paper relating to the potential effects of development on listed buildings and conservation areas into consideration as part of the process of selecting housing sites at:
 - a) Lytchett Matravers (presented on Map 8 of the site selection background paper);
 - b) Moreton Station/Redbridge Pit (presented on Map 10 of the site selection background paper);
 - c) Upton (presented on Map 9 of the site selection background paper); and
 - d) Wool (presented on Map 12 of the site selection background paper).
6. Policy E2 provides a framework for considering the effect of development on the significance of heritage assets. The Council considers that Policy E2 will assist decision makers in meeting their statutory duties in relating to conservation areas and listed buildings.

(b) Is the wording of policy E2 (Historic Environment) clear and justified having regard to these statutory provisions?

7. Yes, the Council considers the wording of Policy E2 is:
 - a) *justified* – Purbeck has 1,441 listed buildings and 25 conservation areas. The Council has committed to appraise and review conservation areas in Purbeck. It has completed appraisals of all the conservation areas in the Purbeck area². The Council's appraisals: provide a detailed analysis of the conservation areas character, assist applicants when preparing planning applications and identify opportunities enhance the conservation areas special interest. As part of the appraisal, where appropriate, they suggest changes to conservation area boundaries (removing and adding land). The requirements in the first paragraph of Policy E2 specifically identify the designated assets referred to in sections 66 (1)

² Conservation Area Appraisals can be accessed via: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/planning-constraints/conservation-areas/purbeck/purbeck-district-council-adopted-conservation-area-appraisals.aspx>

and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and require decision makers to give great weight to protecting or enhancing these heritage assets (and their settings) when assessing planning applications. This is consistent with the statutory requirements of giving: 'special attention ... to the desirability of preserving or enhancing the character or appearance' of conservation areas and having 'special regard to the desirability of preserving' a listed building's special architectural or historic interest; and

- b) *clear* – the Council is satisfied that the expectations around assessing applications which affect conservation areas and listed buildings are clearly expressed. It considers that planning assessments based around taking account of a heritage asset's significance, the nature/characteristics of the proposed development and any measures to avoid/mitigate harm, are justified having regard to the Council's responsibilities in respect to listed buildings and conservation areas.

(c) In so far as policy E2 relates to designated and non-designated heritage assets does the wording of the policy appropriately address heritage assets in the round and is it consistent with national policy?

- 8. Yes, national policy defines heritage assets as including those which are designated, and those identified by councils which merit consideration (because of their historic interest) in decision making. (Annex 2: Glossary NPPF). Paragraph 57 of the local plan gives decision makers, and applicants, an indication of those heritage assets which the Council expects will need to be taken into consideration in decision making. The Council has not indicated that the list is exhaustive or closed. The second and third paragraphs of Policy E2, taken with clauses a. and g., provide a framework for assessing the effects of development on the significance of heritage assets in the round.

Question 3

(a) Is policy E3 (Renewable energy) justified, effective and consistent with national policy?

- 9. The Council considers that Policy E3 is:
 - a) *justified* – the Council has a statutory duty to include policies in its development plan that are designed to secure development which contributes toward mitigation and adaptation to climate change. Policy E3 provides a positive framework for delivering development which supplies renewable or low carbon energy in suitable locations; and
 - b) *effective* – the Council's considers that Policy E3 has been positively drafted to support development supplying renewable and low carbon energy, and therefore provides the opportunity for delivering suitable development over the plan period.
- 10. Policy E3 forms part of the Council's positive strategy to help increase the supply of energy from renewable and low carbon sources in accordance with national planning policy on this matter (paragraph 151 (a) NPPF). The Council's planning policy, through clauses a. to g., provides a framework for assessing the impact of development which

supplies renewable and low carbon energy in accordance with national planning policy (paragraph 154 (b) NPPF).

11. The Council has not sought to identify suitable areas for renewable and low carbon energy sources (paragraph 151 (b) NPPF). Therefore planning applications for renewable and low carbon development would need to be assessed against paragraph 154 and footnote 49 of the NPPF. To avoid unnecessary duplication the Council has not sought to reproduce these requirements in its local plan. For these reasons Policy E3 does not reiterate the requirements in national policy relating to wind energy development (footnote 49 NPPF).
12. In respect to these matters the Council considers that Policy E3 is *consistent with national policy* – the Council has responded separately to the Inspector’s question relating to whether Policy E3 is consistent with the Habitats Regulations and national planning policy relating to habitats sites (paragraph 177 NPPF).

(b) Does criterion d of the policy comply with the requirements of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations)?

13. Yes. The requirements in Clause d. of Policy E3 specifically relate to development which supplies renewable or low carbon energy. An application for this type of development would also need to be assessed against policies E7 (conservation of protected sites), E8 (Dorset Heathlands) and E9 (Poole Harbour). When assessed in conjunction with these policies development will only be permitted where it would not lead to an adverse effect upon, either alone or in-combination, directly or indirectly, of nationally, European and internationally protected nature conservation sites.

Question 4

Is policy E4 (Assessing flood risk) justified, effective and consistent with national policy?

14. Yes, the Council considers that Policy E4 is:
 - a) *justified* – national planning policy requires councils to take flood risk into consideration in plan making and decision taking. In conjunction with the Council’s Strategic Flood Risk Assessment, Policy E4 has informed (with regard to flood risk) the Council’s overall approach to the pattern of development across Purbeck. The Council prepared its Strategic Flood Risk Assessment taking account of flood risks from multiple sources (as specified paragraphs 42 to 72 SD17) in consultation with key flood risk management bodies (including Environment Agency, Lead Local Flood Authority and Wessex Water);
 - b) *effective* – the Council considers that the requirements in Policy E4 are clearly, and unambiguously, defined. The Council considers that the policy’s requirements will protect people and property from flooding by providing a framework for decision makers to apply the sequential test and in those cases where development can be justified in areas where there is flood risk by requiring it to be made safe and mitigating any associated flood risks connected with the development (so that it does not increase the risks from flooding elsewhere); and

