



Dorset Deserves Better

Campaign for Re-think of Dorset Local Plan

Newsletter 4: February 15, 2022

Highlights

- Concerns grow over what happens while we wait for a new Local Plan
- Example of “Tilt” toward the developers at Stalbridge
- River Char: Clean, Revive, Restore Project
- More support for DDB Campaign – **now with 53 partners and over 65,000 people**
- **Date for next Alliance Meeting: Tuesday 22 February.** Agenda coming out this week

What Happens to Planning While We Wait?

We reported in DDB Newsletter 3 that Cllr Spencer Flower said he wished to see a Local Plan which meets the needs of the people rather than one which is based on ‘chasing housing numbers’. He has asked Michael Gove for more time to prepare the new Local Plan. So, we might not have one fully approved until 2026!

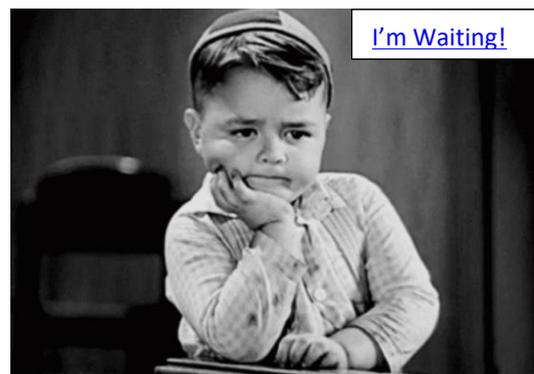
Meanwhile, the clock is ticking. The nominal period for the new Plan is 2022 to 2038. So, any housing which is built from January 2022 would count towards whatever total of new dwellings is finally shown in the approved new Plan.

While we wait, the existing approved development plans from the previous planning authorities form the starting basis for planning decisions. These are:

- West Dorset, Weymouth & Portland Local Plan
- Purbeck Local Plan Part 1
- North Dorset local plan Part 1, Policies 1 to 33
- Christchurch & East Dorset Local Plan Part 1, Core Strategy

The Purbeck Local Plan Part 1 has been reviewed and may be replaced by a new Purbeck Local Plan 2018 to 2034. Following public examination, a decision by the Inspector is expected in May/June this year.

We asked Cllr Flower for an assurance that current adopted local plans, including the new Purbeck Local Plan (if adopted), would form the basis for decision-making until such time as they are replaced by a new Local Plan. His response opens up strong reasons for concern. Essentially there are other ‘considerations’ that could



be more persuasive if there is conflict with adopted policies and so could erode the authority of the existing local plans.

These considerations are technical so please skip two pages if you do not want to know the details. For those of you deeply involved in planning decisions, this could be important:

Age of plan

The National Planning Policy Framework (NPPF) requires local plans to be reviewed at least every 5 years and to be underpinned by relevant and up-to-date evidence. If five years have passed since they were last reviewed, they become technically 'out of date'. The decision in 2018, by the then Dorset shadow unitary authority, to cancel all reviews means that all of the plans listed above are either already, or will soon become, technically 'out of date' – except the Purbeck Local Plan, which may be brought up to date if the Inspector decides to approve the review mentioned above. Being 'out of date' does not invalidate a Plan, but it brings other considerations into play when making planning decisions.

5-year housing supply

The NPPF requires planning authorities to ensure that they set a target for the number of new houses to be built each year, and that they have an adequate supply of land zoned or otherwise approved for new housing to achieve that target over the next five years. It is troubling that Dorset Council, having taken over responsibility for implementing the Local Plans, has been unable to show the full availability of a five-year land supply in some parts of Dorset. If the land supply is not met, the plan is considered to be 'out of date' and the consequence is a "presumption towards development" – see definition of the next paragraph. That is why Cllr Flower, when he asked Michael Gove for more time to prepare the Local Plan, also asked for an exemption from the rules relating to the five-year land supply.

Housing Delivery test

The NPPF also requires planning authorities to record the new dwellings actually built each year, and applies a housing delivery test, based on the last 3 years' performance. This test is designed to ensure that the rate of house-building will meet the rates targeted in the Local Plan. Planning authorities can struggle to meet the housing delivery test because developers are, broadly speaking, free to choose the rate at which they develop land. Moreover, where an existing approved Plan is judged to be out of date, the housing target is based upon the Government's standard method for calculating housing need, which is significantly higher than that used in the earlier approved Plans.

