

West Dorset, Weymouth and Portland Local Plan Examination

Hearing Statement

for

Matter 1: Procedural Matters and Legal Compliance including Duty to Cooperate and Sustainability Appraisal



Prepared by West Dorset District Council and
Weymouth & Portland Borough Council

November 2014

Matter 1: Procedural Matters and Legal Compliance including Duty to Cooperate and Sustainability Appraisal

Agenda Item 1.1: Have the Councils met the Duty to Cooperate or are there any outstanding issues?

- 1.1 The councils have taken the Duty to Cooperate very seriously and have sought to comply with statutory requirements throughout the preparation of the development plan.
- 1.2 The councils have taken a very positive approach to the duty to cooperate. First and foremost, in 2011 the two councils made the decision in to prepare a joint plan to address how and where to meet the needs for homes and jobs across the whole Housing Market Area (HMA). Central to this was tackling cross boundary development issues, in particular how to accommodate the expansion of Weymouth, the largest town in the plan area.
- 1.3 Throughout the plan preparation process there has been full and extensive cooperation with our neighbouring authorities – South Somerset , Purbeck and East Devon Councils, as evidenced by:
 - Over twenty five meetings with officers and Members on shared plan preparation matters
 - Mutual participation in each other’s stakeholder meetings and consultation events
 - Joint officer working on large development sites where there are potential impacts on both authorities
 - Shared preparation of evidence and monitoring systems , particularly across the Dorset authorities
 - Agreed Duty to Cooperate statements
- 1.4 Further details are set out in the Duty to Cooperate Statement (CD/CON12) and in the statement published prior to the Exploratory Meeting, 22nd January 2014.
- 1.5 The councils have also engaged constructively and actively with other public bodies in the area and given the unique environmental assets of the area, we have particularly strong and ongoing working relationships with English Heritage and Natural England. This is evidenced through the Statements of Common Ground which have been agreed prior to the examination hearings and demonstrates the councils’ proactive approach to working collaboratively with these bodies.
- 1.6 As requested by the Inspector at the Exploratory Meeting, the councils have undertaken a wholesale review of the housing requirements and housing land supply and this updated evidence confirms that the two authorities will be able to meet their needs wholly within the HMA. There is therefore no requirement for

the two councils to ask neighbouring authorities to meet needs in their area. The additional work on housing needs and housing supply has been discussed over the summer with the adjoining districts and with the county council. None of the authorities consider that the changes have any particular implications for their areas, and none are seeking to have any of their housing needs met in our plan area.

- 1.7 As stated at the Exploratory Meeting, the councils are willing to include a statement in the plan confirming the intention to work jointly with Purbeck District Council over any cross-boundary development issues in the Crossways and Moreton area relating to proposals in this plan or arising through the review of the Purbeck local plan. A further meeting took place with Purbeck District Council and Natural England on 27th October 2014 about potential options for development in the Moreton area and implications for provision of SANGS (Suitable Alternative Natural Green Space).
- 1.8 Further joint work has also taken place with East Devon District Council. East Devon has been reviewing its housing need and supply information over a similar timescale for its local plan examination process. This has provided the opportunity to coordinate Strategic Housing Land Availability Assessment (SHLAA) methodologies and enable a consistent approach to be taken to the assessment of development opportunities around all sides of Lyme Regis. Submission Plan Policy LYME2 was not intended to suggest that future development needs should necessarily be met in the adjoining district, but was included in the plan as a commitment to future joint working, and to recognise the benefit of both districts looking comprehensively at development opportunities around the town. Officers from both councils have now worked jointly on the assessment of the sites in both districts, as part of the SHLAA updates in both areas. A joint Duty to Cooperate Statement is being developed for submission to both examinations, and agreed further amendments to Policy LYME 2 will be submitted.

Agenda Item 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?

- 2.1 As set out in the statement published for the Exploratory Meeting (17th January 2013), the councils have been firmly committed to a thorough and meaningful public engagement process throughout the preparation of the Plan. The chronology of the consultation processes has been set out in that previous statement and will not be repeated here. But in summary, there was: an intensive and thorough consultation process in 2011 to inform the preparation of the draft plan; consultation on a full draft plan in 2012; consultation on developers' 'omission sites' in winter 2012; and three further consultations specifically on proposed changes to the plan, in January 2013, August 2013 and June 2014.

- 2.2 Summaries of the consultation responses have been published after all of these consultations. Other than the two post-consultations on changes (August 2013 and June 2014), when the responses and summaries were sent directly to the Inspector, the reasons for decisions were set out clearly in the officers' comments on the summarised consultation responses, and in accompanying committee reports. Where members did not accept officer recommendations the reasons were set out in the debate at the meetings and reflected in the committee minutes. The Sustainability Appraisal (CD/SA1-SA5) has been updated alongside each stage of plan preparation and also demonstrates the reasons for decisions.

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

- 3.1 The councils consider the Sustainability Appraisal to be fully legally compliant and in line with the Government's Planning Practice Guidance.
- 3.2 The councils recently commissioned an independent review of the Sustainability Appraisal, which concluded that it was *"largely in keeping with what may be expected as an assessment under the SEA regulations and SA good practice"*.
- 3.3 The review also resulted in some recommendations for the final Sustainability Appraisal report, which will accompany the Adopted Local Plan.
- 3.4 It is noted in the review report that the Sustainability Appraisal may not be easy to follow, partly due to the number of iterations of the Local Plan. It was suggested that it might be clearer to present the Sustainability Appraisal for each policy of the Submission Plan, rather than each stage of its preparation. This alternative format can be provided for the Inspector if requested.

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

- 4.1 The National Planning Policy Framework (NPPF) in paragraph 157 states that Local Plans should *"be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date"*. This makes clear that a 15-year timescale is a preference rather than a requirement. A subsequent ministerial statement (March 2014) has confirmed that as long as a plan has a 10-year timescale following adoption, it should not be found unsound on the basis of its time horizon. This Local Plan, as proposed to be amended, has a development land supply to 2028 across the whole plan area. Assuming a 2015 adoption date, this would provide a 13-year timescale, which is only 2 years short of the 15-year preference, and within the 10 year timeframe referred to in the recent ministerial letter.

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

- 5.1 The Submission Plan has been prepared in accordance with all other statutory procedures and regulations. The statutory consultation periods and advertising requirements have been complied with, as set out in the reports of all the consultation processes.
- 5.2 The consultation processes undertaken have been in accordance with the Statements of Community Involvement previously adopted by each of the two councils (CD/CON2 & CON3). A replacement Joint Statement of Community Involvement was adopted in 2014 (CD/CON19).
- 5.3 An Habitats Regulation Assessment has been undertaken, and an agreed Statement of Common Ground (SOCG/2) has been prepared with Natural England, confirming that this has met the statutory requirements.