

# **Memorandum of understanding between:**

- **Dorset Council;**
- **Wyatt Homes; and**
- **Natural England.**

This memorandum relates to housing sites around Upton referred to in the Purbeck Local Plan (2018 – 2034) and supporting evidence.

**June 2019**

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### Introduction

1. This statement has been jointly prepared by Wyatt Homes and Dorset Council (here after referred to as 'the parties') in preparation for the examination of the Purbeck Local Plan (submitted for examination on 28<sup>th</sup> January 2019). Where relevant, and as specified in the appropriate places in this statement, Natural England have also confirmed that they agree to the statements presented in the memorandum.
2. The Council's strategy for addressing housing needs in Purbeck includes policy allocations for a total of 90 homes on one site at Upton. The memorandum is structured around headings relating to some of the key planning considerations for the housing policy allocation at Upton and adjacent land which Wyatt Homes has made available for development as a new school or residential care home (Class C2).
3. This memorandum has been prepared in the context of the emerging Purbeck Local Plan (2018-2034), and takes into consideration, the housing site evaluation process that the Purbeck District Council used for selecting its preferred development strategy to meet local housing need. As part of this evaluation Purbeck District Council took account of the characteristics of each site, other relevant information, responses to earlier consultations, supporting evidence prepared by Wyatt Homes and key planning considerations (including legislation and planning policies relating to habitats, green belt, flood risk, heritage assets, irreplaceable habitats, access, landscaping, layout and scale).
4. This memorandum summarises the key planning matters that the parties agree/disagree for the housing policy allocation at Upton and key supporting evidence. The Council recommends that the memorandum should be read in conjunction with the site assessments in the Strategic Housing Land Availability Assessment (SHLAA)<sup>1</sup>.

### Matters that the Council and Wyatt Homes agree

5. Both parties agree that the housing site around Upton identified in the Purbeck Local Plan (2018-2034):
  - is available now;
  - is a suitable location for new homes; and
  - that new homes will start to be delivered on the site within 5 years of the start of the plan period.

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<sup>1</sup> The relevant SHLAA assessment reference for Upton is: SHLAA/0039.

## Description of site and indicative site layouts

6. This section of the memorandum includes a description of the housing site at Upton referred to in the housing allocation policy H7 of the Purbeck Local Plan and indicative layouts prepared by Wyatt Homes which illustrate how the site could be developed with homes.

### Upton

7. The site outline forms an irregular shape - its western side follows the edge of the A35 and its eastern side runs next to Watery Lane/an agricultural field boundary (on the opposite side of the lane). There is an established hedgerow running next to Watery Lane that includes a number of mature trees. A wooden acoustic fence has been erected along all of the western edge of the site with the A35 to mitigate the effects of traffic noise from the road on recently completed homes to the north (the homes were allocated as part of the Purbeck Local Plan Part 1(PLP)). There are no significant changes in ground levels across the site.

### Matters that the Council and Wyatt Homes disagree

8. The parties disagree over the size of the site at Upton. The Council considers that 90 homes could be delivered on a smaller parcel of land outlined in blue ink in Figure 1 and Wyatt Homes consider that 105 homes could be delivered on a larger site that includes development of part of the land outlined in red in Figure 1.
9. Notwithstanding the disagreement over the extent of the site, the parties also disagree that 90 homes should be seen as a 'maximum' level of delivery on the site outline in blue ink. Wyatt Homes consider that Policy H7 should refer to '*around 90 homes*'.

