

**NOTES OF EXPLORATORY MEETING TO THE WEST DORSET, WEYMOUTH AND
PORTLAND LOCAL PLAN HELD ON 22 JANUARY 2014 AT WEST DORSET
COUNCIL OFFICES, DORCHESTER**

This note summarises the main issues discussed at the Local Plan Exploratory Meeting including points made by those in the audience invited to comment¹.

Opening & Introductions

The Inspector, Paul Crysell opened the meeting at 10:00hrs and introduced himself and Christine Self, the Programme Officer who was the person to direct any queries regarding the Local Plan examination process.

The team representing West Dorset and Weymouth and Portland Councils (the Council) introduced themselves as set out in appendix A to this note. Dr David Evans, Environmental Director for both Councils then made an opening statement. A copy is attached as appendix B.

Purpose & Scope of the Exploratory Meeting (EM)

The Inspector said his initial reading of the West Dorset, Weymouth and Portland Local Plan (LP) and representations had identified some concerns which had culminated in his decision to hold an Exploratory Meeting (EM). He did not wish to waste time, effort or the expense for those involved in the process if it was likely that the LP in its present form would be found unsound.

Mr Crysell explained that the meeting was not a forum to discuss the merits of any policy or particular site and instead was intended to assist him in deciding how best to proceed with the examination. His decision to hold an EM did not mean that he had reached any conclusions on the soundness of the Plan. He had previously set out his main concerns in writing to the Council² from whom he had received a response on 17 January 2014.

Before commencing on the agenda items the Inspector asked for clarification regarding the plan period. The original intention was for the Plan to provide strategic planning direction for the two authorities until 2031. More recent changes to the Plan meant that West Dorset's housing proposals would no longer be sufficient to cover this period. He had previously identified this as a potential issue and asked if the Council had given further thought to it.

The Council said it felt this was an issue which could be overcome by changing the end of the plan period to 2029. This would still ensure it covered a 15 year period on adoption as promoted in the National Planning Policy Framework (NPPF).

Agenda Item 1 – Duty to Cooperate

The Inspector explained there were two elements to the Duty to Cooperate that he had to consider. Firstly, whether the Council had met the legal requirements of the Duty and, secondly whether the outcome of this process meant the Plan was sound.

On this matter he referred to three areas where potential issues arose. These were in the vicinity of Yeovil, adjacent to Purbeck District Council and at Lyme Regis. At Yeovil he was not aware there was any evidence to show a lack of engagement between relevant parties or continuing cross-border issues although it was suggested by Mr Carpendale (representing Brimble, Lea & Partners), that the area had not been properly assessed even though it was a sustainable location with the potential to accommodate further housing should there be a need to do so.

¹ Comments not directly related to the main topics have not been included.

² Letter of 10 December 2013

The Inspector did, however, have doubts about the manner in which the Plan was addressing future needs at the other locations.

He queried whether the Council's 'masterplanning' approach to dealing with cross-border issues with Purbeck were sufficiently clear for people to understand what would happen during the plan period. The Council said it was committed to working with Purbeck Council and other organisations and was conscious that Purbeck Council was undertaking a partial plan review but had not requested West Dorset to assist in meeting its needs. It confirmed it would be prepared to consider inclusion of a policy to review plan proposals for this part of West Dorset if cross-boundary issues came to the fore.

Mr Brown (Betterment Properties (Weymouth) Ltd), pointed out that by reducing its original housing allocations at Crossways it would be difficult for West Dorset to assist Purbeck in meeting its development targets. The Council disagreed because it believed options still existed. Mr Hill (resident) mentioned that the Crossways Masterplan had not been discussed with Moreton Parish and any implications regarding access to the railway station.

The Inspector asked for the Council's views on a representation by East Devon Council. This requested that reference to it and Uplyme Parish Council working with West Dorset to meet the long-term growth needs of the area should be removed from the Plan. Uplyme was opposed to taking any housing growth and East Devon Council considered that the case for development had not been underpinned by a robust assessment of need. West Dorset said it did not regard this as a fundamental issue and had not focused on assessing needs at a local level because the data was not reliable. While it had made provision in Lyme Regis for some 90 dwellings it believed the proximity of Uplyme to Lyme Regis should be acknowledged and reflected in a common approach to addressing development needs.

Councillor Turner (Lyme Regis Town, West Dorset District and Dorset County Councillor) explained that previous attempts to cooperate with Uplyme had also failed but there was no significant housing need in Lyme Regis although Mr Bates representing ADVEARSE³, said the implication was that Bridport would have to take development if matters at Lyme Regis were not resolved.

