

Response ID [REDACTED]

Submitted to Weymouth Neighbourhood Plan 2021 to 2038

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Part 1: personal details

1 Are you responding on behalf of yourself or for someone else?

I'm responding on behalf of myself

2 What is your name?

Name:

Amy Ellis

3 What is your email address?

Email:

[REDACTED]

4 What is your job title and organisation?

Organisation:

Job title:

5 What is your address?

Address:

[REDACTED]

[REDACTED]

Postcode:

[REDACTED]

6 What is your phone number?

Phone number:

Part 2: your representation

8 Please write your comments / representation in the box below

Comments:

Please see attached file.

9 Would you like to attach a file in relation to your response?

File upload:

Ellis representation - Weymouth Neighbourhood Plan - Reg 19, 2025.docx was uploaded

10 Do you wish to be notified of Dorset Council's decision to 'make' or refuse to 'make' the neighbourhood plan at the Regulation 19 stage?

Yes

Introduction

The examiner's role will be to ensure that the neighbourhood plan meets the Basic Conditions, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

Basic Condition a requires the plan to have regard to national policies and advice – i.e. the NPPF and PPG – such that it is appropriate to 'make' the plan.

Basic Condition d requires a neighbourhood plan to contribute towards the achievement of sustainable development.

Basic Condition e requires a neighbourhood plan to generally conform to the strategic policies of the development plan.

The allocation of land at Lodmoor under draft policies W23A, W23B and W23C is a major concern, and I believe these allocations fail to meet the above Basic Conditions. My reasons are set out below, drawing particularly on the draft neighbourhood plan itself; the Weymouth Neighbourhood Plan Site Options and Assessment Report (2023); and the Strategic Environmental Assessment for the Weymouth Neighbourhood Plan (2024).

Ecology

Paragraph 9.84 of the supporting text to draft Policy W23A says that site is brownfield land, which is somewhat disingenuous. Whilst there is undeniably hard surfacing and built form within the site, the vast majority is not previously developed. Rather, it comprises dense, mature scrub that plays a key role as supporting habitat for the abutting SSSI. Indeed, the map of ecological networks on page 33 of the draft neighbourhood plan records land at W23A as a 'Wildlife Corridor & Stepping Stone.'

The sensitivity of the SSSI is well recorded by Natural England, the RSPB and the Dorset Environmental Records Centre (DERC). The proposed allocation sites are washed over by an existing DERC ecological network, with the fringes recorded as Higher Potential Ecological Network. Lodmoor is an internationally protected SSSI and regionally important SNCI, containing Priority Habitats and species, which could be impacted on by numerous factors associated with an intensification of land uses. This could include, for example, effluent/runoff, light disturbance, recreational disturbance (particularly for nesting birds), loss of habitat to accommodate built form/infrastructure and pressure to remove vegetation by the users of new buildings. It is thus genuinely difficult to see how the allocations would comply with paragraph 192 of the NPPF, which requires plans to '*promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species.*'

I am also far from convinced that any development would be able to follow the ecological hierarchy under paragraph 193a of the NPPF to avoid, mitigate or, as a last resort, compensate for impacts. Paragraph 193b makes clear:

‘Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.’

