

# West Dorset and Weymouth & Portland Local Plan Examination

## STATEMENT FOR MATTER 1

PROCEDURAL MATTERS AND LEGAL COMPLIANCE  
INCLUDING DUTY TO COOPERATE AND SUSTAINABILITY APPRAISAL

25th NOVEMBER 2014

FOR WOODSFORD FARMS  
(REPRESENTOR REF: ID933)

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## **1.1 Have the Councils met the Duty to Cooperate or are there any outstanding issues?**

- 1.1.1 The National Planning Policy Framework (“NPPF”) states in paragraph 179 that through the duty to cooperate joint working should enable local planning authorities to work together to meet development requirements, which cannot be wholly met within their own areas.
- 1.1.2 Paragraph 181 of the NPPF states that local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plan’s (“LP’s”) are submitted for examination.
- 1.1.3 The Councils’ have failed to comply with paragraph 10 of the NPPG, which states the duty requires active and sustained engagement. We consider the LP comes nowhere close to satisfying the duty to cooperate and therefore must be withdrawn to enable the Councils to engage in early, meaningful and continuous dialogue with its neighbours. The Councils’ have failed to demonstrate cross-boundary co-operation in relation to planning of sustainable development in accordance with section 33A of the Planning and Compulsory Purchase Act 2004.
- 1.1.4 As explained within our representations and within our Statement on Matter 3, the LP housing requirement has not been underpinned by a NPPF paragraph 47 compliant objective assessment of need (“OAN”) for market and affordable housing within the housing market area (“HMA”). The LP housing requirement is significantly too low to meet market and affordable housing needs in full within the HMA.
- 1.1.5 Contrary also to paragraph 19 and 20 of the NPPF, the LP housing requirement is significantly too low to support identified economic and regeneration priorities. As explained within our Statement on Matter 3, the Councils’ most recent economic projection evidence demonstrates considerably higher levels of job growth over the period up to 2031 than the level of job growth supported by the LP housing requirement.
- 1.1.6 Furthermore, the Dorset Local Enterprise Partnership Strategic Economic Plan (endorsed by both Councils’) identifies significant economic and regeneration job creation potential that has not been taken into account within the preparation of the LP housing requirement.
- 1.1.7 The implication of not providing sufficient housing to support identified economic and regeneration priorities will potentially result in significantly increased commuting and travel to work distances. This would increase housing needs and pressure within neighbouring authorities.
- 1.1.8 The LP is therefore reliant on neighbouring authorities to meet unmet housing needs arising within the West Dorset and Weymouth & Portland HMA.

- 1.1.9 The neighbouring East Devon Local Plan Inspector's report (Appendix 2 of our representations) confirms there is unmet housing need within neighbouring authorities, which have clear HMA links with West Dorset. The East Devon LP Inspector recommended that East Devon and West Dorset & Weymouth Councils' should work together to assess housing need and also therefore the delivery of this unmet need.
- 1.1.10 Despite this direct recommendation, there has still been no cooperation or agreement between relevant neighbouring authorities as to how the unmet housing need within West Dorset and Weymouth & Portland will be met within neighbouring authorities. Nor has there been any agreement as to how unmet housing need within neighbouring authorities could be proactively met within West Dorset.
- 1.1.11 The LP has therefore not been prepared in accordance with national policy.
- 1.1.12 The Councils' must withdraw and review the LP housing requirement to take full account of the identified housing needs within the HMA and assess the extent to which the Councils' can proactively help to meet unmet needs within neighbouring authorities

**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 No.
- 1.2.2 As explained within our Statement to Question 1.3 and within our Statement to Matter 13, specifically in relation to Crossways the Councils' June 2013 Proposed Modifications to LP Policy CRS1 did not emerge from an open and transparent process that demonstrated how and why the Woodsford Farms sites were omitted from the LP. The Councils' evidence base (namely CD/SA4, CD/SUS2 and CD/SUS9) confirms that there are no identifiable planning reasons why the sustainable and suitable Woodsford Farms sites have subsequently been omitted as strategic allocations within the LP. As demonstrated within the Pre-Submission LP the Councils' accept the principle of development on the Woodsford Farms sites is sustainable and appropriate.
- 1.2.3 In preparing the LP the Councils' appear to have acted irrationally as key plan-making decisions have not been based, as required by the NPPF, on justified and credible evidence.
- 1.2.4 For the LP to be sound, the Council must provide evidence to justify its decision to preclude the Woodsford Farms sites as strategic allocations to deliver unmet development needs within the HMA.

