

Purbeck District Council: Core Strategy Examination in Public

Submission on behalf of ZBV (Winfrith) Ltd

Reference: 4953

Further Consultation on Purbeck District Council's Statement on the implications to the Core Strategy of the publication of the National Planning Policy Framework (NPPF)

Introduction

- 1.1 The Inspector will be aware that ZBV (Winfrith) Ltd has already made a number of submissions (both in writing and at the recent Examination in Public – EiP) on the general compliance of Purbeck's Core Strategy with the planning policy framework set out by the recently published National Planning Policy Framework (NPPF).
- 1.2 Those submissions highlighted our genuine concern that the Submission version of the Core Strategy was inconsistent with a number of the NPPF policy requirements, particularly in relation to promoting/delivering sustainable development, promoting economic growth and meeting housing needs. Furthermore, we also drew attention to areas/policies where the Core Strategy had failed to properly address the objectives for 'Plan-making' (paragraphs 150-182 of the NPPF), particularly in terms of planning positively to meet identified demands, and ensuring that policies are based on 'adequate, up-to-date and relevant evidence'.
- 1.3 Both during the EiP Hearing Sessions and within the Council's NPPF Statement, reference has been made to the need to amend the Core Strategy to reflect the requirements of the NPPF – particularly in terms of introducing the presumption in favour of sustainable development. In general, these changes are welcomed. However, ZBV Ltd is of the view that the Council's proposed modifications are no more than a 'light touch' and do not go far enough in

addressing the Core Planning Policy objectives. As a result, we remain concerned that the Core Strategy (including the proposed modifications) is inconsistent with the NPPF and cannot therefore be considered to be sound. We set our reasoning below within the following sections of this statement.

- 1.4 ZBV Ltd would also draw it to the Inspector’s attention that further discussions have taken place with Natural England (NE) in relation to the on-site mitigation measures required to support a mixed employment and residential development at the Dorset Green Technology Park (DGTP). Those discussions have identified a potential option for reducing the scale and phasing the residential development to enable a sizeable on-site SANGS to be delivered which has the potential to meet NE’s requirements. Discussions are continuing between ZBV Ltd, NE and the Council with a view to agreeing a suitable package of mitigation measures.
- 1.5 As set out in our evidence at the EIP, the provision of a mixed-use development at the DGTP site has significant potential to deliver substantial economic growth and increase housing (including affordable housing) supply – thereby making a significant contribution towards addressing the Borough’s needs. Added to this, the proposed mixed use approach, proximity to public transport and the inclusion on-site of a renewable energy plant, provides the opportunity to achieve a highly sustainable (zero carbon) development, which will accord with a number of the objectives set out within the NPPF. Further details on the proposed approach (alongside a joint statement with Natural England) will be forwarded to the inspector in due course.

Presumption in favour of sustainable development

- 1.6 As we note above, we welcome the insertion of the Government’s model policy setting out the presumption in favour of sustainable development. However, it is important that the Core Strategy also acknowledges that this presumption “should be seen as a golden thread running through both plan-making and decision-taking” (paragraph 14). Consequently, this presumption should not only be the starting point for the formulation of the development

plan, but also the starting point for the formulation of each and every policy within the Core Strategy.

1.7 From the evidence heard at the EiP and the approach set out within the Council’s statement, we remain concerned that the Core Strategy (even following the insertion of the model policy) will still fail to promote/support sustainable development. To summarise:

- the NPPF is clear that there are three dimensions to sustainable development, namely: economic, social and environmental. These 3 elements should not be seen in isolation, rather they are mutually dependent. The NPPF states that “economic, social and environmental gains should be sought jointly and simultaneously through the planning system” (paragraph 8). However, the Core Strategy, as currently drafted, does not present a combined approach to these key issues and certain key policy elements are absent. For instance, the Council is yet to prepare an economic vision and strategy to guide economic growth and investment (rather this is left to ‘subsequent plans’ – to be prepared at some-point in the future). As a result, the Core Strategy cannot successfully seek to co-ordinate housing growth along-side economic growth (a core objective of the NPPF). Added to this, the Council’s own evidence base suggests that there is potential to accommodate additional housing growth within the Borough without detrimental impact upon the unique Purbeck environment, but these opportunities have not been thoroughly investigated (and the Council is proposing to leave further investigation to a later review). As such, it is unclear how the Council will deliver meaningful sustainable development both now and in the future;
- within our previous submissions, we drew reference to the GoSW letter (of Nov 2009) which stated that ‘balancing homes, jobs and access to services’ was not only a key spatial driver in the emerging RSS, but also a fundamental sustainable development principle (and continue to be at the heart of the NPPF). GoSW therefore urged the Council to consider identifying Purbeck’s two strategic employment locations (at DGTP and

