



The Planning Inspectorate

---

# **Report to Borough of Poole**

**By Malcolm Rivett BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Date: 24 October 2018**

---

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Poole Local Plan**

The plan was submitted for examination on 24 November 2017

The examination hearings were held between 27 February and 27 March 2018

File Ref: PINS/Q1255/429/12

## Abbreviations used in this report

|       |   |
|-------|---|
| CIL   | Community Infrastructure Levy   |
| DCLG  | Department for Communities and Local Government (now Ministry of Housing, Communities and Local Government) |
| Doc   | Document  |
| dpa   | dwellings per annum   |
| dph   | dwellings per hectare   |
| DtC   | Duty to Co-operate  |
| HMA   | Housing Market Area   |
| HRA   | Habitats Regulations Assessment   |
| MM    | Main Modification   |
| NPPF  | National Planning Policy Framework (March 2012)   |
| OAN   | Objectively-Assessed Need   |
| ONS   | Office for National Statistics  |
| PPG   | Planning Practice Guidance  |
| RSS   | Regional Spatial Strategy   |
| SANG  | Suitable Alternative Natural Greenspace   |
| SHLAA | Strategic Housing Land Availability Assessment  |
| SHMA  | Strategic Housing Market Assessment   |
| SPA   | Special Protection Area   |
| Sqm   | Square Metre  |
| SUDS  | Sustainable Urban Drainage Scheme   |

## **Non-Technical Summary**

This report concludes that the Poole Local Plan provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. Poole Borough Council has specifically requested that I recommend any MMs necessary to enable the plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings the Council prepared schedules of the proposed modifications and carried out sustainability appraisal and Habitats Regulations Assessment of them where required. The MMs were subject to public consultation during July – September 2018. I have recommended their inclusion in the plan after considering all the representations made in response to consultation on them. In some cases I have amended their detailed wording and/or added consequential modifications where necessary.

The Main Modifications can be summarised as follows:

- Making clear in policy PP7 that delivery of housing, in excess of the indicated phasing, will be required to be supported by appropriate heathland mitigation;
- Amendments to the requirements for development for some of the allocated sites in order that the plan is justified and effective;
- Alteration to policy PP20 (Part 1) and its supporting text to reflect the revised Green Belt boundary at Canford School;
- The provision of a dedicated policy (PP20 (Part 2)) in respect of development at Talbot Village; and
- A range of other alterations necessary to ensure that the plan is positively-prepared, effective, justified and consistent with national policy.

## Introduction

1. This report contains my assessment of the Poole Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate. It then considers whether the plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the *National Planning Policy Framework* (March 2012) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. In July 2018 a revised *National Planning Policy Framework* was published. However, paragraph 214 of this document makes clear that the previous Framework (ie that of March 2012) will apply for the purpose of examining plans submitted on/before 24 January 2019 (ie the Poole Local Plan). Consequently, references in this report to national policy/the NPPF are to the document of March 2012.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Poole Local Plan (doc SD1a), submitted in November 2017 is the basis for my examination. It is the same document as was published for consultation in July 2017.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal and Habitats Regulations Assessment of them where necessary. The MM schedule was subject to public consultation in accordance with the Council's Statement of Community Involvement. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.
6. In adopting the plan the Council can also make additional modifications to the plan so long as they do not, alone or in combination, materially alter its policies. Such changes are likely to include alterations to the supporting text consequential to the main modifications, minor factual updating and the correction of typographical errors etc. Included within the MMs, as set out in the schedule, are a number of additional modifications which the Council has proposed since consultation on the MMs took place.

## **Policies Map**

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as *Poole Local Plan Pre-Submission Draft Policies Map (July 2017)* as set out in docs SD2a, SD2b and SD2c.
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
9. These further changes to the policies map were published for consultation alongside the MMs (*Poole Local Plan Policies Map (including Town Centre Inset and District Centres Insets), incorporating modifications (July 2018)*).
10. When the plan is adopted, in order to comply with the legislation and give effect to its policies, the Council will need to update the adopted policies map to include all the changes proposed in the *Poole Local Plan Policies Map (including Town Centre Inset and District Centre Insets)* of July 2017 and the further changes published alongside the MMs in July 2018.

## **Assessment of Duty to Co-operate**

11. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the plan's preparation. The Council's *Duty to Co-operate Statement of Compliance* (doc SD11) details the strategic, cross-boundary issues of relevance to the plan's preparation including housing, jobs, retail, leisure and other commercial development, provision of infrastructure, climate change and conservation/enhancement of the natural/historic environment.
12. The statement also identifies the bodies with whom the Council sought to co-operate in preparing the plan (eg neighbouring local authorities, Historic England, Natural England and the National Health Service Commissioning Board) and explains the bespoke arrangements in place for joint working on planning matters, including the Dorset Strategic Planning Forum and the Dorset Leader's Growth Board. For each strategic, cross boundary issue the statement details how and when the Council engaged with other relevant organisations and the outcomes of this, including in terms of jointly prepared evidence (eg the *Eastern Dorset Strategic Housing Market Assessment*) and agreement on the approach to a number of key matters.
13. Whilst a number of other concerns have been raised under the auspices of the duty to co-operate, in reality these fundamentally relate to other aspects of the plan's legal compliance or to its soundness and are, consequently, addressed elsewhere in this report. Importantly, no organisation with whom

the Council is required to co-operate contends that the Council has not fully met the duty.

14. In conclusion I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the plan and that the duty to co-operate has therefore been met.

## **Assessment of Soundness**

### **Main Issues**

15. Taking account of all the duly submitted representations, the other written evidence and the discussions that took place at the examination hearings I have identified ten main issues upon which the soundness of the plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors. In the interests of a fair and efficient examination I have disregarded what are, in effect, "late" comments made in response to the consultation on main modifications but which do not directly concern the main modifications.

### **Issue 1 – is the plan's strategy in terms of the overall housing requirement figure, its phasing, its broad location and its density informed by a robust and objective assessment of housing needs and otherwise soundly based?**

#### *2015 Strategic Housing Market Assessment*

16. In 2015 a *Strategic Housing Market Assessment* (SHMA), jointly commissioned by the relevant local authorities, was published for Eastern Dorset, together with one for Western Dorset. Reviewing earlier work and up-to-date data on migration, commuting and house price dynamics the assessments credibly argue that the Borough of Poole sits in an Eastern Dorset housing market area (HMA) along with Bournemouth, Christchurch and parts of Purbeck, East Dorset and North Dorset. For the 2013 – 2033 period the assessment concludes that the objectively assessed need (OAN) for housing for this housing market area is, on average, 2883 dwellings per annum (dpa) of which there is a need in Poole of 710 dpa on average.
17. The 710 dpa OAN figure is based on the, then, most up-to-date 2012-based Office for National Statistics (ONS) population estimates, rebased to take account of the ONS 2013 mid-year estimates. The level of migration assumed in the 2012 estimates is an average of the 5 and 10 year trends and there is little to persuasively indicate that this is not appropriate. Overall an increase in population of around 15% is forecast in Poole during the plan period. To convert this figure to a projection of additional households, the SHMA employs the 2012 Department for Communities and Local Government (DCLG) household projections, giving a 19.6% growth in households for the plan period. Applying a sensible 4.9% dwelling vacancy rate this equates to an average requirement of 665 additional dwellings per annum for Poole for the plan period.
18. Consistent with the NPPF and Planning Practice Guidance (PPG) the SHMA also considers in detail market signals, affordability and the past extent of suppression of household formation. There is a mixed picture in terms of

market signals and affordability: median house prices in Poole are around the HMA average whilst affordability is below the HMA average but above the average for the South West as a whole. The extent of overcrowding in Poole is below both the HMA and England averages. The SHMA reasonably contends that these factors are fundamentally either causes or symptoms of suppression in the rate of household formation in Poole. It therefore concludes that the appropriate response is to uplift the OAN by 7% (45 dwellings per annum) to 710 dpa – this would provide for sufficient housing in the Borough to enable the household formation rate in the 25-34 age group to return to 2001 levels by the end of the plan period.

19. It is the case that a much higher than 7% uplift to reflect market signals has been applied in other local authority areas, although inevitably the circumstances in these areas will not be precisely the same as in Poole. Moreover, the PPG indicates that a market signals uplift should be at a "reasonable" level but does not define this. To my mind it is eminently sensible and reasonable for the uplift in Poole to be set at a level which would provide sufficient homes to enable the reversal of the suppression of household formation which has occurred in recent years, this being a fundamental effect of reduced levels of affordability of housing in the Borough. It also makes sense for the focus to be on household formation amongst the 25-34 age group since, as discussed at the hearings, this is age group in which the rate of household formation has significantly reduced in the area.
20. The plan has been informed by a range of economic forecasts, the highest (and Council's preferred) one being the Local Knowledge Scenario. Assuming no significant change in commuting patterns, this scenario forecasts a requirement for 694 additional dwellings per annum in Poole to provide sufficient homes for the additional employees likely to work in the Borough. Whilst this is 29dpa above the 'base' OAN figure of 665 dpa, it is reasonable for the SHMA to conclude that an uplift to reflect this is not necessary, given that across the HMA as a whole there would be more than sufficient people of working age to fill the forecast number of jobs in the HMA. Moreover, the "conurbation" nature of Poole and the neighbouring authorities is such that a resident of Bournemouth, for example, could live much closer to an employment location in Poole than would a resident of Poole.
21. During the, previous, *Core Strategy* plan period (2009 – 2013) there was under-delivery of around 450 dwellings in the Borough. The primary effect (and to some degree cause) of this is likely to have been the above-mentioned reduction in the rate of household formation amongst young adults. As such, therefore, the proposed 45 dpa 'market signals' uplift (900 dwellings in total) would appropriately more than account for this "backlog" in delivery of new dwellings.
22. The SHMA identifies a requirement for an average of 660 affordable homes per year for the plan period, albeit that the majority of this figure accounts for households already living in Poole but in housing which is deemed (although not necessarily by the households themselves) to be unsuitable or unaffordable. Based on policy PP11's requirement for 40% (10% in the Town Centre) of new dwellings to be affordable housing it is very unlikely that the 660 affordable dwellings per year would result from an OAN of 710 dpa. The PPG advises that in such circumstances consideration should be given to the

extent to which increasing provision for new housing above the OAN figure would result in the need for affordable housing being met.