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

- 1.3.1 As previously referred and as explained in further detail within our representations and our Statement on Matter 3, the LP housing requirement has not been underpinned by a NPPF paragraph 47 compliant OAN for market and affordable housing within the HMA. Nor has any consideration been given to the extent to which unmet housing needs within neighbouring authorities with clear links to the HMA could be met within the West Dorset and Weymouth & Portland HMA.
- 1.3.2 The LP SA (CD/SA4) has therefore not considered reasonable alternative options. The SA is therefore in breach of the SEA Directive and the Environmental Assessment of Plans and Programmes Regulations 2004 and these breaches are fatal to the legality of the LP.
- 1.3.3 To address this, the Councils' must withdraw and review the LP housing requirement and spatial distribution to take full account of the identified housing needs within the HMA and importantly assess the extent to which the Councils' can proactively help to meet unmet needs within the neighbouring authorities that have clear links with the West Dorset and Weymouth & Portland HMA. This review must be underpinned by a new SA.
- 1.3.4 Specifically in relation to the Woodsford Farms sites at Crossways, the SA outlines (page 77) that the level of growth at Crossways was reduced following public consultation. However, in significantly reducing the level of growth at Crossways from 700 dwellings and 8ha. of employment land to 500 dwellings and 3.5 ha of employment land, the SA fails to demonstrate whether any assessment of reasonable alternatives, namely the three Woodsford Farms sites at Crossways has been undertaken.
- 1.3.5 The SA states (page 80) that the allocation to the south would provide less land for employment and housing, but provide greater protection towards the setting of Scheduled Monuments. Flood issues are also given greater consideration, improving the performance of the policy in terms of climate change vulnerability.
- 1.3.6 However, as the SA has failed to undertake any assessment of reasonable alternatives it is unclear how the Councils' have credibly or rationally reached the SA page 80 conclusions. As explained within our representations and within our Statement on Matter 13 there is demonstrable evidence that these conclusions are neither credible, nor justified. The SA and therefore LP are consequently unsound.
- 1.3.7 Specifically regarding the Scheduled Monument, the LP states (paragraph 12.2.2) that it will be necessary to mitigate any impact that the development, and the associated recreational land, upon

the setting of the earthworks in Bowley's Plantation which are a Scheduled Monument. Given the Councils' SA states that the allocation to the south affords greater protection towards the setting of Scheduled Monuments the Councils' must explain how and why the SA has reached this conclusion when the LP conversely states that mitigation is likely to be needed. If the SA, as lawfully required, had assessed reasonable alternatives it would have been evident in the decision-making process that more appropriate and sustainable options were available.

1.3.8 Within the Councils' 'Supplementary Response on Sustainability Appraisal Issues, Following Exploratory Meeting' document the Councils' assert without justification or evidence that the final Policy CRS 1 allocation presented within the LP is not materially different to the area previously considered.

1.3.9 This is fundamentally not the case as the reduction in housing number from 700 to 500 dwellings represents a 28% decrease – very much a material change. The reduction in employment land from 8ha. to 3.5ha. represents a 56% decrease – again a significant and material decrease.

1.3.10 Furthermore the amount of land allocated for development has also materially changed.

1.3.11 Other changes to the land previously subjected to SA which individually and collectively have important material planning considerations include:

- Land surrounding a Schedule Monument;
- A significantly increased area of now sterilised mineral reserve;
- Land abutting a Site of Important Nature Conservation; and
- Land abutting existing commercial and household waste processing activities within the Hybris Business Park.

1.3.12 The SA is neither sound nor legal. For the LP and SA to be robust, justified and lawful, the Councils' must provide evidence to justify its decision to preclude the Woodsford Farms sites as strategic housing-led allocations at Crossways.