
Independent Examination of the Purbeck Local Plan (2018-2034)

Post Hearings Note

Introduction

1. The hearing sessions of the examination of the Purbeck Local Plan (2018-2034) (the Plan) were held between July and October 2019 during which time I heard a great deal of evidence. I would like to thank the Council and other participants at the hearing sessions for their helpful and constructive contributions which have enabled me to significantly progress the examination.
2. At the final hearing session on 11 October 2019, I indicated that there were several key matters to which I wanted to give further consideration following the discussions that had taken place. I have now considered all the evidence before me, the representations made on the Plan including the verbal contributions at the hearing sessions and this note sets out my comments on these matters and indicates the changes which, as a consequence, need to be made to the updated schedule of suggested Main Modifications¹ produced by the Council, dated 8 November 2019.
3. The attached Annex provides additional comments on the schedule of suggested Main Modifications referred to above and indicates where I consider other changes to the suggested Main Modifications need to be made along with a brief indication of why I consider the further changes to be necessary.
4. Whilst I am reasonably satisfied at this stage that with Main Modifications the Plan is likely to be capable of being found legally compliant and sound, my advice given and the comments made now are without prejudice to my final conclusions on the Plan.

Habitats Regulation Assessment (HRA)

5. There was much discussion on this matter at the hearing sessions, particularly around whether there was a need to present further information and clarity in respect of the baseline condition of the relevant European sites, reconsider the way in which the HRA presents screening opinions on 'likely significant effects', including more explicit reference to the potential for 'in combination effects' and explanation of how European site conservation objectives have guided the screening assessment, and provide further detailed explanations within the appropriate assessment in relation to those aspects of the plan where likely significant effects have been identified.

¹ Document SD14

6. Whilst the Council, its Consultants and Natural England consider that the HRA has been undertaken in accordance with legislation, good practice and having regard to recent case law², in the light of the discussions at the hearing sessions there are, as acknowledged by the Council and its consultants³, some gaps in the HRA narrative that need to be filled in order to explain the conclusion of no adverse effects on any European site. It would seem sensible to do this as part of the work necessary to revisit the HRA to consider the implications of any proposed Main Modifications and this should be undertaken before the proposed Main Modifications are finalised.
7. The updated/revised HRA will then need to be the subject of a six-week period of public consultation which should be undertaken in accordance with the Council's Statement of Community Involvement in a similar manner to that in which it would be carried out under Regulation 19. It would be appropriate for this to be undertaken at the same time as consultation on an updated SA and any proposed Main Modifications and changes to the policies map.
8. Consideration will need to be given as to whether anything in the updated/revised HRA would lead to a need for any further Main Modifications to the Plan.

Sustainability Appraisal (SA) and Spatial Strategy

9. Concerns were raised at the hearing sessions that the SA documents have been difficult to follow, that earlier iterations have not always been available to review at subsequent stages, that there were gaps in the range of options considered including different options with regards to the various settlements and the spatial strategy, and the robustness of the scoring mechanism. SA involves professional judgement and although others might have allocated different scores on certain points, I am satisfied that overall the assessments in the SA were reasonable. SA was undertaken at all stages of the preparation of the Plan and a wide range of options and their reasonable alternatives were assessed against SA objectives that encompass the likely environmental, social and economic effects of the Plan. The Plan itself and reasonable alternatives to it have been assessed and reasons have been given for selecting the alternatives that have been considered.
10. In order to aid consideration of the spatial strategy an addendum to the SA⁴ was submitted by the Council during the hearing sessions of the examination to provide an assessment of baseline data and the potential for growth in the towns and key service areas within the area covered by the Plan. Whilst in the interests of fairness participants who attended the hearing sessions in July in relation to this matter were afforded the opportunity to submit representations in writing on this document during the hearings part of the examination, the document should be made

² Document SD96

³ Document SD89

⁴ Document SD92

available as part of the consultation on an updated SA. The updated SA should also take account of the findings of the appropriate assessment in the HRA in accordance with the PPG⁵.