- c) *consistent with national policy* – the Council prepared its policy in consultation with relevant stakeholders (including Environment Agency, Lead Local Flood Authority and Wessex Water) who also have responsibility in relation to flood risk management, national planning policy and guidance. The Council's policy is consistent with, and complements, the requirements in national planning policy in respect to the sequential test (paragraph 158 NPPF) and the exceptions test (paragraph 159 NPPF). The clauses in Policy E4 in relation to: assessing risks from flooding through flood risk assessments, and making development safe without increasing flood risk elsewhere, are all consistent with national planning policy (paragraph 163 a) to e) and footnote 50 NPPF 2019).
15. A representor has raised an issue relating to the accuracy of information presented in the Council's Strategic Flood Risk Assessment on flood risk around Lytchett Minster (in the north east of Purbeck close to Lytchett Matravers and Upton). The representor has referred to modelling carried out by the Lead Local Flood Authority on surface water flooding in a catchment area including the village. The Council has reviewed the latest modelling (first presented by the Lead Local Flood Authority in winter 2018 after publication of the Strategic Flood Risk Assessment) and compared this information with that in its Strategic Flood Risk Assessment. The Council recognises that the Strategic Flood Risk Assessment will need to be updated to take account of new evidence on flood risk (paragraphs 116 and 117 SD17). To meet these requirements the Council will seek to present the further modelling undertaken by the Lead Local Flood Authority as an addendum or in subsequent publications of the Strategic Flood Risk Assessment for Dorset Council. Appendix 2 includes a summary of the further correspondence between the Council and the representor on this matter. The Council does not consider that the further evidence significantly alters the thrust or scope of any of the policies in the local plan or the selection of appropriate strategies for meeting development needs in Purbeck.

Question 5

(a) Is policy E5 (Sustainable drainage systems (SUDs)) justified, effective and consistent with national policy?

16. Yes, the Council considers that Policy E5 is:
- a) *justified* – the Council's policy imposes a requirement for sustainable drainage systems to be considered as part of proposals for major development, development in areas at risk from flooding and where run-off from development is likely to increase flood risks elsewhere. The policy requirements are justified by the following objectives: reducing the causes and impacts of flooding, remove pollutants from surface water run-off and contributing towards delivering multi-functional green infrastructure (which serves functions for water management/amenity/recreation/wildlife). The justifications for policy E5 reflect those in national planning policy and guidance on this issue (paragraphs 163 (c) and 165 NPPF and House of Commons: Written Statement (HCWS161) 'sustainable drainage systems'); and
- b) *effective* – the Council considers that the requirements in Policy E5 are clearly, and unambiguously, defined. Policy E5 clearly lists (clauses d. to g.) those

considerations which applicants should take into consideration when designing their sustainable drainage system, the Council's preferred approach to managing surface water from development (clauses i. to iv.) and those areas where a sustainable drainage system may not be appropriate (clauses h. to j.). The Council considers that the policy will provide guidance to developers and help to deliver sustainable drainage systems which will contribute towards meeting the objectives outlined above.

17. The Council considers that Policy E5 is *consistent with national policy* (paragraphs 163 b) and 165 of the NPPF) and guidance (House of Commons: Written Statement (HCWS161) 'sustainable drainage systems' and planning practice guidance on flood risk and coastal change) relating to sustainable drainage systems. The Council has suggested a change to the drafting of the policy to ensure that it is consistent with the requirements in national planning policy relating to 'seeking opportunities to enhance biodiversity' as outlined below.

(b) Is the change (MM3) to the policy indicated in the schedule of possible modifications [SD14] necessary to ensure that the Plan is sound?

18. The Council is satisfied that Policy E5 does not contradict the requirements in national policy, but considers that the change described in MM3 serves to re-emphasise a requirement in national planning policy (paragraph 175 (d) NPPF) which in turn will contribute towards the objective of achieving sustainable development (contributing toward net gains in biodiversity).

Question 6

(a) Is policy E6 (Coastal change management areas (CCMAs)) justified, effective and consistent with national policy?

19. Yes, the Council considers that Policy E6 is:
- a) *justified* – Purbeck is a coastal area, its southern and eastern boundaries run through Poole Harbour and are defined by stretches of shorelines. The South Devon & Dorset Shoreline Management Plan Review (2011) and the Poole and Christchurch Bays Shoreline Management Plan Review (2011) both indicate that sections of Purbeck's coastline are at risk from coastal change in the short (0 to 20 years), medium (20 to 50 years) and long term (50 to 100 years). Using the evidence presented in shoreline management plans the Council has identified Coastal Change Management Areas as referred to in Policy E6;
 - b) *effective* – the Council considers that the requirements in Policy E6 have been clearly, and unambiguously, defined. Policy E6 clarifies which types of development are likely to be appropriate in Coastal Change Management Areas, inappropriate development, how it will assess the suitability of other development within Coastal Change Management Areas and the considerations it will take it account when assessing proposals to replace/re-locate existing development which is at risk from coastal change inside a Coastal Change Management Area; and
 - c) *consistent with national policy* – the Council considers that the general requirements of Policy E6 are consistent with paragraph 167 of the NPPF and that

the criteria for preparation of a 'vulnerability assessment' (clauses d. to g. of Policy E6) will allow the Council to assess planning applications against paragraph 168 (a) to (d) of the NPPF. (To avoid unnecessary duplication the Council has not referenced each of the criteria listed in paragraphs 168 (a) to (d) in Policy E6).

(b) The policy refers to the CCMA's being identified on the policies map. However, these do not appear to have been included on the version of the policies map submitted with the submission version of the Plan. Should they be?

20. The Council's coastal change management area evidence paper [SD18] describes how the Council has sought to identify land at risk from coastal change using published evidence in relevant shoreline management plans. The Council agrees that coastal change management areas should be included on the policies map. (It had sought to identify these on the pre-submission version of the policies map, but identified errors in this version of the map which it has sought to correct). Appendix 3 includes a map which accurately identifies coastal change management areas using the method described in SD18 (coastal change management areas evidence paper).
21. The Council does not consider that any interested persons or bodies have been disadvantaged by its approach to addressing this matter – interested persons and bodies have been given the opportunity of making a response on the soundness of Policy E6 and supporting evidence presented in the Council's evidence paper [SD18]. Subject to the local plan being found sound, compliant with planning laws and then adopted, the Council intends to update the policies map to ensure consistency with the adopted local plan.

Question 7

Are policies E7 (Conservation of protected species), E8 (Dorset heathlands), E9 (Poole Harbour) and E10 (Biodiversity and geodiversity) justified, effective, consistent with national policy and where relevant compliant with the requirements of the Habitats Regulations?