Holton Heath) as ‘fix points’ around which housing distribution should be explored. However, no evidence was offered by the Council at the EiP to confirm why these recommendations have not been investigated further or carried forward into the plan. Indeed, Policy LD as currently drafted, purposely excludes both employment locations from the settlement hierarchy (thereby removing both from preferred locations for new development) and instead identifies the sites as ‘exception sites’ within the Countryside (under Policy CO). Again, this key sustainable development objective is absent from the Core Strategy;

- the Council’s Statement asserts (in paragraph 2.1.1) that they have objectively assessed the opportunity/implications for achieving a higher housing target for Purbeck (more in-line with predicted housing need), whilst avoiding any adverse impacts upon European protected sites. Nevertheless, as noted above, the Council’s own assessment work (within the report entitled: ‘Implications of Additional Growth Scenarios for European Protected Sites’ - Sept 2010) cautiously suggested that up to 1,000 new homes could be accommodated in and around Wool. This opportunity was not taken forward or investigated further, despite active interest from a number of landowners/developers.

1.8 Officers appearing at the EiP indicated that the additional work required to properly investigate additional growth/capacity options would have delayed the preparation of the Core Strategy (due to resourcing issues) and could, in turn, lead to an increased risk of ‘planning by appeal’. However, we are not aware (and nor was any evidence presented by the Council at the EiP) of any increase or high number of planning appeals having been submitted within Purbeck, either due to the historic absence of an adopted local plan or during the time already taken to formulate the current Core Strategy.

1.9 As a result, it remains ZBV Ltd’s view that the Council’s proposed modifications (particularly relating to the delivery of sustainable development – as set out in the NPPF) remain nothing more than a ‘light touch’ and demonstrably fail to tackle the more fundamental sustainability issues in terms of delivering economic development/growth and investigating opportunities for additional housing capacity (and linking housing growth to economic growth). It

remains our view that the Core Strategy cannot be considered sound and consistent with the NPPF until this additional work is completed. Furthermore, it is apparent that the Council did have sufficient time (during the preparation of the Core Strategy) to respond both to the initial advice/recommendations from GoSW and their own Sept 2010 report.

Core Planning Principles

- 1.10 Paragraph 17 of the NPPF sets out the twelve core land-use planning principles which should underpin both plan-making and decision-taking. It is noted that the Council's statement does not make reference to these principles or how they have (or will be) incorporated into future Policy. Again, this appears to be a key omission from the Council's proposed response to the NPPF.
- 1.11 As set out in our earlier submissions, it continues to be our view that there are conflicts/inconsistencies between the Core Strategy and the identified core planning principles included within the NPPF – in short:
- the identification of the Borough's major strategic employment sites (Dorset Green Technology Park and Holton Heath) as falling outside the settlement hierarchy and within the Countryside (and thereby assessed under Policy CO) remains confused. Whilst Policy CO identifies both sites as 'exceptions' to the normal policy approach, the very inclusion of the employment sites within the countryside designation clearly implies a restrictive approach towards future development in these locations – which will create uncertainty for investors and funders (thereby failing the test of "predictability and efficiency");
 - as noted above, the Core Strategy (Policies LD, HS, ELS and CO) falls short of promoting "sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs";
 - the Council has not (through the evidence presented to-date) made "every effort" to objectively identify and then meet housing, business and other development needs of an area, and respond positively to wider

opportunities for growth (i.e. the Council has not acted on the recommendations of their study entitled 'Implications of Additional Growth Scenarios for European Protected Sites – Sept 2010', and the opportunity to deliver 1,000 new homes in and around Wool);