Agenda Item 2 – Housing

The Councils had updated their original Strategic Housing Market Assessments (SHMA) based on 2011-based household projections published by the Department for Communities and Local Government (DCLG) in April 2013. These were interim projections but a reasonable starting point in establishing future housing needs taking some of the findings from the 2011 Census into account. The Inspector said potential weaknesses had been identified in the interim projections which would only be corrected when further updates were released in 2014. This meant they should be treated with caution and queried whether the Councils studies were sufficiently robust to provide an objective assessment of housing need.

The Council explained that it had commissioned further work⁴ to satisfy itself that the assessment provided a sound basis on which to plan for future development. Dr Woodhead, the author of the report, recognised the difficulties in undertaking this work as information continues to be released with details on migration and travel to work movements expected in the next two months. Nevertheless, he felt that the assumptions used by the Council in assessing housing needs to be sound.

He identified a number of factors which were likely to influence housing demand. It was not clear, for instance, that the current improvements in house sales would continue while much of the improvement in employment and income was concentrated in London and the South East.

³ ADVEARSE – A group opposed to development at Vearse Farm, Bridport

⁴ A review of future housing requirements for West Dorset District and Weymouth and Portland Borough, June 2013

He questioned whether people locally had the ability to benefit from further housing allocations amid concerns that the current boom in house buying might not be sustained. The biggest recession for 100 years was likely to have a lasting impact and he suggested a cautious approach to housing allocations beyond plan proposals was reasonable, especially as there was considerable under employment in the local economy. Spare capacity in the labour market meant the Council's objectives to improve the local economy could be sustained by existing residents rather than needing to increase housing numbers to bolster the economically active population.

Dr Woodhead had looked at employment-led scenarios in his report but concluded these were unlikely to have significant implications for housing need. The Inspector questioned the proposition put forward that age-related decline in the local labour force would be partially offset by increases in retirement age, poor pension returns and improved fitness of older people and was told there was evidence to show these changes were taking place.

A number of people commented on this matter. Cllr D Rickard on behalf of Bridport Town Council noted that the district-wide basis for the Council's housing assessment meant that the needs of settlements had been ignored and that development was proposed where it was convenient rather than sustainable; housing allocations for Bridport were excessive when unemployment locally was low and transport poor. Cllr Turner (Bridport Town Council) concurred and asked for employment growth to support housing development. Ms Savory (King Charles Residents Association) also pointed out that the bulk of housing in Bridport was being bought by incomers rather than local residents.

Messrs Pollard (Turley Associates), Veasey (Nexus Planning) and Brown (Betterment Properties) had doubts about the reliability of evidence supporting housing provision and that Dr Woodhead's view that a cautious approach should be taken was not consistent with the imperative in the NPPF to boost significantly the supply of housing.

Conversely, Cllr Roebuck (Weymouth & Portland Council), pointed out that planned housing provision would be significantly higher than anything achieved since 2008 while under employment rather than unemployment was the more pressing issue with a 'reserve' of local people. Mr Hoskinson (Savills), appealed for greater consistency in the examination process given the methodology for the Councils' SHMA was consistent with that undertaken for the Bournemouth and Poole HMA and that the issues mentioned had been discussed at examinations in adjoining local authority areas which had found the SHMAs to represent objective assessments of housing need. Mr Hill recognised that while population and economic growth provided a basis for assessing housing need provision was being skewed in communities and showed that the Council had not looked at the needs of each community and asked that proportionality should be taken into account in any assessment.

Cllr Legg (West Dorset) raised concerns over minor sites, a matter which was also of interest to the Inspector who queried whether the Councils' reliance on these was excessive and fully justified by supporting evidence. In response to other questions, the Councils confirmed that recent cases meant it was necessary to provide a 20% allowance in its five year land supply to provide the necessary flexibility to accord with paragraph 47 of the NPPF.

Mr Montgomery (Cameron & Tilley) pointed out that many of the issues raised today were covered in a very recent appeal decision at Weymouth and asked that this was taken into account in the Inspector's considerations⁵.

Agenda Item 3 – Affordable Housing

The Council acknowledged it would not be able to address all its affordable housing needs and was handicapped by funding problems, viability and deliverability issues. As a rural authority

⁵ App Ref: APP/P1235/A/13/2198549

West Dorset would also be hindered by the Government's intention to raise thresholds on rural housing schemes. In practice its approach to affordable housing provision was therefore the best solution available.

The Council confirmed it had considered providing more market housing to increase scope for increasing the stock of private-rented accommodation but regarded environmental constraints as one of the factors which made this difficult. It also remained committed to supporting 100% affordable schemes on rural exception sites but was opposed to schemes which promoted a market-housing element i.e. cross subsidy.