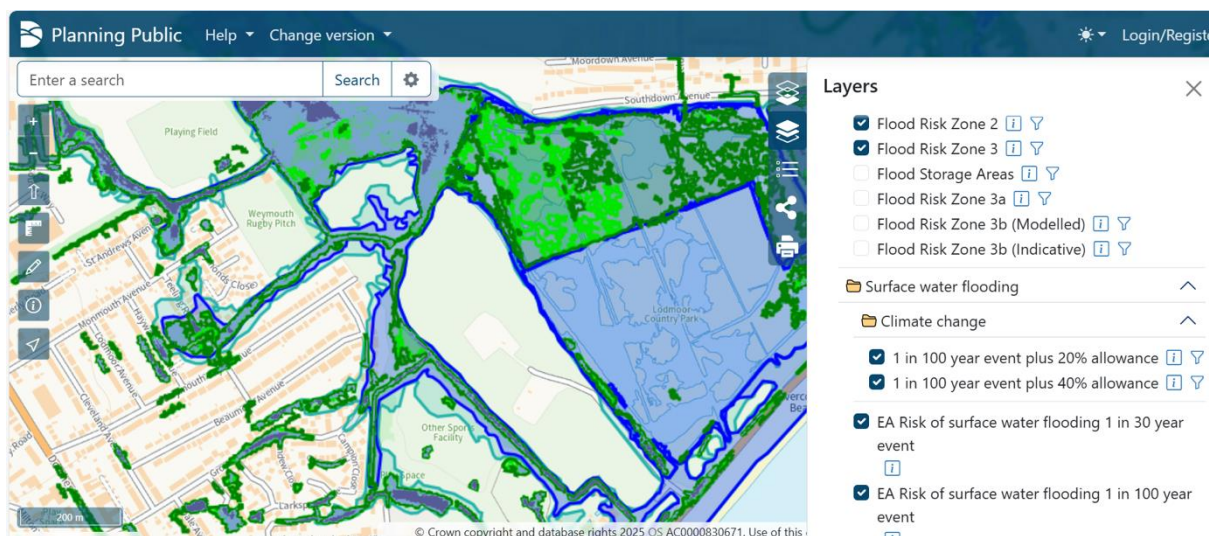
Given the proximity to the SSSI, it appears likely the allocations would lead to adverse impacts, but there is no evidence to suggest that any benefits would clearly outweigh the impacts.

Whilst I concede that paragraph 193 of the NPPF relates to planning applications, rather than plan making, paragraph 16 of the NPPF confirms that all DPDs have to be deliverable. The examiner will want a degree of assurance that any allocation is deliverable, and I would suggest that the potential impacts on the SSSI raise such significant unanswered questions that this casts substantial doubt over the ability for future planning applications to comply with paragraph 193. In other words, this points towards an undeliverable plan.

Flood risk

The proposed allocations would result in a mixture of industrial and leisure (‘less vulnerable’ according to annex 3 of the NPPF), camping/caravans and residential (‘more vulnerable’) uses.

Dorset Council’s Strategic Flood Risk Assessment (SFRA) (2023) shows how large swathes of the allocations are within flood zones 2 and 3, as well as being identified as being at current risk of high (1 in 30 years) and medium (1 in 100 years) risk of surface water flooding. This intensifies once an allowance for climate change is added. An excerpt of the SFRA map is provided below.



SFRA map excerpt (source: Dorset Explorer)

Paragraph 174 of the NPPF specifically requires development proposals at the plan-making stage to undergo a flood risk sequential test:

'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.'

The SEA that supports the draft neighbourhood plan is woefully inadequate in terms of considering flood risk. It gives little coverage to this fundamentally important part of the plan-making process, stating:

'It is also considered that the provisions of the NPPF and national policy (including relating to the sequential / exception test) will help guide development away from potential flood risk areas and ensure that appropriate mitigation measures are implemented. Regarding surface water flood risks, it is anticipated that any surface water run-off issues could largely be addressed through appropriate drainage management through the design of new development proposals. Therefore, all options perform similarly in this respect.'

That is not how the sequential test is supposed to be applied. Instead, the SEA seems to advocate deferring consideration to a later stage. The NPPF is clear at paragraph 177 that the sequential test has to be applied first, then once it has been passed, an exception test and mitigation can subsequently be considered.

The supporting Weymouth Neighbourhood Plan Site Options and Assessment Report (2023) is equally flawed. The draft allocation sites are considered in this assessment as part of a larger swathe of land under ref. WNP06. This assessment generalises that across the site there is low risk of flooding. I accept that may be the case when assessing substantial areas of land some 18.6 in size, but the fact is, significant areas of the proposed allocations are shown in the SFRA as at medium and high risk now and in the future.