- in order to support the transition towards a low carbon future the Council should also be looking to focus new development close to existing/proposed renewable energy sources (which can provide district heat networks and green power to support new development);
- it would appear that the Council's approach towards site allocations/designations does not 'prefer land of lesser environmental quality' or 'previously developed brownfield land'. Rather, the Council is reliant upon green field sites located within the Green Belt to deliver housing growth (notwithstanding that brownfield sites – such as DGTP – are being promoted for redevelopment);
- there is no indication (within the modifications) that the Council will insert a policy presumption in favour of the 'effective use of land' by 'reusing land that has been previously developed (brownfield land)';
- the Core Strategy, as currently drafted, does not include a policy promoting mixed-use developments (a key strand in achieving sustainable development). Indeed, there is no evidence to suggest that the proposed distribution of housing (set out in Policy HS) relates to options/locations for economic and employment growth (or the existing/proposed employment locations within the Borough);
- the Council's 'Spatial Distribution of Development' policies do not, in ZBV's view, "actively manage growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". In particular, the failure of Policy SW to support/promote any new development in and around Wool (which exhibits a number of sustainability credentials – including main-line rail access) is considered to be a significant failing of the plan.

Section 1: Building a Strong, Competitive Economy

- 1.12 The NPPF states that “Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant policy weight should be placed on the need to support economic growth through the planning system” (paragraph 19). Paragraph 20 also advises local planning authorities to “plan proactively to meet the development needs of business and support an economy fit for the 21st century”.
- 1.13 The NPPF makes it clear (in paragraph 21) that Local Plans should “recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing”. To achieve this, paragraph 21 outlines a number of criteria which local planning authorities should take into account when drawing up local plans.
- 1.14 During the EiP the Council accepted that the Core Strategy (as drafted) does not contain and is not based on any current economic vision or strategy for the Borough (a critical requirement under paragraph 21 of the NPPF). It is also noted from the Council’s proposed modification that whilst details on the economic priorities for each spatial area will be added to the Core Strategy, the Council does not intend to prepare an economic strategy (a key requirement of paragraph 21 of the NPPF) until post the adoption of the Core Strategy (and probably not until after 2015 at earliest – given the ongoing work requirements indicated by the Council).
- 1.15 In the interim, the Council is proposing (through the modifications) to simply safe-guard existing employment sites (regardless of quality of space/accommodation, the availability of land to accommodate that growth and the demand for new floorspace within the Borough) and is only supporting a small-scale mixed-use scheme (incorporating new employment floorspace) at Lytchett Matravers. This approach appears to be nothing more than a ‘stop-gap’ measure for the next 3-5 years (and until the preparation of

subsequent plans), which is intended to do nothing more than maintain the status quo rather than actively promoting economic growth.

- 1.16 The NPPF places significant weight upon securing economic growth in order to create jobs and prosperity (paragraph 18). However, it is entirely unclear how the Council can deliver meaningful and sustainable economic growth without an agreed economic strategy in place (prior to adoption of the Core Strategy), prioritising areas and locations for economic growth and having completed a thorough review of the quality and availability of land within the Borough's existing employment land supply. Furthermore, it is unclear how the Council can robustly identify economic priorities for the spatial areas in the absence of an overarching economic strategy for the Borough.
- 1.17 Without this key work, we do not consider the Core Strategy to be consistent with the requirements of the NPPF, in that:
- without a Borough-wide economic strategy actively guiding new employment growth/development to certain areas/locations we cannot see how the Council can positively and proactively encourage sustainable economic growth;
 - there is no evidence that the Council has sought to link economic growth with housing growth – a core objective in achieving sustainable development. Indeed, it remains entirely unclear as to what extent the opportunity to accommodate employment growth in conjunction with housing growth has been explored and assessed through the preparation of the Core Strategy. As a result, the strategic housing sites identified within the Core Strategy do not appear to be well related or well linked to existing and proposed employment opportunities.
 - as currently drafted, the Core Strategy policies fail to:
 - identify those sites for local inward investment to meet anticipated need over the plan period;
 - support existing business sectors – by identifying and planning for new and emerging sectors likely to locate in an area;

- plan positively for the location, promotion and expansion of clusters and networks of knowledge driven, creative or high technology industries;
- identify priority areas for economic regeneration, infrastructure improvement and environmental enhancement.