Failure to meet the currently applicable target results in penalties on the planning authority. West Dorset is the only area where no penalty currently applies. Where the rate of building is below 95% of the target (as now applies in East Dorset), the authority must produce an 'action plan'. Where it is below 85% (as now applies in Purbeck), there must be an 'action plan' and an additional 20% buffer added to the target. Where it is below 75% (as now applies in North Dorset), a "presumption in favour of sustainable development" kicks in. This presumption means that decisions on planning applications are 'tilted' towards the developer unless other protections apply (e.g., environmental or landscape designations).

This newsletter contains a Case example of a recent approval on appeal of a proposal for new housing at Stalbridge, Dorset, which shows the effect of the presumption in favour of sustainable development and a 'tilted balance' towards the developer.

Prematurity and the influence of the draft Local Plan

If the 5-year housing supply rule or the housing delivery test are not met, or if the existing adopted Local Plan is technically out of date, the "presumption towards development" becomes stronger and developers may be able to gain planning approvals which suit them but not the local community. This may apply to land which is not zoned in the existing approved Local Plan, whether or not it is provisionally zoned in the draft new Local Plan. Even an approved and active Neighbourhood Plan may not provide sufficient defence, particularly where it has not been reviewed within the last two years. So there is a clear risk that permission for development may pre-empt decisions which should await the draft new Local Plan. The planning authority cannot decide on applications on prematurity grounds unless the new Local Plan has reached an advanced stage (i.e., submitted for Examination) and it is clear that granting or refusing permission could prejudice the outcome of the plan-making process.

What does this imply for action by Alliance partners?

If you are concerned about the possible development of sites in your area, you will need to be ready not only to respond to further phases of consultation on the draft Local Plan, but also to be vigilant in watching for planning applications for development on land which may or may not be zoned in the existing approved Local Plan or in the draft new Local Plan. If such applications do come forward, and you are opposed to them, you will need to be ready to bring forward arguments which take account of the points discussed above. More technical information will be contained in a forthcoming DDB Brief on Validity of Adopted Local Plans.

Stalbridge Example:

Case example: Housing scheme at Stalbridge, Dorset, allowed on appeal using ‘tilted balance’

Based on article by Huw Morris in [‘The Planner’](#)

On 12 November 2021, planning permission was granted for 114 new homes at Lower Road, Stalbridge, Dorset after the Inspector applied the “tilted balance” rule. This development is on land not zoned in the existing approved Local Plan but provisionally zoned in the draft Dorset Local Plan.



Land Value Alliances (the developer) had appealed against Dorset Council’s refusal of its scheme. The site is not identified in the existing North Dorset Local Plan, which aims to focus development on the main towns of Blandford, Gillingham, Shaftesbury and Sturminster but not including Stalbridge, where the emphasis is on meeting local rather than strategic need. The developer argued that the North Dorset Local Plan and its settlement boundaries, dating from 2003, were out-of-date. It also contended that any harm from the proposal is outweighed by the need for market and affordable housing in the context of a 3.3-year housing land supply.

Dorset Council argued that the spatial strategy in the draft Local Plan is consistent by directing development to sustainable locations in order to minimise the need to travel, create sustainable communities rather than commuter towns or villages and tackle climate change.

The Inspector said the key consideration was the weight to be given to the scheme’s adverse impacts versus the benefits in the “tilted balance”. He argued that policies allow for proposals in the countryside where they meet rural needs, including housing, climate change, economic development and infrastructure. He noted that Stalbridge is classified in the draft Dorset Local Plan as a “town and other main settlement” with “modest” expansion, and 27 per cent growth in housing. He also said that the proposal caused only moderate environmental harm through its reliance on the private car,

character and appearance and would make a significant contribution towards addressing the shortfall in meeting the government's objectives of “significantly boosting housing supply”. The provision of 40 per cent “affordable” homes in the project would also help to address the high level of general need for affordable homes across north Dorset.

He added that the harm and conflicts from the proposal would “simply not be as significant as the Council contends” and would not demonstrably outweigh the benefits when assessed against policies in the National Planning Policy Framework (NPPF), when taken as a whole. As such the proposal would be classified as a “sustainable development” for which paragraph 11d of the NPPF indicates a presumption in favour of development. The Inspector therefore allowed the appeal.

The Inspector’s decision – case reference 3265743 – can be read here:

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3265743&CoID=0> See also

The following articulate objection by Councillor Carr-Jones that came to nothing:

<https://moderngov.dorsetcouncil.gov.uk/documents/s23369/Statement%20from%20Cllr%20Carr-Jones.pdf>

The River Char: Clean, Revive, Restore Project – In Action!