23. The 710 OAN figure promulgated by the 2015 SHMA is a reflection of those households likely to want or need to live in Poole in the period to 2033 and there is no persuasive evidence to suggest that if the plan were to provide land for more than 710 dwellings per year additional households would be attracted to live in the Borough, certainly not at a level which would be likely to make a material difference to the supply of affordable homes. Consequently, there is not a strong case to increase the supply of housing above the 710 dpa OAN figure in order to meet the identified requirement for affordable homes.
24. In summary, on the evidence available at the time, the objectively-assessed need for new housing of 710 dwellings per annum proposed by the 2015 SHMA is based on robust evidence.

#### *2017 Strategic Housing Market Assessment*

25. Shortly before the submission of the plan for examination (but after consultation on it) a draft 2017 update of the SHMA was published for Poole only. This document updates the 2015 assessment to take account of the, lower, 2014-based population and household projections for Poole. However, it identifies a worsening position in terms of affordability and, thus, reasonably recommends a 16% uplift above the base housing requirement figure to give an overall OAN of 712 dpa. This figure is not materially different from the 710 dpa OAN arising from the 2015 SHMA on which the plan as submitted is based.

#### *More recent evidence and conclusions on OAN and the plan period housing requirement figure.*

26. The 2015 SHMA robustly demonstrates that, on the most up to date evidence at the time, the objectively assessed need for additional housing in Poole is an average of 710 dpa for the 2013 – 2033 period. Moreover, the emerging evidence of the 2017 SHMA Update indicates that based on more recent, 2014-based, evidence the OAN figure remains materially unchanged.
27. The revised *National Planning Policy Framework*, published during consultation on the main modifications, states that, other than in exceptional circumstances, a new standard method (detailed in revised PPG) should be used to determine local housing needs. For Poole the standard method currently indicates a need for 782 dpa for the period 2016-2026. This is materially, but not substantially, higher than the 710 OAN on which the plan is based. However, as detailed in the Introduction to this report, the revised NPPF makes clear that a plan already submitted for examination should be examined against the March 2012 NPPF. Consequently, whilst future reviews of the plan will be likely to need to take account of it, it is not necessary for the plan to be modified at this stage to reflect the new standard method.
28. Conversely, it is the case that the most recent (2016-based) Office of National Statistics population projections indicate lower population growth in Poole than that on which the 2015 and 2017 SHMAs were based and since the consultation on main modifications was completed related household

projections have been published. However, such projections would not necessarily lead to a housing OAN for Poole significantly lower than the 710 dpa on which the plan is based; as with the 2015 and 2017 documents a SHMA based on these projections would need to consider the case for uplifts to reflect suppression of household formation, alignment with economic growth and affordable housing. Considering these matters through a further update of the SHMA would inevitably take a considerable amount of time. There is almost always some emerging, or about to emerge, new evidence or guidance of potential relevance to a local plan. If the completion of plan examinations were to be delayed to take account of such new evidence/guidance few plans would ever be adopted. It is also of note that the PPG (Paragraph: 016 Reference ID: 2a-016-20150227) indicates that housing assessments are not automatically rendered outdated every time new projections are issued.

29. Moreover, the *Government response to the draft revised National Planning Policy Framework consultation* (July 2018) indicates the Government's intention to consider reviewing the standard method for determining local housing needs to ensure that it continues to be consistent with its policy of ensuring that 300,000 homes per year are built across England by the mid-2020s. Consequently, even if the plan were to be modified to be based on a lower OAN (and its adoption inevitably delayed), it is very likely that it would then require early review and alteration to reflect a higher housing need figure based on the standard method.
30. In the light of all this, and in the particular circumstances of the Poole Local Plan at this particular point in time, it would not be appropriate to prolong the examination to re-examine housing need in the light of the most recent household projections.
31. In conclusion, and whilst having regard to the various other criticisms which have been raised about the housing need figure, the 710 dpa OAN, on which the plan's 14,200 housing requirement (policy PP2) is based, is robust and consistent with national policy.

#### *Phasing of the housing requirement figure*

32. In the light of the above policy PP2 of the plan identifies a total plan period housing requirement figure for Poole of 14,200 dwellings, equating to an average of 710 dpa which is the same as the objectively-assessed need. However, policy PP7 states that the overall requirement will be phased as 500 dpa (2013-2018), 710 dpa (2018-2023) and 815 dpa (2023-2033). As submitted the policy states that this phasing is necessary in order to ensure that adequate mitigation measures are in place to prevent harm to European and internationally protected nature conservation sites and the Council has also argued that this would allow time for the market to increase the rate of housing delivery.
33. In response to discussion at the hearings about the proposed phasing the Council re-examined (Appendix 2 of doc EXAM3) the potential to speed up the minimum rate of housing delivery set out in policy PP7. Assuming Suitable Alternative Natural Green Spaces (SANGs) are delivered in respect of housing sites UE1, UE2 and U2 (see Issues 3 and 4 below), in addition to the Upton Park SANGs, the Council now identifies that, in theory, there would be

sufficient SANG capacity to mitigate the impact on European and internationally protected nature conservation sites of 10,760 dwellings to 2023. On this basis the policy PP7 phasing would not be strictly necessary.

34. However, without phasing of the requirement, the number of dwellings to be completed in the period to 2023 would be only 4% less than the likely to be available SANGS capacity<sup>1</sup>. To my mind this would be an inappropriately small 'buffer', given the importance of protecting nature conservation sites and particularly bearing in mind the cited evidence that Upton Park SANGs, which are already reported to be very busy, may not in reality be able to mitigate the impact of the full 10,000 dwellings originally envisaged. A review of the success of the plan's mitigation strategy (including SANGs) is to be completed by 2023. It is the case that stepped approaches to housing requirements have been deemed to be inappropriate in some local authority areas, although inevitably the circumstances vary from location to location. For Poole, pending the completion of the review of the success of nature conservation mitigation measures and noting the support of Natural England for the policy PP7 phasing, I conclude that the stepped housing requirement detailed in policy PP7 is justified.
35. As submitted policy PP7 makes clear that the phasing of the housing requirement represents the minimum delivery expected. However, to ensure that this statement is justified, **MM7** is necessary to make clear that a higher level of housing would need to be supported by appropriate heathland mitigation.

*Broad location of housing development and housing densities*

36. In addition to defining the amount of new housing to be delivered, policy PP2 also identifies the proposed broad location of this new development: around 6,000 homes in Poole Town Centre, around 6,900 elsewhere in the urban area (with the majority of this in sustainable transport corridors and district and local centres) and 1,300 in urban extensions. I consider in detail the urban extensions in Issue 4 and each of the specific housing allocations in the Town Centre and urban area in Issues 2 and 3. However, the overall aim of seeking to maximise development within the Town Centre and urban area is soundly based, particularly having regard to the NPPF's core planning principles of encouraging the effective use of land and focussing significant development in locations which are or can be made sustainable. Nonetheless, in the interests of clarity (effectiveness), **MM2** is necessary to reword text concerning sustainable transport corridors.
37. Policy PP2 also sets out minimum indicative densities for housing development. In principle these are soundly-based and once again are supportive of the core planning principle of making the effective use of land. However, to be justified, **MM2** is required to make clear that the indicative

---

<sup>1</sup> Whilst the period of the proposed 500 dpa requirement has now passed, retrospectively increasing the requirement for the 2013-2018 period to 710 dpa would (having regard to actual delivery in the 2013-2018 period and the need to 'recover' the resulting shortfall in delivery) have the effect of increasing the actual requirement in the 2018-2023 period well above the average annual requirement of 710 dpa.

densities will be applied having regard to the circumstances on a case by case basis.

### *Conclusion*

38. In conclusion, subject to the above-mentioned modifications, the plan's strategy in terms of the overall housing requirement figure, its phasing, its broad location and its density is informed by a robust and objective assessment of housing needs and is otherwise soundly based.

### **Issue 2 – are the Town Centre Strategy and its sub-areas and their housing and mixed-use allocations positively-prepared, justified and effective?**

39. The plan proposes that a significant amount of new development will take place in Poole Town Centre: around 6,000 new homes (about 42% of the overall requirement) and most of the Borough's new retail and office development. As indicated above this is, in principle, a soundly based and sustainable approach; it would bring about much-needed regeneration of parts of the Town Centre and harbourside area, would ensure the redevelopment of previously-developed land and would focus a large proportion of new development in close proximity to the Town Centre's jobs and retail, commercial, leisure and transport facilities.
40. Policy PP3 sets out a positively-prepared overall strategy for the Town Centre, although **MM3** is necessary for it to be justified and effective. This modification promotes 'active frontages' at ground floor level, makes clear that the strategy is part of the wider agenda to prioritise walking, cycling and public transport and also clarifies current inconsistency in wording relating to major, strategic and allocated sites. Policy PP3 is supported by policies PP4, PP5 and PP6 which provide more detailed guidance on development in the Town Centre's three sub-areas – Town Centre North, Twin Sails and High Street, Quay and Old Town.
41. In recent years a significant amount of new housing has already been constructed in the Town Centre although it is the case that, having particular regard to viability, delivering a further 6,000 dwellings in the area will be challenging. However, reflecting this, the affordable housing requirement has been set at only 10% (see Issue 6). Furthermore, a number of relevant developers have spoken or written in positive terms about housing delivery in the Town Centre and there is no detailed and persuasive evidence to demonstrate that across the plan period as a whole the strategy for housing in this part of Poole is unrealistic.
42. Concern is also raised at the indicative Town Centre housing density of 100 dwellings per ha (dph), set out in policy PP2, particularly in view of the cited current density of development in the Town Centre of around 37 dph. However, whilst new development is likely to somewhat increase the average overall density of development in the Town Centre above its current figure, it is unlikely to be anywhere near the 100 dph proposed for individual development sites. Policies of the plan require that new development respects the Town Centre's historic heritage and based on what I have heard and seen on my numerous walks around the Town Centre, I am not persuaded that the indicative density of 100 dph is intrinsically inappropriate in this area or that

the 6,000 dwellings proposed would inevitably create problems in terms of infrastructure or the availability of services.

