



Dorset Council Consultation Response Document:  
Further Proposed Main Modifications to the  
Purbeck Local Plan  
April 2022

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## Context for consultation on further proposed Main Modifications

1. This document relates to the Purbeck Local Plan (2018 – 2034). The local plan was submitted for examination by the Secretary of State in January 2019. A Planning Inspector was appointed to examine the local plan and a series of public hearing sessions were held in July, August and October 2019. During the examination (prior to any further consultations) the Inspector recommended Main Modifications to the local plan to resolve soundness and legal compliance issues that had been raised through the examination.
2. A Post Hearing Note<sup>1</sup> from the Planning Inspector was received in March 2020 following the last hearing session in 2019. The Inspector's note sets out a series of changes, and a schedule of suggested Main Modifications (SD14) considered necessary to make the Plan sound and legally compliant. Taking account of the Inspector's note the council opened a consultation on proposed Main Modifications to the Purbeck Local Plan on 13 November 2020 which closed early in the following year on 8 January 2021.
3. The council received a total of 40 responses to the proposed Main Modifications. The representations raised matters/issues relating to each of the 85 proposed Main Modifications. The council has published these representations in full and prepared a consultation response document which summarises the matters/issues that were raised, any steps which the respondent considered were necessary to make the local plan sound/legally compliant and the council's response.
4. The council did not find that any of the responses raised substantive issues around legal compliance or soundness, except for some of those raised in respect to the proposed changes to Green Belt boundaries at Morden Park (Policy V2) and the proposed holiday park at Morden Park (Policy I5). These responses argued that Green Belt release for the holiday park, which would act as enabling development for a strategic Suitable Alternative Natural Greenspace (SANG<sup>2</sup>), had not been evidenced/justified, that these policies were inconsistent with national planning policy relating to the Green Belt and that the HRA of Policy I5 was not compliant with The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations).
5. The council considered that there was some merit in the issues relating to the supporting justification which it provided for Green Belt release for the Morden Park holiday park. It accepts that the proposed release and allocation were not fully justified and therefore could be considered to be inconsistent with national planning policy (paragraphs 140. and 141. of the National Planning Policy Framework, July 2021). The council does not accept that its consideration of exceptional circumstances for changes to Green Belt boundaries were flawed or the respondents' position that the assessments completed in its HRA were contrary to the Habitats Regulations.

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<sup>1</sup> Viewable on the Purbeck Local Plan examination webpages

<sup>2</sup> One form of heathland infrastructure project.

6. To ensure the local plan was consistent with national planning policy and therefore capable of being found sound, the council invited the Planning Inspector to consider Further Proposed Main Modifications to policies V2 and I5 which would delete reference to release of Green Belt at Morden for a holiday park. Since the delivery of the strategic SANG was linked to the holiday park it was no longer clear that it would be delivered without the enabling development. For this reason, the council also prepared a set of interim mitigation measures for Dorset heaths in the event that the Morden strategic SANG is not delivered. The council has also undertaken fresh assessments of the Further Proposed Main Modifications in the form of:
  - Sustainability appraisal and Habitats Regulation Assessment; and
  - Updated policies mapping.
7. The council has been clear that the consultation was specifically targeted on the Further Proposed Main Modifications and that it would not be giving consideration to comments that do not relate to the target policies or supporting documents. This document specifically relates to the consultation and responses which the council has received on the Further Proposed Main Modifications.

# Consultation on Further Proposed Main Modifications

## Schedule of Further Proposed Main Modifications

8. In response to the matters raised through the consultation on proposed Main Modifications the council prepared updated Further Proposed Main Modifications (presented in Appendix 5 and 6 of its 'Interim Mitigation Strategy for Heathland Habitat Sites (2018/19 to 2023/24): FMMCD1). The Further Proposed Main Modifications to Policies V2, I5 and their supporting text superseded the proposed Main Modifications presented in MMCD1. The Inspector also asked the council to prepare:
- an updated Sustainability Appraisal (SA). (The revised SA considers the implications of Further Proposed Main Modifications and the findings of the appropriate assessment in the HRA) (FMMCD2);
  - an updated / revised Habitats Regulation Assessment (HRA). (The revised HRA considers the implications of Further Proposed Main Modifications) (FMMCD3);
  - various memorandum of understanding (including with Natural England) (FMMCD4a, FMMCD4b, FMMCD4c, FMMCD4d and FMMCD4e); and
  - details of changes to the local plan policies map made in response to changes or corrections to the local plan (FMMCD5a, FMMCD5b and FMMCD5c).

## Covid-19 pandemic

9. This consultation was held during the Covid-19 pandemic. In response to rising infections, and the spread of the Omicron variant, government announced a move to Plan B on 8 December 2021. This included: a requirement to wear face masks in most public indoor venues and a request for people to work from home where they could. The council closed its offices to members of the public at the beginning of the pandemic in spring 2020 and encouraged its officers to work from home where they were able to in accordance with Plan B.
10. As with the consultation relating to the proposed Main Modification which was also held during the pandemic, the council reviewed whether it would be appropriate to delay consultation on the Proposed Main Modifications because of Covid-19. It decided to continue because:
- the local plan plays a key role in delivering the homes, and employment land, needed in the Purbeck area (including in the short and medium term); and
  - the policies in the local plan, including those relating to housing allocations and employment land, will enable economic growth and support recovery from the impacts of the Covid-19 pandemic.
11. Delaying the consultation would also be likely to delay economic recovery in the Purbeck area. The council's decision to continue with the consultation is consistent with guidance provided in an earlier Written Ministerial Statement (May

2020) from government, which states that councils and the Planning Inspectorate should seek to ensure that the planning process continues to operate effectively to support economic recovery. Government published a further written statement on 19 January 2021 which states that:

‘It is critical that work should continue to advance Local Plans through to adoption by the end of 2023 to help ensure that the economy can rebound strongly from the COVID-19 pandemic. Completing Local Plans will help to ensure that we can build back better and continue to deliver the homes that are needed across England.’ (Christopher Pincher, Minister of State for Housing).

## Consultation on further proposed Main Modifications

12. The council published its Further Proposed Main Modifications and associated documents (including those requested by the Planning Inspector detailed above), on 6 December 2021. The council arranged for the consultation to take place over 7 weeks (closing on Monday 24 January 2022). (The council extended the length of the consultation from 6 to 7 weeks in allowance for the Christmas holiday period and the Covid-19 pandemic). The total duration of the consultation period follows the requirements in Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and the guidance provided by the Planning Inspectorate relating to consultation on Main Modifications.
13. Apart from making documents available to inspect at council and town council offices, the consultation was carried out in accordance with the council’s Statement of Community Involvement 2020 (SCI). The council made changes to its SCI in response to social distancing restrictions which were being applied to prevent the spread of Covid-19<sup>3</sup>.
14. The Council designed its response form to obtain people’s views on whether they considered that the Further Proposed Main Modifications (where appropriate having regard to supporting documents) were sound and legally compliant. (See Appendix 1 for a copy of the council’s response form).
15. The response form was available to complete online (the Council’s stated preference) or on paper. The form allowed respondents to specify which Further Proposed Main Modification they were commenting on. Responses submitted electronically or in paper copy were accepted provided they were received by the

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<sup>3</sup> The council was also mindful of the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020. These regulations adjusted the council’s responsibilities in respect to Regulation 18 and 19 consultations relating to emerging local plan plans. (Procedure Guide for Local Plan Examinations states that: ‘the nature and duration of the consultation should reflect that of the consultation held at Regulation 19 stage’). Regulation 35 was amended by the 2020 Order so that a document is deemed to be made available when published on a council’s website. The requirement to make documents available for inspection is removed by the 2020 Order and there is no requirement to provide hard copies of documents. The amended order expired on 31 December 2021.

deadline (24 January 2022) for making representation. The council did not receive any late response after the January deadline.

### **Who was consulted?**

16. In accordance with the process relating to consultations undertaken for Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012, all specific and general consultees were notified when the Further Proposed Main Modifications would be published by either letter or email. A copy of the notification letter is presented in Appendix 2 of this document. The general consultees who were notified include community groups, voluntary groups, landowners and agents who had previously asked to be consulted. (The general and specific consultation bodies are listed in Appendix 8 of the council's Regulation 22 consultation statement [SD07]).
17. As with the earlier Regulation 19 pre-submission publication of the Purbeck Local Plan, the Council also notified those residents and local businesses, who were recorded on its database.

### **How the publication occurred**

18. Government issued a Written Ministerial Statement (May 2020) to provide guidance to councils when carrying out their functions in relation to planning during the Covid-19 pandemic. It states:

'During these exceptional circumstances, the Government considers that online inspection of documents should be the default position across all planning regimes...'

19. Taking account of relevant laws and policies relating to Covid-19, and the ministerial statement, the following methods were used to give notice that the Further Proposed Main Modifications had been published and that documents had been made available for comment:
  - all documents were accessible from the council's website (the council's website also included an online response form);
  - physical copies of selected key documents were made available to loan at local libraries (including Lytchett Matravers, Wareham, Wool, Swanage, Dorchester and Hamworthy);
  - the council organised a press release;
  - interested parties were given the opportunity to make responses using a paper form that could be posted to the council or by editing an electronic copy of the response which could be attached to an e-mail;
  - everyone on the Council's local plan database (refreshed post introduction of the General Data Protection Regulations 2018) was notified of the consultation either in writing or by email (see Appendix 6 for a copy of the notification letter); and



- details of the Further Proposed Main Modification were publicised using social media.
20. Other than making copies of the consultation documents available for inspection at council and town council offices in Purbeck, the methods used to notify consultation bodies / interested parties of publication are consistent with those which the council used as notification that the pre-submission draft Purbeck Local Plan had been published.
21. In accordance with government's Written Ministerial Statement, the council encouraged interested parties to respond digitally using either:
- an online survey form; or
  - an electronic copy of the survey form attached to an e-mail.
22. The council recognises that some people will not have been able to access documents through its website or to make their response digitally (a small proportion of people and organisations on its database had also expressly indicated that they wished to be contacted and updated by post).
23. The council took specific steps to ensure that these people and organisations had the opportunity to engage with the consultation. These included:
- communicating by post with those people, and organisations, who indicated that this was their preferred method of contact;
  - making copies of the consultation documents available for loan from local libraries; and
  - ensuring that officers were available on the telephone to answer questions relating to the consultation documents and the consultation during normal office hours over the consultation period.
24. The council is satisfied that the consultation was carried out fairly and that interested parties have been given the opportunity to make representation on the Further Proposed Main Modifications.

## Responses on proposed Main Modifications

25. The council received a total of 30 responses on the proposed Main Modifications. The number of representations received is lower than at earlier stages during the plan making process. The council considers that the lower level of response reflects the limited nature and scope of the most recent consultation (which is restricted to a consideration of Further Proposed Main Modifications and attendant documents) and the earlier opportunities to make representation / participate in the examination hearing sessions that were held in summer and autumn of 2019.

Consultation	Level of response
Regulation 18 issues and options consultation (2015)	484 representations
Regulation 18 Partial review options consultation (2016)	3,300 representations
Regulation 18 new homes for Purbeck consultation (2018)	6,762 representations
Regulation 19 pre-submission draft Purbeck Local Plan	195 representations
Proposed Main Modifications to the Purbeck Local Plan	40 representations
Further Proposed Main Modification to the Purbeck Local Plan	30 representations

Table 1: Representations on local plan consultations

26. The table below lists all respondents who raised comment through the current consultation. Where a respondent has previously made representation, the council has referred to their consultee reference (those respondents who had not already made representation have not been assigned consultee references) and assigned each respondent a consultation reference.