Housing need and requirement

11. The Planning Practice Guidance (PPG) sets out a 3-step approach to calculating a minimum annual local housing need figure using the standard methodology.
12. It indicates that in setting the baseline (Step 1) the current year should be used as the starting point from which to calculate the projected average annual household growth over a 10-year period, and that in making the necessary adjustment to take account of affordability (Step 2) the most recent median workplace-based affordability ratios should be used⁶. The PPG also indicates that strategic policy-making authorities will need to calculate their local housing need figure at the start of the plan-making process but that this number should be kept under review and revised where appropriate⁷.
13. I appreciate that the Purbeck Local Plan has been prepared during a period of change and uncertainty in relation to guidance on calculating housing need. However, as I indicated during the hearing sessions, having regard to the PPG, the standard methodology calculation should be based on the most up to date figures at the time of the submission of the Plan. In this case that means using a base date of 2018 to calculate the projected average annual household growth over the 10-year period 2018-2028 and the 2017 affordability ratios (published in 2018) to make an adjustment to take account of affordability. This would produce a figure of 185 dwellings per annum (dpa) which, when capped as indicated in the PPG (Step 3), would result in a minimum local need figure of 180 dpa as opposed to 168 dpa in the submitted Plan. Therefore, as indicated in the hearing sessions I consider that the use of the standard methodology establishes a minimum annual local housing need figure of 180 dpa.
14. Following the July hearing sessions, the Council indicated that it accepts that as a minimum the local need figure is 180 dpa, that the use of the standard methodology of calculating the minimum local need figure is appropriate and that it should make provision for this level of need in the Purbeck Local Plan⁸.
15. The PPG indicates that strategic policies adopted with a cap applied, as would be the case here, may require an early review and updating to ensure that any housing need above the capped level is planned for as soon as is reasonably possible. In this case the forthcoming Dorset Local Plan which is currently in preparation and indicated in the Local Development

⁵ PPG Ref ID: 11-003-20190722

⁶ PPG Reference ID:2a-004-20190220

⁷ PPG Reference ID:2a-008-20190220

⁸ Document SD85

Scheme (LDS)⁹ for adoption in April 2023 would provide the appropriate vehicle for such a review.

16. The PPG advises that there is an expectation that the standard method will be used for assessing local housing need and that any other method will be used only in exceptional circumstances¹⁰. Having regard to the PPG, the evidence before me and the discussions at the hearing sessions I am not persuaded that any such exceptional circumstances exist in this case.
17. The PPG indicates that the standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area and that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method. It also provides examples of such circumstances¹¹.
18. At the end of the July hearing sessions I indicated that I would consider further the discussions regarding the appropriateness of further uplifts to provide flexibility for economic growth and help deliver the required number of affordable homes and to accommodate unmet need from elsewhere in Dorset and neighbouring authorities. I have now had the opportunity to give these matters further thought and having regard to the PPG, the evidence before me and the discussions at the hearing sessions I consider that further uplifts to take account of these factors are not necessary to make this Plan sound. Accordingly, the minimum housing requirement for Purbeck for the Plan period (2018 to 2034) is 2,880 net additional homes and the suggested Main Modification (MM1) to the Local Housing Requirement policy (policy H1) reflects this.
19. Whilst there is a general acceptance that there is likely to be some unmet need in neighbouring authorities particularly the new adjoining unitary authority of Bournemouth, Christchurch and Poole, New Forest District and the New Forest National Park the extent of this is currently unknown. The figures suggested by participants at the hearing sessions to address some of any such unmet need are therefore somewhat arbitrary. Accordingly, I consider it would be more appropriate to address this matter through the preparation of the Dorset Local Plan referred to above. The timetable indicated in the LDS¹² would mean that a Plan covering the whole of the new local authority area would be in place ahead of the timeframe for the adoption of such plans as indicated under the local government reorganisation consequential arrangements¹³ and before the standard 5-year review period for local plans indicated in the National Planning Policy Framework (the Framework) and the Regulations¹⁴.
20. The Council has drafted some modifications (MM28, MM45 and MM46) in relation to the timetable for the delivery of the Dorset Local Plan and the

⁹ Document SD60

¹⁰ PPG Reference ID:2a-003-20190220

¹¹ PPG Reference ID:2a-010-20190220

¹² Document SD60

¹³ Statutory Instrument 2018/930

¹⁴ The Framework paragraph 33 and Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

minimum local housing need figure. However, further modification is required to these to indicate that the new Local Plan will serve as the vehicle for an early review in relation to ensuring that any housing need above the capped level is provided for as soon as possible and that thereafter the policies in the Plan should be reviewed every five years and updated as necessary in accordance with the Framework and the Regulations.

