
OPENING SUBMISSIONS ON BEHALF OF THE APPELLANT

1. Like much of the country, Dorset faces a severe housing crisis. This crisis demands immediate attention.
2. However, Dorset Council and its predecessors have failed to keep planning policies up to date. Settlement boundaries in East Dorset were drawn in the 2002 EDLP. The 2014 C&EDLP was prepared on the assumption that a Part 2 plan would follow to allocate sites to meet housing needs, and it never arrived. On its formation in 2019, Dorset Council stopped work on the various plan processes and set out to prepare a new local plan, but in March 2024 abandoned that process in favour of adopting a “new style” plan in 2027. So far, the form and intent of that plan is not publicly known.
3. As Mr Jacobs explains in his evidence, any future plan will come at the earliest 13 years after the C&EDLP and 25 years after the EDLP, with no intervening review. The housing requirement and settlement boundaries are out of date and will become more so.
4. It is in these circumstances that this major strategic application comes to an Inquiry. However, it is a proposal which has been long in gestation and firmly in the contemplation of policy makers. The prospect of significant expansion to deliver a “much-enhanced settlement” at Alderholt was considered in the now abandoned Dorset Local Plan, and the Appellant has continued to pursue the proposals whilst the plan making process has stalled.
5. A scheme of this potential importance calls for a frank assessment. It also calls for a constructive approach towards the identification of the real issues which might justify withholding consent (and thus further failing to meet identified needs).
6. First, the “why?”. There is no doubt that the houses are needed. The housing land supply position in East Dorset is less than 3.9 years – on the Appellant’s evidence,

about 3 years. The affordable homes, in particular, are desperately needed: the appeal proposals represent 2.5 years of supply against the average AH delivery across the whole of Dorset. There is also no doubt that, realistically, plan-led growth is too far away to be relied upon to meet these needs. There is no doubt, too, that the employment land is needed.

7. Second, the “where?”. Without an up to date plan that question has to be answered on the merits of each application. These proposals do something which is not often seen outside of the plan process, but is still good planning. They take a location which is relatively unsustainable: car dependent, poorly served by facilities, and struggling to support the facilities that do exist; and they turn the location into somewhere that is relatively sustainable: a range of shops and local services, local employment opportunities, a larger resident population to support existing facilities such as the First School, and a regular bus service. Those things are huge positives for Alderholt. They can only be delivered through housing growth.
8. The other point of the “where” is that the application site is, itself, thoroughly unconstrained for development. Development can be delivered here without any direct harm to any designated or valued landscape, and indeed without any contention of any harm to landscape or character and appearance at all. It can sit comfortably here, and in this sense the location of the proposal is truly landscape led. With one exception none of the “higher order” planning issues set out in footnote 7 of the NPPF is engaged: Green Belt, Local Green Space, AONB, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change all avoided. And in truth, the only issue in that list – habitats sites – is concerned with off-site impacts which can be avoided and mitigated through measures which are routine, commonplace, and required for development in much of Dorset.
9. Third, the “why not?”. The NPPF sets the threshold for answering this question: do the adverse effects significantly and demonstrably outweigh the benefits? The Appellant’s case is that this is the proper test to apply here, but it does not need it to get home. That is because, in truth, the “why not?” question has not been properly considered by the Council, resulting in a lengthy, ever-changing and unsubstantiated list of complaints which are not good planning reasons to turn away all of the planning benefits of these proposals. Each reason for refusal is briefly considered in turn:
 - a. Habitats. The development must ensure (a) the provision of SANG and SAMM to avoid an adverse effect on integrity of the Dorset Heath(lands)

habitats sites and (b) that credits are obtained to offset any effect of nutrients from wastewater on the River Avon SAC. Both of these matters can be secured through the grant of outline consent;