Respondent	Consultee reference	Consultation reference
Ralph Watts	1184929	FMM01
Steve Smith on behalf of Wool Parish Council	1189783	FMM02
Councillor Alex Brenton		FMM03
Goretti Quinn-Bagley		FMM04
Dr Ian Wright on behalf of LYMPWatch	1190632	FMM05
Jim Clark		FMM06
Edwin Macknamara on behalf of Arne Parish Council		FMM07
David Tarver		FMM08
Tim Whittle		FMM09
Alf Bush on behalf of Lytchett Matravers Parish Council	1191250	FMM10
Amanda Backhouse	1191015	FMM11

Respondent	Consultee reference	Consultation reference
Mr and Mrs Dunlop	1190181	FMM12
Gerald Rigler on behalf of CPRE	1191922	FMM13
Dr A C Warne	1190865	FMM14
Alan Bagley	1191476	FMM15
Rachel Palmer on behalf of Wool Flora & Fauna	1185234/1187112	FMM16
Clare Lees	1189887	FMM17
Rebecca Harfield on behalf of Historic England		FMM18
Catherine Horsley on behalf of Corfe Mullen Parish Council		FMM19
Amanda Crocker on behalf of Bere Regis Parish Council		FMM20
Gaynor Gallacher on behalf of Highways England	1191428	FMM21
Diana Parry	1192535	FMM22
Terrence O'Rourke (Andrew Elliot) on behalf of Bloor Homes	1190247	FMM23
Bev Churchill on behalf of Wareham Town Council	1188328	FMM24
David Evans on behalf of Wareham Neighbourhood Plan Steering Group	1188328	FMM25
Dr Andrew Langley	1191908	FMM26
Ian Taylor		FMM27
Nigel Hill on behalf of Moreton Parish Council	1188470	FMM28
Pro Vision (James Iles) on behalf of the Charborough Estate	1190180	FMM29
Tim Hoskinson on behalf of Wyatt Homes	1190589	FMM30

Table 2: Council summary of responses to Further Proposed Main Modifications and consultation documents

## Council summary of relevant matters of issues raised through consultation relating to Further Proposed Main Modifications

27. This section of the consultation report includes the council's summary of the matters and issues which it considers were raised in responses to the consultation. The council has only sought to summarise those matters and issues raised through responses which it considers could be relevant to whether the Further Proposed Main Modifications to the Purbeck Local Plan (2018-2034) (taking account of related documents) are legally compliant and sound. Where a response indicates support for a proposed Main Modification, or supporting consultation document, it has not been recorded in this report. Similarly, if a response includes matters or issues which the council felt were outside the scope of the current consultation it has not summarised these issues in this report.
28. For the Inspector's information, the council has compiled an 'overview' list below of those issues which were raised through the consultation which it does not consider relevant to the Further Proposed Main Modifications. Full copies of all representations to the consultation received during the consultation period will be published on the council's website and passed to the Inspector for consideration.

### Issues falling outside the scope of the current consultation

29. The council considers that the following issues raised in representation fall outside the scope of this consultation and are not relevant to the Further Proposed Main Modifications:
- a) Comments on changes to the development strategy for meeting Purbeck's need for new homes;
  - b) The council's decision to continue with the examination of the Purbeck Local Plan in context of:
    - work on the emerging Dorset Council Local Plan;
    - possible changes to the planning system and plan making process (government consultation 'Changes to the current planning system consultation' undertaken August and October 2020);
    - The Environment Act 2021;
  - c) Unrelated proposed Main Modifications to:
    - Paragraphs 43 and 44 of the Purbeck Local Plan (consequential FMM3);
    - Policy EE4: Supporting vibrant and attractive tourism (FMM66);
  - d) Assessments in the HRA which do not directly relate to the Further Proposed Main Modifications, for example:
    - The impacts of development on the populations of Salmon in the Rivers Piddle and Frome;
    - The effectiveness of nitrogen mitigation projects;
    - The assessment of proposed housing allocations on habitat sites (in particular those housing allocations around the settlement of Wool);

- e) The evidence and justification for changes to Green Belt boundaries around:
  - Lytchett Matravers (including the council giving consideration to the SANG as a compensatory measure for Green Belt release around the village) (Policies H3 & H6); and
  - Upton (Policies H3 & H7);
- f) The suitability of land at Wool for housing and SANG (having regard to the harm to biodiversity arising from this development) (Policies H3 & H5);
- g) The suitability of the proposed SANG at Lytchett Matravers (Flowers Drove) (Policies H3 & H6).

30. These issues have not been summarised in detail in this report and the council has not sought to provide detailed responses to each issue. But by way of general clarification for the respondents who have raised these matters this part of the report includes a brief council response to each issue.

- Issue 29. a): The council is not proposing any changes (including the distribution or the numbers of homes which the council estimates will be delivered at each location) to the development strategy, which includes policy allocations for new homes around Upton, Lytchett Matravers, Wool and Moreton. The revised text in the proposed Main Modification to paragraph 43 of the local plan (FMM3) has already been subject to consultation. No further changes to this paragraph are suggested as Further Proposed Main Modifications.
- Issue 29. b): The Purbeck Local Plan is at an advanced stage through the examination process. It includes strategies for meeting the areas development needs and updates to policies in the Purbeck Local Plan Part 1 (2012) which reflect changes in national policy and an updated evidence base. When adopted the policy allocations in the emerging local plan will make an important contribution to housing land supply in the Purbeck area and its updated policies will ensure that decisions on planning applications are made taking account of the latest evidence and in accordance with the latest national planning policy. The decision to continue with the examination of the Purbeck Local Plan is also entirely consistent with the guidance provided by government to ‘... continue to advance Local Plans through to adoption by the end of 2023 to help ensure that the economy can rebound strongly from the COVID-19 pandemic.’ (Christopher Pincher, Minister of State for Housing, 19 January 2021).
- Issue 29. c): In respect to paragraph 43 and FMM3, see council response above. In respect to policy EE4 and FMM66, the council has not proposed any substantive changes to the drafting of this policy as part of the Further Proposed Main Modifications. The other proposed Main Modifications to this policy have been subject to earlier consultation and discussions held during the examination hearings.
- Issue 29. d): The impacts of development on salmon populations in the Rivers Frome and Piddle have been raised in earlier representations. The council

has included further specific assessments in its HRA to address this matter (see SD89). It is satisfied that the assessment in its HRA is robust. The HRA includes detailed assessments of the potential impacts of the development in policy allocations, including its impacts on Poole Harbour habitat sites and areas which provide functionally related habitat. The council is satisfied that its assessments are robust.

- Issue 29. e): The council is satisfied that there are exceptional circumstances for changes to Green Belt boundaries around Upton and Lytchett Matravers which have been fully evidenced and justified. See council's response to Inspector's matters, issues and questions (Matter C: Green Belt), Green Belt Study 2018 – Pre submission & Green Belt Study (SD56 and SD19) and Housing background paper (SD19). The Further Proposed Main Modifications proposed by the council do not raise any substantive issues which are relevant to these proposed allocations.
- Issue 29. f): The suitability and potential impacts of development identified in the policy allocation for Wool (Policies H3 & H5) have been subject to numerous earlier representations, Inspector's matters, issues and questions (Matter E: Housing) and discussions at hearing sessions. The council is satisfied that the proposed allocations are sound and legally compliant.
- Issue 29. g): The suitability of the proposed Lytchett Matravers (Flowers Drove) SANG (Policies H3 & H6) have been subject to numerous earlier representations, Inspector's matters, issues and questions (Matter E: Housing) and discussions at hearing sessions. The council is satisfied that the proposed SANG is deliverable and will be effective.

## Relevant issues relating to the Further Proposed Main Modifications

31. The table below summarises which of the Further Proposed Main Modifications and other consultation documents the council has received representations on, the number of respondents and the number of relevant matters or issues relating to each matter.

Reference proposed Main Modification or consultation document	Number of respondents	Number of relevant matters and issues raised by respondents
Further Proposed Main Modification 3	2	0
Further Proposed Main Modification 6	1	4
Further Proposed Main Modification 7	1	4
Further Proposed Main Modification 66	3	0
Further Proposed Main Modification 76	5	7

Reference proposed Main Modification or consultation document	Number of respondents	Number of relevant matters and issues raised by respondents
Further Proposed Main Modification 77	4	7
Further Proposed Main Modification 82	3	0
Interim Mitigation Strategy for Heathland Habitat Sites [FMMCD1]	14	16
Sustainability Appraisal [FMMCD2]	4	3
Habitats Regulation Assessment [FMMCD3]	2	1
Memorandum of understanding (FMMC4a to FMMCD4e)	8	0
Local Plan Policies Map [FMMCD 5a to 5c]	1	1

Table 3: Council summary of responses to Further Proposed Main Modifications and consultation documents

32. As well as summarising the matters and issues raised in responses the council has summarised the changes suggested by the respondent which they consider would make the Further Proposed Main Modification legally compliant or sound. Where the respondent had not suggested a remedy, or not clearly identified a remedy in their response, the council has marked this with N/A.

33. The council has also sought to provide a response to the matters or issue raised by the respondent. It has not presented further evidence on the matter or issue, rather it has sought to:

- draw the Inspector's attention to published evidence or policy which it considers addresses the matter or issue; or
- indicate where revisions to the Further Proposed Main Modification should be made in response to the representation; or
- indicate where it would not object to the Inspector considering an adjustment to the Further Proposed Main Modification.

### Issues relating to the process of preparing Further Proposed Main Modifications and consulting on these Modifications

34. Along with responses relating to the Further Proposed Main Modifications the council also received representation on the process of preparing Further Proposed Main Modifications and the consultation on these Modifications. In summary the issues raised include:

- a) Council did not publish the 'draft information' referred to in the Inspector's letter of the 24 November 2021, and:
  - i. the Inspector's letter of the 24 November 2021 was prepared without receiving representation from the Charborough Estate or others;

- ii. the Inspector's letter, and the approach to preparing the Further Proposed Main Modifications, will discourage others from making representations on Further Proposed Main Modifications (the Inspector has indicated that the plan could be found sound subject to these changes);
- b) There has been no public call for SANG through the examination – alternatives have been assembled privately and others have not had an opportunity to put forward their proposals;
- c) Proposed SANG have not be subject to public consultation as 'actual proposals'; and
- d) Changing the position of the strategic SANG requires a major review of the habitats mitigation strategy.

35. The council has explained in detail how the consultation was undertaken in this report and the steps which it has taken to ensure that all interested parties have been given opportunity to make comment on the Further Proposed Main Modifications. It is satisfied that the consultation process has been conducted fairly and consistently with the earlier consultations.