21. The suggested Main Modification (MM46) seeks to identify a housing requirement for designated neighbourhood areas where a made, or emerging neighbourhood plan allocates land for new homes in support of the Council's strategy for meeting Purbeck's housing needs. In relation to Lytchett Matravers it refers to an emerging neighbourhood plan. However, the evidence¹⁵ indicates that this plan was made in June 2017. Accordingly, further amendment to the modification is necessary.

Gypsy, Traveller and Travelling Showpeople

22. The Framework¹⁶ indicates that strategic policies should make sufficient provision for housing, this includes provision for gypsies, travellers and travelling showpeople. It also indicates that strategic policies should bring sufficient land forward and that strategic policies should provide a clear strategy for bringing sufficient land forward including planning for and allocating sufficient sites.
23. The Purbeck Local Plan part 1 (PLP1), which was adopted in 2012, did not address this and instead deferred the matter of identifying and accommodating the needs of gypsies, travellers and travelling showpeople to a joint Dorset gypsy and traveller development plan document (DPD). However, this joint DPD was not advanced to examination.
24. The Plan before me does not include any site specific provision to meet the accommodation needs of gypsies, travellers and travelling showpeople, despite the evidence¹⁷ indicating that there is a need for two additional pitches for gypsies and travellers (who meet the current planning definition) and for four plots for travelling showpeople. Instead, the Council proposes this will be dealt with by the new Dorset Local Plan and, in the meantime, covered by a criteria-based policy in this Plan.
25. I am concerned that this provision has effectively been deferred leaving this matter unresolved since 2012. However, there now appears to be a firm commitment to addressing this matter in the LDS via the Dorset Local Plan¹⁸. This will also allow the opportunity for the new Dorset Council to address the needs of those people who are now excluded from the planning definition of gypsies, travellers and travelling showpeople.

¹⁵ Dorset Council response to Inspector's Matters, issues and Questions Matter B dated 7 June 2019

¹⁶ The Framework paragraph 20

¹⁷ Document SD19

¹⁸ Document SD60

26. Given the approach taken by the Council, attempting to resolve this problem during the examination would have caused considerable delay to this Plan and to the objective of getting an up to date plan in place dealing with other housing issues. Overall, therefore, there is no practical alternative at this stage. However, it is important that making this provision is now addressed without further delay and this Plan should be modified to make a firm commitment to address the needs of gypsies, travellers and travelling showpeople in the Dorset Local Plan within the supporting text to policy H15.

Green Belt

Wareham

27. The submission version of the Plan includes a proposed alteration of the Green Belt boundary at Wareham to support its overall spatial strategy and provide the requisite housing provision for Wareham. However, during the hearing sessions the Council indicated that it considers there are now alternative reasonable options to provide the requisite housing provision for Wareham through the emerging Neighbourhood Plan within the existing settlement boundary.
28. Having regard to the evidence I agree and consider that there are now no exceptional circumstances to justify the amendment of the Green Belt boundary at Wareham. Accordingly, further changes to the suggested Main Modifications (MM2 and MM31) which respectively relate to the Green Belt policy (policy V2) and its supporting text are necessary to delete the references to the removal of land from the Green Belt at Wareham. This should also be shown as a change from the submission policies map and this map change should be consulted on alongside the Main Modifications.

Morden Park

29. The submission version of the Plan includes a proposed alteration of the Green Belt boundary to provide for a holiday park to facilitate a strategic SANG at Morden Park.
30. The Green Belt study¹⁹ indicates that a strategic SANG would serve to underpin sustainable housing delivery in the north of the District and that without the SANG the Council would not be able to demonstrate that a significant proportion of the new homes that are needed could be delivered.
31. SANGs are clearly an important component of the Council's strategy for mitigating the adverse effects from housing in Purbeck on European sites. The HRA for PLP1 identified a need for a strategic SANG in the north of Purbeck. Natural England has confirmed that the assessment presented in the HRA for that plan was robust and that a strategic SANG remains needed and this is incorporated into the current HRA. Natural England has also advised that, of the other possible alternative locations for a strategic SANG

¹⁹ Document SD56

in the north of Purbeck that were considered, it considers that the strategic SANG being proposed in the Plan is the most suitable.