22. The Council has worked closely with Natural England in developing all of these policies.
23. Policy E7 Conservation of protected species is an over-arching policy on European sites and is consistent with the Conservation of Habitats and Species Regulations 2017, which require any development to not have an adverse effect either alone or in combination on European and internationally protected nature conservation sites.
24. Policies E8-E10 are carried forward from Purbeck Local Plan Part 1 (PLP1) and updated, where possible not repeating requirements set out in the NPPF.
25. Policies E8 (Dorset Heathlands) and E9 (Poole Harbour) provide more specific policies to address the potential impacts on designated heathland SPAs and SACs and Poole Harbour SPA. Both are supported by Supplementary Planning Documents³ (SPD)

³ The Dorset Heathlands Planning Framework 2015-2020 SPD and the Nitrogen Reduction in Poole Harbour SPD can both be accessed via: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck/guidance-and-supplementary-planning-documents/supplementary-planning-documents-statement-of-community-involvement-and-local-development-scheme.aspx>

produced jointly with appropriate neighbouring local authorities, which have been through consultation and are informed by extensive research. The Recreation in Poole Harbour SPD⁴ has been subject to public consultation but is not yet adopted, mainly as a result of waiting for the local government reorganisation to be implemented to allow for a new Council to be in place.

26. These SPDs provide a strategic approach to mitigating the impact of development across local authority boundaries, as recommended in the NPPF paragraph 171.
27. The Council commissioned a review of the approach to heathland mitigation which concluded that the approach adopted was the most appropriate and should be continued. The document, Exploring Heathland Mitigation in Purbeck⁵, was published in 2016 alongside the options consultation.
28. The Purbeck Local Plan has gone through an iterative Habitats Regulations Assessment (HRA) process beginning with the Issues and Options consultation in 2015 through to Pre-submission consultation in 2018. Policies E7, E8 and E9 have been considered through the HRA.
29. Policy E10 has been updated from PLP1 and applies to important national and local biodiversity and geodiversity sites, including priority species and irreplaceable habitats, separately from European and internationally protected sites and species as required by NPPF paragraph 171. A local Dorset Biodiversity Protocol is in place to inform biodiversity appraisals⁶.

Question 8

Is policy E11 (Development next to sewage treatment works and pumping stations) justified and effective?

30. Yes, the Council considers that Policy E11 is:
 - a) *justified* – the Council drafted Policy E11 after informally consulting with Wessex Water and having regard to the requirements in paragraph 180 of the NPPF. Existing sewage treatment works and sewage pumping stations in Purbeck are responsible for unpleasant smells, noise and vibrations. The Council has sought to identify consultation zones around existing plants on the local plan policies maps. In order to ensure that new development is appropriate for its location (in accordance with paragraph 180 NPPF), inside these consultation zones applicants are required to demonstrate that proposed development will not be adversely effected by smells, noise or vibrations emanating from the sewage treatment works/pumping station

⁴ The consultation draft Poole Harbour Recreation SPD can be accessed via:

<https://www.poole.gov.uk/planning-and-building-control/planning-policy-and-guidance/supplementary-planning-documents-and-guidance-notes/poole-harbour-recreation-spd/>

⁵ Exploring Heathland Mitigation in Purbeck can be accessed via: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck/evidence-library/pdfs/gathered/options/evidence/exploring-heathland-mitigation-in-purbeck.pdf>

⁶ Advice on Biodiversity Appraisal in Dorset can be accessed via: <https://www.dorsetcouncil.gov.uk/countryside-coast-parks/countryside-management/biodiversity/biodiversity-appraisal-in-dorset.aspx>

and that the proposed development will not compromise the operation of the pumping sewage treatment works/pumping station; and

- b) *effective* – the Council considers that the requirements in Policy E11 have been clearly, and unambiguously, defined. The Council is satisfied that the policy's objectives can be secured over the plan period.

31. Following pre-submission publication of the Purbeck Local Plan the Council has been in consultation with Wessex Water on their response to the draft plan. Relevant correspondence is presented in appendix 4.

Question 9

(a) Does policy E12 (Design) incorporate appropriate measures to ensure good design in new developments?

32. Yes, the Council considers that Policy E12 clearly identifies those measures (summarised a. to i.) which are necessary in order to deliver good design. These measures are consistent with the requirements outlined in paragraph 127 (a) to (f) of the NPPF, which provides guidance on achieving good quality design.

(b) Is the policy capable of effective implementation?

33. Yes, the Council considers that Policy E12 provides a clear overall strategy for achieving high quality development in Purbeck. Paragraphs 104 and 105 of the local plan refer to other planning documents which build upon and provide more detailed advice and guidance on interpreting Policy E12. These further planning documents include:

- a) Purbeck District Design Guide (supplementary planning document adopted in January 2014)⁷ in addition to supporting documents relating to traditional building materials, traditional building details and design guidance in respect to bats/birds;
- b) Dorset County Council Residential Car Parking Strategy (2011)⁸;
- c) townscape character appraisals⁹; and
- d) conservation area character appraisals¹⁰.

34. The Purbeck District Design Guide includes visual tools (identifying best practice in respect to alterations and extensions to existing buildings, shopfronts and agricultural

⁷ The former Districts Design Guide can be accessed at via: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck/guidance-and-supplementary-planning-documents/pdfs/district-design-guide-spd.pdf>

⁸ Dorset's Car and Cycle Parking Standards can be accessed via: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/transport-development-management/car-and-cycle-parking-standards.aspx>

⁹ Townscape Character Appraisals can be accessed via: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck/guidance-and-supplementary-planning-documents/purbeck-townscape-character-appraisals.aspx>