36. In response to the specific points raised above:

- Issue 34. a): 'Procedure Guidance for Local Plan Examinations' states in respect to Main Modifications that '...the Inspector's final recommendations, and the reasons for them, will be set out in the Inspector's report at the end of the examination.' (Paragraph 6.4). The council's latest consultation on Further Proposed Main Modifications follows the procedure outlined in Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The Proposed Further Main Modifications, Sustainability Appraisal, Habitats Regulation Assessment and revisions to the local plan policies map have now been subject to public consultation (Paragraph 6.7 of 'Procedure Guidance for Local Plan Examinations'). The 'Procedure Guidance for Local Plan Examinations' also clearly anticipates that councils will work with Inspectors to prepare a schedule of Main Modifications in advance of formal consultation. (Paragraph 6.8 states: 'LPA will be asked to produce a schedule of proposed MMs for the Inspector's comment. The LPA will need to work proactively with the Inspector and dedicate sufficient resources to finalise the MM schedule, as well as any supporting SA and HRA.'). There are no formal or informal requirements in legislation, or procedure guidance, to engage with third parties when compiling schedules of Main Modifications. The Inspectors make clear in their letter of the 24 November 2021 that '...we are satisfied, at this stage, that with FMMs the Purbeck Local Plan is likely to be capable of being found legally compliant and sound. However, any representations made as a result of the consultation on the FMMs will be considered in coming to our final conclusions on the Plan. The advice and the comments in this note are without prejudice to those final conclusions.' (Council's emphasis). The council is satisfied that all interested parties have been given the opportunity to make representation on Further Proposed Main Modifications and that the



issues raised in these representations will be considered by the Planning Inspector and set out in her final report.

- Issue 34. b): The council has not made any formal calls for SANGs following the examination hearings and consultation on proposed Main Modifications. But there were discussions around potential alternatives for strategic SANG at the examination hearing sessions. Interested parties have also had the opportunity to make representation through the latest consultation to promote alternative SANG. The council has only received one representation promoting a strategic SANG in the Lytchett Minster and Bere Farm areas. The council has already assessed the suitability of both these alternatives in its evidence relating to Green Belt release (see SD56 and SD24) and in the assessment document prepared following initial hearing sessions (SD93). These options for strategic SANG were also discussed during the examination hearings. The council is satisfied that there have been opportunities for other interested parties to promote alternative strategic SANG during the hearing sessions and through the consultations on Main Modifications. Accordingly, it does not consider that any parties have been disadvantaged.
- Issue 34. c): The current consultation on Proposed Further Main Modifications has provided an opportunity to make representation on the proposals for heathland infrastructure projects which are described in detail in the council's Interim Mitigation Strategy (FMMCD1). FMMCD1 provides relevant information in sufficient detail to allow these proposals to be properly considered. The council does not consider that any parties have been disadvantaged by this approach.
- Issue 34. d): The council has revised and re-published its HRA (FMMCD3). All interested parties have been given the opportunity to make responses on the revised HRA and the Interim Mitigation Strategy (FMMCD1). The council does not consider that any parties have been disadvantaged.

## Further Proposed Main Modification (FMM) 6: Chapter 2, Vision and Objectives, paragraphs 45 and 48

### Summary of matters / issues raised in responses

37. The council received responses relating to this Further Proposed Main Modification raising the following matters / issues:

- a) Proposed Green Belt release for a holiday park at Morden Park has been evidenced as sound and legally compliant. The proposed allocation was also accepted as sound and legally compliant by the Inspector in her Post Hearing Note without prejudice to her final conclusions on the local plan (Paragraph 2.13, Pro Vision on behalf of the Charborough Estate).
- b) No new materially relevant matters / issues have been raised through the responses to the proposed Main Modifications which have not already been considered by the Inspector during the examination. There is no justification for the council seeking further changes to these parts of the local plan (Paragraph 2.21, Pro Vision on behalf of the Charborough Estate).
- c) The council has previously demonstrated that it had fully examined all other reasonable alternatives to Green Belt release at Morden through:
  - i. evidence in SD93 around the need for a strategic SANG in northern Purbeck;
  - ii. details of funding for strategic SANG;
  - iii. evidence in SD56 of exceptional circumstances for Green Belt release of the land identified for the holiday park – as part of this it considered the scale of release (the council did not consider whether a lesser release would have secured the SANG) (Paragraph 2.35, Pro Vision on behalf of the Charborough Estate).
- d) The alternative options which the council has presented in the Interim Mitigation Strategy are poorer than the proposed strategic SANG at Morden and are therefore not 'reasonable' alternatives (Paragraph 2.37, Pro Vision on behalf of the Charborough Estate).

### Changes which the respondent considers are necessary to make the proposed Main Modification legally compliant or sound

38. Respondents have suggested the following changes:

- a) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- b) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).

- c) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- d) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).

## **Council Response**

39. The council has sought to respond to the matters / issues raised in responses by drawing the Inspector's attention to published evidence and national policy and guidance. Where appropriate it has also indicated where it considers it might be appropriate to consider revision to a proposed Main Modification.

- a) The Council accepts that there is merit in the arguments that the release of green belt for the development of a holiday park as enabling development for the strategic SANG is unjustified, but that if release could have been justified there are exceptional circumstances for changes to the Green Belt to enable delivery of the SANG. Having considered the arguments for and against the release of Green Belt, and in the light of the emerging Dorset Council Local Plan, the Council is of the opinion that the release of Green Belt to facilitate the development of a holiday park at Morden Park, is no longer justifiable and therefore has proposed the Further Main Modification.
- b) The council considers that there are differences between the nature and scope of those issues in the representations on proposed Green Belt release at Morden that were submitted during the early stages of the examination / at hearing sessions and those made in response to the proposed Main Modifications. It considers that the earlier responses did not include the same breadth of detailed considerations, criticism or explanation as those presented in the response to the proposed Main Modifications (please refer to Appendix 3 for a copy of a letter which the Council sent to the Charborough Estate in August 2021. The Charborough Estate have included a copy of their letter to the council as part of their representation on Further Proposed Main Modifications. In these circumstances the council considers that it is reasonable to include its response as part of this document. The council's response includes a detailed analysis of the issues raised in a selection of the written responses made through the examination in respect to Green Belt release at Morden).
- c) The council's examination of alternatives (as described in SD93) was limited to the options presented in the 'Partial Review Options Consultation Document 2016'. Land at Bere Farm and Lytchett Minster were promoted for residential development with attendant SANG, rather than as strategic SANG independently of any enabling development. The council's assessment does not demonstrate that it had fully examined the opportunity to deliver heathland infrastructure projects (including strategic SANG) where they would serve a similar function in locations outside the Green Belt or on sites within the Green

Belt without the need for changes to Green Belt boundaries. The limited scope of the search for alternatives as presented in SD93 is inconsistent with national planning policy and therefore could be unsound ('Matters and issues raised through consultation representation on proposed Main Modifications', pages 8 to 14, FMMCD1). The evidence that the council has presented for the Further Proposed Main Modifications in FMMCD1 demonstrates that effective habitat site mitigation can be delivered for Dorset heaths without the need to release land from the Green Belt.

- d) The council does not agree the heathland infrastructure projects (HIP) (which include SANG) that are identified in the Interim Mitigation Strategy ('Proposed interim approach to habitat site mitigation, Mitigating the deficit', pages 41 to 65, FMMCD1) are 'poorer' alternatives than the proposed Morden strategic SANG. Taking account of the Habitats Regulation Assessments prepared for the Purbeck Local Plan Part 1, the review of this plan and the current local plan, along with guidance from Natural England, the council is satisfied that heathland infrastructure projects identified in its Interim Mitigation Strategy can mitigate the impacts from those homes which have / will be delivered without the need for changes to Green Belt boundaries. The measures within the Interim Mitigation Strategy are therefore an effective alternative approach to the Morden Strategic SANG.

## Further Proposed Main Modification (FMM) 7: Chapter 2, Vision and Objectives, Policy V2

### Summary of matters / issues raised in responses

40. The council received responses relating to this Further Proposed Main Modification raising the following matters / issues:

- a) As FMM6 above (Pro Vision on behalf of the Charborough Estate).
- b) As FMM6 above (Pro Vision on behalf of the Charborough Estate).
- c) As FMM6 above (Pro Vision on behalf of the Charborough Estate).
- d) As FMM6 above (Pro Vision on behalf of the Charborough Estate).

### Changes which the respondent considers are necessary to make the proposed Main Modification legally compliant or sound

41. Respondents have suggested the following changes:

- a) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- b) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- c) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- d) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).

### Council Response

42. The council has sought to respond to the matters / issues raised in responses by drawing the Inspector's attention to published evidence and national policy and guidance. Where appropriate it has also indicated where it considers it might be appropriate to consider revision to a proposed Main Modification.

- a) See council's response FMM6 above.
- b) See council's response FMM6 above.
- c) See council's response FMM6 above.
- d) See council's response FMM6 above.

## Further Proposed Main Modification (FMM) 76: Chapter 6, Infrastructure, paragraphs 256 and 257

### Summary of matters / issues raised in responses

43. The council received responses relating to this Further Proposed Main Modification raising the following matters / issues:
- a) The policy allocation for the proposed holiday park has been evidenced as sound and legally compliant. The proposed allocation was also accepted as sound and legally by the Inspector in her Post Hearing Note without prejudice to her final conclusions on the local plan (Paragraph 2.13, Pro Vision on behalf of the Charborough Estate).
  - b) No new materially relevant matters/issues have been raised through the responses to the proposed Main Modifications which have not already been considered by the Inspector during the examination. There is no justification for the council seeking further changes to these parts of the local plan (Paragraph 2.21, Pro Vision on behalf of the Charborough Estate).
  - c) The proposed holiday park has benefits which are independent of the strategic SANG, including: new holiday accommodation, access to private land and environmental improvements/improvements to land management (Paragraph 2.5, Pro Vision on behalf of the Charborough Estate).
  - d) Natural England have said that a SANG in Morden is necessary in this location to mitigate recreational pressure (arising from residents and visitors) in the northern part of Purbeck and to divert visitors from habitat sites in Wareham Forest (Paragraphs 2.11 & 2.48, Pro Vision on behalf of the Charborough Estate).
  - e) The Further Proposed Main Modifications are unsound and not legally compliant (Pro Vision on behalf of the Charborough Estate).
  - f) The changes to the policy and supporting text in relation to the holiday park mean that Policy I5 will be rendered in-effective as the SANG will not be delivered without the holiday park – leaving this policy intact would therefore render the local plan unsound (Paragraph 2.39, Pro Vision on behalf of the Charborough Estate, Dr Andrew Langley and Nigel Hill).
  - g) Green Belt release at Morden for a holiday park is not justified (Rachel Palmer on behalf of Wool Flora & Fauna and Steve Smith on behalf of Wool Parish Council).

### Changes which the respondent considers are necessary to make the proposed Main Modification legally compliant or sound

44. Respondents have suggested the following changes:
- a) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).

- b) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- c) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- d) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- e) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- f) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate). Delete Policy I5 (Dr Andrew Langley and Nigel Hill).
- g) N/A (Rachel Palmer on behalf of Wool Flora & Fauna and Steve Smith on behalf of Wool Parish Council).

### **Council Response**

45. The council has sought to respond to the matters / issues raised in responses by drawing the Inspector's attention to published evidence and national policy and guidance. Where appropriate it has also indicated where it considers it might be appropriate to consider revision to a proposed Main Modification.

- a) The Council accepts that there is merit in the arguments that the release of green belt for the development of a holiday park as enabling development for the strategic SANG is unjustified, but that if release could have been justified there are exceptional circumstances for changes to the Green Belt to enable delivery of the SANG. Having considered the arguments for and against the release of Green Belt, and in the light of the emerging Dorset Council Local Plan, the Council is of the opinion that the release of Green Belt to facilitate the development of a holiday park at Morden Park, is no longer justifiable and therefore has proposed the Further Main Modification.
- b) The council considers that there are differences between the nature and scope of issues in the representations on proposed Green Belt release at Morden that were submitted during the early stages of the examination/at hearing sessions and those made in response to the proposed Main Modifications. It considers that the earlier responses did not include the same breadth of detailed considerations, criticism or explanation as those presented in the response to the proposed Main Modifications (please refer to Appendix 3. The Charborough Estate have included a copy of their letter to the council as part of their representation on Further Proposed Main Modifications. In these circumstances the council considers that it is reasonable to include its response as part of this document. The council's response includes a detailed

analysis of the issues raised in a series of responses to the proposed Green Belt release at Morden).