32. Whilst the Council had suggested removing this proposed alteration to the Green Belt and amending the wording of policy I5²⁰, due to concerns over the deliverability of the SANG, it has subsequently indicated, following the submission of a Memorandum of Understanding²¹ (MoU), that it considers these changes are no longer necessary.
33. The MoU indicates that an appropriately designed SANG is achievable on the site, that a holiday park is capable of financing the SANG and that the provision of a strategic SANG provides exceptional circumstances to justify the changes to the GB boundary to enable the development of a holiday park.
34. At the final hearing session in October 2019 I indicated that I would consider further the discussions and evidence regarding the proposed alteration of the Green Belt boundary to provide for a holiday park as enabling development to facilitate a SANG at Morden Park. I have now given this matter some further consideration and, on the basis of the evidence, I am minded to accept the position advanced by the Council and supported by Natural England in relation to the proposed alteration to the Green Belt at Morden Park. However, for clarification some further changes are necessary to the suggested Main Modification (MM71) to the supporting text of policy I5. As presently drafted, it is not clear that the Green Belt boundary is to be altered through the Plan. The release of Green Belt for the holiday park as enabling development for a strategic SANG ought also to be addressed by a modification to the Green Belt policy (policy V2). This should also be shown as a correction from the submission policies map and this map change should be consulted on alongside the Main Modifications.

Housing land supply

35. The suggested Main Modification (MM47) to policy H2 indicates that housing land supply identified within the Plan comprises completions, extant planning permissions, the unconsented Purbeck Local Plan Allocations at Moreton Station, Wool, Lytchett Matravers and Upton, unconsented Swanage Local Plan allocations, Neighbourhood Plan allocations, small sites and windfalls. Further amendment is necessary to ensure that the figure in relation to unconsented Swanage Local Plan allocations is consistent with the evidence²².
36. Policy H1 as proposed for modification refers to the overall housing requirement for the plan period and indicates that 'at least 2,880 homes will be required...'. This is in line with the PPG which states that the standard method identifies a minimum annual housing need figure. However, the spatial strategy policy (policy V1) states definitive numbers

²⁰ Document SD14 version dated 7 June 2019

²¹ MoU between Dorset Council, Charborough Estate and Natural England dated June 2019

²² Document SD 125

for the local plan housing allocations whilst the housing allocation policies for the sites at Moreton Station, Wool, Lytchett Matravers and Upton (policies H4, H5, H6 and H7 respectively) refer to the number of homes to be provided on each site as either 'a total of' or 'up to' thereby effectively setting definitive or maximum numbers of new homes for the sites.

37. I appreciate that the housing numbers for each of the housing allocations have been informed by an assessment of site constraints and masterplanning work undertaken by site promoters. However, I am not persuaded from the evidence that as a result of these exercises it is necessary to set definitive or maximum figures for the number of homes on each of the sites. The use of the words 'about', 'around' or 'approximately' when referring to the number of new homes on the sites would ensure consistency with the Framework²³, avoid ambiguity between the wording of policy H1 and the wording of policies V1, H4, H5, H6 and H7 when referring to the number of homes to be provided on each site and provide a degree of flexibility which does not preclude either more or less homes actually being delivered on each of the sites subject to other policy considerations. Accordingly, I consider this matter should be addressed by Main Modifications to the Plan.
38. Clarification provided by the Council after the hearing sessions²⁴ indicates that the supply of housing over the plan period is 3,009 dwellings (3,139 including extra care units) thereby providing some flexibility in case of under delivery.
39. In relation to the 5-year housing land supply, prior to the start of the hearing sessions the Council indicated that it could demonstrate 6.8 years housing land supply (2019-2024)²⁵. Further adjustment and updating provided during and after the hearing sessions²⁶ to include revisions to the five year supply target to include a 20% buffer and revisions to the supply from consented sites, the application of a 5% lapse rate and the removal of a windfall allowance from year 3 to avoid any double counting between windfall and consented sites indicates 5.31 years housing land supply (2019-2024).
40. I need to be satisfied that at adoption the Plan will provide a deliverable five-year supply of housing land. The Plan will most likely be adopted in 2020. Therefore, further evidence is needed of the 5-year housing land supply situation for 2020-2025 and the projections thereafter. The revised trajectory²⁷ will also need to be further updated to reflect this information.