1.18 ZBV Ltd raised concern during the course of the formulation of the Core Strategy (and during the EiP) over the lack of policy direction and support for the regeneration of the Dorset Green Technology Park (DGTP). The significant re-drafting of Policy ELS during the consultation process (and the deletion and subsequent re-inserting of reference to the existing strategic employment sites within Policy) has created uncertainty and highlights the absence of a credible economic strategy to underpin the Council’s policy approach.

1.19 Added to this, ZBV Ltd have (within their previous representations) outlined their concerns over the medium to long-term future of the DGTP site, unless a pro-active approach towards regeneration and attracting new investment is found. The delay in formulating an economic strategy and the proposed ‘interim approach’ towards safe-guarding of the existing employment land, will prejudice the opportunity for generating new investment and securing regeneration. Indeed, as set out in our previous submissions, the Council’s proposed approach is very likely to result in the stagnation and decline of the DGTP site (the Borough’s largest strategic employment site) in the medium term, increasing the risk that firms and employment opportunities will relocate and move away from Purbeck.

1.20 Similarly, we also find it surprising that the Council is apparently supporting an alternative employment/residential development at Crossways (in West Dorset), rather than seeking to support investment and the regeneration of their existing strategic employment sites within Purbeck. It is evident that the Crossways site is not as well located (from a sustainability view-point), does not benefit from an established base of high tech knowledge driven firms, and does not present as many opportunities (i.e. for utilising on-site renewable energy production) when compared to the DGTP site.

- 1.21 As a result, ZBV Ltd are of the view that the Core Strategy cannot be considered to appropriately meet the requirements of the NPPF until such time that the Council has prepared a robust economic strategy and addressed those criteria set out in paragraph 21.

Section 4: promoting sustainable transport

- 1.22 We note (within paragraph 2.5.1 of the Council’s statement) that the intention is to improve public transport (through the Purbeck Transport Strategy - PTS) to “link housing and employment growth” and thereby “improve the self sufficiency of towns and key service villages and help reduce gas emissions”. However, as noted in our representations above, this policy aspiration is entirely absent from the Core Strategy. Indeed, little opportunity has been taken to link housing growth with economic growth in order to improve self sufficiency. Furthermore, no evidence has been presented by the Council to suggest that any transport initiatives are currently under consideration which will demonstrably improve this position.

Delivering a wide choice of high quality homes

- 1.23 The NPPF is clear (in paragraph 47) that local planning authorities should seek “to boost significantly the supply of housing”. To achieve this, the NPPF identifies a number of criteria which local planning authorities are required to meet to achieve this goal.
- 1.24 ZBV Ltd continues to be concerned that the Core Strategy (even with the proposed modifications) fails to meet this key requirement – we summarise our concerns below:
- due to the environmental constraints to new development within Purbeck, the Council has adopted a capacity (rather than demand) based approach towards setting their housing target. The Council acknowledge that the proposed target is significantly below the

Government's own housing growth projections, which identified a need for 4,000 dwellings within Purbeck;

- the NPPF requires local planning authorities to use their evidence base to “ensure that their local plan meets the full, objectively assessed needs for market and affordable housing”. It is therefore incumbent upon Purbeck to demonstrate that they have reasonably and robustly investigated every opportunity to ensure housing capacity/supply meets the identified housing need;
- however, the Council's own assessment work (entitled: '*Implications of Additional Growth Scenarios for European Protected Sites*'- Sept 2010) made it clear that an opportunity exists to potentially accommodate up to 1,000 new homes in and around Wool (subject to mitigation). Nevertheless, the Council did not investigate this opportunity any further (notwithstanding that it could have delivered a significant quantum of new housing (including affordable housing) which would have enabled Purbeck to get closer to meeting the identified housing);
- indeed, during the EiP (and in response to the representations submitted) the Council accepted that in order to address the requirements of the NPPF, an 'interim review' would be undertaken following the adoption of the Core Strategy to assess opportunities for accommodating additional housing growth. The Council indicated that this assessment work would not take place until 2015 at the earliest (due to existing work commitments). However, the proposed modifications provide little clarification on the scope of this review, the level of housing growth to be considered and those locations to be investigated;
- from the evidence heard at the EiP, it is clear that there is further capacity for housing growth within Purbeck which has not been included within the Core Strategy (as currently drafted) and is not reflected in the proposed housing target (this is also acknowledged by the Council). No evidence was submitted by the Council at the EiP to indicate any credible planning reasons for the failure to investigate the opportunity for accommodating this additional capacity (particularly around Wool) during the formulation of the Core Strategy (rather it was suggested that this was due to a lack