For most of their journey to the sea, the River Char and its tributaries flow through the parishes of Wootton and Whitchurch.

So Char Valley Parish Council (which includes these parishes) commissioned Dorset AONB and Dorset Wildlife Trust teams (using grants + Parish Council resources) to do a ‘snapshot study of the River Char’. Their report was published in December 2021 and gave a picture of the health of the river, identified problems and pointed the way to a comprehensive river improvement plan.

We are now in Phase 2 of the River Char Community Project, working with Dorset AONB to put their improvement plan into action. Here is a hands-on report from Dana Assinder, volunteering with last Saturday’s first ‘daylighting’ work party, to clear a section of the river and its banks:

‘It was a great way to spend a grey day in February. Big thanks to Nick Gray from Dorset Wildlife Trust and Ian Rees from Dorset AONB, for their enthusiasm, sharp tools, and expert knowledge.

Working below Stockham Bridge, just north of Whitchurch, we focused on cutting back some of the willow, hazel and ash on the banks of the meandering middle reaches. This will let more light reach the water. Nick and Dominic also demonstrated how to hinge a willow (like hedge laying on a grand scale) to help to create new habitat and protect the banks from erosion when the river is in spate.’

Thanks to Julie Leah- a coordinator for the Dorset CAN Land Use team- the working party avoided the need for a bonfire by chopping up the branches into three categories - twiggy brush packed into unused corners of the fields to create habitat shelters; lichen-covered branches returned to the river bank; medium and large wood taken away for seasoning for timber – good tips for similar projects throughout Dorset.



Photo of Julie Leah

For information about subsequent events, including a public talk on ‘Foam, fleas and faeces’, looking in more detail at domestic pollution problems faced by the river, please visit www.charvalley.org/riverchar

Campaign Information

Last week saw a continued surge of support for the “Dorset Deserves Better” Campaign with another three councils joining us: Pimperne Parish Council, Bothenhampton and Walditch Parish Council and Church Knowle Parish Council. This brings the total support for the campaign up to 53 organisations and 77 Affiliates, together representing over 65,000 people. Please keep pressing your town and parish councils to support us and co-sign the open letter to Dorset Council. We need the surge of support to continue!

New Pan-Dorset Campaign Alliance Meeting

The next pan-Dorset meeting of the Dorset Deserves Better Campaign Alliance will take place by Zoom on Tuesday 22 February at 7.00-9.00pm. We will send all Alliance Partners a formal invitation and an agenda later this week, but anyone who wants to attend can join us. The main objective will be to revise our Campaign Strategy given the extraordinary events that have taken place over the last few weeks, namely the public statement by Cllr Spencer Flower and the burgeoning of the Campaign Alliance.

Making An Impact

Giles Watts presents our case to Dorchester Town Council, who agreed to join the Campaign Partnership - read the report here:

<https://www.dorsetecho.co.uk/news/19921348.dorset-council-planning-chief-accused-refusing-listen-residents/>

Positive news from the Leader of Dorset Council

Dorset Deserves Better received an email from Cllr Spencer Flower two days ago, in response to Newsletter 3. He indicated that following a positive meeting with the Secretary of State, he will shortly be meeting with the Planning Minister to discuss the Local Plan further. Once that meeting has taken place, he promised to be back in touch with the Campaign.

Campaign Communications

The main page for Dorset Deserves Better is <http://www.dorsetcan.org/ddb>

For general enquiries and communications, email:

dorsetdeservesbetter@gmail.com

For media enquiries, or sharing social media content, email:

mediadb@gmail.com

For the News Release & Open Letter go to: <https://www.dorsetcan.org/ddbpr>

Send us your news on: dorsetdeservesbetter@gmail.com

Social Media

To keep up to date with the Campaign:

- Visit our website at: <http://www.dorsetcan.org/ddb>
- Follow all of our social media posts at:
 - Twitter: @Dorset_CAN;
 - Facebook group: <https://www.facebook.com/groups/147832150657785>
 - Instagram: @dorset_can;
 - Snapchat: @dorset_can;
 - Dorset CAN (Climate Action Network) Facebook Page: <https://www.facebook.com/DorsetCAN>

Join the Campaign

If your organisation wants to join the campaign, please fill in and submit a form here: <http://www.dorsetcan.org/link>. Individuals can join the campaign at:

<https://bit.ly/DorsetDB>

Join the Campaign Team

Please write to us at dorsetdeservesbetter@gmail.com if you can help us with the campaign especially:

- Gathering news from partners and preparing the weekly newsletter
- Research to strengthen our arguments as we build the campaign.