²³ The Framework paragraphs 35a, 59, 117, 122 and 123

²⁴ Document SD130a Table 4

²⁵ Document SD38a

²⁶ Document SD87 and SD130a Table 3

²⁷ Document SD125

41. The further evidence and the updated trajectory should be made available for comment at the same time as consultation on any proposed Main Modifications.

Housing Mix/Care provision

42. The submitted Plan includes a number of policies (policies V1, H4, H5 and H9) which seek to provide a mix of housing to meet the needs of older and disabled people. In response to an updated strategy from the Council's adult social care service focussing on extra care as well as specialist purpose-built care accommodation, the updated PPG published during the examination, updated viability evidence²⁸ and further to the discussions at the hearing sessions, a number of modifications (MM1, MM6, MM49, MM54, MM64, MM78 and MM79) to the policies referred to above, as well as to policies H6 and H7 and the glossary, are included in the schedule of suggested Main Modifications. All the evidence that seeks to support these proposed modifications should be made available to inform the public consultation on them.

Housing Allocations (Moreton Station (policy H4), Wool (policy H5), Lytchett Matravers (policy H6) and Upton (policy H7))

43. There are a number of suggested Main Modifications to the housing allocation policies as a result of the discussions at the hearing sessions. As referred to above, the Council has prepared a revised trajectory which, amongst other things, seeks to take account of the discussions at the hearing sessions regarding the deliverability of the sites and the timing of their delivery. However, further amendment to the revised trajectory is necessary in relation to the site at Upton (policy H7) which requires Green Belt release, given that the Plan will not now be adopted until later 2020 at the earliest. In relation to this matter the Council should also consider whether this is likely to have any implications for the timing of the delivery of the sites in Lytchett Matravers (policy H6) which also require Green Belt release.
44. In relation to the viability of the housing allocations and the policy requirements that apply to the allocations, I have considered all the evidence before me (including the updated viability evidence submitted during the examination stage²⁹), and the representations made on the Plan including the verbal contributions at the hearing sessions. I appreciate that there is disagreement between the Council and the site promoters in relation to some of the assumptions made in the Council's economic viability assessment. However, at this point I consider that with the various modifications suggested by the Council and the further changes referred to in this note and attached Annex these differences are not such as to result in a finding that any of the housing allocations are unviable.

²⁸ Document SD117

²⁹ Document SD97 and Document SD117

Small Sites

45. The Framework³⁰ indicates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. It also states that to promote the development of a good mix of sites, local planning authorities should identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant policies, that there are strong reasons why this 10% cannot be achieved.
46. The Purbeck Local Plan does not specifically allocate such small and medium sized sites. However, it does include a policy (policy H8) which supports the provision of homes on small sites next to existing settlements, providing that certain criteria are met. The Council considers that the approach taken in the Plan is consistent with the purpose, and objectives, of paragraph 68 (a) of the Framework and at the hearing sessions indicated that, on the basis of the most recent evidence, around 15% of the housing requirement of 2,880 dwellings for Purbeck would be delivered by the combination of homes to be delivered through its small sites policy (policy H8)³¹, homes to be delivered on small/medium size sites through neighbourhood plans³² and homes to be delivered from small/medium size sites identified as having planning permission³³.
47. I have now given this matter further consideration and on the basis of the evidence I am minded to accept the position of the Council that its approach is consistent with the Framework as it is able to identify land to accommodate at least 10% of its housing requirement on sites no larger than one hectare. However, in the interests of clarity and in order to ensure that the Plan is justified an explanation of this should be provided as a modification to the supporting text of policy H2 and details of the sites should be included in an Appendix to the Plan in order to demonstrate compliance with the national policy requirement.
48. The small sites policy (policy H8) is intended to introduce greater flexibility for the provision of homes next to existing settlements, where under the existing policy framework in PLP1 they would not normally be permitted (other than as rural exception sites), in order to meet the area's housing requirement, as part of the overall spatial strategy to delivering growth across Purbeck and to provide an opportunity for small scale development to enhance/maintain the vitality of rural communities. The Council indicates that the policy would contribute toward meeting the requirement of paragraph 68 of the Framework as referred to above to promote the development of a good mix of sites.
49. I do not disagree with the intentions of the policy as detailed above. However, I share some of the concerns raised by representors as to

³⁰ The Framework paragraph 68

³¹ Document SD88

³² Bere Regis Neighbourhood Plan and Wareham Neighbourhood Plan

³³ Document SD87

whether the submitted policy, which would provide for a maximum of 30 homes on any small site adjacent to a settlement, has sufficient regard to the settlement hierarchy of the area and whether it sufficiently provides for the impact of homes on small sites, both individually and cumulatively, to be considered in relation to the impact on individual settlements and screening for likely significant effects to European sites and completing appropriate assessments.