43. Whilst it might be easier to plan for fewer new dwellings in the Town Centre, to do so would undesirably either require more use of green field (and almost certainly Green Belt) land elsewhere or would result in housing needs going unmet.
44. It has also been argued that the plan should provide more detailed and specific guidance on heritage matters and building heights for the Poole Quay area. However, such guidance is contained in the adopted *Poole Quay Forum Neighbourhood Plan* which will remain part of the adopted development plan for the relevant area once the Borough-wide plan is adopted. In this context there is not a need for the Local Plan to repeat what is already stated in the Neighbourhood Plan, although importantly there is not any material conflict between the two plans. However, in the interests of clarity (effectiveness) **MM41** is necessary to reference the Neighbourhood Plan.
45. Consistent with national policy the Borough's identified requirements for new retail and office development are directed to the Town Centre. Specific site allocations have not been identified for these uses, primarily because such allocations in previous plans were largely unsuccessful in bringing forward development. However, retail and/or office development is envisaged at many of the 15 mixed use, but predominantly housing-led, site allocations in the Town Centre. In view of the past experience this approach is sensible. Notably, in both floorspace and footprint terms, the requirements for retail and office development would constitute only a small proportion of the overall space available across the 15 site allocations. Consequently, there can be confidence that enough space overall has been allocated to provide for the housing, retail and office needs.
46. Policies PP4 – PP6 define and detail requirements for these site allocations (T1 to T15); these are mostly broadly supported in representations and there is little in what I have read, heard or seen to suggest that they are not, in principle, soundly based. The approximate number of new dwellings indicated in the policies have been challenged in a number of instances with separate arguments that they should be both higher and lower. However, the plan's glossary makes clear that "approximately" in this context means that the housing number is an indicative estimate and does not preclude either significantly more or less homes actually being delivered on the site subject to other policy considerations. Nonetheless, given the importance of this definition and in the interests of clarity, I have revised the modifications to policies PP4 – PP6 and PP9 as consulted on to include this wording as a footnote to each of the relevant policies. For other sites, where there are fewer constraints, the policies define the housing numbers as "minimums" which, by definition, does not automatically preclude more housing. The use of the words "approximately" and "minimum" is sensible and provides appropriate flexibility and it is not necessary, nor is there sufficient evidence before me on which, to set more prescriptive dwelling number figures for most of these sites.
47. Notwithstanding the above a number of modifications are required (**MM4**, **MM5** and **MM6**) for policies PP4 – PP6 to be justified and effective. These (i)

include the "approximately" definition as detailed above (ii) make clear that mixed-use sites need not necessarily incorporate all the identified non-residential uses, (iii) refer to improved Town Centre pedestrian connections through/around the T1 site and at the High Street level crossing and (iv) include a number of references to important constraints such as flood risk, European and internationally designated sites and the Town Centre Heritage Conservation Area. The modifications also clarify requirements in respect of any strategic sites which may come forward which are not specifically allocated by these policies. In respect of criteria 3 of policy PP4 I am satisfied that use of "must" instead of "should" is not necessary for soundness.

48. In conclusion, subject to the above-mentioned modifications, the Town Centre strategy and its sub-areas and their housing and mixed-use allocations are positively-prepared, justified and effective.

**Issue 3 – are the urban housing and mixed-use allocations, outside of the Town Centre, positively-prepared, justified and effective?**

49. As detailed in Issue 2 around 6,000 new homes are envisaged to be provided in the Town Centre during the plan period and the plan's strategy is to accommodate as much as possible of the remaining requirement for 8,200 new dwellings within the rest of the built-up area of Poole. This is, in principle, a soundly based and sustainable strategy; it has the potential to maximise the re-use of previously-developed land and locates new housing in relatively close proximity to jobs, services and public transport facilities. In support of this strategy policy PP9 defines and sets out requirements for 16 residential site allocations within the urban area but outside the Town Centre.
50. The plan allocates site U5 (Parrs) for a care home of approximately 70 bed spaces and around 30 specialist accommodation homes, which reflects an extant permission for the site. A representation argues that the site's proximity to Poole Retail Park and its topography make it unsuitable for a care home and is likely to explain why the permission has yet to be implemented. However, I have no reason to believe that the permitted scheme would not represent a satisfactory form of development and it is unlikely that planning permission would have been sought if there was no intention of implementing it. Moreover, even if the current permission were to expire, there is no convincing evidence to indicate that a care home is not likely to be developed on the site during the plan period. There is an identified need for more than 800 care home bed spaces in the Borough and a very limited number of suitable and available sites to meet the need.
51. It has been suggested that a supermarket and 'coffee pod' facility is a more viable form of development for this site. Whilst the determination of a planning application for such a proposal is not a matter for my consideration, the evidence before the Examination that there is not a need for additional convenience retail floorspace has not been challenged. The site is currently/was last an isolated employment site and policy PP16 of the plan (see Issue 7) states that where such sites are no longer suitable for continued employment use, a care home/specialist housing will be prioritised over other uses which generate employment (ie a supermarket/'coffee pod').

52. In summary, allocation of the site for a care home/specialist housing seeks to meet identified development needs, it is consistent with the plan's policy in respect of reuse of isolated employment sites and there is no convincing evidence to demonstrate that this form of development is not deliverable during the plan period. I therefore conclude that the allocation is sound.
53. Site U8 (Beach Road) is currently a car park, normally open only during the summer months, primarily to accommodate visitors to the nearby seafront and beach at Branksome. The plan envisages development of part of the site for around 60 homes and improvement of the remainder for a reduced amount of car parking.
54. The data submitted by the Council may not present the full picture regarding usage of the car park, although it is clear that it is not well-used for large parts of the year. Whilst better maintenance and promotion might encourage greater use of it and relieve pressures on other coastal parking facilities, particularly in the summer months, such an approach would to a large extent run counter to the plan's wider strategy of seeking to promote alternatives to car use. Moreover, even if improved and promoted, it is likely to remain underused for many days of the year.
55. The site is within a residential area and it appears to me that a well-designed housing scheme would be in keeping with the character of the area and would be unlikely to cause significant harm to neighbouring residents. As such the site would be utilised throughout the year to meet housing needs whilst continuing to provide some public car parking. Use of some of the dwellings as second homes cannot be discounted although there is no convincing evidence to indicate that this would cause significant problems. However, in accordance with policy PP11, it is envisaged that 40% of the units would be affordable homes, for which there is an urgent need in the Borough. There is no detailed or convincing evidence to show that this would not be viable. The number of properties currently for sale in the area is likely to be much more an indication of normal churn in the property market than evidence of a lack of need for additional housing in Poole.
56. I understand that a covenant in effect prevents use of the site for residential development, although the Council is currently considering ways to overcome this. The evidence as to whether or not the Council is likely to be successful is, to my mind, currently inconclusive. Consequently, there is some doubt about the deliverability of housing on the site, although that is not to say that it is not at all likely. If there were a large number of other suitable, available and deliverable sites in Poole on which the Borough's housing needs could be met, then it might make sense to allocate one of those instead of site U8 because of the uncertainty over its deliverability. However, such alternative sites do not exist and if U8 were not allocated the reality is that some of the Borough's identified housing needs would be likely to go unmet or more land would need to be removed from the Green Belt.
57. In the light of the above I conclude that the site U8 housing allocation is soundly-based.
58. Site U2 is allocated for a minimum of 300 dwellings to the north of employment site E2 (see Issue 7). Whilst categorised by the plan as an urban

allocation it is on land safeguarded by previous adopted plans for development needs beyond their plan periods. However, as detailed elsewhere in this report, housing needs for the current plan period to 2033 cannot feasibly be met on land within the existing built-up area. Whilst I appreciate that loss of countryside is regretted by many, in principle it is therefore appropriate that this previously safeguarded land is allocated for housing.

59. Concern has been raised about impacts of development on site U2 on the integrity of the nearby Canford Heath. However, policy PP9 appropriately (and realistically) requires SANG provision along the nearby River Stour and measures to prevent direct access from the site to the heath. In terms of nightjars the Council's and Natural England's evidence that the site is not used for foraging is persuasive. I am therefore satisfied that significant adverse effects on the heath are unlikely to arise from development of this allocation.
60. The traffic impacts of the development are also of concern, particular having regard to cumulative effects arising from the UE2 (see Issue 4) and E2 (see Issue 7) sites. I consider the likely transport impacts of development in the Bearwood area in more detail in Issues 4 and 9 but, when balanced against the desirability of meeting identified housing needs, I consider that unacceptable harm in terms of traffic/transport are unlikely to arise. Nonetheless, for the plan to be justified and, in order to maximise use of public transport in respect of site U2, **MM9** is necessary to require a contribution towards implementation of the sustainable transport corridor between Bearwood and Bournemouth/Poole Town Centres. In the interests of an effective and justified plan this modification also includes more flexibility in respect of required education enhancements. I am confident that other concerns raised about this allocation could be satisfactorily addressed at the planning application stage, applying the plan's development management policies. I address the 'Gunning' principle, in respect of this site, in the *Other Matters* section towards the end of this report.
61. The evidence indicates that the other policy PP9 site allocations (U1, U3, U4, U6, U7, U9, U10, U11, U12, U13, U14 (see also Issue 4), U15 and U16) are, in principle, soundly based. However, a number of modifications (**MM9**) are necessary for the plan to be justified and effective:
  - U1 – rewording in respect of open space provision and wildlife mitigation measures to provide clarity but appropriate flexibility, and removal of the, inappropriate, policy statement that very special circumstances may exist for the relocation of sports facilities on to Green Belt land. It is feasible that such very special circumstances may exist but this is a matter for determination as part of a planning application, not inclusion in a local plan policy.
  - U3 – increasing the housing provision to approximately 330 dwellings to reflect the up to date situation regarding land availability.
  - U11- removing the unjustified requirement that access must be on to Ringwood Road.

To ensure consistency with the rest of the plan and the NPPF I have slightly altered the wording of the MM9 as consulted on to require development to preserve or enhance Conservation Areas.

62. In conclusion, subject to the above-mentioned modifications, the urban housing and mixed-use allocations, outside of the Town Centre, are positively-prepared, justified and effective.