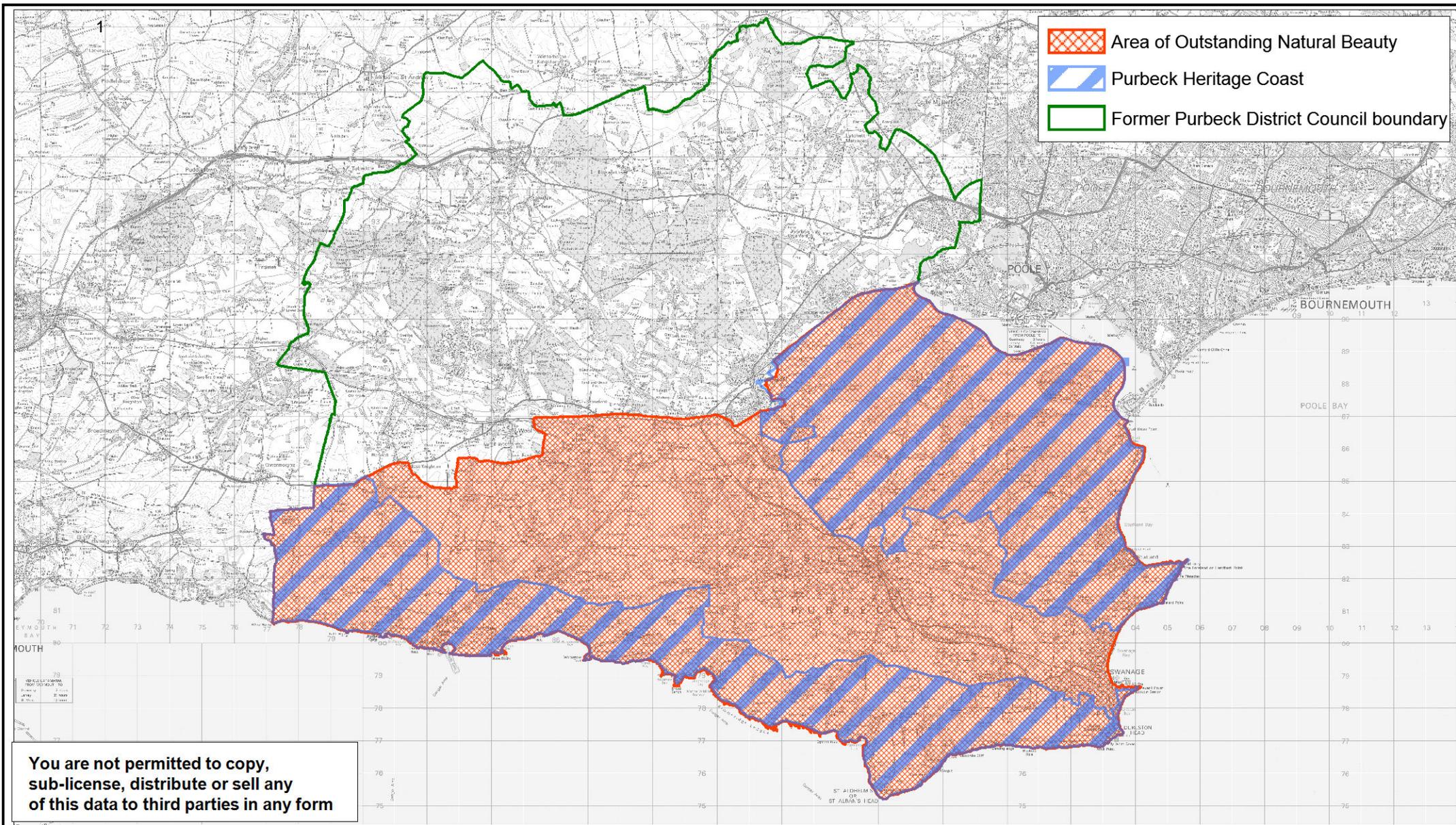
¹⁰ Conservation Area Appraisals can be accessed via: <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/planning-constraints/conservation-areas/purbeck/purbeck-district-council-adopted-conservation-area-appraisals.aspx>

buildings), specific technical guidance relating to the use of traditional building materials/details and technical guidance on creating opportunities to enhance biodiversity for bats and birds.

(c) Are the criteria of the policy sufficiently clear and effective for development management purposes having particular regard to paragraph 16 of the Framework?

35. Yes, the Council considers that the policy's requirements are sufficiently clear and unambiguous for development management purposes. Clauses a. to i. provide a clear, and succinct, set of objectives which constitute the Council's vision/expectations around design and contributes to its overall strategy for high quality development in Purbeck. The Council considers that the criteria provide a positive framework for delivering high quality design which will be effective over the local plan.
36. The Council has drafted Clauses a. to i. to avoid over prescription, and unnecessary restriction, as it recognises that the design of development needs to respond to its specific and unique circumstances (arising from the interaction between the characteristics of the site, its surroundings and the nature/functional requirements of the development). And because it does not wish to unnecessarily stifle innovation or variety in design (paragraph 126 NPPF).
37. Despite this flexibility, the Council considers that the objectives, when considered in conjunction with supporting documents, provide clear guidance to the decision maker on how to react to development proposals. The 'boxes' and diagrams in the Council's Design Supplementary Planning Guidance support the objectives in Policy E12 and clearly and explicitly illustrate design issues to be avoided and potential design solutions. (For example: the Council's guides on traditional building materials and design provide direction to applicants and decision makers when interpreting Clause b., and the Council's design guide provides direction on avoiding harmful impacts on the amenity of neighbours by describing/illustrating poor quality design and suggesting solutions when interpreting Clause e). The supporting text (paragraph 104) provides appropriate references to these documents. Where the Council's supporting documents do not explicitly address a design objective in Policy E12, other policies in the local plan (including Policies H3 to H7 and Policy H10) national planning policy or guidance builds upon or provides more detailed guidance and advice for decision makers.

Appendix 1: Map to show relevant part of the Dorset Area of Outstanding Natural Beauty and Purbeck Heritage Coast



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Dorset Area of Outstanding Natural Beauty and Purbeck Heritage Coast

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Ordnance Survey LA0100060963



Not to scale

Appendix 2: Surface water flood risk around Lytchett Minster

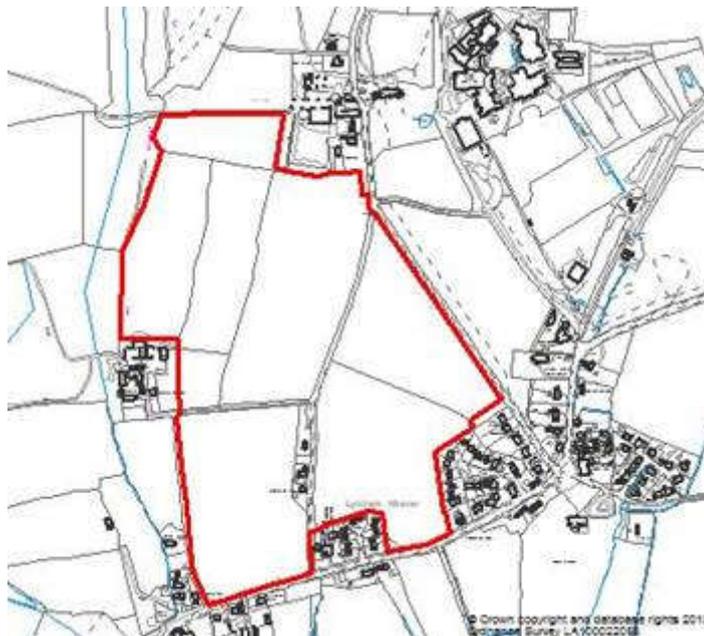
Steve Boyt

From: Steve Boyt
Sent: 28 May 2019 18:38
To: [REDACTED]
Cc: Oran Balazs; Anna Lee
Subject: Flood risk: Lytchett Minster
Attachments: lytchett-minster-flood-risk-mapping.pdf