- c) Noting those other benefits of the proposed holiday park that have been listed by the respondent, the council has not presented evidence on the need for tourist accommodation in Purbeck as part of local plan's examination. Nor has it prepared a strategy for meeting any need which might exist. In consequence it has not undertaken the assessments described in Paragraph 141. of the NPPF which need to be completed before reaching any conclusions that exceptional circumstances exist for changes to Green Belt boundaries. Improving accessibility to Green Belt land and environmental improvements / improvements to land management are not listed as relevant considerations in Paragraph 141.
- d) The council has taken account of the HRA prepared for the Purbeck Local Plan Part 1 as well those undertaken for the consultation options in the local plan review and the current local plan, when developing the heathland infrastructure projects identified in its Interim Mitigation Strategy. The council's HRA do not prescribe any specific locations for SANG, rather the HRA identifies broad locations (see summaries in Appendix 4, FMMCD1). Following further assessment through an updated HRA and consultation with Natural England - who have entered an MoU with the council (FMMCD4a), the council is satisfied that the heathland infrastructure projects identified in its Interim Mitigation Strategy will provide effective mitigation for those homes which have / will be delivered during the interim period.
- e) The council considers that both the Further Proposed Main Modifications and the approach to delivering heathland infrastructure projects in the Interim Mitigation Strategy (FMMCD1) are both sound and legally compliant. The council has responded to the comments relating to the effectiveness and delivery of mitigation projects elsewhere in this response document and in its Interim Mitigation Strategy (FMMCD1).
- f) Where appropriate, and necessary to deliver suitable heathland infrastructure projects, the council will consider use of its powers to compulsorily acquire land at Morden to deliver the strategic SANG in the interests of carrying out development / proper planning. For these reasons the council considers that Policy I5 remains effective.
- g) Noted.



## Further Proposed Main Modification 77: Chapter 6, Infrastructure, Policy I5

### Summary of matters / issues raised in responses

46. The council received responses relating to this Further Proposed Main Modification raising the following matters / issues:
- a) As FMM76 above (Pro Vision on behalf of the Charborough Estate).
  - b) As FMM76 above (Pro Vision on behalf of the Charborough Estate).
  - c) As FMM76 above (Pro Vision on behalf of the Charborough Estate).
  - d) As FMM76 above (Pro Vision on behalf of the Charborough Estate).
  - e) FMM76 above (Pro Vision on behalf of the Charborough Estate, Dr Andrew Langley and Nigel Hill).
  - f) As FMM76 above (Rachel Palmer on behalf of Wool Flora & Fauna).
  - g) Delete the word 'Park' from the title to Policy I5, and the reference made in FMM82, as it is no longer associated with the potential holiday park at Morden (Dr Andrew Langley).

### Changes which the respondent considers are necessary to make the proposed Main Modification legally compliant or sound

47. Respondents have suggested the following changes:
- a) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
  - b) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
  - c) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
  - d) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
  - e) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
  - f) N/A (Rachel Palmer on behalf of Wool Flora & Fauna).
  - g) Delete the word 'Park' from the title for Policy I5 and the reference made in FMM82 (Dr Andrew Langley).

### Council Response

48. The council has sought to respond to the matters / issues raised in responses by drawing the Inspector's attention to published evidence and national policy and

guidance. Where appropriate it has also indicated where it considers it might be appropriate to consider revision to a proposed Main Modification.

- a) See council's response FMM76 above.
- b) See council's response FMM76 above.
- c) See council's response FMM76 above.
- d) See council's response FMM76 above.
- e) See council's response FMM76 above.
- f) See council's response FMM76 above.
- g) Noted. The Charborough Estate includes historic park land and parts (to the north adjacent to the A31) are registered as a 'Park and Garden' of special historic interest (as defined in the list maintained by Historic England). The council will consider the suggested change as a possible 'additional modification'.

## Interim Mitigation Strategy for Heathland Habitat Sites (FMMCD1)

### Summary of matters / issues raised in responses

49. The council received responses relating to this proposed Main Modification raising the following matters / issues:

- a) The council's Interim Mitigation Strategy is a short-term remedy and is not therefore effective over the plan period (specifically the interim strategy only extends to 2024, no strategic mitigation is identified between 2024 and 2034 and these failings mean that the plan's housing strategy is not appropriate) (Paragraph 2.43, Pro Vision on behalf of the Charborough Estate).
- b) The opportunity to identify a 5-year housing land supply is compromised because of a lack of mitigation for the whole plan period (Paragraph 2.44, Pro Vision on behalf of the Charborough Estate).
- c) Heathland infrastructure projects identified in the council's Interim Mitigation Strategy are not suitable because they are not located in appropriate locations (Paragraph 2.45 to 2.49, Pro Vision on behalf of the Charborough Estate).
- d) The heathland infrastructure projects identified by the council are not deliverable or effective for the following reasons:
  - Flowers Drove SANG:
    - i. Council not demonstrated that SANG capacity can be increased (Paragraph 2.57);
  - Bog Lane SANG;
    - i. Council has not defined the level of enhanced contribution that these enhancements would provide;
    - ii. Council contends that discussions will conclude before the end of the March 2024 without further evidence (Paragraph 2.58);
  - Land North of Winfrith Heath habitat site near Tadnoll;
    - i. This mitigation project is not equivalent to the provision of a SANG;
    - ii. This mitigation project is more than 20 kilometres from the access points into Wareham Forest (Paragraph 2.59);
  - Bere Heath, Court Farm;
    - i. The council has only achieved an agreement in principle with Dorset Wildlife Trust around joint working to deliver a SANG;
    - ii. The proposed SANG will achieve limited function around intercepting visitors to Morden Bog and Hyde Heath (7km to the west of access points into Wareham Forest);
    - iii. The proposed SANG will not intercept visitors from new development to the north and north east;

- iv. The council has not finalised agreements around design/specification and the SANG does not have planning permission (Paragraphs 2.61 and 2.62);
- French's Farm Upton;
  - i. The council has not shared details of the costs of delivering the SANG (Paragraph 2.63);
- Norden;
  - i. The council accepts that it cannot rely upon the delivery of this heathland infrastructure project during the interim period (Paragraph 2.64);
- Land to the east of Gore Heath;
  - i. The council accepts that it cannot rely upon the delivery of this heathland infrastructure project during the interim period (Paragraph 2.65);
- Pike's Farm Organford;
  - i. The council has not established how much land would be available to provide a heathland infrastructure project or its mitigation capacity (Paragraph 2.66);
- Purbeck Heaths Visitor Project;
  - i. The council has not been clear how this project will replace the need for new SANG capacity (Paragraph 2.67);
- Purbeck Heaths Management Project;
  - i. This is not an alternative to delivering the Morden strategic SANG (Paragraph 2.68);
- Sherford Bridge car parking area;
  - i. Project will increase the need for SANG capacity;
  - ii. Not clear that the project can be delivered (Paragraph 2.69);
- Wareham Common;
  - i. The proposed heathland infrastructure project is not suitable – there is existing public access to the land and parts are designated as SSSI; and
  - ii. Council has not quantified the benefit that the common could provide in relieving visitor pressure (Paragraph 2.70) (Pro Vision on behalf of the Charborough Estate).
- e) The council has not justified or explained the reason for applying a lower threshold in the stated SANG to population delivery ratio in the Interim Mitigation Strategy – the council's current approach is inconsistent with that taken in SD93 (Paragraph 2.52, Pro Vision on behalf of the Charborough Estate).

- f) Bloor Homes reiterates the availability of its land interest in the Lytchett Minster and Bere Farm areas for development and supporting strategic SANG as set out in earlier representations to the Purbeck Plan. (Terence O'Rourke on behalf of Bloor Homes).
- g) Dr Langley seeks to clarify his position around the council's interpretation of his representation on proposed Main Modifications which it has summarised in FMMCD1, namely 'The loss of GB is also disproportionate to the size of the proposed holiday park (originally 70-80 but now up to 100 chalets). A very much smaller loss of GB in a much more sustainable location could provide the same number of needed, permanent dwellings.' (Dr Andrew Langley).
- h) Suggest the discussion relating to SANG capacity in the Interim Mitigation Strategy should include greater qualification that the capacities discussed are estimates and that site specific analysis is required to determine capacities (as presented in Paragraphs 185 to 191 of FMMCD1) (Dr Andrew Langley).
- i) It is not fair for the council to fund delivery of the Pikes Farm SANG, which will mitigate the impact of park homes at Organford Manor, with CIL contributions when this development failed to directly fund any mitigation (Clare Lees).
- j) The Lytchett Matravers (Flowers Drove) SANG has planning permission and is available for implementation as soon as required (Tim Hoskinson on behalf of Wyatt Homes).
- k) There is scope for consented SANG at Lytchett Matravers (Flowers Drove) and the extension to the Policeman's Lane SANG to provide significant further mitigation capacity. Both sites are deliverable, available, and well placed to deliver high quality SANG. Wyatt Homes look forward to bringing the SANG forward at the earliest opportunity and started work on preparing a planning application for the extension to the Policeman's Lane SANG (Tim Hoskinson on behalf of Wyatt Homes).
- l) The Lytchett Matravers (Flowers Drove) SANG is not effective because of its size, the opportunity to form suitable walks around the site and position (Goretti Quin-Bagley, Alan Bagley, David Tarver, Alf Bush on behalf of Lytchett Matravers Parish Council, Amanda Backhouse and Mr & Mrs Dunlop).
- m) The policies in the interim mitigation strategy are not complete (Dr A C Warne).
- n) The interim period too short for delivery of habitat site mitigation projects (Dr A C Warne).
- o) Not certain that heathland infrastructure projects (specific reference to Bere Heath, Court Farm) will be delivered (Rachel Palmer on behalf of Wool Flora & Fauna and Steve Smith on behalf of Wool Parish Council).
- p) Strategic SANG which are specifically related to a proposed housing development will encourage unsustainable travelling (Rachel Palmer on behalf of Wool Flora & Fauna and Steve Smith on behalf of Wool Parish Council).

## **Changes which the respondent considers are necessary to make the proposed Main Modification legally compliant or sound**

50. Respondents have suggested the following changes:

- a) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- b) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- c) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- d) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- e) Delete all Further Proposed Main Modifications and revert to proposed Main Modifications published in November 2020. (Pro Vision on behalf of the Charborough Estate).
- f) N/A (Terrence O'Rourke on behalf of Bloor Homes).
- g) N/A (Dr Andrew Langley).
- h) N/A (Dr Andrew Langley).
- i) N/A (Clare Lees).
- j) N/A (Tim Hoskinson on behalf of Wyatt Homes).
- k) N/A (Tim Hoskinson on behalf of Wyatt Homes).
- l) Make further changes to the local plan taking out reference to the proposed housing allocations around Lytchett Matravers (Goretti Quin-Bagley, Alan Bagley, David Tarver, Alf Bush on behalf of Lytchett Matravers Parish Council, Amanda Backhouse and Mr & Mrs Dunlop).
- m) N/A (Dr A C Warne).
- n) N/A (Dr A C Warne).
- o) N/A (Rachel Palmer on behalf of Wool Flora and Fauna and Steve Smith on behalf of Wool Parish Council).
- p) N/A (Rachel Palmer on behalf of Wool Flora and Fauna and Steve Smith on behalf of Wool Parish Council).