50. Suggested Main Modification (MM53) seeks to address these matters and ensure that the policy is consistent with paragraph 78 of the Framework in relation to encouraging sustainable patterns of development in rural areas. I have considered the evidence and the views expressed at the hearing sessions in relation to both the submitted policy and the suggested modification. The application of different thresholds to settlements depending upon their position in the settlement hierarchy would ensure that developments are proportionate to the size and character of the settlement and provide greater direction and be more precautionary in relation to screening for likely significant effects to European sites and completing appropriate assessments. Accordingly, I am minded to accept that the suggested modification is needed to achieve a sound plan.

Second homes

51. The submitted Plan proposes a policy (policy H14) to restrict new housing permitted in the Area of Outstanding Natural Beauty, on small sites (as set out in policy H8) and on rural exception sites (as set out in policy H12) to be occupied only as a principal residence. The policy is intended to manage the number of new homes which are built as, or become, second homes in order to ensure the housing needs of local people are met, create a good balance and mix of housing to allow people to live and work locally and strengthen the community and local economy.
52. However, I am not persuaded that, in order to achieve the outcome sought, it is necessary, reasonable or proportionate to subject replacement dwellings to the restriction of the policy. The replacement of one unrestricted dwelling by another unrestricted dwelling would have no impact on the existing mix and balance of housing. Based on the evidence therefore, I am not sufficiently satisfied that including replacement homes in the policy is justified. Consequently, further amendment is necessary to the suggested Main Modification (MM101) to policy H14 in this respect.

Conclusion

53. Assuming that the Council would be content to adopt the Plan subject to the modifications referred to above and in the attached Annex, I would be grateful if the Council would prepare for my consideration a revised composite schedule of Main Modifications that takes account of the further changes I have indicated are likely to be necessary.
54. Should this not be the case I would be grateful if you would advise me of the Council's position as a matter of urgency.

55. A separate schedule of all of the changes that are necessary to the submission policies map to reflect the policy changes in the revised composite schedule of Main Modifications should also be prepared and consulted upon.
56. The examination is not yet complete and proposed Main Modifications and changes to the policies map should be subject to further sustainability appraisal and Habitat Regulations Assessment if necessary; this should be undertaken before they are finalised.
57. I will need to see the draft revised schedule and may have comments on the detailed wording of the potential Main Modifications. I will also need to agree the final version of the schedule before it is made available for public consultation.
58. When I am satisfied with the schedule of proposed Main Modifications, it and the policies map changes will be subject to a six week period of public consultation which should be undertaken in accordance with the Council's Statement of Community Involvement in a similar manner to that in which it would be carried out under Regulation 19. This consultation will be about the proposed Main Modifications, changes to the policies map and updated SA/HRA. It will not consider other aspects of the Plan or "omission sites".
59. Since the Plan was submitted in January 2019 further evidence and information to support it and some of the suggested Main Modifications has been submitted by the Council. Some of this is specifically referred to above. However, it should all be made available to inform the public consultation on the proposed Main Modifications.
60. A list of the further evidence and information to be consulted upon should be prepared and I will need to agree this. I will also need to see all the consultation materials before they are made available for public consultation.
61. Representations about the proposed Main Modifications, changes to the policies map, and the further/revised evidence should then be sent to the Council. At the end of the consultation period, the Council should forward the representations to the Programme Officer along with a summary of the main issues raised and the Council's brief response to those main issues. I will then consider all of the representations about the proposed Main Modifications before finalising my report.
62. Normally, all issues arising from the consultation on the proposed Main Modifications should be capable of being considered through the written representations' procedure. Exceptionally, however, as indicated in the Procedural Practice in the Examination of Local Plans (The Planning Inspectorate June 2016), it may be necessary to hold a further hearing session or sessions to clarify and resolve any substantive outstanding issues relating to the proposed Main Modifications. If this is the case, all representors will be informed.