Categories: Egress Switch: OFFICIAL
Switch-MessageId: 8607ee0c608c4851ba01b5a31e72764f

[REDACTED],

Thank you for your e-mails relating to flood risk around Lytchett Minster. You contacted the Council following a meeting with colleagues at the Lead Local Flood Authority (LLFA) (who made a presentation on flood risk around the village) and have asked the Council to consider whether its evidence relating to flood risk in the Strategic Flood Risk Assessment (SFRA) needs to be updated to take account of the work carried out by the LLFA. I understand that you are particularly interested in the potential implications of the latest evidence on flood risk on land which you have made available for new homes (please see map below) to the west of the village.



After receiving your e-mail I have met with LLFA and received the presentation that they made to you (and your land agent) late in 2018. The further work carried out by the LLFA specifically relates to flood risks from surface water as they consider that this source of flooding is likely to pose the greatest risk to the village in the short to medium term. In order to assess the risks from this source of flooding in more detail the LLFA's model uses detailed topographic data and estimates of rainfall over defined periods (the rainfall estimates are based on historic records and include an allowance of 30% for the anticipated effects of climate change). The catchment study area for the LLFA's surface water flood risk modelling includes a number of 'ordinary watercourses' (Bere Farm Stream, Hill Farm Stream and Lytchett Minster Stream).

The Council's SFRA (first published at the start of 2018) presents details of flood risks from multiple sources on maps (there are a number of maps presented at different scales which show individual towns/villages and the whole of the Purbeck area). The maps identify land at risk from the following sources of flooding: main rivers / tidal (using Environment Agency (EA) data),

surface water (using EA data) and sewers. The Council has also modelled coastal flood risk that takes account of expected rises in sea level because of climate change. The Council's SFRA also references 'The Lytchett Minster Flood Risk Study 2017'. The Council's SFRA indicates that flooding from main rivers/sea (particularly relevant in the southern part of the catchment area), surface water (particularly relevant in the northern part of the catchment area) and ground water all contribute toward flooding in and around the village.

In order to determine whether the evidence on flood risk presented in the Council's SFRA needs to be updated to take account of the LLFA surface water flood risk modelling the Council has prepared a series of maps (attached to this e-mail). The first map shows the areas identified as being at risk from flooding in the SFRA and is land at moderate risk of flooding (having an annual probability of between 1 in 100 and 1 in 1000 year for flooding events from rivers and between 1 in 200 and 1 in 1000 year for tidal flooding events) and high risk (land having an annual probability of 1 in 100 year for flooding events from rivers and 1 in 200 year for tidal flooding events) from these sources. The second map shows surface water flood risk modelled by the LLFA; for the purposes of analysing comparative flood risk from surface water with other data, the Council has treated modelled surface water depths of 15 cm and higher above existing ground levels as moderate/high risk (1 in 100 year plus 30% for climate change) because of the likelihood that flood water will enter/damage buildings. The Council reached this position after consultation with the LLFA. The third map overlays the two sets of data.

Conclusions

The LLFA's modelling indicates that more land around Lytchett Minster (in the northern part of the catchment) is likely to be at moderate/high risk from surface water flooding than EA modelling on surface water flooding which the Council used in its SFRA. I do not consider that the LLFA modelling can be used as a substitute for the Council's SFRA as it does not take into consideration the flood risks from main rivers / tidal or the effects of climate change on them. Neither the SFRA or the LLFA modelling consider the cumulative effects of flooding from different sources acting simultaneously (e.g. where surface water flooding/flooding from ordinary watercourses coincide with tidal flooding – high tides may limit rate at which surface flood water can enter into Poole Harbour – as outlined in Lytchett Minster Flood Risk Study May 2017).

The Council recognises that its SFRA will need to be updated to take account of new evidence on flood risk (see paragraph 116) – subsequent versions of the SFRA/addendums will take account of the LLFA modelling. Despite this, the comparative maps demonstrate that the updated modelling does not materially affect the level of flood risk on the land that you have made available for homes to the west of Lytchett Minster. When considering the suitability of the site in its Strategic Housing Land Availability Assessment the Council concludes that there may be opportunities to overcome the issues relating to flood risk. It suggests:

'Avoid[ing] development in the sites south western corner which is at a high risk from flooding and complete detailed flood risk assessment to assess the effects of development on flooding in the surrounding area (taking account of climate change and the cumulative flood risks).' (SHLAA/0035)

Also, given the prevailing flood risk at the South West to your site, the surface water discharge point would need to be South of the A35 by-pass.

The Council omitted the site from its housing strategy because it was able to meet Purbeck's housing requirements on sites outside the green belt, and because it did not consider that there were likely to be exceptional circumstances for changes to green belt boundaries to exclude the land. Both of these considerations are not affected by the updated evidence relating to flood risk. I hope that I have addressed the relevant issues in my response, but if not (or if you have further questions arising from my responses) please don't hesitate to call me on 01929557385.