A number of comments were made on this issue including Mr Thompson (Dorchester & District Labour Party) who believed 60 affordable dwellings per annum was too low especially with the impact of second home ownership. Cllr Cuff (West Dorset Councillor and Chair of Buckland Newton Community Property Trust) felt that local communities were now more familiar with affordable housing needs and were taking a positive approach to supporting development based on local needs and knowledge. Mr Brown pointed out that larger rather than small housing sites were better placed to deliver affordable units because they were likely to be more viable while Mr Burgess on behalf of local landowners, was concerned that the Council had failed to maximise the provision of affordable housing in the Plan by rejecting higher building rates that the industry could support and which reflected historic rates of build in the area.

Agenda Item 4 – Supplementary Planning Documents

The Inspector had previously queried the role and scope of future Supplementary Planning Documents (SPD) being prepared by the Council, particularly if the intention was to use them to introduce new policies. In its submission of 17 January, the Council confirmed SPDs would not be used in this way. The Inspector said he was reassured by this and did not wish to pursue the matter further.

Agenda Item 5 – Consultation Process

Having read the representations made to the Plan the Inspector was aware that many respondents were critical of the consultation processes undertaken by the Council but his initial view was that there was no evidence to show the Council had failed to comply with legislative requirements. He had, however, been concerned that the Council had not intended to consult on changes to the Plan immediately before submission and asked that this be undertaken. He wished to reassure himself that there was no longer any confusion on this matter.

A number of people responded. Mr Bates (ADVEARSE) suggested that while technically the Council may have complied with regulatory requirements, many people in Bridport felt that consultation had not been sufficient. Conversely, Mr Bird (CPRE), felt consultation had been comprehensive and effective. Similarly, Ms Savory (King Charles Estate Residents Association) said the RA had been fully involved in the process.

Agenda Item 6 – Other Matters

The Inspector asked the Council to confirm that it had complied with the relevant statutory and regulatory development plan processes including sustainability appraisal. In particular, he was keen to satisfy himself that the Council had met the requirements of the EU Directive on Strategic Environmental Assessment and had identified and considered all reasonable alternatives to policy and site allocations.

The Council confirmed that this was the case and was satisfied it had carried out the necessary work in accordance with statutory requirements. However, Mr Veasey (Nexus Planning), was concerned that this not the case in relation to changes made to allocations at

Crossways the SA/SEA process had not taken reasonable alternative site allocations into account.

Options open to the Inspector and next steps

The Inspector said he would provide a short paper summarising the matters discussed at the EM to be followed as soon as possible by his conclusions on moving the examination process forward. In doing so he would take into account the views expressed at the EM as well as the previous responses by the Council. He then outlined the possible options open to him:

1. Continue to progress to Examination, if necessary asking the Councils to undertake any further work he thought was necessary but which could be carried out before the hearings commenced;
2. Suspend the examination process for a period of up to six months should he consider that a more comprehensive review of key areas of evidence is necessary;
3. Recommend that the Councils withdraw the Plan because it is fundamentally flawed and continuing the process would lead to a finding of unsoundness.

The Inspector thanked everyone for attending and closed the meeting at 13:15hrs.

Paul Crysell
Inspector
24/1/14



**List of attendees of behalf of West Dorset District Council and
Weymouth & Portland Borough Council**

Exploratory Meeting – 22nd January 2014

David Evans, Environment Director – PhD, DipTP, Dip UD, (dist). Dip Mgt, MRTPI, MCM

Hilary Jordan, Spatial and Community Policy Manager – BSc, MSc, MSc, MRTPI, Dip Mgt

Keith Woodhead, Consultant to Council – BSc, PhD, DipTP, MRTPI

Jo Witherden, Head of Spatial Policy and Implementation – BSc, DipTP, DipUD, MRTPI

Lara Atree, Solicitor

Sasha White QC, Barrister to the Councils for the Local Plan

APPENDIX B

My name is Dr. David Evans. I am a Chartered Town Planner with over 30 years experience and hold the post of Environment Director for both West Dorset District Council and Weymouth and Portland Borough Councils who are working in a shared services partnership. I would like to summarise the background to the plan and the overall position of the two Councils before my colleagues Hilary Jordan, Spatial and Community Policy Manager for the Partnership, Dr Keith Woodhead, our advisor on housing need and former Head of Planning at the South West Regional Assembly, and our Barrister Sasha White QC deal in more detail with the issues that you have identified in your letter to us.

We have carefully considered the six points you have raised in your letter of 10th December. Having reflected on these and taken expert advice, we are both surprised and disappointed that you have decided it necessary to hold an exploratory meeting as we believe these matters can all be properly resolved through the examination process.