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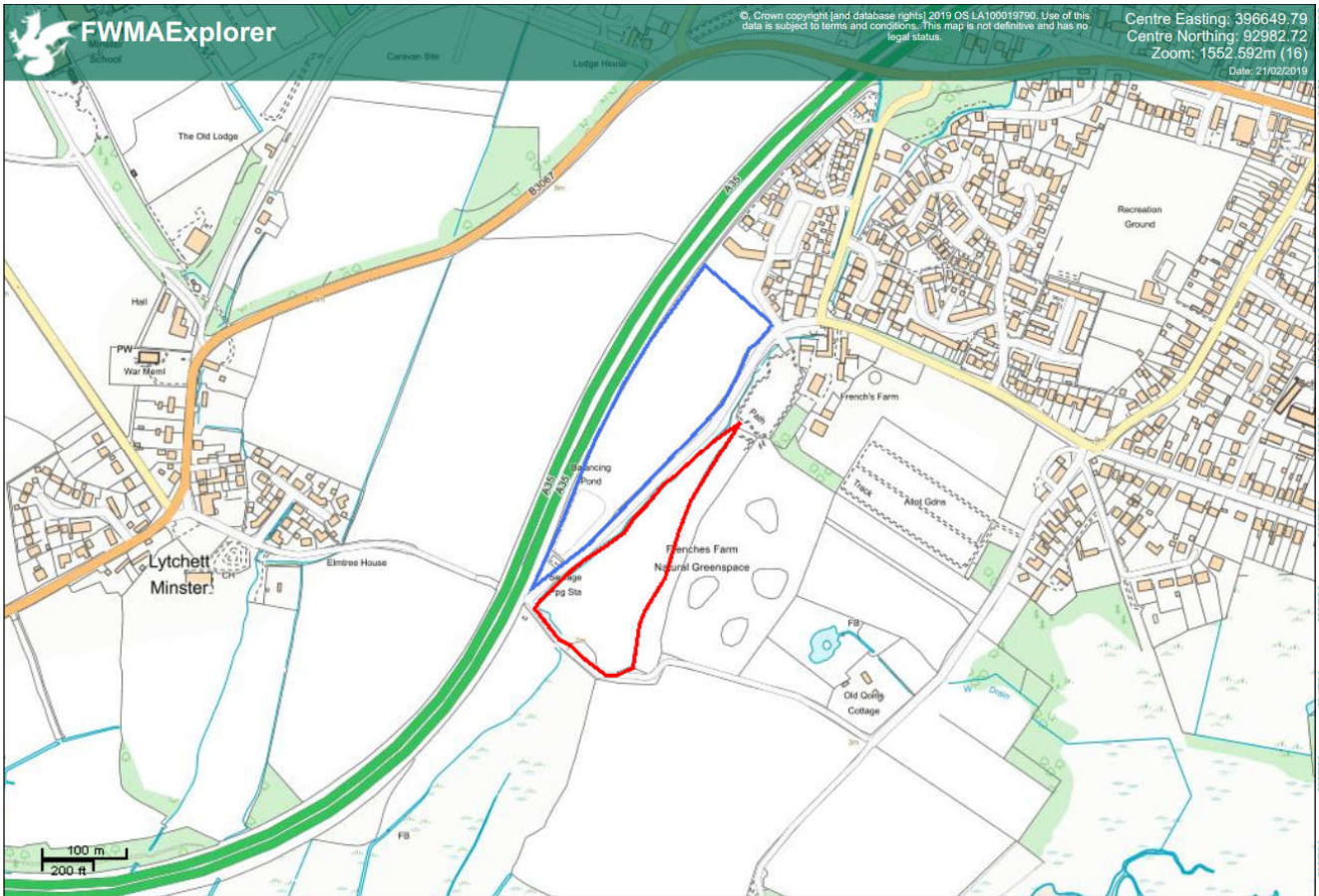


Figure 1: The land which the Council considers is suitable for 90 homes is outlined in blue ink and the additional land which Wyatt Homes considers is suitable to provide for a further 15 homes (making a combined total of 105 homes) is outlined in red ink.

10. The indicative layout that Wyatt Homes has prepared shows vehicular access from the adjoining housing estate to the north that has recently been completed by Wyatt Homes (allocated through the PLP 1 (2012)) which extends through the site, crossing Watery Lane to provide access to the eastern parcel.



Figure 2: Indicative layout prepared by Wyatt Homes showing possible vehicular access and layout for homes/roads at the housing site Upton.