Yours sincerely

Steve Boyt
Planning Policy Officer
Planning and Community Services

Dorset Council

01929557385

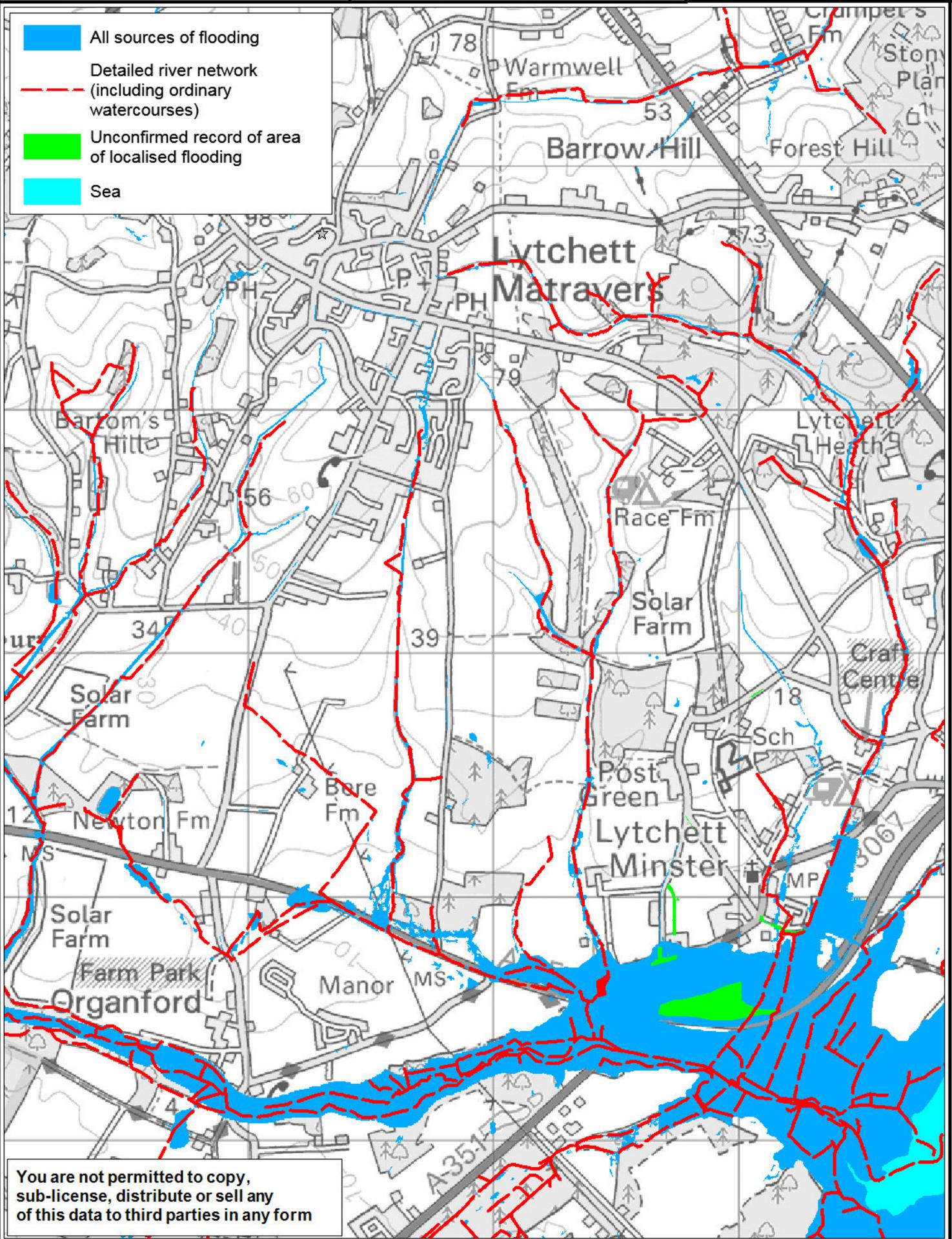
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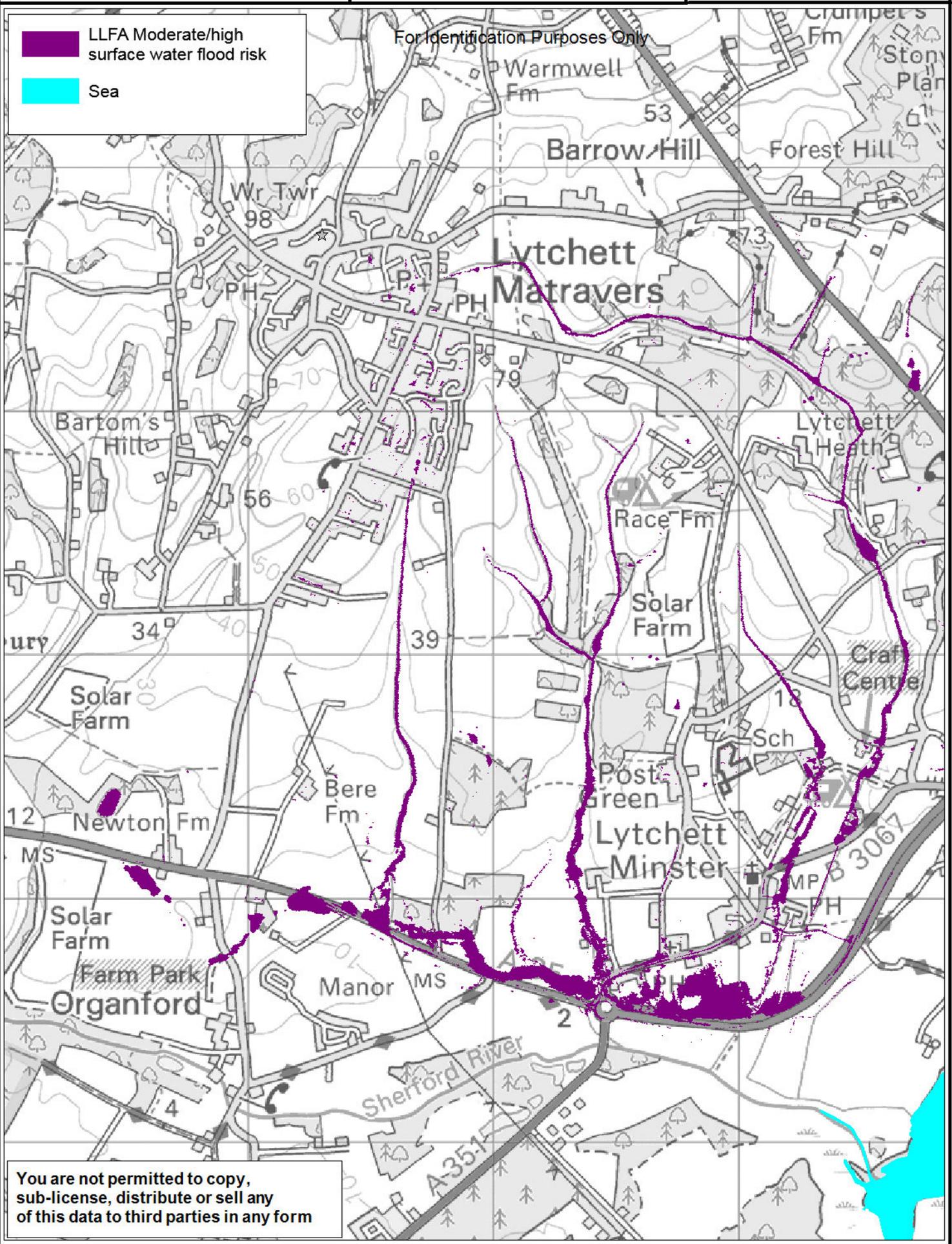