**Issue 4 – are the Council's judgements that exceptional circumstances exist to justify alterations to the boundaries of the Green Belt soundly based, and are the related development allocations positively-prepared, justified and effective?**

*Sites UE1 and UE2*

63. As detailed above, the plan's strategy is, appropriately, to direct the majority of new housing required in the Borough during the plan period to the Town Centre and the rest of the existing built-up area of Poole. In these areas the Council has sought to allocate in the plan all sites which are available, suitable and deliverable for the development of new housing (40 units or more) and appropriately assumes that at least 3,000 additional dwellings on smaller, identified sites suitable for housing and other windfall housing sites will come forward. However, taking account of these, together with existing completions and commitments, there is a shortfall of sites for around 1,300 dwellings in the period to 2033. Through the duty to co-operate the Council has ascertained that neighbouring authorities would be highly unlikely to be able to meet this need outside of their own Green Belt. In the light of this the Council chose to examine whether or not the exceptional circumstances exist to justify removing land from the Green Belt within the Borough.
64. To this end the Council undertook a *Green Belt Review* which has examined the contribution individual parcels of the Green Belt in the Borough make to the essential characteristics of this designation (ie openness and permanence) and to the purposes, set out in the NPPF, of designating land as Green Belt.
65. Having regard to the *Green Belt Review* and other factors relating to suitability, availability and deliverability, the Council has proposed through the plan to alter the boundary of the Green Belt to the north of Merley and to the north of Bearwood and to designate the land removed from this designation as housing sites UE1 and UE2 (policy PP10). Related to the housing the plan also allocates extensive areas of nearby land, within the Green Belt in the River Stour valley, for heathland mitigation – suitable alternative natural green space (SANG) to discourage leisure use of the Canford Heath Special Protection Area (SPA) by residents of the new housing.
66. The *Green Belt Review* reasonably concludes that whilst site UE1 (parcel 9B) scores highly in terms of current openness and permanence, it makes only a medium contribution to the purposes of including land in the Green Belt. The site is part of the key and relatively narrow gap which separates Merley and Wimborne Minster. However, there is already inter-visibility of buildings between the settlements and because of the topography of the land and the presence of the river and the A31, I agree with the Council that development of the site would not significantly erode the sense of separation between Merley and Wimborne Minster. Carefully designed, as required by policy PP10, I see no reason why development of the site should not preserve or enhance the setting of the nearby conservation areas.

67. In terms of site UE2 (parcels 12A and 12B) the *Green Belt Review* credibly also identifies that, whilst scoring highly in terms of current openness and permanence, the site overall makes a medium contribution to Green Belt purposes. The main harm would be encroachment into the countryside although, based on my visits to the area, I envisage that the site would sit well within the topography of the landscape and would, once established, appear as an integral part of the built-up area of Bearwood rather than as an alien or strident urban extension into the countryside.
68. Sites UE1 and UE2 have been selected, in preference to others in the Green Belt, in a robust way, importantly including consideration of potential effects on foraging nightjars. It is the case that parcel 8B (Oakley Hill) makes only a low contribution to Green Belt purposes. However, it would be unlikely to accommodate more than a few dozen dwellings and so could not feasibly be removed from the Green Belt and allocated for development instead of sites UE1 or UE2. Land at Magna Road/Arrowsmith Lane (part of parcel 15) is more isolated from the existing built-up area of Merley than site UE1 and I note that its promoter has not suggested that this site 'performs' better than sites UE1 or UE2.
69. It is the case that Merley and Bearwood have fewer facilities and are less well-served by public transport than Poole Town Centre and much of the main urban area of the Borough. However, both do have some day to day services and are on bus routes and these would be likely to be strengthened, enhancing the overall sustainability of the settlements, as a result of the proposed housing developments. To this end policy PP10 requires that the developments contribute towards the implementation of a sustainable transport corridor and deliver improvements to/expansion of education and healthcare facilities. The larger, Bearwood, development would include new shopping and community facilities. Moreover, the Council has sought to exploit all non-Green Belt opportunities for housing development and there is little to suggest that there are other available, suitable and deliverable sites for the required housing which are better located in relation to services and public transport.
70. The scale of development proposed would be likely to result in a noticeable increase in traffic in the Merley and Bearwood areas, locations which, like most of the Borough, already experience traffic congestion. In the light of this local people's concern about the proposed housing development is understandable. I consider the transport implications of the plan more widely in Issue 9 and it is not necessary for a local plan to define the exact nature of traffic arrangements and mitigation measures necessary to support housing allocation sites, even large ones such as these. Importantly, policy PP10 (as proposed by the Council to be modified – **MM10**) appropriately requires that, in conjunction with measures to be implemented by local authorities, the developments must provide suitable mitigation to address unacceptable impacts on the highway network. With this in mind, and based on all that I have read, heard and seen, I envisage that these housing developments, together with the other development proposals in the area, would be unlikely to give rise to severe adverse traffic impacts.
71. Concerns have been raised about a number of other potential impacts of these developments, including in respects of schools, healthcare and other

community facilities. However, I am satisfied that the available evidence in regard to these issues is proportionate to the preparation of a local plan and I envisage it likely that they can be satisfactorily resolved at the planning application stage, bearing in mind the requirements of policy PP10.

Nonetheless, for the policy to be justified and effective, modifications (**MM10 and MM43**) are necessary in respect of the wording of requirements for biodiversity mitigation, heritage preservation/enhancement (including an appropriate buffer to development) and to provide more flexibility in connection with education and sports/play facility requirements. For the plan to be justified this modification also makes clear that permission will only be granted for a housing-based scheme on these sites. Policy PP10 appropriately requires contributions towards the implementation of a sustainable transport corridor between the sites UE1 and UE2 and Bournemouth/Poole town centre, although it is not necessary for the policy to specifically refer to bus priority measures for the plan to be sound. To ensure consistency with the rest of the plan and the NPPF I have slightly altered the wording of MM10 as consulted on to require development to preserve or enhance Conservation Areas.

72. In line with MM11 (see Issue 6) it is also necessary to delete "minimum" from criterion (a). However, there is not a need to include a viability clause in the policy in respect of affordable housing; the evidence indicates that the 40% requirement is likely to be viable and, in any case, the viability clause provisions elsewhere in the plan would apply to these sites. Nonetheless, given that higher than 40% affordable housing may be viable on these sites **MM42** is necessary for the plan to be justified to make clear that more than 40% affordable housing is encouraged.
73. It is stated that a significant proportion (in the order of a fifth) of the UE2 site is owned by parties who have no intention of making their land available for development. It is feasible (although by no means certain) that this situation will change over time. However, even if it were not to, the discussion at the hearings gives me confidence that the amount and nature of development envisaged for the site could be accommodated on the remaining land. Should it emerge that the site is not deliverable for the number of dwellings required and at an appropriate density, review of the plan may be required. However, at the present time I conclude that this is not good reason to not allocate the site for housing.
74. In summary, there is a robustly and objectively identified need for 14,200 new dwellings in Poole to 2033 and this level of new housing is required to support likely economic growth in the area. However, despite the plan strategy of exploiting to the maximum land outside of the Green Belt, there is insufficient such land to accommodate this requirement, there being a shortfall of around 1,300 dwellings. Unlike a number of housing allocation sites elsewhere in the Borough, the evidence shows that the location and nature of sites UE1 and UE2 are suitable/viable for a large proportion of much-needed family homes and 40% affordable housing which would be of particular benefit to Poole, over and above benefits in relation to the meeting of the overall need for housing. The sites also provide appropriate locations to assist in meeting the demand for custom and self-build homes, small scale incubator/business start-up units and they would be likely to directly or indirectly lead to or support enhancements in local service provision in Merley and Bearwood.

75. In relation to housing in much of the rest of the Borough there remains a degree of uncertainty as to whether or not the potential impacts on the area's SPAs can be satisfactorily mitigated in the later part of the plan period. In contrast, there is near certainty that SANGS (on land allocated in the plan) can be delivered as part of these housing developments to mitigate adverse SPA impacts. Moreover, these SANGS have the potential to provide significant leisure opportunities for the wider population and would be key elements in the creation of a Stour Valley Country Park.
76. On the other hand, harm would result from the loss of Green Belt. However, the impact would be primarily one of localised encroachment of the countryside and I conclude that only very limited harm would be caused to the integrity of the South East Dorset Green Belt as a whole.
77. I recognise the level of local opposition to the loss of Green Belt in the Merley and Bearwood areas. However, contrary to the assertions of some, the Green Belt is not sacrosanct and national policy allows for alterations to its boundary in exceptional circumstances. Overall, having regard to the significant housing (including affordable and family homes), community, leisure and economic growth benefits which would result from sites UE1 and UE2, the absence of non-Green Belt land on which to accommodate the necessary development and the limited harm which would be caused to the Green Belt, I conclude that the Council's judgement that exceptional circumstances exist to alter the Green Belt boundary in connection with these sites is a sound one. Moreover, subject to the above-mentioned modifications, allocations UE1 and UE2 are positively-prepared, justified and effective.

*Green Belt boundary to the west and south of Bearwood*

78. The plan also proposes the alteration of the Green Belt boundary to the west and south of Bearwood, adding, currently safeguarded, land to the designation to align the Green Belt boundary with the extent of the existing built-up area but excluding from the Green Belt the U2 and E2 site allocations. The existing boundary of the Green Belt in this area reflects the alignment of a, now abandoned, new road proposal. In the absence of the road there is little logic, defensibility or permanence to much of the existing Green Belt boundary in this area of the Borough. The land between the Green Belt boundary and the existing built-up area of Bearwood was designated by the adopted *Core Strategy* (policy PCS30) as safeguarded land "until such time as it is determined that it would not be needed to help meet the employment land requirements of the RSS". Preparation of the RSS (Regional Spatial Strategy) has since been abandoned and the new local plan sets out the strategic approach to employment in Poole. As detailed in Issue 7, I conclude that the identified requirement for employment land is both aspirational and robust and that the plan identifies more than sufficient sites to provide for the requirement, including a flexibility buffer. These sites include E2 on part of the safeguarded land and the safeguarded land immediately to the north of this has been appropriately allocated for housing (U2) as detailed in Issue 3.
79. Consequently, there is strong evidence to indicate that the remaining safeguarded land will not be required for development during the plan period and nor is there any persuasive evidence to indicate that it would be required beyond that. Moreover, it is the case that much of the land might not be

developable without causing harm to the integrity of the adjacent Canford Heath SPA.

80. Although not currently part of the Green Belt, the *Green Belt Review* assessed the remaining safeguarded land (parts of parcels 13, 14 and 15) in terms of openness and permanence and the contribution it could make to the purposes of including land in the Green Belt. It credibly identifies that the relevant parts of these parcels could all make an, at least, medium contribution to Green Belt purposes.
81. Concern has been raised in respect of land adjacent to 'Derwent' which is part of the safeguarded land proposed in the plan for inclusion in the Green Belt. It is suggested that the site could be developed for a small number of dwellings. However, the site is predominantly open and, thus, is characteristic of the Green Belt and to exclude it from this designation would leave it as an awkward, very small island of safeguarded land surrounded by Green Belt. Moreover, as discussed elsewhere, the plan as it stands provides for sufficient land to meet the requirement for new housing and, thus, there is no case for it to be released from its current safeguarded land designation for development as part of this plan. Certainly, the small number of dwellings which the site could, in theory, provide for would not negate the requirement to delete land from the Green Belt elsewhere to enable the development of sites UE1 and UE2.
82. In summary, following the abandonment of the road proposal, there is a need to define a logical and defensible Green Belt boundary in the area to the west and south of Bearwood. Parts of the safeguarded land in this area are allocated through the plan for housing (U2) or employment (E2) but there is no evidence of the need for, or developability of, the majority of the remaining safeguarded land which the *Green Belt Review* demonstrates would make a worthwhile contribution to the purposes of the Green Belt. The plan's intention for the altered Green Belt boundary to align with the existing built-up area and sites U2 and E2 would provide for a logical and defensible boundary which, in itself, would be of significant benefit to the Green Belt within Poole. Taking account of all these factors, I conclude that the Council's judgement that the exceptional circumstances exist to designate safeguarded land as Green Belt to the west and south of Bearwood is sound.