11. Planning permission for 'Erection of 70 dwellings with associated open space, noise attenuation bund, accesses and onsite roads/footpaths; off-site transport improvements including footpath along Policemans Lane; creation of sustainable drainage system including new pond; and use of land for recreational purposes (Suitable Alternative Natural Green Space).' (Council reference 6/2014/0299) was allowed following a planning appeal (APP/B1225/W/15/3049345). The planning obligation (dated 14<sup>th</sup> October 2015) relating to this planning permission identifies the application site and land for a nearby Suitable Alternative Natural Green Spaces (SANGS) to address the developments effects on European sites.



Figure 4: SANGs (outlined in blue ink).





Figure 5: Map to show further land adjacent to SANGs which may be required to offset nitrogen emissions from new homes on the site allocated in the emerging Purbeck Local Plan.

## Proposed Site Policy in the Purbeck Local Plan

### Site policies relating to the land at Upton

#### Policy H3: New housing development requirements

Development proposals submitted for sites allocated in policies H4 to H8 must comply with all other relevant policies in the Purbeck Local Plan. The Council also expects all proposals for new housing development on allocated sites to:

- a. demonstrate a high quality of design in accordance with Policy E12;
- b. deliver affordable homes, a mix of different types of homes and accessible homes as required by Policies H9, H10 and H11;
- c. deliver appropriately designed suitable alternative natural greenspaces (SANGs) to avoid / mitigate the adverse effects from the new homes on European sites (in accordance with The Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document, 2016), provide details for phased implementation of development / access to the SANG and details of site access management and monitoring to demonstrate that adverse effects can be avoided / mitigated over the lifetime of the development;
- d. mitigate the effects of nitrogen from the new homes on Poole Harbour (in accordance with the Nitrogen Reduction in Poole Harbour Supplementary Planning Document, 2017);
- e. include details of suitable hard and soft landscaping schemes;
- f. provide suitably designed green space following the Fields in Trust 'Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England';
- g. include details of charging points for electrical vehicles and the infrastructure needed to achieve superfast broadband connectivity for the new homes;
- h. provide suitable points of vehicular and pedestrian access into the sites (including emergency vehicles and waste collection vehicles);
- i. include survey information that identifies important trees, and provide details for their retention and protection whilst construction work is taking place;
- j. provide financial contributions towards education in accordance with the Policy I1;
- k. include details of suitable foul and surface water drainage schemes;
- l. include opportunities to enhance biodiversity when considering the layout and design of open green spaces and the development's landscaping scheme; and
- m. include a transport statement or assessment so that likely impacts of development can be mitigated, if necessary, including a travel plan which encourages occupiers of new homes to make use of sustainable modes of transport.

If an applicant considers there are site specific considerations that mean they are unable to provide any of the above, the Council expects applicants to submit a financial viability appraisal with their planning application. The applicant will be expected to fund the independent verification of the submitted viability assessment by a person appointed by the Council.

Policy H7: Upton

Land at Upton, as shown on the policies map, will help to meet the District's housing needs by providing up to 90 new homes, community facilities and infrastructure. Subject to the requirements relating to all development on the sites allocated for new homes in this plan, housing development on the allocated site at Upton will be expected to:

- a. include details of mitigation measures to avoid the adverse effects of traffic noise from the adjoining A35 on the occupants of new homes; and
- b. provide financial contributions for local health infrastructure and education (as required by Policy I1).

If an applicant considers there are site specific considerations that mean they are unable to provide any of the above, the Council expects applicants to submit a financial viability appraisal with their planning application. The applicant will be expected to fund the independent verification of the submitted viability assessment by a person appointed by the Council.

## Modifications tabled for consideration by the Council which could affect the housing site at Upton (SD14)

### Policy H3: New housing development requirements

12. Amend policy H3 clause g to read:

- 'include details of ~~charging points for electrical vehicles and~~ the infrastructure needed to achieve superfast broadband connectivity ~~for the new homes~~ and, where possible, details of charging points for electrical vehicles;' (MM5)

### Preamble to Policy I4: Recreation, sport and open space paragraph 253

13. Amend paragraph so as to read:

'The Purbeck Built Sports Facilities Assessment (2017) showed that Purbeck has adequate but out-dated sports facilities; the Council will work in partnership with facility owners to identify opportunities to enhance and improve existing provision.