of resources). As a result, the Core Strategy cannot be considered to be consistent with the requirements of paragraph 21 of the NPPF;

- on this basis, it must also be concluded that the proposed Core Strategy housing target (including the 5 year target) significantly underestimates potential housing capacity in Purbeck (as well falling well short of predicted housing need). Consequently, the Core Strategy will not ‘boost significantly the supply of housing’, thereby meaning housing needs will not be met, which will impact upon affordability and the delivery of conventional affordable housing;

1.25 The Council’s suggested modifications are not therefore considered to go far enough in meeting the requirements of the NPPF (in relation to delivering a wide choice of high quality homes). Rather, the Council should, in ZBV Ltd’s view, complete this further review into capacity for additional housing growth prior to the adoption of the Core Strategy (note: this would be consistent with the decision recently taken in reference to the Wigan Core Strategy – where a delay was recommended to allow further investigations into achieving a deliverable housing supply). Furthermore (and in line with the recommendations of the 2010 Report), this review should focus on Wool and the surrounding area (including at DGTP).

1.26 In addition to the above, we also note (within paragraph 2.7.1 of the Council’s statement) that the Council suggests that there has not been a need to include windfall sites within the first 10 years of the plan period. The NPPF defines windfall sites as “sites which have not been specifically identified as available within the Local plan process”. As discussed at the recent EiP, a significant proportion of the Council’s housing supply (outlined in Policy HS) is made-up from Character Area Potential (CAC). From the Council’s submissions at the EiP, it would seem that CAC is, in fact, an estimation of potential wind fall sites which may come forward (but with no certainty). Indeed, it would also appear from the submissions of the Council (at EiP) that a high proportion of the CAC may also be made up of back garden developments (which are now excluded from the definition of previously developed land – and, as such, now represent a more challenging prospect from a planning view-point). Consequently, we continue to be of the view

that the Council is wholly dependent upon windfall sites within the first 10 years of the plan.

Section 7: Requiring good design

- 1.27 Policy D (of the Core Strategy) does not, in ZBV Ltd's view go far enough in reflecting the requirements of Section 7 of the NPPF – which states that planning policies should ensure that developments: function well and add to the quality of the area; establish a strong sense of place; optimise the potential of sites to accommodate development (including creating and sustaining an appropriate mix of uses, support facilities and transport networks); respond to local character and history, whilst not preventing or discouraging appropriate innovation; create safe and accessible environments; and are visually attractive as a result of good architecture.
- 1.28 Added to this, paragraph 63 makes it clear that in determining applications, "great weight should be given to outstanding or innovative design". Again, this requirement should be reflected in Policy D;

Section 10: Meeting the challenge of climate change and flooding and coastal change

- 1.29 Whilst the Council's proposed modifications in relation to supporting energy efficiency measures in existing buildings are noted, it remains ZBV Ltd's view that Policy REN requires further re-drafting to reflect the requirements of paragraph 97 of the NPPF. In particular, Policy REN should: be based on a positive strategy to promote energy from renewable/low carbon sources (note: this appears to be absent at present); identify suitable areas for renewable and low carbon energy sources; and identify opportunities where development can draw its supply from de-centralised, renewable or low carbon energy supply systems. In particular, Policy REN should support the opportunity to locate new development around the consented low carbon energy facility at the DGTP site.