## **Council Response**

51. The council has sought to respond to the matters / issues raised in responses by drawing the Inspector's attention to published evidence and national policy and guidance. Where appropriate it has also indicated where it considers it might be appropriate to consider revision to a proposed Main Modification.

- a) The council has not argued that its Interim Mitigation Strategy will support delivery of the heathland infrastructure projects that will be needed to mitigate

the impacts from unplanned smaller scale residential development expected over the entire plan period. The examination of the Purbeck Local Plan has been taking place in the context of work on the Dorset Council Local Plan (2021-2038). This plan will include strategies for development to meet Dorset's needs and to mitigate the impacts of this development on habitat sites to 2038. This plan will supersede the Purbeck Local Plan when adopted (local development scheme states that this is expected in 2023). Taking this into account, and a commitment to progress work on the Dorset Council Local Plan, the council considers that its Interim Mitigation Strategy is an appropriate response to the issues and circumstances relating to the Purbeck Local Plan.

- b) The Inspector has stated that she will not be able to confirm a 5-year housing land supply for Purbeck through the local plan's examination (letter of the 22 October 2021). The council has accepted this and asked the Inspector to continue with the plan's examination (letter of the 3 November 2021). The proposed housing allocations in the Purbeck Local Plan will form an important part of the housing land supply in Purbeck. The council has explained the reasons why it considers the approach to Green Belt release for a holiday park at Morden could be considered unsound. Rather than compromise housing delivery, the heathland infrastructure projects identified in the Interim Mitigation Strategy will support housing delivery during the interim period pending adoption of the Dorset Council Local Plan.
- c) The council has taken account of the HRA prepared for the Purbeck Local Plan Part 1 as well those undertaken for the consultation options in the local plan review and the current local plan, when developing the heathland infrastructure projects identified in its Interim Mitigation Strategy. The council's HRA do not prescribe any specific locations for SANG, rather the HRA identifies broad locations (see summaries in Appendix 4, FMMCD1). Following further assessment through an updated HRA and following consultation with Natural England, who have entered an MoU with the council (FMMCD4a), the council is satisfied that the heathland infrastructure projects identified in its Interim Mitigation Strategy will provide effective mitigation for those homes which have/will be delivered during the interim period.
- d) The council has not sought to argue that all of the heathland infrastructure projects listed in its interim strategy are deliverable during the interim period. In the conclusions of its Interim Mitigation Strategy (FMMCD1) it recognises that further work is needed to determine the suitability and deliverability of the identified heathland infrastructure projects, but that there is a high degree of certainty of:
  - I. Securing excess mitigation capacity from the Lytchett Matravers (Flowers Drove) SANG (estimated capacity 100 homes);
  - II. Delivering a 4.2 hectare extension to French's Farm SANG;

- III. Delivering a 11 hectare heathland infrastructure project at Bere Heath;
  - IV. Delivering Purbeck Heaths Visitor Project; and
  - V. Delivering Purbeck Visitor Management Project (Paragraph 195.);
- during the interim period.

- e) As point of clarification the Lytchett Matravers SANG has planning permission and the mitigation capacity (100 homes) being sought as part of the Interim Mitigation Strategy can be accessed without further enhancements. The council has explained that it will investigate whether the SANG's capacity can be further enhanced (Paragraph 21. FMMCD4c).
- f) There have been no changes in circumstances since publication of the Interim Mitigation Strategy, the council therefore remains confident that there is a high degree of certainty that the five mitigation projects listed above and in FMMCD1 will be delivered. The council has not sought to ascribe a 'mitigation capacity' to either Purbeck Heaths Visitor Projects or Purbeck Heaths Management Project. Neither project are equivalent to a SANG as the respondent has noted, but both will provide mitigation for recreational impacts on Dorset heaths habitat sites. The council has collected financial contributions through the Community Infrastructure Levy and planning obligations to fund delivery of these heathland infrastructure projects. Negotiations on the costs of delivering all these projects have not yet concluded. The council notes the respondent's comments on the other mitigation projects, but it does not seek to rely on their delivery during the interim period. Despite this it will continue with work around developing and delivering these projects as a contingency and in connection with the Dorset Council Local Plan. The council is satisfied that these projects will mitigate the impacts from the 601.2 homes that have been and are expected to be delivered between 2018/19 and 2023/24. (Paragraph 196. of FMMCD1).
- e) The council's Interim Mitigation Strategy does not apply a lower SANG to population delivery ratio than specified in SD93. Paragraph 190. of FMMCD1 outlines the surplus / deficit of mitigation capacity arising from the different ratios in respect to the proposed SANG extension at French's Farm and the proposed SANG at Court Farm, Bere Heath. Paragraph 191. of FMMCD1 goes onto clarify that 'In practice the final capacity of the proposed SANG will be affected by their natural features, size, design and their spatial relationship with homes and European sites. As the detailed design is to be determined, the council considers that it is reasonable to conclude that the proposed SANG are likely to have a mitigation capacity that ranges between 392.4 and 784.7 homes.' The council has clarified that it considers that the extension and proposed SANG in conjunction with Purbeck Visitor Management Project, Purbeck Heaths Visitor Project and capacity from Lytchett Matravers SANG will provide sufficient mitigation for residential development delivered and expected during the interim period.



- f) Noted.
- g) The council notes the point of clarification and confirms that it had not affected its conclusions around the soundness of Policies V2 and I5 and the need for Further Proposed Main Modifications to these policies.
- h) Noted. The council considers that it has provided suitable clarification around the method for calculating mitigation capacity in SANG in Paragraph 191. of FMMCD1.
- i) The proposed Pikes Farm SANG would act strategically in mitigating the wider recreational impacts of unplanned development on Dorset heaths. The council has not stated or argued that the SANG is required to directly mitigate the impacts of the existing park home site on Dorset heaths habitat sites.
- j) Noted.
- k) Noted.
- l) The council does not agree with the respondent's conclusions on the Lytchett Matravers (Flowers Drove) SANG. The Further Proposed Main Modifications do not directly relate to this SANG. Representations on the suitability of the SANG have been made at earlier stages in the examination of the local plan (see Matter E Housing, Issue: Housing Allocations (Policy H4, Policy H5, Policy H6 and Policy H7), Question 8 (a) of the Planning Inspector's Matters, Issues and Questions).
- m) The Interim Mitigation Strategy does not purport to be planning policy. The council is satisfied that the Interim Mitigation Strategy identifies suitable and deliverable heathland infrastructure projects.
- n) The council has worked closely with landowners (as evidenced through memorandums of understanding FMMCD4a to 4e) to identify issues which could frustrate delivery of mitigation projects and to set realistic target dates for delivery (which provide the opportunity to conclude negotiations, prepare appropriate designs, obtain planning permission and deliver heathland infrastructure projects). The council is satisfied that the proposed heathland infrastructure projects will be delivered by the target dates set out in the memorandums of understanding and its interim Mitigation Strategy (FMMCD1). The council has committed to monitor implementation of heathland infrastructure projects with Natural England as part of a memorandum of understanding (FMMCD4a).
- o) As stated above the council has worked closely with landowners to identify deliverable heathland infrastructure projects for its interim mitigation strategy. It is confident that effective projects will be delivered in the Purbeck area by the end of interim period. The council has committed to monitor delivery of these projects with Natural England (FMMCD4a).
- p) The council does not accept that strategic SANG will increase vehicle trips and corresponding emissions of carbon dioxide / pollution. The proposed heathland infrastructure projects at Upton, Lytchett Matravers and Bere Regis are well related to existing towns and villages. They will relieve recreational

pressures on Dorset heaths habitat sites and are therefore likely to reduce trips to these sites in the wider area and related pollution.

## Sustainability Appraisal (FMMCD2)

### Summary of matters / issues raised in responses

52. The council received responses relating to this Further Proposed Main Modification raising the following matters / issues:

- a) Some of the conclusions in the appraisal appear counter intuitive and biased (Dr Andrew Langley).
- b) The assessments presented in the appraisal appear to be unclear and subjective (Dr A C Warne).
- c) The document appears unclear (Rachel Palmer on behalf of Wool Flora & Fauna and Steve Smith on behalf of Wool Parish Council).

### Changes which the respondent considers are necessary to make the proposed Main Modification legally compliant or sound

53. Respondents have suggested the following changes:

- a) N/A (Dr Andrew Langley).
- b) N/A (Dr Andrew Langley).
- c) N/A (Rachel Palmer on behalf of Wool Flora and Fauna and Steve Smith on behalf of Wool Parish Council).

### Council Response

54. The council has sought to respond to the matters / issues raised in responses by drawing the Inspector's attention to published evidence and national policy and guidance. Where appropriate it has also indicated where it considers it might be appropriate to consider revision to a proposed Main Modification.

- a) The assessments in the appraisal have been undertaken against a set of defined criteria. The council is satisfied that the appraisals are consistent and justified.
- b) As above.
- c) The council is satisfied that the updated sustainability appraisal meets legal requirements.

## Habitats Regulation Assessment (FMMCD3)

### Summary of matters / issues raised in responses

55. The council received responses relating to this Further Proposed Main Modification raising the following matters / issues:

- a) HRA does not consider countryside's wider relationship supporting designated habitat sites. And the scope of assessing functionally linked habitats should be widened (Dr A C Warne and Rachel Palmer on behalf of Wool Flora & Fauna).

### Changes which the respondent considers are necessary to make the proposed Main Modification legally compliant or sound

56. Respondents have suggested the following changes:

- a) N/A (Dr A C Warne and Rachel Palmer on behalf of Wool Flora & Fauna).

### Council Response

The council has sought to respond to the matters / issues raised in responses by drawing the Inspector's attention to published evidence and national policy and guidance. Where appropriate it has also indicated where it considers it might be appropriate to consider revision to a proposed Main Modification.

- a) The HRA (FMMCD3) does consider the role of land which is functionally linked to habitat sites (see Paragraphs 2.11 to 2.17). The issue raised by the respondent does not directly relate to the Further Proposed Main Modifications.

## **Further Proposed Main Modification (FMM): Local plan policies maps (FMMCD5a to FMMCD5c)**

### **Summary of matters / issues raised in responses**

57. The council received responses relating to this Further Proposed Main Modification raising the following matters / issues:

- a) Key for the policies map requires updating (Dr Andrew Langley),

### **Changes which the respondent considers are necessary to make the proposed Main Modification legally compliant or sound**

58. Respondents have suggested the following changes:

- a) Update key to policies map (Dr Andrew Langley).

### **Council Response**

59. The council has sought to respond to the matters / issues raised in responses by drawing the Inspector's attention to published evidence and national policy and guidance. Where appropriate it has also indicated where it considers it might be appropriate to consider revision to a proposed Main Modification.

- a) Noted. Council will review and seek to update any errors in the key to policies map.

## Appendix 1 – Consultation response form



## **Response form for: Purbeck Local Plan Further Proposed Main Modifications consultation**

### **This form is for making representations on the Further Proposed Main Modifications to the Purbeck Local Plan (2018-2034)**

In response to comments received on the Purbeck Local Plan Proposed Main Modifications Consultation, which closed earlier this year, the council is consulting on limited Further Proposed Main Modifications around Policy V2 and I5, which are considered necessary to ensure that the plan is sound.