63. Please arrange for this note to be published on the examination website. I am not inviting comments on it, but if the Council has any questions of clarification or, further queries about the next steps, they should be raised with the Programme Officer.

Beverley Doward
Inspector

18 March 2020

ANNEX

Schedule of Suggested Main Modifications

A1. In addition to those changes outlined in the covering note the following changes are needed to the updated schedule of suggested Main Modifications³⁴ produced by the Council, dated 8 November 2019. There may also be the need for some further changes/refinement to the detailed wording of the proposed Main Modifications on the revised schedule.

Purbeck Local Plan timings and next steps

A2. The Council can make minor changes as 'Additional Main Modifications' provided it is satisfied that they meet Section 23(3) of the Planning and Compulsory Purchase Act 2004 (as amended). The changes to the first two paragraphs of MM28 would appear to fall into this category and should therefore not be included on the revised schedule. Further amendment is needed to the detailed wording of the final sentence of that part of MM28 which relates to 'reviewing local plans' to ensure it refers to both review and updating in accordance with the Framework³⁵.

Strategic/Non-strategic policies

A3. The Framework indicates that strategic policies should be limited to those necessary to address the strategic priorities of the area and to provide a clear starting point for non-strategic policies.

A4. The submitted Purbeck Local Plan indicates that all its policies are strategic. A number of policies within the submitted Plan relate to very detailed matters and following the discussion at the hearing sessions the Council has subsequently reviewed whether all the policies of the Plan are truly strategic (MM30). Other suggested Main Modifications (MM44, MM54, MM55, MM56, MM59, MM61 and MM62) respond to concerns raised regarding the impact of some of the policies identified as strategic policies on the opportunity for Neighbourhood Plans to take into account local evidence. Further amendment to these modifications is necessary to indicate that local policies in Neighbourhood Plans may set local requirements on matters covered by the strategic policy where justified by robust local evidence. Further amendment is also necessary to modifications (MM44, MM59, MM61 and MM62) to ensure that they do not appear as policy in supporting text.

A5. In relation specifically to the small sites policy (policy H8), this is clearly a strategic policy and any change to its status could undermine the Council's strategy for meeting its housing requirement. However, equally I appreciate that it may also undermine the ability for Neighbourhood Plans to take a lead on which sites may be most appropriate by negating any incentive for developers to promote such sites through the Neighbourhood

³⁴ Document SD14

³⁵ The Framework paragraph 33

Plan process. Accordingly, I consider that the policy should be modified along the lines indicated as preferred by the Council³⁶. In so doing this would ensure that the strategic policy objectives of the Purbeck Local Plan are not undermined whilst still allowing a measure of control to Neighbourhood Plans.

Supplementary Planning Documents (SPDs)/other standalone documents

- A6. A number of policies within the submitted Plan require compliance with an SPD or other standalone document thereby purporting to give development plan status to documents which are not part of the Plan and which have not been subject to the same process of preparation, consultation and examination. This would not be compliant with the Regulations³⁷. In preparing the revised composite schedule of suggested Main Modifications a thorough check should be made to ensure that all these references have been removed from the policies of the Plan.

Renewable Energy

- A7. MM34 indicates the deletion of criteria d from policy E3. However, the wording of the deleted text is not the same as that indicated in the submitted Plan.

Protected Environments

- A8. There was much discussion at the hearing sessions as to whether the specific wording of a number of the policies in the submitted Plan, particularly those within the Environment chapter relating to the conservation of protected sites (policy E7), the Dorset Heathlands (policy E8) and Poole Harbour (policy E9), accurately reflect the Habitats Regulations. Consequently, the Council has drafted a number of modifications to these policies and their supporting text. However, as indicated above it will be necessary to revisit the HRA to consider the implications of any proposed modifications and this should be undertaken before the proposed Main Modifications are finalised. It may be therefore that further changes to these policies and their supporting text, as well as other policies of the plan, are required as a result of this work.
- A9. In addition to the proposed modifications to the environment policies referred to above, the Council has drafted modifications to the small sites policy (policy H8), the rural exception sites policy (policy H12) and the supporting vibrant and attractive tourism policy (policy EE4) to reflect the Habitats Regulations in relation to the protected environment. Similar modifications should be included to other policies relating to unallocated residential development (policies H13 and H15), employment development (policies EE2 and EE3) and the Wareham integrated health and social care hub (policy I6). It will also be necessary to ensure that the effects of development intended through Neighbourhood Plan allocations are

³⁶ Document SD91

³⁷ Regulation 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012

addressed. In order to avoid ambiguity, the detailed wording of the proposed modifications should be consistent between all the policies and between the policies and their supporting text.

