

CIR.P.0492

18<sup>th</sup> July 2013

Mr Paul Crysell  
Planning Inspector  
c/o Mrs Christine Self  
Programme Officer,  
Homefield House  
Homefield Road  
Saltford  
Bristol  
BS31 3EG

Dear Sir

**Submitted West Dorset, Weymouth and Portland Local Plan  
North Dorchester Consortium: request of an Exploratory Meeting**

Pegasus Group is instructed by the North Dorchester Consortium (Persimmon Homes South Coast and Grainger plc) to request that you hold an Exploratory Meeting in respect of the above Submitted Plan. We realise that such meetings are only held when you consider that there are significant concerns about the key matters and issues which arise after your initial reading of the Submitted Plan, but given the significance of the changes that have been made since the consultation on the Pre-Submission version of the Plan in June 2012 we considered that it is imperative that the North Dorchester Consortium express their concerns at the earliest opportunity following your appointment to consider the Plan.

Pegasus Group on behalf of Persimmon Homes, and Terence O'Rourke on behalf of Grainger plc (the two members of the North Dorchester Consortium) have made representations throughout the preparation of the Plan and both consider that what has happened since the consultation on the Pre-Submission version of the Plan in June /July 2012 has a fundamental bearing on the legal compliance of the plan making process and the soundness of the Plan. The following paragraphs explain our concerns.

In respect of the procedure followed by the Council's in the preparation of the Plan, **the issue which is of significant concern is that the Plan, as submitted on 24<sup>th</sup> June 2013, is not the same Pre-Submission Plan that we made representations on during the public consultation in June/July 2012. Major changes have been made to the plan which alter the housing requirement/trajectory, and furthermore delete and significantly amend policies and allocations that go to the heart of the overall strategy.** These changes all took place as the submission version of the Plan was considered by the West Dorset Council Policy Scrutiny Committee on 13<sup>th</sup> May 2013 and the West Dorset Executive on 14<sup>th</sup> May 2013. We consider that the Council's have failed to comply with Part 2 Section 20 of the 2004 Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulations 19 and 20).

Representations should be made on the Plan that the Council intend to submit to the Secretary of State, the Plan is then submitted along with all the representations sent to the Council during the period of public consultation. In this case West Dorset has made fundamental changes to the Plan (as set out in the Minutes of the Policy Scrutiny Committee dated 13<sup>th</sup> May 2013) and additional core evidence which was not available in June /July 2012 has also been published to seek to justify their new version of the plan. In particular I draw your attention to the following documents:

CD/SA 3 Sustainability Appraisal - June 2013

<http://www.dorsetforyou.com/media.jsp?mediaid=185719&filetype=pdf>

CD/SUS 1 Housing Requirement -June 2013

<http://www.dorsetforyou.com/media.jsp?mediaid=185572&filetype=pdf>

CD/SUS 8 Strategic Site Assessment -June 2013

<http://www.dorsetforyou.com/media.jsp?mediaid=185907&filetype=pdf>

CD/East 1 Historic Environment Assessment - June 2013

<http://www.dorsetforyou.com/410414>

CD/ENV 5 Landscape Visual and Impact Assessment – June 2013

<http://www.dorsetforyou.com/410420>

CD/East 5 Transport Appraisal and Comparison of Alternative Sites Land South of Warmwell Road, Crossways. – March 2013

<http://www.dorsetforyou.com/media.jsp?mediaid=185934&filetype=pdf>

CD / ECON 1 Assessment of Potential Employment Sites Goadsby Report - October 2009

<http://www.dorsetforyou.com/410418>

The Plan submitted to the Secretary of State on 24<sup>th</sup> June 2013 was not the Plan that public consultation took place upon, consequently there has not been the opportunity for any interested parties to comment or indeed object to this version of the Plan or the new evidence base, which you will see from the publication dates, has only just been released. The Assessment of Potential Employment Sites - Goadsby Report, although dated October 2009 has not previously been in the public domain.

In summary the members of the North Dorchester Consortium both provided representations in July 2012 on the Plan that the Councils were intending to submit. Since then West Dorset District Council has in our view made fundamental changes to the Plan which go the heart of the plan's strategy and content. **The North Dorchester Consortium has taken advice and it is Counsel's opinion that to be legally compliant, procedurally the Council should withdraw the Plan and go back to the**

**Regulation 20 stage and carry out consultation on a revised Plan before submitting it to the Secretary of State.**

The Consortium has additional concerns in respect of the assessment of the sites which has been undertaken as part of the Sustainability Appraisal (SA); we have already drawn these matters to the attention of the Councils. Our objections are in respect of the scoring of the same sites which have been different at different stages of the SA. To illustrate our point I attach the relevant pages from the SA documentation which clearly shows that candidate strategic sites in the Eastern area of the District have been scored differently at different stages.

The submitted SA is also inadequate in its assessment, as there has not been a like for like assessment of the sites, for example in terms of their potential capacity to accommodate development or the potential land use mix.

**In addition there has been no appraisal in the SA of the failure of the Submitted Plan to meet the objectively assessed requirement for West Dorset through the allocations.** The most recent SA states in the Introduction that:

*"The plan period extends to 2031. However, it is likely to be reviewed before the end of this plan period to ensure that there are sufficient developable sites available for future needs, and to respond to unforeseen changes."*

In summary, it is considered that plan preparation has not been compliant with the Local Plan Regulations 2012. The representations currently available for your scrutiny were not made in relation to the submitted version of the Plan. In effect a new Plan has been prepared which reduces the housing requirement and removes allocated housing land and new evidence has now been published to support the new Plan. (It should be noted that even at the Policy Scrutiny Committee on 13<sup>th</sup> May the evidence was not finalised. Paragraph 116 of the Minutes states that:

*"Consultation on the allocation in [South East] Dorchester had led to a significant amount of objections. Officers advised that two significant concerns had been raised by the statutory consultees English Heritage and Natural England who had indicated that without further work that demonstrated that the development would not harm heritage and landscape assets, the Local Plan would not be found to be sound. In order to address this issue, a Historic Environment Assessment of development options at [North and South East] Dorchester had been commissioned. A draft report had been submitted, and the main conclusions were presented, but officers stressed that the report was not finalised and it had not been possible to share it with members. Officers were therefore recommending the deletion of this allocation within the local plan as the evidence base as it currently stood was incomplete."*

On behalf of the North Dorchester Consortium we would strongly urge you to hold an Exploratory Meeting and/or to consider that the Plan should be withdrawn so that all the participants have the opportunity to comment on the new version of the Plan. For the reasons set out above we believe that the Plan has failed to comply with the 2004 Act and the 2012 Regulations.

Yours faithfully

PP 

**SARAH HAMILTON-FOYN**  
**Director**

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Enc.

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