The Purbeck Local Plan Examination Interim Mitigation Strategy For Heathland Habitat Sites (2018/19 to 2023/24) [Interim Strategy] sets out Further Proposed Main Modifications around policy V2 and I5 and considers a range of projects that could provide heathland mitigation in the event that the strategic SANG at Morden is not delivered.

The key Further Proposed Main Modifications (referenced as **FMM6**, **FMM7**, **FMM76** and **FMM77**) are detailed in Appendix 5 of the Interim Strategy

These Further Proposed Main Modifications give rise to a series of minor consequential Further Proposed Main Modifications: **FMM3**, **FMM66** and **FMM82**, which are set out in Appendix 6 of the Interim Strategy.

The council has also published an updated Habitats Regulation Assessment (HRA), Sustainability Appraisal Addendum (SA), policies maps to take account of the Further Proposed Main Modifications. and a series of Memoranda of Understanding to support the Interim Strategy.

These documents can be found on-line at [www.dorsetcouncil.gov.uk/plpmainmods](http://www.dorsetcouncil.gov.uk/plpmainmods).

The council is inviting comments on the key and consequential Further Proposed Main Modifications, Interim Strategy, the Memoranda of Understanding, policies map, the updated Habitats Regulation Assessment and Sustainability Appraisal Addendum only. This is not an opportunity to raise matters relating to other parts of the Plan that have already been considered by the Inspector during the examination. Weight will not be given to representations that repeat matters raised and discussed at hearing sessions or in earlier responses.

Once the consultation is closed, the council will prepare a summary of the issues raised in representations to the consultation and provide its response. The council's summary, and full copies of the representations, will then be sent to the Planning Inspector for her consideration. If the Inspector's final report indicates that the local plan is sound and legally compliant with all the Proposed Further Main and Main Modifications, the council will then take a decision about whether to adopt the local plan subject to all Further Main and Main Modifications.

## PART A

	Your contact details	Agent's Details (if applicable)
Name		
Organisation / Group <small>(if applicable)</small>		
Address line 1		
Address line 2		
Town / City		
County		
Post Code		
E-mail address		

### Group Representations

If your representation is on behalf of a group, ensure the lead representative completes the contact details box above. Also, please state here how many people supports the representation.

Please note:

- The consultation period starts on **6 December 2021** and will last for 7 weeks until 11.45pm on **24 January 2022**.
- Only representations made in this period will be referred to the Planning Inspector for consideration.
- Responses must be made using this form (sent in the post or attached to an e-mail).
- Respondents must complete Part A of this response form and separate Part B forms for each Further Proposed Main Modification that they might wish to comment on.
- All respondents must provide their name and address and/or email address.
- All forms must be signed and dated.
- Responses cannot be treated as confidential. By making a response you agree to your name and comments being made available for public viewing.
- Information on the council's privacy policy is available on our website at: <https://www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/dorset-council-general-privacy-notice.aspx> .
- The council will not accept any responsibility for the contents of comments submitted. We reserve the right to remove any comments containing defamatory, abusive or malicious allegations.



- If you are part of a group that shares a common view, please include a list of the contact details of each person (including names, addresses, emails, telephone numbers and signatures) along with a completed form providing details of the named lead representative.
- Purbeck Local Plan Examination: Interim Mitigation Strategy For Heathland Habitat Sites (2018/19 to 2023/24), including Further Proposed Main Modifications to Policies V2: Green Belt and I5: Morden Park strategic suitable alternative natural green space (SANG) and holiday park, and their supporting text and Consequential Further Proposed Main Modifications, proposed Purbeck Local Plan (2018-2034), Memoranda of Understanding supporting the Interim Strategy and policies map as well as updated Habitats Regulations Assessment and Sustainability Assessment Addendum documents, are available to view on the Council's website at [www.dorsetcouncil.gov.uk/plpmainmods](http://www.dorsetcouncil.gov.uk/plpmainmods). Paper copies of the Interim Mitigation Strategy including modifications and updated inset map for Morden are available to consult at libraries in Dorchester, Corfe Castle, Lytchett Matravers, Swanage, Upton, Wareham, Wool and Hamworthy. Paper copies of the Habitats Regulations Assessment, Sustainability Appraisal and Memoranda Of Understanding are available to loan from libraries on request. You must follow any procedures relating to COVID-19 in the libraries.
- If you have questions relating to the consultation, or the process for making a response, please contact the Planning Policy team on 01305 838517 or [planningpolicy@dorsetcouncil.gov.uk](mailto:planningpolicy@dorsetcouncil.gov.uk).
- Response forms returned in the post should reference the **Purbeck Local Plan, Further Proposed Main Modifications Consultation, and be sent to Spatial Planning Team, County Hall, Colliton Park, Dorchester, DT1 1XJ**. Forms can be returned by email, referencing Purbeck Local Plan Further Proposed Main Modifications Consultation, to the email above.
- Please tick the box if you would like to be notified of the following:

Adoption of the Local Plan.

## PART B

### 1. Which Further Proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate Further Proposed Main Modification you wish to comment on.

<b>Further Proposed Main Modifications reference number</b>	
---	--

### 2. Do you consider that the Further Proposed Main Modification is:

Legally compliant	Yes		No	
Sound	Yes		No	

**To be considered legally compliant the Further Proposed Main Modifications must:**

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

**To be considered sound the local plan as a whole must be:**

- positively prepared - **providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;**
- justified - **an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;**
- effective - **deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and**
- consistent with national policy - **enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.**

**Some or all of these considerations of soundness may be relevant to the Further Proposed Main Modification[s] that you are seeking to make a representation on.**

**3. Please give details of why you consider the Further Proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).**

Please continue on a separate sheet if necessary.

**4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the Further Proposed Main Modification legally compliant or sound.** You will need to say why this change will make the Further Proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Please continue on a separate sheet if necessary.

## PART B

### 1. Which Further Proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate proposed Main Modification you wish to comment on.

<b>Further Proposed Main Modifications reference number</b>	
---	--

### 2. Do you consider that the Further Proposed Main Modification is:

Legally compliant	Yes		No	
Sound	Yes		No	

**To be considered legally compliant the Further Proposed Main Modifications must:**

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

**To be considered sound the local plan as a whole must be:**

- positively prepared - **providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;**
- justified - **an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;**
- effective - **deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and**
- consistent with national policy - **enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.**

**Some or all of these considerations of soundness may be relevant to the Further Proposed Main Modification[s] that you are seeking to make a representation on.**

**3. Please give details of why you consider the Further Proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).**

Please continue on a separate sheet if necessary.

**4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the Further Proposed Main Modification legally compliant or sound.** You will need to say why this change will make the Further Proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Please continue on a separate sheet if necessary.

## PART B

### 1. Which Further Proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate Further Proposed Main Modification you wish to comment on.

<b>Further Proposed Main Modifications reference number</b>	
---	--

### 2. Do you consider that the Further Proposed Main Modification is:

Legally compliant	Yes		No	
Sound	Yes		No	

#### To be considered legally compliant the Further Proposed Main Modification must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

#### To be considered sound the local plan as a whole must be:

- positively prepared - **providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;**
- justified - **an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;**
- effective - **deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and**
- consistent with national policy - **enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.**

**Some, or all, of these considerations of soundness may be relevant to the Further Proposed Main Modification[s] that you are seeking to make a representation on.**



**3. Please give details of why you consider the Further Proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).**

Please continue on a separate sheet if necessary.

**4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the Further Proposed Main Modification legally compliant**

**or sound.** You will need to say why this change will make the Further Proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Please continue on a separate sheet if necessary.

## PART B

### 1. Which Further Proposed Main Modification does your representation relate to?

Separate Part B forms must be completed for each separate Further Proposed Main Modification you wish to comment on.

<b>Further Proposed Main Modifications reference number</b>	
---	--

### 2. Do you consider that the proposed Main Modification is:

Legally compliant	Yes		No	
Sound	Yes		No	

#### To be considered legally compliant the Further Proposed Main Modifications must:

- comply with The Conservation of Habitats and Species Regulation 2017; and
- be appraised for their sustainability.

#### To be considered sound the local plan as a whole must be:

- positively prepared - **providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;**
- justified - **an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;**
- effective - **deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and**
- consistent with national policy - **enabling the delivery of sustainable development in accordance with the policies in the Government's National Planning Policy Framework.**

**Some or all of these considerations of soundness may be relevant to the Further Proposed Main Modification[s] that you are seeking to make a representation on.**

**3. Please give details of why you consider the Further Proposed Main Modification is / is not legally compliant or sound. (Please be as precise as possible).**

Please continue on a separate sheet if necessary.

**4. Having regard to your comments in question 3, please set out what change(s) you consider necessary to make the Further Proposed Main Modification legally compliant or sound.** You will need to say why this change will make the Further Proposed Main Modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording and where appropriate provide evidence necessary to support/justify the representation. (Please be as precise as possible)

Please continue on a separate sheet if necessary.

## **PART C**

### **1. Comments on Interim Strategy, Memoranda of Understanding, updated policies map, SA or HRA.**

Separate Part C forms must be completed for each appraisal or evidence document commented upon, making clear the section or paragraph you're referring to

<b>Document:</b>	
------------------	--

Please continue on a separate sheet if necessary.

<b>Please sign and date this form:</b>	
Signature:	Date:

## **Appendix 2 - Notification letter for consultation on proposed Main Modifications**



## Planning

County Hall, Colliton Park, Dorchester, DT1 1XJ

☎ 01305 221000

🌐 [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk)

Address

**Date:** 6th December 2021

**Ref:** PLP/FMM

**Officer:** Sue Bellamy/Steve Boyt/Frances Summers

☎ 01305 838517

✉ [planningpolicy@dorsetcouncil.gov.uk](mailto:planningpolicy@dorsetcouncil.gov.uk)

Dear Sir/Madam

### **Purbeck Local Plan Further Proposed Main Modifications Consultation 6 December 2021 to 24 Jan 2022**

In response to comments received on the Purbeck Local Plan Proposed Main Modifications consultation, which closed earlier this year, the council is consulting on limited Further Proposed Main Modifications around Policy V2 and I5, which are considered to be necessary to ensure that the plan is sound.

The Purbeck Local Plan Examination Interim Mitigation Strategy For Heathland Habitat Sites (2018/19 to 2023/24) sets out further proposed main modifications around policy V2 and I5 and considers a range of projects that could provide heathland mitigation in the event that the strategic SANG at Morden is not delivered.

The key Further Proposed Main Modifications (referenced as FMM6, FMM7, FMM76 and FMM77) are detailed in Appendix 5 of the Purbeck Local Plan Examination Interim Mitigation Strategy For Heathland Habitat Sites (2018/19 to 2023/24).

These Further Proposed Main Modifications give rise to a series of minor consequential further main modifications: FMM3, FMM66 and FMM82, which are set out in Appendix 6 of the Purbeck Local Plan Examination Interim Mitigation Strategy For Heathland Habitat Sites (2018/19 to 2023/24).



The council has also published an updated Habitats Regulation Assessment, Sustainability Appraisal, Memoranda of Understanding supporting the Interim Strategy and policies map to take account of the Further Proposed Main Modifications.

These documents can be found on-line at [www.dorsetcouncil.gov.uk/plpmainmods](http://www.dorsetcouncil.gov.uk/plpmainmods).