#### *Creekmoor*

83. The plan proposes the removal from the Green Belt of a tract of land between existing built development at Creekmoor and the A35 (parcel 3 in the *Green Belt Review*). Policy PP20 allocates the majority of this land for a new school and playing fields (A2), although smaller eastern parts of it are allocated by policy PP9 for housing (site U14, around 45 homes), by policy PP35 for safeguarding of the park and ride facility and by policy PP24 for the retention of existing public open space. Site U14 would make a small, but meaningful contribution towards meeting housing needs and the park and ride facility will continue to be of benefit in promoting use of alternatives to the car within the urban area – an objective central to the plan as a whole.
84. Although predominantly open, part of this land has for many years been reserved for educational use by saved policy CF1. In line with the NPPF, an

educational building would almost certainly constitute inappropriate development in the Green Belt and would thus require very special circumstances to be demonstrated for it to be permitted. To my mind it is far from ideal for a development need identified in a plan to be required to demonstrate very special circumstances in order for it to be developed. Such an approach risks either the provision of the required development being stifled or the integrity and permanence of the Green Belt as defined in the Local Plan.

85. In preparing the plan detailed consideration has been given to the requirement for school places. Whilst these are difficult to forecast precisely, it is credibly concluded that there is a likelihood of additional school capacity being required after 2026. However, bearing in mind the pressing need to allocate land for housing development, there are no suitable and available sites for a new school within the existing built-up area.
86. The *Green Belt Review* identifies that, overall, parcel 3 makes a medium contribution to the purposes of the Green Belt, primarily in terms of checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment. To my mind this assessment is a cautious one and it is the very strong presence of the A35 which currently predominantly defines the edge of the built-up area at Creekmoor, rather than the line of existing buildings (and current Green Belt boundary) in this location. Even assuming an, at worst, medium level of localised harm, the change to the Green Belt boundary proposed in the plan at this location would have very limited effects on the integrity of the South East Dorset Green Belt as a whole.
87. Paragraph 72 of the NPPF identifies that the Government attaches great importance to ensuring that a sufficient choice of school places is available and states that local planning authorities should give great weight to the need to create schools. In the light of (a) NPPF paragraph 72, (b) the likelihood of the need for a new school in Poole after 2026 and the lack of a suitable alternative site for it, (c) the longstanding reservation of land in this area for educational purposes (d) the benefits of housing provision on site U14, and (e) the limited harm which would be caused to the Green Belt, I conclude that the Council's judgement that the exceptional circumstances exist to justify alteration to the Green Belt boundary at Creekmoor is sound. Furthermore, the education (A2) and housing (U14) developments proposed for the land (and safeguarding of the park and ride facility) are positively-prepared, justified and effective.

#### *Canford School*

88. The main buildings at the Canford School campus constitute a significant parcel of built-up land within the Green Belt, in part at least adjoining its inner boundary and close to the land proposed for deletion from the Green Belt for housing allocation site UE1. The plan as submitted proposed no change to the Green Belt boundary in respect of the school. However, persuasive arguments have been advanced that the school's Green Belt location makes difficult or is likely to prevent upgrading and expansion of the school's facilities, including essential works to safeguard the wellbeing of boarding pupils. Heritage assets in the vicinity exacerbate these difficulties and a change to the boundary of the Green Belt in this location has, consequently, been suggested. This would exclude the majority of the built-up

area of the school from the Green Belt but would retain within the designation most of the school's extensive, and predominantly open, grounds.

89. Whilst the school is in a parcel of Green Belt which the *Green Belt Review* identifies as making a medium contribution to the purposes of including land within the designation, I consider that the relatively small part of the whole parcel occupied by the school buildings makes a minimal such contribution, particularly bearing in mind that it is almost entirely developed and, in parts at least, borders the inner boundary of the Green Belt. The loss of this small area of Green Belt would be likely to cause very limited, localised harm and would have a minimal effect on the integrity of the Green Belt overall.
90. In the light of this, given the school expansion/redevelopment benefits which would be likely to accrue from the school buildings not being within the Green Belt and having regard to the NPPF (paragraph 72) statement that great weight be given to ensuring that a sufficient choice of school places is available, I conclude that the exceptional circumstances exist to justify altering the Green Belt boundary at Canford School. Modification of the proposed policies map to show this alteration has, therefore, been prepared, and consulted on, by the Council and this is necessary for the overall Green Belt boundary in the Borough to be justified. For the plan to be effective reference in policy PP20 to the school's expansion/redevelopment is needed (**MM20**) and modification of the supporting text, in respect of the school and to reflect the change to the Green Belt boundary, is also necessary (**MM44**), although it is not necessary for soundness for this to specifically state that the school's Site Development Masterplan is supported in principle.

### *Conclusion*

91. In conclusion, subject to further revision of the Green Belt boundary in respect of Canford School, the Council's judgements that the exceptional circumstances exist to justify the plan's proposed alterations to the boundaries of the Green Belt are sound. Furthermore, subject to the above-mentioned modifications, the related development allocations are positively-prepared, justified and effective.

### **Issue 5 – does the plan provide for an adequate ongoing supply of deliverable housing land?**

92. As detailed in Issue 1 the plan period housing requirement figure of at least 14,200 dwellings (policy PP2) and its phasing across the plan period (policy PP7) are justified.
93. Figure 18 of the plan<sup>2</sup> indicates that existing completions, current commitments and the plan's allocations are likely to provide 11,249 dwellings during the plan period. It also assumes that 851 dwellings will come forward, post 2022/23, on 'identified' (but unallocated) sites. These sites are specifically identified in the *Strategic Housing Land Availability Assessment* (SHLAA) as likely to be suitable, deliverable and available for housing at some point in the plan period. It includes sites delivering less than 40 dwellings

---

<sup>2</sup> As updated by additional modifications proposed by the Council to reflect the current position.

which, to provide maximum flexibility and to avoid an excessively large number of allocations being included in the plan, have, reasonably, not been allocated; sites which are not currently available but are likely to become so later in the plan period and sites for which planning permission has been refused but on which the principle of housing development is supported. The 851 dwelling assumption constitutes less than half of the total 2,065 dwellings identified on these sites (Doc HOU5, Table 16) and, as such, is to my mind a realistic projection of the number of dwellings likely to be delivered on such sites.

94. The plan (Fig 18) also assumes that 2,100 dwellings will come forward on unidentified "windfall" sites, a rate of 150 dwellings per year for the remainder of the plan period. The SHLAA identifies that this assumption represents only 43% of the number of "windfall" dwellings which have come forward on average per year over the last 10 years. In my view this is compelling evidence of the likelihood of 2,100 homes being constructed on "windfall" sites.
95. The delivery of housing will need to be carefully monitored and, if necessary, the plan may need to be altered in due course to ensure that the housing need to 2033 is delivered. However, there is currently a realistic prospect that the plan as proposed will ensure delivery of 14,200 dwellings over the plan period. Allocating more sites in the plan at this stage would, arguably, provide an even greater level of certainty that housing needs would be met. However, I conclude that such an approach would not be appropriate as it would almost certainly require the deletion of even more land from the Green Belt.
96. In terms of the supply of deliverable housing land for the next five years the Council's *Housing Completion and Supply Analysis* (Appendix 2 of Doc EXAM3) sets out the up to date situation. Fig 8 of this document indicates that in 14 of the 20 years since 1998/99 delivery of housing in the Borough has been below the housing target in that year, including in eight of the last nine years. On this basis, and notwithstanding the various arguments to the contrary, I conclude that, at the present time, there has been persistent under delivery of housing in Poole and, thus, in accordance with paragraph 47 of the NPPF a 20% buffer needs to be applied to the five year housing requirement figure.
97. Fig 11 of the *Supply Analysis* indicates a current supply of 5,053 dwellings which are deliverable within the next five years. The Council's site by site assumptions behind this figure are supported by developers on a number of key sites and, in the absence of specific and convincing evidence to the contrary and in the light of my conclusions on these sites detailed above, I conclude that this figure is realistic. On this basis (and with a 20% requirement buffer) the Council can demonstrate a 4.8 years supply of deliverable housing land, assuming past shortfall in delivery is recovered in the coming five years ('Sedgefield' approach) or a 5.5 years supply, assuming past shortfall is recovered over the remainder of the plan period ('Liverpool' approach). The PPG identifies that, where possible, any shortfall should be recovered by the 'Sedgefield' approach. However, to maintain a five year supply of land, it would not be possible to use the 'Sedgefield' approach without allocating more sites for development. As already indicated, almost certainly these would need to be sites currently in the Green Belt and I am not persuaded that the exceptional circumstances necessary to remove the sites

from the Green Belt would exist simply to ensure a five year supply of housing land in the district using the 'Sedgefield' approach. In reaching this conclusion I have also borne in mind that, even if deleted from the Green Belt and allocated for housing, there would not be an absolute guarantee that sufficient housing would be built on them to meet the five year requirement.

98. Consequently, the use of the 'Liverpool' approach to recovering past shortfall in delivery is justified in Poole and for the plan to be effective **MM7** is necessary to make this point clear. On this basis it is realistic that on adoption of the plan there will be a supply of deliverable housing land exceeding the five year requirement and that this situation will be maintained throughout the plan period.
99. Notwithstanding the transitional arrangements for the examination of local plans, under the revised NPPF (July 2018), the buffer to be applied to the calculation of an authority's five year housing requirement will be determined by the Housing Delivery Test. The data determining whether a 5% or 20% buffer will apply in Poole will not be available until later this year. However, given that a 20% buffer has been applied to the calculations set out above, it appears to be highly unlikely that the district's housing supply situation will be worse than the 5.5 years supply I have concluded as being the likely situation at the point of adoption of the plan.
100. In conclusion, and subject to the above-mentioned modification, the plan provides for an adequate ongoing supply of deliverable housing land.