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-  LLFA Moderate/high surface water flood risk
-  Sea

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Moderate/high surface water flood risk
-modelled using LLFA data-
overlaid on flood risk as in
the Council's SFRA (2018)

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Ordnance Survey LA010006963



Not to scale

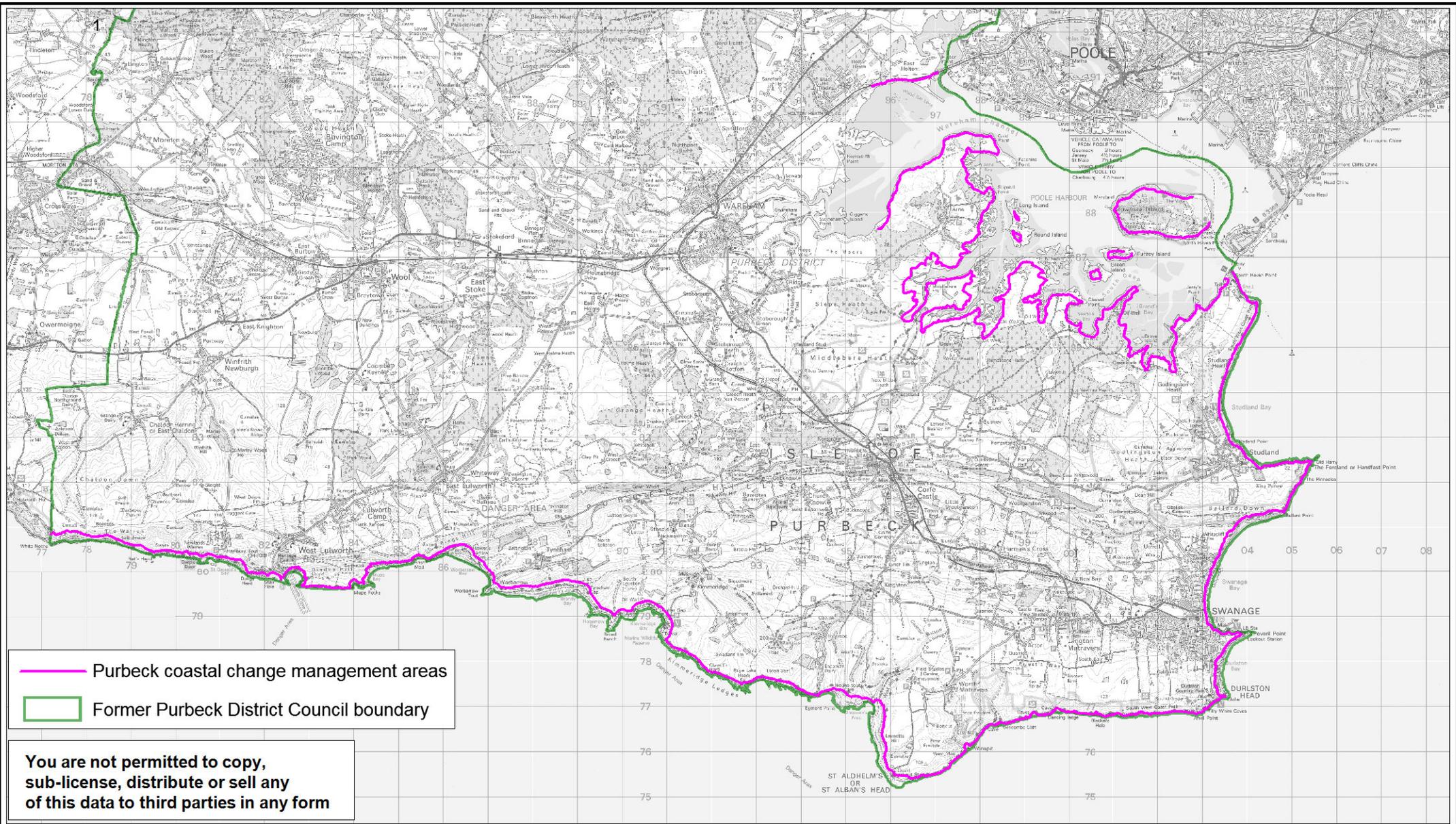
-  LLFA Moderate/high surface water flood risk
-  All sources of flooding
-  Detailed river network (including ordinary watercourses)
-  Unconfirmed record of area of localised flooding
-  Sea



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Appendix 3: Coastal Change Management Areas in Purbeck



Purbeck coastal change management areas

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Not to scale



Appendix 4: Correspondence between the Council and Wessex Water relating to Policy E11 following publication of the pre-submission draft Purbeck Local Plan (2018-2034)

Steve Boyt

From: Gillian Sanders <Gillian.Sanders@wessexwater.co.uk>
Sent: 21 December 2018 10:59
To: Steve Boyt
Cc: Alan Davies; Ken Bean; Sue Bellamy
Subject: RE: Wessex Water's response on the pre-submission draft Purbeck Local Plan

Dear Steve,

Thank you for your response. We do appreciate the consultation and engagement to date and will, in the future, endeavour to highlight these issues as they arise rather than delay until the next available public consultation

Wessex Water's aspirations to form a regional office and storage/distribution centre off Sandford Lane (comment PLPP88, 100 and 101)

Your comments noted – I understand my colleagues may have already submitted and received a response to a pre-application, I will check.

Relocating sewage treatment works from their current sea front location in Swanage to an existing sludge treatment works at Prospect Business Park, Swanage (PLPP89).

Noted.

Co-operation between Wessex Water and land owners/developers on allocated housing sites (policies H4 to H7) (PLPP92, 93, 95 and 97).

Noted.

Introduce a requirement which prevents further development inside a 250 metre buffer around sewage treatment works which use filter beds (five existing sites in Purbeck: Blackheath, Corfe Castle, East Stoke, Studland and Wareham) (PLPP99). (I would be grateful if you could give this matter some consideration and clarify Wessex Waters position.)

We are currently developing our fly nuisance and management policies prompted by last summer's prolonged hot weather and an increase in fly complaints from existing customers. We acknowledge that the timing of developing this policy and examination and adoption of Purbeck's Local Plan are not aligned and we withdraw our comments on this particular issue. We will engage further on this matter subsequent to next Policy Review and highlight any particular concerns through the development management process.