Of particular note is that the assessment even acknowledges how *'Flood Zone 3 extends around the perimeter of the entire site and covers all of the existing access roads.'* The allocation of this land is thus directly contrary to the advice in paragraph 175 of the NPPF, which specifically requires access and escape routes to be outside of land at risk of flooding. Development here would thus be an island at times of flooding, with no means of escape.

Although proposed allocation W23C sits largely within an existing allocation under Policy WEY8 of the local plan, this does not negate the need for a sequential test under the neighbourhood plan. This is because paragraph 180 of the NPPF makes clear that even where an allocation has been subject to a sequential test, it needs to be rerun if there is *'more recent information about existing or potential flood risk.'* The 2023 SFRA constitutes more recent information that needs to be taken into account.

Drawing these factors together, the neighbourhood plan displays a major and fundamentally important shortcoming inasmuch that a flood risk sequential test has not been undertaken before deciding to allocate sites W23A, W23B and W23C. The lack of escape routes is entirely contrary to national guidance. The plan is therefore

not in accordance with the NPPF, and the allocations would not be contributing towards sustainable development. It therefore fails Basic Conditions a and e.

Land contamination

Paragraph 196 of the NPPF says that planning policies should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from contamination.

It is unclear at this stage what the Environment Agency's views are on the development of the sites, noting that draft allocation W23A falls within the EA's statutory consultation area. The rest of the Lodmoor allocations will fall under Dorset Council's remit for contaminated land. The extent of this constraint is not understood, and I would respectfully suggest this is such a significant issue that it needs to be investigated before any allocation is made. This is because the release of below-ground contaminants could have serious impacts on the SSSI, adjacent residential properties and members of the public using the extensive footpath network and public open space (contaminants could be airborne or in the soil). The risk of harm to the public and environment is so substantial, it is impossible to see how paragraph 196 of the NPPF could be satisfied. The plan therefore fails basic condition a.

Archaeology

The site assessment paper notes '*the presence of multiple post-medieval monuments within the site.*' Whilst the NPPF does not require upfront information on this at the plan-making stage, it could nonetheless affect the developable area of the proposed allocations. I consider that, given this potential, further investigation is needed at this stage to provide a good degree of comfort that the sites are indeed developable in light of this constraint.

Residential development under Policy W23C

Basic Condition e requires neighbourhood plans to generally conform to the strategic policies of the development plan. The glossary to the NPPF confirms that strategic policies will include site allocations. Policy WEY8 of the local plan is a strategic policy, as it allocates land at Lodmoor Gateway and the country park for '*tourism, low key recreation and ancillary uses, appropriate to its gateway location and its proximity to sensitive sites.*'

I am not persuaded that the introduction of 2-3 storey buildings would be lowkey, while residential development is clearly not advocated by Policy WEY8. These two factors alone mean that the neighbourhood plan is not in general conformity with the local plan.

The quantum of homes of proposed homes is unclear: table B on page 92 of the draft plan gives a figure of 0 homes, while the supporting SEA talks about 30-50 homes on this site (hence why it scored positively in terms of 'community wellbeing' in the SEA). Either way, the draft policy wording talks about a proportion of affordable units, which makes it implicit this would be a major housing scheme of 10+ homes.

It is also disingenuous, given the identification of housing at W23C, for it to be labelled throughout the mapping in the draft plan (e.g. map 18 on page 93) and the general public consultation leaflet as an allocation for leisure uses.

Lastly, having regard to my arguments above in terms of the need for a flood risk sequential test, even if the neighbourhood plan group were to successfully argue it would not need to be repeated for site W23C because of the existing local plan allocation WEY8, that would not be appropriate. This is because the proposed introduction of overnight stays (C3 accommodation and holidays) heightens the vulnerability of the land use. Paragraph 180 of the NPPF is therefore engaged, as that level of vulnerability was not considered when WEY8 was produced under the local plan.