**Issue 6 – are the plans other housing policies, including in respect of the needs of gypsies and travellers, justified, effective and consistent with national policy?**

101. Policies PP8 and PP11 – PP15 are, in principle, a suite of positively-prepared policies consistent with the aims of national policy (NPPF paragraphs 47 and 50) to ensure that the housing needs of specific groups are met.
102. Policy PP8 appropriately requires that schemes of 11 or more homes should include a type and mix of housing that has due regard to needs indicated in the SHMA. However for the policy to be justified it is necessary for it to make clear that the appropriate mix will be dependent on the scheme's context and viability (**MM8**).
103. Policy PP11 indicates that a minimum of 40% affordable housing (10% in Poole Town Centre) will be required in residential developments of 11 or more units (or over 1,000 sqm floorspace). As detailed in Issue 1 the SHMA identifies a need for 660 affordable homes per year throughout the plan period. Whilst this is around 93% of the overall average annual housing requirement figure of 710 dpa, the *Local Plan and CIL Viability Study Update Report (June 2017)* indicates that in the Town Centre more than a 10% affordable housing requirement would be unlikely to be viable and that elsewhere in the Borough a 40% requirement is appropriate having regard to viability. Community Infrastructure Levy (CIL) rates are an important factor in determining the viability of the affordable housing requirements and the situation here is complicated by there being an extant CIL schedule and a proposed revised schedule which is the subject of an ongoing, but separate, examination. However, bearing in mind the policy's exception clause where

the requirements are demonstrated to be unviable for a specific proposal, the 10% and 40% requirements are, in principle and at this point in time, justified. However, the policy's "a minimum of" wording is ambiguous, particularly in the light of the Council's confirmation at the hearings that it would not seek to refuse permission for a proposal complying with the 10/40% requirement even if it believed a higher proportion of affordable housing would be viable. Therefore, for the policy to be effective and justified, **MM11** is necessary to delete the "a minimum of" wording.

104. This modification also includes rewording in respect of commuted sums, tenure mix and arrangements for 'retention' of affordable housing in the long term which are necessary for the policy to be effective. The deletion of "preferred" in respect of the tenure mix of affordable housing (criterion (e)) provides clarity. The indicated mix was tested for viability as detailed above and nonetheless the criterion (g) viability clause applies to matters of tenure mix as well as the overall proportion of affordable housing. In the light of consultation comments I have slightly adjusted the wording of MM11 as consulted on in respect of starter homes.
105. Policy PP12 is a positively-prepared approach to securing the specific housing needs of an ageing population and it sets out how the identified need for 816 care home bed spaces can be met. However, to ensure the necessary flexibility, and thus for the policy to be effective and justified, **MM12** is needed to require the provision of care homes in large scale residential schemes to be "explored" rather than "secured".
106. The policy also requires that larger scale residential schemes provide at least 20% of housing in accordance with Building Regulations Part M4(2) for adaptable and accessible homes. This measure is designed to contribute towards the policy PP2 requirement that 3,425 dwellings are specialist homes for an ageing population, the figure being derived from evidence in the SHMA. The SHMA identifies that in Poole the increase in the number of over 55s is likely to be more than double that of the increase in the general population, that this rate is higher than the regional picture and that the proportion of elderly people in Poole with dementia or mobility problems is likely to be above the HMA average.
107. Whilst it is not possible to exactly correlate the plan's 20% requirement with likely need, on the available evidence the requirement appears to me to be broadly proportionate to the need, also bearing in mind the Public Sector Equality Duty to advance equality of opportunity having particular regard to age and disability. Moreover, the *Plan Viability Study* demonstrates that this requirement would not render residential developments unviable.
108. Policies PP13 and PP14 concern housing for multi-generational/extended families and houses in multiple occupation (HMOs) in Talbot Village, both being, in principle, justified in the light of local circumstances. However to be fully justified and effective **MM13** is required to remove the reference to property ownership (which is not normally a planning consideration) and **MM14** is necessary to "tighten" the policy wording in respect of HMOs.
109. The 2017 *Gypsy and Traveller Accommodation Assessment* credibly identifies that there is no need for additional residential pitches during the plan period.

In the light of this policy PP15 is justified in stating that any planning applications for gypsy and traveller sites will be determined in accordance with national policy and the *Dorset Gypsy and Travellers Site Allocations Plan* and that the Council will continue to work with neighbouring authorities to secure suitable permanent sites to meet needs across the housing market area.

110. The 2017 Assessment identifies the need to provide five pitches during the plan period for people who do not meet the current planning definition of gypsies. Given that a new site for this small number of pitches is unlikely to be a practical proposition, the Council's intention that these should be provided on the Council-run Manning's Heath site, which has spare capacity, or on a number of other private sites is a reasonable approach. The Council has confirmed that there are not planning permission conditions which would prevent this. For the plan to be clear (and thus effective) on this point revision of the supporting text is required **(MM40)**.

111. In conclusion, subject to the above-mentioned modifications, the plan's other housing policies, including in respect of meeting the needs of gypsies and travellers, are justified effective and consistent with national policy.

**Issue 7 – are the plan's strategy, allocations and policies for employment, retail and tourism development positively-prepared, justified and effective?**

*Requirement for Employment Land, Employment Areas and Employment Allocations*

112. The jointly commissioned *Bournemouth, Dorset and Poole Workplace Strategy (2016)* considered four possible scenarios (all informed by projections from the Cambridge Econometrics Local Economy Forecasting Model) in order to determine the likely future requirement for additional employment land in the area - a Trend Scenario, a Planned Growth Scenario, an Accelerated Growth Scenario and a Step Change Scenario. The document credibly concludes that the Step Change Scenario is the most appropriate forecast on which to base development planning decisions because it reflects the objectively assessed housing needs across the area and thus accords with the PPG which seeks to ensure that strategies for housing and employment are appropriately aligned. The report also sensibly recommends the inclusion of a 20% flexibility allowance in the employment land requirement figure reflecting the comments of commercial and property agents and to ensure an adequate range of types and locations of sites.

113. On this basis the report concludes that the objectively-assessed need for additional employment land to 2033 is 222.7ha for the Eastern Dorset area. Tables ECO4b and ECO4c set out a disaggregation of this figure for Poole alone - a total requirement of 33.06ha. On a number of counts it has been suggested that this figure is too high although these are largely based on anecdotes rather than any comprehensive evidence which convincingly discredits the *Workplace Strategy*. It is the case that the requirement figure has not taken specific account of the impact of the UK's impending withdrawal from the European Union. However, at this stage the impacts are unknown and this is a factor which can only feasibly be considered as part of a future review of the plan. Consequently, in the light of the *Workplace Strategy*, policy

PP2's statement that the plan will seek to deliver 33 ha of additional employment land is soundly based.

114. Policy PP17 details 14 employment site allocations, informed by the *Housing and Economic Land Availability Assessment 2017*, through which it is envisaged that the 33 ha employment land requirement will be met. I consider two of these (E1, Innovation Quarter and E2, Magna Business Park) in detail below but there is little to indicate that the majority of the other sites (ie E3, E4, E5, E6, E8, E9, E10, E12, E13 and E14) are not, in principle, soundly-based. However, in the interests of a justified and effective plan, **MM17** is required to provide greater flexibility in terms of potential uses, by deleting sites E7 and E11 as formal site allocations and by amending the indication of suitable use classes for a number of sites. The modification also updates the list of sites in terms of size but importantly the modified total figure is still sufficient to meet the identified 33 ha requirement.
115. Policy PP16 concerns existing employment sites which are defined as being either within an Existing Employment Area (as shown on the Policies Map) or on Isolated Employment Sites. The Existing Employment Areas operate at a low level of vacancy and their safeguarding for employment uses is therefore an important and justified element of the Borough's overall economic strategy. If the policy were to be more flexible, in terms of the uses permitted on individual sites within the Existing Employment Areas, this would inappropriately run the risk of undermining these areas and potentially prejudice the availability of sufficient sites to support the local economy. The policy sets out a more flexible approach for isolated employment sites where the site is no longer suitable for continued employment use, although **MM16** is necessary, in the interests of effectiveness, rewording the policy to provide greater clarity.
116. Policy PP19 seeks to support the growth of Poole Port although for the plan to be justified and effective **MM19** is necessary to provide clarity about acceptable uses.

#### *Magna Business Park (E2)*

117. As the second largest of the plan's employment allocations designed to contribute towards the requirement for 33ha of new employment land, Magna Business Park is the subject of a specific policy, PP18. Whilst it has been stated that a business which once expressed interest in the site is no longer seeking to occupy it, this is not evidence that there will not be demand for new employment space in the Bearwood area during the plan period.
118. Amongst other things policy PP18 appropriately requires that the uses are compatible with adjacent housing, that suitable access is secured, that direct access on to Canford Heath is prevented and that replacement bird foraging habitat is provided. Based on the written evidence and the discussion at the hearings I am satisfied that it is likely that these requirements can be met. The business park would, inevitably, add to traffic pressures in the area but, as detailed elsewhere in connection with site allocations U2 and UE2, I conclude that, subject to mitigation measures, the cumulative effect of new development proposed at Bearwood, together with background traffic growth, would be unlikely to result in severe adverse traffic impacts. For these reasons

I conclude that the allocation is sound. However, for the policy to be justified in respect of transport issues, **MM18** is needed to require development to contribute towards implementation of the sustainable transport corridor between the site and Bournemouth/Poole.

