

WEST DORSET, WEYMOUTH & PORTLAND LOCAL PLAN

MATTER NO 1:

PROCEDURAL MATTERS AND LEGAL COMPLIANCE INCLUDING DUTY TO CO- OPERATE AND SUSTAINABILITY APPRAISAL

ON BEHALF OF PERSIMMON HOMES SOUTH COAST

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1. MATTER 1 – PROCEDURAL MATTERS AND LEGAL COMPLIANCE INCLUDING DUTY TO CO-OPERATE AND SUSTAINABILITY APPRAISAL

1.1 Have the Councils met the Duty to Co-operate or are there any outstanding issues?

1.1.1 Pegasus submitted representations on behalf of Persimmon Homes South Coast in summer 2012 and considered that whilst the plan has been jointly prepared by West Dorset District Council and Weymouth and Portland Borough Council; it was not clear what co-operation had taken place with Purbeck District Council in respect of the strategic allocation in the village of Crossways. In accordance with the NPPF paragraph 178 – 181 and the Localism Act Section 110 there is a duty to co-operate in relation to the planning of sustainable development. See rep form Section 1 Paragraph 1.2.19, July 2012.

1.1.2 Pegasus submitted representations to Policy SUS 1 The level of Economic and Housing Growth in September 2013. On behalf of Persimmon Homes and Grainger Plc, Pegasus prepared a detailed critique of the housing evidence which had been published to support the proposed housing requirement included in Policy SUS 1. A full detailed critique of the housing requirement was attached to the representations. Amongst the report's conclusions were

“It does not meet objectively assessed needs and demand in full and provides no justification in line with NPPF paragraph 14 for not doing so. No attempt has been made to meet unmet needs outside of the plan area through the duty to cooperate;...It assumes limited economic growth across the entire plan period and provides no flexibility in the event that this is not borne out in reality”

1.1.3 It is noted that the Inspector raised the issue in his note of 10th December 2013 and the Council responded on 17th January 2014 prior to the Exploratory meeting on 22nd January 2014. After the meeting the Inspector concluded (without prejudice) that the submitted version of the Plan potentially meets the legal requirements for the duty to co-operate. However, there remained the question of housing provision and the Council's assessment of Objectively Assessed Need (OAN).

1.1.4 In the latest Focussed Changes it is clear that rather than discuss how the OAN can be accommodated under the Duty to Co-operate, the Council chose to reduce the plan period from 2031 to 2028.

1.2 Has the Local Plan emerged from an open and transparent process that demonstrates how and why it was selected, in consultation with the public and other stakeholders?

- 1.2.1 Pegasus on behalf of Persimmon Homes South Coast and Grainger Plc on 18th July 2013 wrote to the Inspector expressing concern about the preparation of the submitted plan on 24th June 2013; as the submitted Plan was not the same Pre-Submission Plan that representations had been made on during the public consultation in June/July 2012. Major changes had been made to the plan which affected the housing requirement and trajectory; policies had been amended and deleted. These changes took place as the submission version of the Plan was considered by the West Dorset Council Policy Scrutiny Committee on 13th May 2013 and the West Dorset Executive on 14th May 2013. Additional Core Evidence which was not available in June/July 2012 was also published to seek to justify the new version of the plan.
- 1.2.2 Since then, the Council rectified the situation by arranging a consultation on the Modifications to the Proposed New Local Plan for West Dorset, Weymouth & Portland during 9th August and 25th October 2013. Pegasus submitted representations on behalf of Persimmon Homes South Coast.
- 1.2.3 It is considered that the process of preparing the Local Plan has at times not been open and transparent, particularly when further information is being prepared to support the strategy of the plan.
- 1.2.4 Once again earlier this year Pegasus expressed concerns about the preparation of the Plan since it was suspended in March 2014. Our concerns were procedural related to the availability of the new/revised evidence base (i.e. the work undertaken during the suspension of the Examination which has led to the changes agreed by both local planning authorities). It was a fundamental concern of our clients that once again the members of both councils were being advised of the changes which officers believe are required to satisfy concerns about the Plan, without being in receipt of the documentary evidence that underpinned the recommendation. The only evidence document that had been made available was the Additional Demographic Note Version 1 20th March 2014 which was first appended to the West Dorset Policy Scrutiny Committee on 9th June 2014.

1.2.5 The Committee report at para 17.3 referred to the Additional Demographic Note Version 1 20th March 2014 prepared by Peter Brett Associates (not yet finalised but made available on line). Para 17.4 also referred to the Sustainability Appraisal of the proposed changes to be published on line.

1.2.6 At the time the Local Plan website simply stated:

“The committee report recommends that amendments are made to the local plan. These amendments will be published for public consultation between July and September 2014. All the relevant evidence will be published when the reports are finalised, and before the consultation starts.”

1.2.7 We were aware that Peter Brett Associates was producing an update of the SHMA, and the councils were producing a SHLAA and SA, but none of this material was available for scrutiny by members to inform their decision making on the Proposed Changes. This is particularly important with regard to the changes to the housing land supply and the housing requirement.

1.2.8 The Planning Practice Guidance provides guidance on what evidence is needed to support the policies in a Local Plan: Paragraph: 014 Reference ID: 12-014-20140306

“The evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively...”

Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations.”

1.3 Is the work undertaken on Sustainability Appraisal comprehensive and compliant with legislative requirements?

1.3.1 Pegasus Group on behalf of Persimmon Homes as part of the North Dorchester Consortium raised concerns about the Sustainability Appraisal in our letter of 18th July 2013. Our objections at the time were in relation to the scoring of the same sites which have been different at different stages of the SA. To illustrate our point I attached the relevant pages from the SA documentation which clearly showed that candidate strategic sites in the Eastern area of the District had been scored differently at different stages.