The council is inviting comments on the key and consequential Further Proposed Main Modifications, as well as the Interim Strategy and supporting Memoranda of Understanding, updated Habitats Regulation Assessment and Sustainability Appraisal only. This is not an opportunity to raise matters relating to other parts of the Plan that have already been considered by the Inspector during the examination. Weight will not be given to representations that repeat matters raised and discussed at hearing sessions or in earlier responses. Responses on the Further Proposed Main Modifications consultation must:

- be made in writing using the council's response form; and
- include the respondent's name and address.

The council is unable to accept anonymous responses.

The council response form can be found on-line, downloaded and completed electronically or printed off and filled out manually.

The responses should be sent to [planningpolicy@dorsetcouncil.gov.uk](mailto:planningpolicy@dorsetcouncil.gov.uk) or to the address at the top of this letter.

**Comments should reach the council by 11.45pm on 24 January 2022.**

If you have any queries please don't hesitate to get in touch by telephone on 01929 01305 838517, or email [planningpolicy@dorsetcouncil.gov.uk](mailto:planningpolicy@dorsetcouncil.gov.uk) using 'Purbeck Local Plan' in the subject bar

**Yours faithfully**

**Hilary Jordan**

**Service Manager for Spatial Planning**

**Appendix 3 – Letter (dated on 16 August 2021 and sent via e-mail on 25 August 2021) from the Council to Pro-Vision on behalf of the Charborough Estate**

Mr James Cleary

**Date:** 16 August 2021

Pro Vision

**Ref:** Purbeck Local Plan

**By email only**

**Officer:** Mike Garrity

📞 01305 221826

✉ [planningpolicy@dorsetcouncil.gov.uk](mailto:planningpolicy@dorsetcouncil.gov.uk)

Dear Mr Cleary,

### **Purbeck Local Plan**

Thank you for your letter of the 22 July 2021 in respect of the examination of the Purbeck Local Plan. I note that you have prepared the letter on behalf of the Charborough Estate.

As you have explained in some detail, the context for our correspondence is the examination of the Purbeck Local Plan (2018-2034). For completeness in Appendix 1 of this letter I have also provided a summary of the changes to national planning policy that were made in the 2018 and 2019 versions of the National Planning Policy Framework and the changes to supporting evidence and Policies V2 and I5 that were made on receipt of the Charborough Estate's response on the pre-submission draft Purbeck Local Plan.

The local plan was submitted for examination in January 2019 following consultations (undertaken in accordance with Regulation 18 and 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012) undertaken in 2015, 2016 and 2018. Hearing sessions were organised by the Inspector in July, August and October 2019. The Inspector issued a Post Hearing Note in March 2020 and the council undertook a consultation on proposed Main Modifications to the emerging plan between November 2020 and January 2021. The council subsequently published the responses to the proposed Main Modifications and a consultation response document. Your letter and this response relate to further proposed Main Modifications which the council is seeking after considering the responses on the proposed Main Modifications.

#### *Justification for further proposed Main Modifications*

In reference to the Inspector's Post Hearing Note, and her consideration of the whether the local plan was likely to be found sound and legally compliant, you have stated:

**'It can though reasonably be expected that this would be her final conclusion unless she is persuaded on fresh evidence to change her mind.'**

You go onto explain the reasons why the Charborough Estate considers that the latest representations have raised neither new points of law or evidence that would cause the Inspector to change her mind on the legality of soundness of the local plan.

As you will appreciate after reviewing the council's consultation response document (that was prepared to summarise/give its response to the issues raised on proposed Main Modifications),

in almost all instances it has rejected the merits of the issues relating to soundness and legal compliance that were raised through the consultation.

It has however accepted that there is merit in the comments made in respect to the soundness of its approach around providing suitable justification for changes to Green Belt boundaries at Morden to release land for a holiday park.

To justify changes to Green Belt boundaries the council needs to evidence that it has fully examined all other options for meeting an identified need for development. The council did present evidence (SD93) during the hearing sessions which included three alternative strategic SANG. You are correct to note that this evidence was subject to consultation, that representations were made and that these were considered by the Inspector before she published her Post Hearing Note.

Noting this and the preliminary views of the Inspector in her Post Hearing Note, the council considers that the comments made on Policy V2 through the proposed Main Modifications consultation do significantly differ from those made at pre-submission stage and during the hearings.

These representations explicitly query why:

- the council did not demonstrate through SD93, that it had fully examined the opportunity to deliver heathland infrastructure projects (including strategic SANG) in locations outside the Green Belt where they would serve a similar function or within the Green Belt without the need for changes to Green Belt boundaries;
- in the course of examining alternatives the council did not fully explain its approach to funding the proposed Morden SANG or explore the opportunity to fund (through contributions collected via planning obligations or CIL contributions) heathland infrastructure projects independently of enabling development that required release of Green Belt;
- the council did not consider making use of compulsory purchase powers to secure delivery of heathland infrastructure projects; and
- the council's comparison of alternatives did not include an evaluation of whether land to be released from the Green Belt as enabling development was proportionate with the SANG to be delivered (having regard to both its size and its function as part of the Green Belt).

While some of these issues were raised in broad terms through representation at an earlier stage in process (as an example see summary of the issues raised by Dr Langley in his responses to the pre-submission draft, Matters/Issues/Questions and in the course of the hearing sessions in Appendices 2 and 3) the earlier responses did not include the same breadth of detailed considerations, criticism or explanation as those presented in responses on the proposed Main Modifications. (See Appendices 2 and 3 for a more detailed review of the responses made at various stages through the examination – the council uses those made by Dr Langley as an example).

The breadth of issues raised, further detailed criticism, and the explanation provided around these matters, persuaded the council that the proposals in Policies V2 and I5, involving release

of Green Belt for a holiday park, were not justified or consistent with national planning policy and therefore unsound. In response to these representations the council asked the Inspector to consider further Main Modifications to Policies V2 and I5 through its consultation response document.

The council appreciates that further Main Modifications to the local plan can only be made where the Inspector considers that the plan is unsound and that the modification is needed to make the plan sound. The council considers that the proposed Main Modifications to policies V2 and I5 are unsound for the reasons outlined above – it is not seeking to change these policies because of ‘second thoughts’ or following local government re-organisation in Dorset. I appreciate that the Estate does not agree with the council’s conclusions, but the council has a responsibility to properly and thoroughly consider the issues raised through the consultation on the proposed Main Modifications. It would not be appropriate to disregard, or fail to give appropriate weight to, matters and issues raised through the consultation because of the findings presented in the Inspector’s Post Hearing Note and the advanced nature of the examination.

The Inspector has outlined the information that she will require to consider the further proposed Main Modifications to the local plan in a letter published on the council’s website (10 June 2021: [9e789f4d-e8ae-39f5-94c9-c9946467a558 \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk/9e789f4d-e8ae-39f5-94c9-c9946467a558)). The council is currently gathering this information. She states in the same letter that:

‘If the Council decides to provide me with the above information, there will be a need for further consultation on the additional Main Modifications and on any potential different site for the SANG. It may also be necessary to hold further hearing sessions on this matter to fully examine the evidence and to ensure that interested parties are not prejudiced.’

The Estate, and any other interested parties, will have the opportunity of considering and making further representation on the proposed further Main Modifications and the additional information described in the Inspector’s letter.

Your letter outlines a number of possible implications for the next stages of the examination process including:

- a) the opportunity to put forward alternative strategic SANG for consideration;
- b) the lack of consultation on alternative SANG;
- c) a strategy for mitigating the impact on habitat sites;
- d) the need for hearing sessions and the resulting delay to the examination;
- e) further costs relating to the examination;
- f) the implications of delay for the wider evidence base;
- g) the implications of delay/abandonment of the local plan for housing land supply and delivery of homes in Purbeck; and
- h) the implications of delay/abandonment of the local plan for the Dorset Council Local Plan.

Interested parties will have the opportunity to make comment on the further proposed Main Modifications prepared by the council and, if they wish to, put forward alternatives for consideration. The council recognises the need for its plan to be based on an appropriate strategy that takes account of reasonable alternatives. The council will be presenting an updated Sustainability Appraisal which considers alternatives as part of the additional information with the further proposed Main Modifications.

In accordance with the procedure for Regulation 19 of the plan making process, there will be an opportunity to comment on the further proposed Main Modifications suggested by the council and the additional information. The council will consider the implications around its strategy for habitat site mitigation as part of the additional information which it is preparing and which interested parties will have an opportunity to make comment upon. The Inspector will determine the most appropriate process for considering matters and issues raised on the further proposed Main Modifications suggested by the council. She has indicated that hearing sessions could be required in order to examine the evidence fully and to ensure that the interests of other parties are not prejudiced.

The council has not given any material weight to the need for hearing sessions and the resulting delay to the examination or further costs relating to the examination, when reviewing the planning considerations raised through representation on proposed Main Modifications and in deciding how to respond to these planning considerations.

The council has considered through a letter whether other evidence that was submitted with the Purbeck Local Plan remains up to date. Its letter (24 June 2021: [335a1f64-5958-b2b2-cdf9-3ec630e1227c \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk/335a1f64-5958-b2b2-cdf9-3ec630e1227c)) has been published on the council's website. The council is satisfied that the other evidence submitted with the local plan remains up to date for the purposes of the local plan's examination.

The council has given long and careful consideration to the implications of possible delay to the local plan for housing land supply, housing delivery and the Dorset Council Local Plan. You are correct to note that delays in the examination of the Purbeck Local Plan are likely to have implications in these areas. These possible implications do not override the matters and issues relating to the soundness of the local plan.

#### *Other considerations*

I note in your letter that you have also referred to the independent benefits of the holiday park. The council has never sought to argue that there is a strategic 'identified need' for holiday units which could provide part of the justification for changes to Green Belt boundaries at Morden as it does not have up to date or reliable evidence to support this assertion. On this matter your letter quotes part of paragraph 100 from the report prepared by the Inspector who examined the Purbeck Local Plan Part 1, but misses text highlighted in yellow below:

'With regard to Morden Park it is the ambition of the landowner that the area is opened up to the public as a Country Park with some tourist accommodation. On the face of it this seems to be a suitable use for such a site **but firstly there is no compelling evidence that this is a strategic issue and therefore consideration of the matter would be more appropriately accommodated in a forthcoming element of the local plan; secondly work is**

underway on a review of camp sites in the District which when completed will inform the decision making process; and thirdly the Council has agreed to make specific reference in LP1 to working with Estates in the preparation of Management Plans.' (Paragraph 100).

There is no compelling evidence which demonstrates an identified need for a holiday park in this part of Purbeck. The other benefits of the holiday park which you have described in your letter (i.e. allowing public access to private land, creating jobs, boosting the local economy and enabling environmental improvements) also do not in the council's view provide justification by themselves for considering changes to Green Belt boundaries.

You have stated in your letter that 'It would be unreal to believe that the Morden Park SANG would come forward without the enabling development of the holiday park.' The council has taken this statement, and the other text in point (ii) of page 6 of your letter, as confirmation that the Charborough Estate does not wish to make the land at Morden available for a SANG or work with the council in order to deliver a SANG in this location.

### *Conclusion*

The council has carefully considered all of the matters you have raised, and while it is prepared to continue working with the Charborough Estate, your letter has not persuaded it to reconsider its response to the matters and issues (as summarised in this letter) which were crystallised and built upon through the most recent representation on the proposed Main Modifications to the Purbeck Local Plan. The council intends to pursue further proposed Main Modifications to the local plan. The Estate and any other interested parties will have the opportunity of considering and making representation on these changes.