### *Improving Local Skills*

119. As submitted for examination policy PP20 details the allocation of land for a new school at Creekmoor (see Issue 4) and also concerns the Talbot Village allocation for expansion of Bournemouth University and Arts University, new B1 uses, a heathland support area and upgraded transport infrastructure. The Talbot Village proposals have been criticised, on the one hand as being too restrictive, and on the other as likely to cause harm to the integrity of the nearby Talbot Heath and in a number of other respects, in particular car parking and local residents' living conditions.
120. It has been argued that to help support its delivery the plan should allow greater flexibility in terms of the uses which would be permitted at/around the Talbot Village business park. I share the concern that the submitted plan's restriction to B1 uses only might stifle a viable scheme coming forward, although at the same time the permitted uses need to protect the integrity of Talbot Heath, be consistent with the plan's overall strategy for the amount and location of development and ensure that unacceptable harm is not caused to residential amenity. Residents' concerns about noise/disturbance arising from large scale retail and leisure facilities operating into the late evening are entirely understandable.
121. In seeking to balance these objectives the Council has proposed modification of the plan (**MM20, MM20B and MM44**). Recognising the economic/educational importance of Talbot Village the modifications sensibly provide a dedicated policy for this location. Over and above the submitted policy's provision for university expansion (academic floorspace and student bed spaces), B1 uses and a heathland support area, the modifications also appropriately provide for other university-related uses, health care facilities, new housing and, where demonstrably justified, ancillary uses. The modifications (and proposed changes to the Policies Map) define more clearly where each type of development can take place and also require that all development at Talbot Village be designed to ensure that residential amenity is respected. The B1 uses, health care facilities and other university-related uses on the area identified on the Policies Map (as proposed to be amended) as TV2 would constitute an "innovation quarter".
122. The supporting text, as proposed to be modified, appropriately makes clear that the development in the innovation quarter should be related to the universities, rather than being 'just another' business park. Moreover, addressing concerns about noise/disturbance, the supporting text also indicates that ancillary uses are not expected to be open beyond the hours of operation of the surrounding businesses. There is concern that the undefined term "ancillary uses" could allow for a wide range of undesirable development. However, the term is commonly used in planning and the policy requirement that such uses must be "demonstrably needed to support the primary function of the innovation quarter", together with the supporting text's reference to opening hours, will ensure that inappropriate, large scale retail or leisure

developments, largely unrelated to the universities and innovation quarter would not be permitted. Whilst local residents' concerns about the car parking and traffic implications of the Talbot Village proposals (including in respect of the proposed north-south cycleway) are understandable, policy PP34 provides for these to be satisfactorily addressed at the planning application stage and it is likely that a Transport Assessment and a Travel Plan would be required through which unacceptable impacts would be avoided or mitigated. However, specific reference in the policy to bus priority measures on the approaches to the area is not necessary for the plan to be sound.

123. In the interests of the area's character and appearance the policy requirement that any new housing is at a density to reflect adjacent residential areas is a justified one and in reaching this conclusion I have borne in mind that the "reflect" requirement does not mean that densities must necessarily be identical.

124. All in all and bearing in mind the mix of uses to be permitted, the proposed development's distance from existing homes and having regard to the economic and educational benefits of the universities and the related development, I am satisfied that unacceptable harm to the living conditions of neighbouring residents or in terms of transport/car parking would be unlikely to be caused.

125. It is the case that the proposed developments at Talbot Village would be likely to attract more people to the vicinity of Talbot Heath than now. However, based on what I have read, heard and seen, it is feasible for physical measures to be put in place to discourage use of the heath by visitors to Talbot Village and the extensive heathland support (mitigation) area will help 'dilute' the impact of existing visitors to it. Whilst giving careful regard to the criticisms of it, I am satisfied that the Habitats Regulations Assessment (HRA) in respect of Talbot Village/Heath (which is informed by the HRA of the *Talbot Village Supplementary Planning Document*) is robust, including in its conclusion that nightjars do not forage on the TV2 land. The HRA cannot assess currently unknown details of the proposed development. However, as identified in the plan's supporting text (as proposed to be modified), it is likely that Appropriate Assessment will be required of specific proposals at Talbot Village at the planning application stage. Nonetheless, at this stage and in terms of the proposal as an allocation in a local plan, I concur with the Council and Natural England that no significant adverse effect on Talbot Heath is likely. I address concerns raised about baseline biodiversity data in Issue 8 below.

126. In the light of these findings the above-mentioned modifications to policy PP20 and the related supporting text are necessary for the plan to be positively-prepared and effective.

#### *Retail, town centre uses and tourism*

127. Based on traditionally-used formulae the *Poole and Purbeck Town Centre, Retail and Leisure Study (2014)* identifies a need across the two districts for around 35,000 – 40,000 sqm of comparison retail floorspace in the period 2014 – 2031, the majority of which would be required in Poole. However, the adopted *Core Strategy* of 2009 set out a requirement for 35,000 sqm of retail

floorspace which has not materialised, most likely as a result of UK-wide changes in retail trends and, in particular, the growth of online shopping. In the light of this the plan identifies a requirement for 14,500 sqm of comparison retail floorspace for the period to 2024 and indicates that the requirement for the period thereafter will be considered as part of a review of the plan. There is little challenge to this and, given ongoing uncertainty about retail trends, this is a pragmatic but soundly based approach. However, for the effectiveness of the plan, **MM2** is necessary to make clear in policy PP2 that the retail requirement figure is to 2024 only.

128. Although phrased somewhat differently from the NPPF, policy PP21 is fundamentally consistent with national policy, in particular in seeking to direct new retail development firstly to Poole Town Centre and secondly to other identified centres. Specific sites are not allocated in the plan to meet the 14,500 sqm requirement but retail is identified as suitable at many of the Town Centre mixed-use allocations (see Issue 2) and evidence shows that the full retail requirement could be fully met on only a very small proportion of the site area of the relevant allocations.
129. Also consistent with NPPF paragraph 26, policy PP21 requires that outside of designated shopping frontages /retail centre boundaries new main town centre uses will only be permitted where the scheme passes the sequential test and, for proposals above a size threshold, an impact test. The threshold set is 280 sqm which broadly reflects the findings of the *Town Centre Retail and Leisure Study* that out of centre developments above the average size of retail units within Poole Town Centre of around 350 sqm would have the potential to adversely impact the vitality and viability of the Town Centre. The 280 sqm threshold is somewhat lower than this average but sensibly and justifiably equates with the threshold set by the Sunday Trading Act.
130. The Council's decision not to identify existing out of centre retail parks as town/district centres is consistent with the NPPF, the glossary of which excludes such developments from the definition of town centres unless specifically identified as such in a Local Plan. On this basis it is appropriate for the Borough's retail parks not to be a sequentially preferable location for retail development and for new development at the retail parks to be restricted to predominantly bulky goods/DIY retail floorspace where this is not suited to a town centre location. Whilst concern has been raised at this restriction, with particular reference to the growth of "click and collect" shopping, national policy does not state that such restrictions on new development at retail parks are inappropriate. Based on all that I have read, heard and seen I conclude that it is an appropriate approach in Poole in order to support the viability and vitality of the town, district and local centres. I reach this conclusion bearing in mind that legislation allows for development to be approved, contrary to development plan policy, where material considerations so indicate. Moreover, contrary to the assertion of some, the policy does not mean that bulky goods retailing can only be located at retail parks and, indeed, such development is encouraged to locate in existing centres. Part 4 of the policy applies the sequential test of national policy to retail proposals outside the defined centres, through which appropriate regard would be given to the suitability of edge of centre sites.

131. Although small parades of shops are excluded from the NPPF definition of town centres this does not mean that such locations are not appropriately included in Poole's retail hierarchy. Part 1 of policy PP21 requires that development at such parades is in accordance with the retail hierarchy (Fig 31 of the plan) which, appropriately, only supports small shops at such locations. However, whilst policy PP21 is, in principle, sound, **MM21** is necessary to provide clarity (effectiveness) in terms of the operation of various aspects of the policy including proposals at the retail parks and the operation/applicability of the sequential test.
132. Policy PP22 is, in principle, a positively-prepared approach to supporting tourism and the evening/night time economy. However, **MM22** is necessary for the policy to be justified and effective, referencing mitigation of harm to amenity/the environment and to clarify the approach in respect of loss of tourist accommodation.
133. In conclusion, subject to the above-mentioned modifications, the plan's strategy, allocations and policies for employment, retail and tourism development are positively prepared, justified and effective.

**Issue 8 – are the plan's policies in relation to strong, healthy and active communities, natural setting and the built-environment justified, effective and consistent with national policy?**

134. Policies PP23, PP24 and PP25 concern green infrastructure, open space/allotments and sports, recreation and community facilities and are supportive of the NPPF's aims of promoting healthy communities and conserving and enhancing the natural environment. It is not necessary for these to include a specific "subject to viability" clause given that policy PP39 provides for this. However, for the policies to be justified and effective **MM23**, **MM24** and **MM25** are needed:
- to recognise the importance of Poole Park, Harbourside, Hamworthy Park and other open spaces as green infrastructure;
  - to clarify use of s106/CIL monies and "tighten" policy wording in connection with the protection of existing open space; and
  - to address the protection of existing sports and recreation and community facilities. In the light of consultation comments I have slightly altered MM25 to better reflect the wording of the NPPF.
135. Consistent with the NPPF's emphasis on requiring good design, policy PP26 sets out design requirements for new development. Whilst it has been argued that the policy lacks specificity, the character of the Borough varies enormously from area to area and it would not be feasible, or proportionate for the policy to include detailed requirements for every area. That is the role of other documents such as Neighbourhood Plans or the proposed *Design Supplementary Planning Document*. As detailed in Issue 2, MM41 includes reference in the plan to the policies of the *Poole Quay Forum Neighbourhood Plan*. However, modification (**MM26**) of policy PP26 is necessary to provide clarity in respect of the protection of amenity and, to ensure a justified plan, by referring to the importance of an attractive public realm. In view of consultation comments I have slightly altered the wording of MM26 to include

compatibility with surrounding uses, to refer to existing and future occupiers (which would include tourists and business occupiers), and to reference local climate in respect of trees. Policy PP27 (flats and plot severance) is justified given the ongoing likelihood of a significant amount of these types of development, although minor rewording is required in the interests of clarity (**MM27**).

136. Guidance on tall buildings is set out in policy PP28; the supporting text includes a specific, albeit appropriately flexible, definition of tall buildings and, in the light of this, it is not necessary for soundness for the policy itself to also include the definition. Moreover, reference to specific views which should be protected would be likely to fetter appropriate application of the policy to reflect the individual circumstances of specific development proposals, particularly if the proposal would be likely to cause harm to a specific view not listed in the policy.
137. Whilst noting the criticism of the *Tall Buildings Study*, in the light of my visits to many parts of the Borough, the policy's statement that the most suitable locations for tall buildings are the Town Centre North and Twin Sails Regeneration Areas is justified. However, this statement does not mean that tall buildings would be suitable on every site within these areas and, in addition to policy PP28's own requirements, all proposals would be required to meet the good design (policy PP26) and heritage protection (policy PP29) policies of the plan. It is not necessary for the plan to define precise sites which are or are not suitable for tall buildings and, in any case, there is not the evidence before me on which to base such decisions. It is entirely appropriate that these decisions are made at the planning application stage, judged against the policies of this plan and, where relevant to the site concerned, the *Poole Quay Forum Neighbourhood Plan*. Nonetheless, for the policy to be effective **MM28** is needed to make clear that, where appropriate, tall building proposals "will", rather than "may", be encouraged to undertake design review. To ensure consistency with the rest of the plan and the NPPF I have slightly altered the wording of MM10 as consulted on to require development to preserve or enhance Conservation Areas.
138. Policy PP29 sets out a positive strategy consistent with the NPPF's aim that heritage assets are conserved. However, to ensure full consistency with national policy the detailed wording alterations of **MM29** are necessary. Whilst recognising that in many cases illuminated boxing on the fascias of buildings may cause harm, reference to this in the policy lacks appropriate flexibility. To address this **MM29** also rewords criterion (iv) of the policy and **MM45** explains the intended operation of the policy.
139. Policy PP30 sets out a positively-prepared approach to the protection and enhancement of the Borough's coast and countryside, although for the policy to be justified **MM30** is necessary to refer to Cranborne Chase Area of Outstanding Natural Beauty, Canford and Corfe Hills, prominent tree covered slopes and mitigation of harm to European and internationally protected sites. However, dark skies are one of many characteristics of the landscape which the policy seeks to protect and specific reference to the minimisation of light pollution is not necessary for the plan to be sound. Given the importance of facilities for boating for recreation, tourism and commercial purposes and the absence of opportunities to provide new or replacement such facilities, it is

justified for the policy to state that the loss of such facilities will not be permitted. Whilst a specific example has not been cited, I recognise that it is possible that the circumstances of an individual case might justify the loss of boating facilities. However, this is catered for by legislation which provides for planning applications to be determined contrary to the development plan where material considerations so indicate.