Section 11: Conserving and enhancing the natural environment

- 1.30 The importance of the natural environment in Purbeck is noted. However, in ZBV Ltd's view, paragraph 113 of the NPPF sets out a pragmatic and sensible approach for assessing proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas. It is unclear why the Council does not intend to adopt this requirement. In particular, paragraph 113 makes it clear that protection should be commensurate with the status (of the designated site) and that appropriate weight should be given to their importance and contribution made to wider ecological networks. It is important that Policy BIO recognise this requirement and adopt a hierarchical and balanced approach to new development in this regard. We would therefore urge the Council to adopt this approach within their proposed modifications.

Plan Making

- 1.31 The Council states (in paragraph 2.15.2 of their Statement) that they do not consider it possible, at this stage, to amend the Core Strategy to include all of the additional requirements set out in the NPPF. However, paragraph 151 of the NPPF makes it clear that "Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development". We have highlighted a number of incidences within our submissions above where the Core Strategy is not consistent with the critical objectives of the NPPF.
- 1.32 Furthermore, Annex 1 to the NPPF states that the "policies in this Framework apply from the day of publication" (paragraph 208) and that "the Framework must also be taken into account in the preparation of plans" (paragraph 212). The NPPF goes on to state that "Plans may, therefore, need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan" (paragraph 213).

- 1.33 The Purbeck Core Strategy (by the Council's own admission) is reliant upon the completion of an interim review, along with the preparation of a number of subsequent plans (including the preparation of an economic strategy) to meet the requirements of the NPPF. It is our view that this work should (and could) have been completed prior to the submission of the Core Strategy. Furthermore, the Council's aspiration to commence the majority of this additional work in c.2015 will mean that the Core Strategy will not be consistent with the NPPF for a further 3 years (at a minimum). This will not only lead to a period of confusion, but will also expose the Council's planning decision to a greater risk of appeal and legal challenge.
- 1.34 We have also highlighted above where the Council has failed to properly respond to their own evidence base that notes that further housing growth could reasonably be accommodated within the Borough without detrimentally impacting upon the European protected sites. Again, this considered to conflict with the requirements of the NPPF.
- 1.35 Furthermore, we find it perverse that the Council is supportive of an alternative employment/residential development at Crossways in West Dorset (as noted in paragraph 2.15.4 of their Statement) in order to help meet Purbeck's housing needs, rather than seeking to support investment in and the regeneration of their existing strategic employment sites within Purbeck (particularly where there is also the opportunity for housing growth – i.e. at DGTP). It is evident that the Crossways site is not as well located (from a sustainability view-point), does not benefit from an established base of high tech knowledge driven firms, and does not it present as many opportunities (i.e. for linking housing growth to employment growth, utilising on-site renewable energy production etc) when compared to the DGTP site.
- 1.36 Similarly, it is noted (in paragraph 2.17.1 of the Council's statement) that the Council is also relying upon the over provision of housing within the Bournemouth/Poole conurbation to help meet Purbeck's own housing needs. As per the representations submitted at the EiP, the NPPF is clear that local planning authorities should objectively assess their own housing and employment needs and look to meet these needs within their own area.

Added to this, Purbeck cannot be certain that the suggested ‘over provision’ will occur or indeed would be suitably located to meet the Purbeck’s needs.

- 1.37 In view of the above, we would urge the Council to consider (and support) the preparation of Masterplans/development Briefs (which could be adopted as Supplementary Planning Documents) to aid bringing forward new larger scale development sites (particularly where these sites could support additional housing growth). The production of SPDs can be funded, in part or in whole, by developers/landowners and can relieve financial and resourcing pressures upon the local planning authority. We are currently utilising this approach (in partnership with Dacorum, Merton and Isle of Wight Councils) to deliver key development sites. The production of these SPDs is carried out in accordance with legislative requirements (in terms of public consultation) and will be subject to scrutiny by the Council prior to adoption. Accordingly, we would recommend that the Council recognises the opportunity to utilise SPDs to bring forward a detailed policy framework for those development sites which may come forward outside the normal plan review period.
- 1.38 To conclude, ZBV do not believe that there is any “quick fix” to bring the Purbeck Core Strategy into line with the requirements of the NPPF. Rather, it is ZBV’s view that further assessment work/evidence testing is required, alongside a fundamental review of the proposed policy approach. On this basis, we still remain concerned that Core Strategy (with the proposed modifications) is inconsistent with the requirements of the NPPF and therefore unsound.