A rural Dorset wide playing pitch strategy is also in preparation and will be completed by July 2019. The playing pitch strategy will consider the quality and quantity of the current facilities and identify where there is a current shortfall in provision. The requirement for local play and other open space facilities will be considered on a site by site basis. Where there is an identified shortfall, and having regard to the multi-functionality of open/green space, developments will be expected to meet the Fields in Trust standards currently set out within guidance for outdoor sport and play beyond the six acre standard, October 2015.' (MM18)

### Policy I4: Recreation sport and open space

14. Amend the policy to read:

'New facilities

Residential development will be required to make provision for formal and informal recreation, sport and/or open space facilities on-site ~~to achieve the identified~~ following Fields in Trust benchmark guidelines.' (MM17)

### Matters that the Council and Wyatt Homes agree

15. The parties agree that the Inspector should be invited to consider whether the suggested modifications described in this memorandum are necessary to make the Purbeck Local Plan sound/legally compliant with legislation.

## Specific planning considerations

### Housing need/strategy

#### Matters that the Council and Wyatt Homes disagree

16. The parties disagree whether the Council has accurately assessed the number of new homes needed over the period of the Purbeck Local Plan between 2018 and 2034.

### Green belt

#### Matters that the Council and Wyatt Homes agree

17. The parties agree that the Council has demonstrated that it has fully examined alternatives for meeting the District's housing need before considering changes to green belt boundaries around Upton and that exceptional circumstances exist for changes to green belt boundaries on land outlined in blue ink at Policeman's Lane (as identified in Figure 1).

### Habitats and biodiversity

#### Matters that the Council and Wyatt Homes agree

18. Wyatt Homes have completed ecological surveys of the land being made available for homes at Policeman's Lane outlined in blue ink in Figure 1. Details of measures to avoid, mitigate, or where necessary compensate, for any harm to protected species or biodiversity on the site can be considered when planning applications are prepared. Wyatt Homes will explore opportunities to enhance biodiversity on the allocated housing and SANG site at Upton.
19. The parties, and Natural England, agree that the adverse effects from 90 new homes (on land outlined in blue ink in Figure 1) on Dorset Heathlands and Poole Harbour can be avoided/mitigated:
  - with an existing SANGs (as identified in Figure 4 outlined in blue ink);
  - by offsetting nitrogen emissions by taking land adjacent to the SANGs out of agricultural use (as identified in Figure 5); and
  - a contribution per dwelling in accordance with the Poole Harbour Recreation SPD.
20. Where there is a shortfall in nitrogen offsetting (identified when the planning application is being considered) the SPD mechanism may be used.

### Flood risk and drainage

#### Matters that the Council and Wyatt Homes agree

21. The allocated housing site (outlined in blue ink and identified in Figure 1) at Policeman's Lane is not at risk from fluvial flooding from main rivers. The Council's

## Memorandum of understanding between Purbeck District Council and Wyatt Homes

records indicate that small parts of the land are at moderate/high risk from surface water flooding. There are no reasonably available sites for the proposed development (on the site outlined in blue ink and identified in Figure 1) elsewhere around Upton that would be appropriate for 90 new homes and are at a lower risk from flooding.

22. The parties agree that a suitable drainage scheme for the allocated housing site (outlined in blue ink and identified in Figure 1) at Policeman's Lane must be prepared for a planning application.

## Noise

### Matters that the Council and Wyatt Homes agree

23. The parties agree that suitable noise mitigation measures (to address the effects from traffic noise generated from the Upton bypass) for the allocated housing site (outlined in blue ink and identified in Figure 1) at Policeman's Lane must be prepared for a planning application.

## Infrastructure

### Matters that the Council and Wyatt Homes agree

24. Wyatt Homes will provide financial contributions in accordance with the requirements of Policy I1 of the Purbeck Local Plan (2018-2034) for local health and education infrastructure.

## New school for Upton

25. Dorset Council does not consider that the site hatched in blue ink and labelled 15 in Figure 3, is needed as a school to support the allocations for new homes around Lytchett Matravers and Upton.