Preparing a plan within the current legal and policy framework and in the context of Government's strong Localism agenda is no easy task. The Secretary of State Mr Pickles has made it very clear to local authorities that development is a matter for local decision and he has abolished Regional Spatial Strategies. Yet the replacement Duty to Cooperate and NPPF policy does not work well. Planning is not a technocratic exercise – it is both an art and a science - set firmly in a political context. A degree of pragmatism is therefore essential if local plans are to be put in place across the Country.

But despite these difficulties members and officers have put considerable resources and effort into plan preparation as they see real value in the plan led system and are committed to delivering the growth needed in the area.

From the very beginning we set out to fully take on board the duty to co-operate. We recognised that the biggest issue we would face concerned the future expansion of Weymouth. This is the largest town in Dorset but is tightly constrained within its administrative boundary. The main areas for expansion lie in the adjoining administrative area of West Dorset. Historically the two authorities have been at loggerheads over development issues and this is well documented in previous local plan inquiry reports. The pioneering shared services partnership between the two Councils which commenced in 2011 provided the ideal opportunity for both Councils to take the bold step of preparing a joint plan that crosses the administrative boundary and tackles the most contentious issue of how and where to meet the needs for homes and jobs. Members of both Councils responded well to this challenge although piloting the joint plan through two sovereign councils has been a challenging task. But we have achieved this and have even allocated a major development site which lies astride the administrative boundary at Littlemoor. What better example could there be of two local authorities taking the Duty to Cooperate so seriously as to prepare a Joint Plan covering the whole of a Housing Market Area? We have worked closely with our other neighbouring authorities too. We recognised that the future expansion of Yeovil in adjoining South Somerset was the second most important cross boundary issue. There is a long history of close cooperation between the two Councils on cross boundary issues including our participation in the development and evaluation of options for the expansion of the Yeovil. And similarly we have worked with the other neighbouring authorities.

On the matter of the objective assessment of housing need, we have sought to use the most up to date and relevant information. The draft National Planning Policy Guidance referred specifically to the 2011 based Interim Household Housing numbers which are the basis now used in the Local Plan and we have assessed likely trends post 2021. These figures have been rigorously tested in the work of Dr Woodhead and published in the Review of Future Housing Requirements dated April 2013.

APPENDIX B (cont)

We have also given consideration to the need for affordable housing in the area. The DCLG methodology is completely different from that used for identifying general market demand and the results cannot be compared. As you will see from our response to you, the option of allowing land for development of sufficient total housing to supply the required amount of affordable housing is neither feasible or deliverable - it would require nearly 5,000 dwellings to be constructed per annum!

No other authority in the area has met or been required to meet this level of development. Development to go towards meeting these needs is almost entirely dependent on the market and on the very limited government grant that is available. The plan has to be driven by the realities of the market if it is to be deliverable, as has been accepted in all the surrounding areas that have had plans adopted or progressed through local plan examinations.

We are also disappointed that you appear to regard the council's decisions to respond to the results of public consultation by changing some of the allocations as a flaw in our plan making process. As you will hear this morning we have put considerable effort into engagement with the local community through a whole series of meetings before we started drafting the plan and subsequently at each stage in plan preparation.

There is little point in consultation if we fail to consider the comments raised and then where appropriate make changes to the plan. In my view plan preparation should be an iterative process and I would expect members to make changes to reflect the views of the local community. But I do not accept that the changes that the Councils have made following pre submission consultation have fundamentally changed the strategy of the plan set out in policy SUS 2.

You have raised some other issues in your letter but we believe that these can properly be dealt with through the examination process.

Finally I have reflected on the matters you have raised and asked myself this simple question – what more should we have done? Even with the benefit of hindsight, I have concluded that we have done everything that we should. We have recognised that the major cross boundary issue concerned the expansion of Weymouth into West Dorset and the two Councils have taken the bold decision to prepare a joint plan which covers the whole of the Housing Market Area. And we have worked closely with our adjoining Councils on other cross boundary issues. We have met the requirement in NPPF to meet the objectively determined housing needs for the whole Housing Market Area and have allocated land for housing development in excess of 15 years across that area. We have fully involved the local community in plan preparation and members have responded to the comments received. In short we have met the necessary legal and policy requirements.

The biggest danger that the area now faces is from a delay in plan adoption leading not only to a delay in the delivery of the growth that we propose, but opening the possibility of “planning by appeal”. There are bound to be parties whose land is not allocated in the plan in whose interest it is to derail the local plan process. We therefore urge you to recognise the benefits that progressing our plan through examination to adoption will have and the very serious implications of any other course of action. We therefore ask you to please confirm as soon as possible that you consider that the necessary legal requirements to commence the examination have been met.

David Evans
20th January 2014