New housing development requirements

A10. As submitted, criterion j of the new housing development requirements policy (policy H3) requires all proposals for new housing development on allocated sites to contribute to education provision. The Council acknowledges that whilst this requirement could relate to the extra care units allocated in policy H4: Moreton Station/Redbridge Pit and policy H5: Wool it is unlikely. Accordingly, further amendment is needed to the proposed modification (MM48) to the policy to clarify that in relation to the extra care units allocated in policies H4 and H5 an assessment will be made at the planning application stage as to whether or not these units will be required to contribute to education provision.

Affordable housing

A11. Further amendment is needed to the proposed modification (MM56) to the affordable housing policy (policy H11) to ensure that it is clear that any flexibility afforded to Neighbourhood Plans to take account of local evidence relates only to the tenure mix of affordable housing rather than the overall proportions of affordable housing required. This may be achieved merely by inserting that part of the proposed modification which relates to this matter immediately underneath the table relating to tenure mix.

Rural Exception sites

A12. Further amendment is needed to the proposed modification (MM58) to refer to the need to have regard to the impact of the proposed development, both individually and cumulatively with other developments, in terms of its scale, size, appearance and layout on the character of the surrounding landscape or settlements. It would seem appropriate to use similar wording to that used in criterion b of the small sites policy (policy H8). The final paragraph of the rural exception sites policy (policy H12) in the submitted Plan would appear to have been superseded by the inclusion of criterion f in the proposed modification (MM58). Accordingly, it should be indicated as deleted in the revised schedule.

Planning for Employment

A13. The proposed modification (MM12) to the planning for employment policy (policy EE2) seeks, amongst other things, to clarify that the second part of the policy relates to the re-designation of safeguarded employment land. However, further amendment is needed to ensure that this is reflected in the policy text below the proposed amended sub-heading.

Tourism

A14. Further amendment is needed to the detailed wording of the proposed modification (MM100) to clarify its intention in relation to hotel and bed and breakfast accommodation and the settlement hierarchy.

Infrastructure

- A15. Further amendment is necessary to the wording of the proposed modification (MM25) to the developer contributions policy (policy I1) to ensure that it is sufficiently comprehensive in relation to the totality of possible mitigation required under the Habitats Regulations. In addition, for consistency the reference in the final sentence of the proposed modification (MM26) that refers to an 'on-site SANG' should be amended to a 'site specific SANG'.
- A16. Further amendment is necessary to the wording of the proposed modification (MM16) to the supporting text to policy I4. As currently drafted, this appears as policy requiring compliance with standards in a standalone document within the supporting text.
- A17. Further amendment is necessary to the wording of proposed modification (MM16) in relation to the recreation, sport and open space policy (policy I4) to clarify the position in relation to small sites.
- A18. The Infrastructure Delivery Plan (IDP)³⁸ considers the requirements to support the number of homes in Purbeck between 2018 and 2034 as envisaged in the submitted Plan. The Council should review the IDP to consider whether any amendments are necessary as a result of the proposed modifications and the further changes referred to in this Annex and covering note. The delivery plan schedule in the submitted IDP includes various forms of infrastructure that are either not costed or timed. I appreciate that nominal costings have been made for these in the economic viability evidence. However, the IDP should be updated to provide the necessary missing information in the delivery plan and made available to inform the public consultation on the proposed modifications.

Implementation and Monitoring

A19. Further amendments to the proposed modification (MM22) to the implementation and monitoring table are likely to be necessary as a result of some of the changes referred to as necessary in this Annex and covering note.

Policies Map

A20. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend Main Modifications to it. Where any consequential changes or corrections are required to the

³⁸ Document SD28

submission policies map these changes should be made available for comment alongside the Main Modifications.