Yours sincerely

Mike Garrity

Head of Planning

## **Appendix 1 – Context for the preparation of the Purbeck Local Plan**

As colleagues and I explained during our meeting 2 June 2021 the national planning policy context for the Purbeck Local Plan changed when government published new National Planning Policy Frameworks in July 2018 and February 2019. These versions of national policy included the following requirements in respect to Green Belt policy:

‘Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.’ (Paragraph 136, 2019 NPPF).

And:

‘...demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.’ (Paragraph 137, 2019 NPPF).

As we mentioned during our meeting these requirements were first introduced in the final stages of the preparation of the Purbeck Local Plan prior to pre-submission publication in Autumn 2018 and following its submission in February 2019. Following pre-submission publication the council made changes to the submission draft of the local plan and supporting evidence (SD24 – Green Belt Study) to reflect a representation made by the Charborough Estate on pre-submission draft local plan<sup>4</sup> around the deliverability of the holiday park and SANG.

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<sup>4</sup> The council does not identify ‘exceptional circumstances’ for Green Belt release in Appendix 2 of SD24 and Policies V2/I5 do not refer to release of Green Belt at Morden to support delivery of a holiday park.



## **Appendix 2 – Dr Langley’s responses to the Inspector’s Matters/Issues/Questions: Part 1, Matter H Infrastructure, Issue 3, Question 3**

The council received comments on Policy I5 following pre-submission publication in Autumn 2018, these comments included those made by Dr Langley (1191908). The council has used Dr Langley’s representation as the basis for comparison on the range and detail of issues raised on Policies V2 and I5 through earlier responses and those made on proposed Main Modifications.

The council has summarised the initial representations made by Dr Langley on the pre-submission draft of the local plan in the text below. The main thrust of Dr Langley’s representation related to whether the Habitats Regulation Assessment conducted for the local plan was robust. Dr Langley’s comments on Policy I5 (comment reference PLPP755) focused on whether the policy was legally compliant with the Conservation of Habitats and Species Regulations 2017<sup>5</sup> rather than explicit concerns around changes to Green Belt boundaries. Nor does Dr Langley’s representation query the need of a strategic SANG in this part of Purbeck. With reference to Policy I5 he summarises that ‘This policy is unsound and would result in avoidable LSE on Dorset Heaths for the following reasons...’ [his reasons relate to the effectiveness of the proposed SANG]

Dr Langley made separate comment in respect to Policy V2: Green Belt (comment reference PLPP764) stating that ‘Removal of Green Belt status at Lytchett Matravers and Wareham should be made conditional on delivery of the proposed SANGs there.’ Dr Langley does not reference the need to justify changes to Green Belt boundaries or the lack of proper justification in this instance.

These early comments do not specifically address all of the issues, or the detail, provided in the response made for Dr Langley by Freeths on the proposed Main Modifications to the Purbeck Local Plan.

Dr Langley’s representation on the Inspector’s Matters, Issues and Questions are summarised below.

### *Part 1, Matter C Green Belt, Issue 1, Question 2*

Extract from Dr Langley’s response

‘I do not believe exceptional circumstances to justify changing the green belt boundary at Morden (policy I5) have been established. Please refer to my comments under Matter H, Issue 3, Q.3. This site has been removed from SD24 – Green Belt Study after the pre-submission consultation.’

### *Part 1, Matter H Infrastructure, Issue 3, Question 3*

Extracts from Dr Langley’s response:

‘1.1.0.1 For reasons in my pre-submission representation, I believe policy I5 is unsound as drafted. It would appear to be incompatible with policy EE4 with respect to impacts on protected sites and the ‘exceptional circumstances’ for changing green belt boundary have not been demonstrated; there is no identified need for a holiday park and no

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<sup>5</sup> As amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

strategic policy for such a change. A holiday park in green belt with a 'mix of [70 or 80] single storey and two storey wooden buildings with pitched roofs' and 'a central administrative building and car parking area' would have some similar impacts to a housing development (without delivering the identified need for housing) and it is very close to the Morden Bog area of the Dorset Heaths.'

1.1.0.2 The proposed modification MM18 is a confusing mixture of issues and singles out one potential proposal for a holiday park which seems out of place in a policy document. The 'very special circumstances' for an appropriate development in the green belt can be judged only on the balance of harm and other considerations (Framework para. 144) for that specific development. The existence of a SANG (inside or outside the green belt) does not change the harm that an additional inappropriate development in green belt might cause. All MM18 really establishes is that a strategic SANG of sufficient size in the north of the district would be helpful for complying with Habitats Regulations and might be delivered by an enabling project that must comply with National Policy and the Local Plan.'

Dr Langley's response on the Inspector's Matters, Issues and Questions does not explicitly reference all the issues or detail which was later presented by Freeths for Dr Langley in his response on proposed Main Modifications.

## **Appendix 2 – Extracts from Dr Langley’s representations on the further evidence presented by the council during the examination hearing sessions**

Dr Langley made separate representations to the evidence presented by the council during the hearing sessions. Of most relevance to the matter currently being discussed in this letter are his representations relating to ‘Green Belt Boundary Changes at Morden’ (22 July 2019) and ‘Representations on August 2019 Examination Documents’ (8 Sep 2019). Extracts and summaries from these responses are presented below.

### *Dr Langley’s paper entitled ‘Green Belt Changes at Morden’ (July 2022)*

The early part of Dr Langley’s paper refers to the background to preparation of the Purbeck Local Plan. It makes some comment on the scale of Green Belt release at Morden and the references to Green Belt releases in earlier consultations on the Purbeck Local Plan (paragraphs 2.1.0.1 to 2.1.0.6).

Part 2.2 provides Dr Langley’s summary of relevant national planning policy relating to Green Belt. Dr Langley contributes on the contribution that land at Morden makes to the Green Belt (paragraph 2.2.2.1) having regard to the purposes defined in national policy. And in reference to paragraph 136 of the National Planning Policy Framework 2019 he states at paragraph 2.2.3.1 that:

‘2.2.3.1 The need to remove the Morden site from the GB has not been fully evidenced or justified and the council’s submission of the revised policies map SD01b demonstrates that it is not necessary. Policy EE4 provides general support for tourism, but it does not establish a need for development at Morden and alternative tourism developments are clearly possible. There are no policies in the LP that require the Morden site to be removed from GB in order to deliver the plan’s identified needs. The housing background paper, SD19, makes no mention of it. The brief assessment of paras. 150-157 of SD56 does not amount to full evidence and justification of exceptional circumstances.’

This paragraph does not explicitly criticise or examine the council’s approach to examining the alternatives presented in SD93. Instead it focuses on the lack of evidence around need for a holiday park in this part of Purbeck. The council has not presented evidence around need for holiday accommodation through the Purbeck Local Plan.

At paragraph 2.2.4.1 he goes onto state:

‘2.2.4.1 There is no identified need for development at Morden, but even if there were, all other reasonable options have not been considered, and nor have neighbouring authorities been asked to accommodate it. The GB study, SD56, does not consider options at all. The review by the landowner of alternative sites on his own property, SD93, is clearly much more limited than the NPPF requires. The council established that its identified need could be met without changing the GB boundary at Morden at the start of the examination by the policies map SD01b.’

This paragraph provides some criticism of the council’s approach to the consideration of alternatives but does not explicitly question whether the council should have more fully examined the opportunity to deliver heathland infrastructure projects (including strategic SANG)

in locations outside the Green Belt where they would serve a similar function or within the Green Belt without the need for changes to Green Belt boundaries.

In conclusion Dr Langley states:

‘2.3.0.1 As currently proposed, the LP would definitely remove a large area of GB at Morden on the grounds that it may facilitate creation of a SANG that may help to support an unknown number of housing developments in unknown locations arising under policy H8. The resulting GB would be fragmented and incoherent, which calls into question how permanent the change would provide to be.

2.3.0.3 There was inadequate exposure of the Morden GB boundary change during consultation.

2.3.0.3 The exceptional circumstances to support the change have not been adequately evidenced or justified and alternative strategies have not been considered (other than not changing the boundary at Morden, which the council proposed at the start of the examination).

2.3.0.4 Consequently, to make the GB policies sound, the policies map should be changed (again) to leave the Morden site in GB.’

Dr Langley’s response does not criticise the council for failing to fully explain its approach to funding the proposed Morden SANG or exploring the opportunity to fund (through contributions collected via planning obligations or CIL contributions) heathland infrastructure projects independently of enabling development that required release of Green Belt. Nor does it reference the council’s failure to explore making use of compulsory purchase powers to secure delivery of heathland infrastructure projects. Both are referenced in later representations on proposed Main Modifications.

Dr Langley’s response does not criticise the comparison of alternatives undertaken by the council as not including an evaluation of whether land to be released from the Green Belt as enabling development was proportionate with the SANG to be delivered (having regard to both its size and its function as part of the Green Belt).

*Dr Langley’s paper entitled ‘Representations on August 2019 Examination Documents’ (8 Sept 2019)*

The first part of this part focuses on the Habitats Regulation Assessment which the council prepared for the Purbeck Local Plan (section 2). Section 2 does not directly reference Policies V2 or I5. Section 3 entitled ‘Other issues’ does refer to both Policy I5 and Policy V2.

Through paragraphs 3.1.1.1 to 3.1.5.3 Dr Langley considers: ‘What is a Strategic SANG? Are any Identified Need Dependent upon Policy I5? Is Policy I5 Needed? Through this part of the paper Dr Langley argues that both the holiday park and strategic SANG are not needed<sup>6</sup>. At paragraph 3.2.2 Dr Langley considers ‘Alternatives to a SANG at Morden’. He states:

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<sup>6</sup> Dr Langley refers to: the council’s HRA, the council’s strategy for meeting housing needs (more specifically the expected distribution of development), the constraints limiting development in north east Purbeck and the evidence around visitors use of Dorset Heathlands (Wild Purbeck NIA Visitor Survey Analysis Report (Cruickshank & Floyd 2014).

‘3.2.2.1 The NPPF states that alternatives must be sought before releasing GB. In this case, the motivation to release GP is simply to facilitate one particular ‘enabling development’ that is not in itself strategic and that would be inappropriate development in the GB. Alternatives to the SANG could remove this motivation and so preserve the GB intact.

3.2.2.2 SD93 paras. 36-40 put forward (and dismiss) the Bere Farm or Lytchett Minster Options as ‘alternatives’, but they are not comparable with a SANG at Morden as they would also deliver significant housing. These were old, outline development proposals and the South Lytchett Estate has not been approached since about possible, more relevant, alternatives.

3.2.2.3 Other alternatives to a SANG at Morden might include:

- SANG/HIP provision further south where the heathland visitor intensity is greatest, or other sites in Purbeck,
- SANGs outside the district to absorb visitors before they get to Morden, and
- SAMMs around Sherford Bridge, and
- modifications to the new housing distribution.

3.2.2.4 The necessity of a SANG at Morden is an important factor (though not the only one) in any decision to release GB to enable it, and that necessity has not been evidenced.’

By way of criticism Dr Langley’s representation does seek to identify some of the alternatives that the council should have considered as part of its full examination of alternatives, but it does not include the same detail explanation or justification as provided in the representation made by Freeths on his behalf.

On the whole and as examples the council considers that Dr Langley’s comments made during the early and middle stages of the local plan’s examination significantly differ from those made by Freeths for him on the proposed Main Modifications.