1.3.2 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.

1.3.3 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 June SA stated 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.”

1.3.4 It is noted also that the implications of a reduced plan period are not tested by the SA.

1.3.5 In the most recent SA that accompanied the Further Proposed Changes in August 2014 there is a very significant omission in that the implications of a change of planned new jobs from 16,100 to 2,300 (FPC3) was not assessed.

1.3.6 Even though housing option D offers the highest increase in the housing supply of the options tested, there is uncertainty that the selection of the preferred housing option D will provide adequate workforce to develop a sustainable local economy and stimulate recovery. This suggests that higher growth options require testing (for example the outcome of the Chelmer model work by the North Dorchester Consortium, Grainger and Persimmon).

1.3.7 The final paragraph of page 7 of the July 2014 Sustainability Appraisal states that:

“a joint target provides greater flexibility in terms of providing the housing supply. Should the target be split between these two areas, some of the existing allocations in Weymouth & Portland would need to be removed and some

of the previously rejected allocations in West Dorset would need to be added to the Local Plan”.

1.3.8 This does suggest that the strategy that is being consulted upon is relying on Weymouth & Portland to meet West Dorset’s needs. However the implications of this strategy for each district have not been assessed in the SA.

1.3.9 The SA does not examine the alternatives of separate housing requirements for West Dorset and Weymouth and Portland – instead a single target is used. A joint target is not consistent with the need to monitor the housing land supply in each LPA in accordance with the NPPF.

1.3.10 The SA states (at the top of page 7 of the Addendum) that :

“It is essential that the Local Plan provides the allocation to meet the level of housing supply in order for it to be considered sound at the upcoming examination in public. If the highest housing supply figure was used and no further housing land allocations made, the plan period in policy SUS1 would need to be reduced from 20 years to 17 years. It is not considered a reasonable alternative to retain the plan period at 20 years without any new allocations being made, as the plan would not pass the test of soundness...” (my emphasis) (NB for supply read requirement).

1.3.11 The SA goes on to state on page 7 that:

“It is also not considered a reasonable option to reintroduce housing allocations that have been previously considered and rejected during the process of developing the Local Plan, in order to provide sufficient land for this level of housing over a 20 year period”.

1.3.12 However, the SA does not explain or justify this decision. The question arises if the Council did not consider these options what other options can be considered to meet housing needs? All reasonable alternatives should be considered.

1.3.13 The SA goes on to state that:

“Reducing the plan period to less than 17 years is not considered a reasonable alternative, as the intention is to retain as long a plan period as possible in order to provide a longer term vision for development, and provide reasonable certainty of future housing supply. (my emphasis yet this is an Option that is tested – i.e. Option D)

1.3.14 It is clear in the SA that the Council acknowledges that by reducing the plan period the plan is therefore not providing a reasonable level of certainty over future housing supply. This is particularly evident by the 3rd para on page 7 of the Addendum.

“Please note that reducing the plan period to any less than 14 years (i.e. ten years beyond the potential adoption date

of 2015) would be contrary to national policy as set out in the National Planning Policy Framework and Ministerial Statement of March 2014 and is therefore not considered a reasonable option.”

1.3.15 It can be concluded that the plan is not satisfying the requirements of national policy. It is clear from the evidence that the proposed provision fails to significantly boost housing land supply, the plan does not provide for 15 years post adoption and does not take into account the longer term requirements.

1.3.16 The SA is therefore flawed and fails to accord with national policy.

1.4 Is the plan period consistent with legislative/regulatory requirements?

1.4.1 Pegasus on behalf of Persimmon Homes South Coast consider that the plan period is not consistent with legislative and regulatory requirements.

1.4.2 This is not consistent with government guidance the Local Plan should “be drawn up over an appropriate timescale, preferably a 15 year time horizon, take account of longer term requirements and be kept up to date.”

1.4.3 Pegasus on behalf of Persimmon Homes objects to the shortening of the plan period from 2031 to 2028. This is unsound. The Council acknowledge in the “reason for change” that in order to meet the revised level of need across the original plan period to 2031 that it will be necessary to identify additional development sites and they propose that this will be achieved through the next review of the plan,

“so to allow sufficient time for further public consultation on the options, whilst at the same time avoiding further delay in bringing the currently proposed sites forward.”

1.4.4 An unsound plan cannot be made sound with the prospect of the housing need being met in a review particularly at this stage in the process when there is no commitment to a review.

“Accepting there is a deficiency in housing sites to begin with is difficult to equate to the concept of positive effective planning “ (Inspector’s letter para 2.2)

1.4.5 If adopted in 2015 the Local Plan would only have a life of 13 years.

1.4.6 The plan fails to address the strategic issues for West Dorset; there is a lack of strategic sites in the most sustainable location in the West Dorset District Council area i.e. at the county town of Dorchester. Instead the plan relies on existing commitments to meet needs for the plan period.

1.4.7 Recent examples of Examinations where the Inspector has considered that the plan period should be 15 years are set out in our response to the Further Proposed Changes (FPC4) 10th September 2014.

1.5 Has the Local Plan been prepared in accordance with all other statutory procedures and regulations?

- 1.5.1 The Inspector will be aware of the views expressed by Pegasus on behalf of Persimmon Homes and Grainger Plc (the North Dorchester Consortium) in the letter submitted in July 2013 and also in August 2014 where we expressed procedural concerns regarding the preparation of the Plan and the availability of evidence to support the plan.