Figure 3: Hatched area (labelled 15) as a possible site for a school/care home/ employment uses, with SANGS (labelled 14) to the east as presented in the indicative layout prepared by Wyatt Homes.

## Viability

### Matters that the Council and Wyatt Homes disagree

26. The parties disagree on whether the Council’s economic viability assessments of the Purbeck Local Plan 2018-2034, and the allocated housing, have accurately considered relevant costs and values.

## Delivery

### Matters that the Council and Wyatt Homes agree

27. Both parties anticipate that new homes will be delivered on the allocated sites around Lytchett Matravers and Upton within the first five years of the Purbeck Local Plan at the numbers specified in the table below:

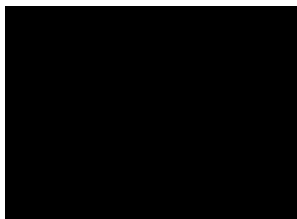
	2018/19	2019/20	2020/21	2021/22	2022/23
<b>Upton/Lytchett</b>					
<b>Matravers</b>		0	15	85	85

## Memorandum of understanding between Purbeck District Council and Wyatt Homes

### Signatories

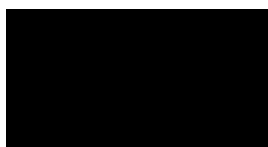
**Tim Hoskinson – Wyatt Homes**

**Nick Squirrell – Natural England**



**6 June 2019**

**Anna Lee – Dorset Council**



**7 June 2019**



## Steve Boyt

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**From:** Tim Hoskinson - Wyatt Homes <Tim.Hoskinson@wyatthomes.co.uk>  
**Sent:** 06 June 2019 16:43  
**To:** Steve Boyt; Squirrell, Nick (NE)  
**Cc:** Peter Home; Anna Lee  
**Subject:** Re: Memorandum of understanding

Dear Mr Boyt

Thank you for your email, I have reviewed the documents and can confirm that Wyatt Homes are prepared to sign up to both of the MOUs.

Yours sincerely

Tim Hoskinson



### Tim Hoskinson MRTPI

Planning Manager



#### Wyatt Homes

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**From:** Steve Boyt <[steve.boyt@dorsetcouncil.gov.uk](mailto:steve.boyt@dorsetcouncil.gov.uk)>  
**Date:** Thursday, 6 June 2019 at 15:45  
**To:** Tim Hoskinson <[tim.hoskinson@wyatthomes.co.uk](mailto:tim.hoskinson@wyatthomes.co.uk)>, "[Nick.Squirrell@naturalengland.org.uk](mailto:Nick.Squirrell@naturalengland.org.uk)" <[Nick.Squirrell@naturalengland.org.uk](mailto:Nick.Squirrell@naturalengland.org.uk)>  
**Cc:** Peter Home <[peter.home@turley.co.uk](mailto:peter.home@turley.co.uk)>, Anna Lee <[anna.lee@dorsetcouncil.gov.uk](mailto:anna.lee@dorsetcouncil.gov.uk)>  
**Subject:** Memorandum of understanding

Dear Mr Hoskinson and Mr Squirrell,  
Please find attached what I hope are final drafts of memorandums which relate to the sites which Dorset Council has allocated for homes in Lytchett Matravers and Upton in the Purbeck Local Plan (2018-2034). I should be pleased if you could both consider the drafts and formally confirm via e-mail whether you are prepared to sign the document.

The draft memorandum relating to Upton has been changed following the draft prepared by Mr Squirrell in respect to the matters agreed under the heading 'Habitats and biodiversity'.

(Specifically paragraphs 19 and 20). I would be grateful if you could both give these paragraphs particular consideration to ensure that all parties are clear on:

- the size of SANGs needed to address the adverse effects from the 90 new homes on Dorset Heathlands; and
- the land which needs to be ‘taken out’ of agricultural use in order to offset nitrogen emissions from the 90 new homes into Poole harbour.

I would be grateful if you could both attempt to respond by 17:00 today.

Yours sincerely

**Steve Boyt**  
**Planning Policy Officer**  
**Planning and Community Services**

**Dorset Council**

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