- b. Settlement hierarchy. It is accepted that the C&EDLP did not envisage this level of growth at Alderholt. But that plan is out of date, and it is failing to meet Dorset's housing needs. The provision of public transport (a bus service) is to be secured through the s 106 in terms reflecting Dorset Council's request, and the delivery of the Local Centre secured through phasing conditions. The latter is accepted by the LPA to be economically viable. The development will also provide much-needed employment opportunities;
- c. Masterplan. This is an outline application and the masterplan must be read accordingly. The broad parameters of the scheme are identified on plans, but the layout is reserved. The Appellant has fully justified the location of the Local Centre, and the Council has only sought to propose and justify an alternative location in its proof of evidence. In any event the planning harm arising in this dispute is unclear. The development will function well, and that objective will be realised during detailed design;
- d. Affordable housing. The Council chose not to engage with the viability appraisal submitted with the application. For the first time, in Mr Verdi's proof, the Council offered a different appraisal but last week it changed its position again. The difference between the parties – whether the development should provide 35% affordable housing or 40.6% affordable housing – is narrow, likely to be overtaken through the review mechanism, and an unhelpful technical dispute in circumstances where the development seeks to deliver a far higher percentage and indeed absolute quantum of affordable housing than has been achieved through developments in the Council's area to date. In any event, this issue does not go to the principle of development;
- e. Retail. Self evidently the development should provide new retail to deal with the poor level of services that would otherwise be available to Alderholt. The provision of this local centre has been tested and it is agreed that the sequential test and impact test are complied with in respect of adjoining centres. A new point – the impact on the existing Coop store in Alderholt – does not feature in the reasons for refusal, nor is it a point which is supported by any planning policy (since impacts on retail *outside*

existing centres are irrelevant, and planning policy does not prevent competition). The point cannot be a reason to withhold consent;

- f. Education. There is no policy requirement to make on-site provision for education and such a requirement would be manifestly unreasonable, since there is an existing school with an existing school roll and an obligation to build a new school for those children would fail the regulation 122 tests. The Appellant has shown that an expansion of the existing First School can be achieved, and will pay for that in full. It is willing to revisit the education strategy should an alternative proposal for a new school come forward;
- g. Highway impact. The highway concerns now seem to be concentrated on whether there is any viable mitigation scheme for congestion in Fordingbridge. The Appellant has put forward two alternative schemes. Both have been assessed to be workable. To grant outline permission subject to a condition or obligation to deliver off site highways improvements, the *Grampian* test must be satisfied, namely that there must be a reasonable prospect of the condition being achieved. There is at least that: indeed designs have been shared with Hampshire County Council. Further, highways improvements of this nature will be required *regardless* of whether this appeal is allowed, since background growth will mean that junction capacity is exceeded in any event. Clearly a safe design will be required as part of the highway authority's consideration of these works, and there is no impediment to delivering a safe scheme;
- h. AONB. There are no direct effects on the AONB. The issues raised relate to recreational pressure and traffic in the AONB, an inevitable effect of development in its vicinity which will be required to meet the substantial growth needs of Dorset. In terms of traffic, there is no policy reason to withhold consent on the basis of such an indirect effect, and notably noise was scoped out of the ES, but in any event the Appellant has assessed the noise impacts in an addendum to the ES. In respect of recreational impacts, the AONB is actively promoted as a place of recreation for Dorset residents. The Appellant is engaging with the AONB Partnership's very recent request for a contribution to mitigate localised impacts from recreational use (e.g. parking issues).

10. Even before the Inquiry starts the frank assessment should in truth be as follows. There is no "showstopper" to development of this nature and scale at Alderholt. Most of the issues raised by the Council do not go to the principle of development,

but to points of detail, which should properly be addressed through a carefully formulated suite of conditions and at the reserved matters stage. The multiple technical concerns – all of which the Appellant takes issue with, and all of which could have been made earlier, before determination, and doubtless resolved - are in truth no bigger than the sum of their parts.

11. Moreover, none of these points really grapples with what the appeal proposals will achieve:

- a. The delivery of c 1,700 homes in an area of material housing land supply shortfall, and no plan-led solution on the horizon;
- b. The delivery of 595 affordable homes in an area of chronic and sustained undersupply of affordable housing;
- c. An Alderholt which is considerably *more sustainable* than it is today, served by new shops and services, local employment, improved education and recreational facilities, and a regular bus service;
- d. Homes powered and heated by renewable energy sources including local energy generation;
- e. 10,000 square metres of much needed employment floorspace, bringing new jobs to Alderholt;
- f. Substantial biodiversity net gains.

12. Together, these are compelling proposition. There is no good reason to withhold consent. The appeal should be allowed.

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Landmark Chambers

25 June 2024