The identification of housing means Policy W23C is not in general conformity with Policy WEY8 of the local plan, and the plan fails Basic Condition e.

Inconsistency/ineffective use of evidence

I note the conclusion in paragraph 9.93 of the draft plan that the development of allocation W23B scores well in the SEA in terms of community wellbeing. However, a cross-reference with the SEA shows that it was assessed by the SEA as having the potential to deliver between 75-90 new homes. This partly explains the SEA's conclusion of 'positive effects' in the community wellbeing category.

However, the proposed allocation makes no mention of any homes in draft Policy W23B. In fact, it refers only to delivering leisure uses in line with Policy WEY8 of the local plan.

It is thus misleading and disingenuous for paragraph 9.93 of the neighbourhood plan to justify the allocation on the basis of it scoring well in the SEA, when the SEA gave a positive score on grounds that the allocation would deliver 75-90 homes that are not reflected in the policy! It is therefore apparent that the SEA did not fulfil its purpose of assessing the proposed policy. This shows a flaw and inconsistency between the draft plan and the technical work that is supposed to inform/assess it.

To that end, it appears that an important piece of evidence has been omitted entirely by the neighbourhood plan group: Dorset Council's own assessment of much of the sites under SHELAA ref. LA/WEYM/057

(<https://wa.dorsetcouncil.gov.uk/ShelaaWebsite/pages/Site.aspx?i=2269>) concludes that the land is unsuitable for development beyond the WEY8 allocation. It states:

'Although the central part of site is raised, the access to the site is affected by flooding. The site is contaminated land and adjacent to the household recycling centre. The site is adjacent the Lodmoor Nature Reserve (SSSI) & Lorton Valley Nature Park. Lodmoor Gateway and Country Park Area will be permitted for tourism, low key recreation and ancillary uses, appropriate to its gateway location and its proximity to sensitive sites (Policy WEY8). An unsuitable site.'

It is also interesting to note that the Council's SHELAA refers to the need to undertake a flood risk sequential test, so it is alarming that this evidence has not been taken into account by the town council when preparing the neighbourhood plan.

Conclusion

My observations above indicate that the proposed allocations W23A, W23B and W23C are in conflict with paragraphs 174-177, 180, 192, 193 and 196 of the NPPF.

I believe that the decision to allocate sites W23A, W23B and W23C has not been adequately informed by robust analysis or justification in the SEA or site selection process. Just using flood risk as an example, a necessary sequential test has not been undertaken, which is a major shortcoming that ignores a fundamental requirement for plan making.

I believe there are significant question marks over the true extent of constraints affecting the proposed allocations. The supporting site assessment report concludes on page 114 that remediation and ground stabilisation alone '*may increase the costs of development.*' I would suggest that investigating and mitigating the numerous, significant other constraints would further increase build costs and therefore negatively affect viability and the attractiveness to the market.

This is important because paragraph 16 of the NPPF says that a DPD has to be aspirational but deliverable. Deliverable is only defined in the NPPF in respect of sites for housing, but it confirms this means '*a suitable location for development now.*' The definitions in the NPPF continue by saying that to be a 'developable' site, this means '*sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.*'

I accept it is not necessary to have all the answers and all the technical details at the plan-making stage, and that the in-depth detail will come through a subsequent planning application. Indeed, ref. ID: 41-072-20190509 of the PPG talks about '*sufficient and proportionate evidence*' supporting a neighbourhood plan, rather than full technical details. However, given the significant constraints and unanswered questions about these allocations, I can only conclude that there is insufficient confidence for any examiner that the allocations are theoretically deliverable.

In light of the above, the neighbourhood plan does not comply with the NPPF, so it automatically fails the first of the Basic Conditions. For the reasons explained, it also fails to contribute towards sustainable development or be in general conformity with the strategic policies of the local plan. It therefore fails Basic Conditions a, d and e.

I would respectfully suggest that the solution is for the examiner to remove allocations refs. W23A, W23B and W23C from the plan.