Kind Regards

Gillian Sanders
Planning Liaison Manager

Wessex Water

Claverton Down Bath BA2 7WW
Contact number 01225 526303
Mobile number 07899 967595
wessexwater.co.uk

From: Steve Boyt
Sent: 20 December 2018 13:33
To: Gillian Sanders

Cc: Alan Davies ; Ken Bean ; Sue Bellamy

Subject: Wessex Water's response on the pre-submission draft Purbeck Local Plan

Dear Gillian

I am writing following our telephone conversation last week (I am sorry for the delay in getting back to you). As we discussed the Council has recently published a draft of the local plan (the Purbeck Local Plan) which it intends to submit for examination in the New Year. Councils are required by planning laws to publish local plans before submission to give organisations/people a final opportunity of making a response. The responses which have been received during the publication period for the Purbeck Local Plan will be considered by the Planning Inspector who examines the plan – during the examination the Planning Inspector will be focused on considering whether: i) the plan is sound (i.e. has the plan been positively prepared with a strategy to meet the Districts needs [e.g. housing], are the strategies justified [e.g. can the Council demonstrate that it has considered alternatives and evidence for its approach], ii) the plan effective over the plan period and is the plan consistent with national policy), compliant with planning laws and iii) the Council has satisfied the duty to co-operate with other Council's.

The Council has worked closely with Wessex Water on the Strategic Flood Risk Assessment and given Wessex Water the opportunity of informally commenting on draft planning policies prior to pre-submission publication of local plan. My colleagues and I have been preparing a consultation statement which will be submitted with the plan (the consultation statement will summarise the main issues raised by the responses). As part of this process officers have been considering Wessex Water's response. We discussed the different parts of this response during our conversation including:

- **Wessex Water's aspirations to form a regional office and storage/distribution centre off Sandford Lane (comment PLPP88, 100 and 101).** Wessex Water's response states that it does not consider that the local plan is sound because it does not include an allocation for further employment land off Sandford Lane as *'The proposed facility is needed to enable the delivery and maintenance of infrastructure and is therefore essential to support the growth, productivity and environmental wellbeing of the district.'* The Council was considering making an allocation in the Purbeck Local Plan for further employment land off Sandford Lane (as detailed in Purbeck Local Plan Partial Review, Options Consultation, June 2016) but decided against this because: the supporting evidence indicated that there wasn't a need for further land to support growth of employment uses (B1, B2 and B8) over the local plan period (2018 – 2034), the site next to Sandford Lane is located in the green belt and parts (north eastern and south eastern sides of the site) of the site are at risk from flooding.

The office/storage/distribution use described in Wessex Waters response is not necessarily an 'employment use' that the Council's policy seeks to encourage/retain on 'safeguarded employment land' (subject to further clarification I suspect the use may *sui generis* [i.e. not falling within any defined use class]) – for these reasons I don't consider that the allocation of the site off Sandford Lane would have necessarily facilitated the development.

I suggested during our telephone conversation that the Council could provide Wessex Water with pre-application planning guidance on whether a planning application on this site for offices/storage/distribution would be supported by officers. Amongst other planning considerations (which would need to be identified as part of the process of assessing a planning application), it is unlikely that officers would support a planning application for this use on the site next to Sandford Lane unless:

- i) it includes evidence to demonstrate that there were very special circumstances for changes to green belt boundaries (the role of the proposed building in supporting existing infrastructure) or evidence to demonstrate that proposals should be treated as an exception (under paragraph 145, g) of the National Planning Policy Framework) to the presumption relating to new buildings in the green belt (paragraph 143 National Planning Policy Framework);
- ii) it includes evidence to demonstrate that the sequential test could be passed (i.e. that there are no available and appropriate sites elsewhere in areas with a lower risk from flooding); and
- iii) it includes evidence to demonstrate that the offices/storage/distribution are needed to support water supply/sewage utilities.

- **Relocating sewage treatment works from their current sea front location in Swanage to an existing sludge treatment works at Prospect Business Park, Swanage (PLPP89).** Wessex Water's response does not state that the Council's plan: is unsound in their response, that the Council has not satisfied its duty to co-operate or that the draft plan does not comply with planning laws. I also understand that Wessex Water have not raised this aspiration with the Council in response to earlier consultations. I note that the matter will be raised with the County Council as part of their work on a Waste Plan for Dorset (there are references on the policies map of the emerging Waste Plan for 'Safeguarded Waste Facilities' on what appear to be Swanage Sea front [and the existing sewage treatment works] and Prospect Farm [sludge treatment site]).

Wessex Water's response states that: *'A no development odour buffer zone will be required around the STW to protect residential amenity and to ensure that the treatment of sewage at the site is not restricted.'* (I have presumed that the buffer that Wessex Water have requested would surround the existing sludge treatment site).

The Council recently adopted the Swanage Local Plan (June 2017) – the plan does not include any allocations for homes/or other development close to the existing sludge treatment works, but I note that there appears to be a year round residential caravan site (inside 250 metres) to the east of the site. The Council took account of the guidance that Wessex Water provided in drafting policy EE11 and preparing its policies maps. The policies map identifies buffers around existing sewage pumping stations and treatment works, and policy EE11 states that further development will only be permitted where certain criteria are satisfied. It is likely that an application for a sewage treatment works, which involved waste water management, would be a 'county matters' planning application determined by Dorset County Council as the Minerals and Waste planning authority. In addition to considering the issue through their waste plan the County Council may be able to provide pre-application planning guidance on Wessex Water's proposals to re-locate the existing Swanage treatment works.

- **Co-operation between Wessex Water and land owners/developers on allocated housing sites (policies H4 to H7) (PLPP92, 93, 95 and 97).** The Council has noted your comments on the need for co-operation between relevant organisations on the sites which the plan allocates for large numbers of homes and considers that these matters could be addressed as part of the process of preparing/determining planning applications.
- **Introduce a requirement which prevents further development inside a 250 metre buffer around sewage treatment works which use filter beds (five existing sites in Purbeck: Blackheath, Corfe Castle, East Stoke, Studland and Wareham) (PLPP99).** Wessex Water's response refers to a 'Fly Management Plan', but does not include detailed further evidence of fly infestations around the sewage treatment works in Purbeck which use filter beds to treat waste water. The Council worked with Wessex Water in preparing policy E11. For these reasons the Council does not agree that this part of its plan is unsound. I would be grateful if you could give this matter some consideration and clarify Wessex Waters position.

If you have any further questions relating to this e-mail please don't hesitate to contact me on 01929557385.

Yours sincerely

Steve Boyt
Senior Planning Policy Officer

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