140. The number and extent of European and internationally protected nature conservation sites in the Borough warrants the plan's inclusion of a policy (PP31) dedicated to these assets. Subject to some detailed wording changes concerning in combination effects and CIL (**MM31**), the policy's requirements are locally justified, are consistent with national policy and relevant legislation and are central to the phasing of housing development detailed in Issue 1. Necessary correction to terminology in respect of European and internationally protected nature conservation sites is also made to a number of other policies of the plan through **MM1, MM7, MM10, MM28, MM30, MM34 and MM38**. In respect of the proposed study into the success of mitigation measures since 2007 concern has been raised at the adequacy of baseline biodiversity data. However, as discussed at the hearings, the study will primarily be concerned with visitor numbers to the protected sites and SANGS mitigation sites, the avoidance of an increase in visitors to the protected sites being the main objective of the mitigation measures.
141. In support of paragraphs 117 and 118 of the NPPF, policy PP32 sets out requirements for new development to protect and enhance biodiversity beyond the European and internationally protected sites, although **MM32** is required for the policy to be justified and effective. This identifies the main nature conservation sites of relevance to the policy, references the desirability of securing net gains in biodiversity (although in line with national policy this is not an absolute requirement), provides clarity in respect of biodiversity appraisals and appropriately removes criteria which indicate when removal/damage of features of nature conservation/biodiversity interest would be permitted. The policy is justifiably clear that such removal/damage would only be permitted in exceptional circumstances and, to my mind, these circumstances cannot reasonably be defined by policy criteria. Nonetheless, the policy elsewhere refers to mitigation measures which could well be one of a number of factors relevant to the case by case consideration of the existence of exceptional circumstances.
142. Consistent with the NPPF, the policy relates primarily to new development proposals and, thus, baseline data against which to assess net gains in biodiversity will be appropriately focussed on the development site in question at the time of the relevant planning application. Having more detailed and extensive baseline biodiversity data for Poole than currently exists may well be desirable in its own right. However, I am not persuaded that this is necessary for the plan, which rightly focusses on new development and the requirements with which it must comply, to be sound.
143. In conclusion, subject to the above-mentioned modifications, the plan's policies in relation to strong, healthy and active communities, natural setting and the built-environment are justified, effective and consistent with national policy.

**Issue 9 – are the plan's policies in relation to sustainable, safe and convenient access and climate change justified, effective and consistent with national policy?**

144. The likely transport impacts of the development proposed in the plan have been assessed in the August 2017 *Transport Study*, using the South East Dorset Transport Model. This forecasts that, accounting for the new development proposed in the plan but without any mitigation, vehicle trips in 2033 are likely to be around 36.8% higher than in 2012. However, on the same basis, but excluding the new development, vehicle trips would be likely to increase by around 34%. Further modelling has been undertaken to assess the likely impact in terms of queuing and delays. It is forecast that, again without any mitigation, total queues per vehicle in each peak period will rise from around 3 minutes in 2012 to around 6.8 minutes in 2033 with just background traffic growth and to around 7.5 minutes in 2033 including the additional traffic likely to be generated by the new development.
145. Consequently, whilst significant overall increases in traffic levels and vehicle delays are likely to occur during the plan period, it is clear that the background growth in traffic, rather than the new development, is likely to account for the vast majority of the increases. On this basis it is unlikely that individually, or cumulatively, any of the development proposed in the plan would give rise to severe adverse traffic impacts of such scale as to warrant refusal of permission for them.
146. The overall thrust of the plan's transport mitigation measures is to secure a shift from private car use towards public transport, cycling and walking. The November 2017 *Transport Mitigation Plan* demonstrates that a modal shift bringing a 5% reduction in vehicle trips would reduce time spent in queues by in the order of 32-38%, a positive impact greater than the negative queuing effects of the traffic likely to be generated by the new development proposed in the plan. Indeed, it is clear that the extent of traffic congestion in Poole at the end of the plan period will depend much more on the choices made by all the Borough's residents, employees and visitors about and how, to where and when they travel than on the new development proposed in the plan to meet the identified needs.
147. The transport modelling work supporting the plan has been criticised on a number of detailed counts. That the model was last validated in 2012 is not, to my mind, a significant concern bearing in mind that the plan period started in 2013 and that traffic growth in Poole between 2012 and 2016 has been around only 3%. Moreover, whilst the model does not "converge" at the 98% level which would be expected of modelling to support a funding application for an identified road scheme, as discussed at the hearings it does "converge" at a 95% level and I concur with the Council that this is appropriate for a strategic level analysis. Other aspects of the modelling work are argued to be not credible, although there is no detailed and convincing evidence to demonstrate that this is the case. More detailed traffic impact work of new development proposals will need to be undertaken at the planning application stage and the plan (policy PP34) provides for this and for the implementation of any necessary mitigation measures. Overall, having regard to all that I have read and heard, I am satisfied that the transport modelling work undertaken to date is sufficiently robust and proportionate to the preparation of a local plan.

148. Whilst the majority of new development is proposed to take place in the Town Centre and the rest of the built up area where opportunities to walk, cycle and use public transport are greatest, as detailed in Issue 4 there are not sufficient suitable and available sites to meet all the identified development needs. Consequently, it is necessary to provide for a relatively small proportion of overall development (eg around 9% of housing) in the Merley and Bearwood areas. If the plan was not to meet these housing needs in the Borough it is likely that greater numbers of people would travel into Poole for jobs and services from homes in surrounding local authority areas. It is probable that these, longer, journeys would be more likely to be made by car and, thus, such a strategy would not necessarily avoid the increases in traffic which are feared will result from development in the outer parts of the Borough.
149. Policies PP33, PP34 and PP35 support the plan's overall approach to seek to mitigate the impacts of traffic growth, particularly through the promotion of walking, cycling and public transport use. Sustainable transport corridors are defined in the supporting text (and shown on the Policies Map) and it is not necessary for soundness for them to be defined in policy too. However, for the policy to be positively-prepared and justified, it is necessary (**MM33**) for policy PP33 to refer to the Council's strategy for parking, to air quality and to liaison with Network Rail and Freight Quality Partnerships. Similarly **MM46** is needed to reference in the supporting text of the policy the Council's bus and rail service/infrastructure improvement aspirations of relevance to the policy's criterion (f). In the light of consultation comments I have slightly adjusted the wording of this modification.
150. For policies PP34 and PP35 to be justified **MM34** and **MM35** are necessary to require, where appropriate, public transport service enhancements, implementation of site specific mitigation measures outlined in the *Transport Mitigation Strategy* and to include in the list of safeguarded transport schemes a number of projects omitted in error from the plan as submitted for examination.
151. Policy PP36 sets out requirements for new development in order to tackle climate change, consistent with paragraph 95 of the NPPF and the Written Ministerial Statement concerning building standards. However, for consistency with national policy it is necessary to make clear that the policy does not apply to wind turbines (**MM36**).
152. Policy PP37 concerns the management of flood risk. Its acceptance, in defined circumstances, of an "adaptive management" approach to flood prevention is supported by the Environment Agency and, given the challenging viability of Town Centre housing development, is a pragmatic, but soundly based, strategy. Sustainable Urban Drainage Schemes (SUDS) are detailed in the supporting text but, in order to ensure that they can be required where necessary, they need to be referred to in policy. **MM37** provides for this and also includes detailed wording changes necessary for the policy to be effective. In response to consultation comments I have slightly altered **MM37** to reflect the fact that SUDS may not be practical in every situation.
153. It has been passionately argued that the plan does not go far enough in seeking to tackle environmental issues and, in particular, climate change and air quality. However, to my mind these arguments are more a challenge to

current government policy, against which I am tasked with assessing the soundness of the plan, than they are of the plan itself. Within the constraints of national policy (which presumes that identified development needs should be provided for), relevant legislation and what Poole can, alone, realistically achieve, I am satisfied that the plan, modified as I am recommending, will do much in respect of climate change and air quality, not least in seeking to focus a large majority of new development in the Town Centre and to secure a shift away from car use.

154. In conclusion, subject to the above-mentioned modifications, the plan's policies in relation to sustainable, safe and convenient access and climate change are justified, effective and consistent with national policy.

### **Issue 10 – are the plan's implementation policies and mechanisms justified, effective and consistent with national policy?**

155. Policy PP38 sets out the mechanisms by which necessary new infrastructure will be delivered – a key element of the plan in view of the importance of infrastructure in supporting new development. The *Local Plan and CIL Viability Study* demonstrates that the plan's requirements, together with national standards, would be unlikely to threaten the viability of the development envisaged in the plan or put it at serious risk. Nonetheless, given the importance of identified development (in particular housing) needs being met, policy PP39 appropriately requires demonstration that major development proposals are deliverable. It also sets out the evidence required where, exceptionally, an applicant is seeking to demonstrate that its proposal would not be viable if fully policy-compliant. For clarity, and thus effectiveness, rewording of the requirements in respect of changes of use is necessary (**MM39**) and in response to consultation comments I have amended this modification to include a clarification footnote.

156. It has been argued that the plan should allow for viability appraisals to be based on approaches other than the 'existing use value +' one, to ensure that development can be viably brought forward. However, no specific examples have been cited of schemes in Poole which have been stymied by the 'existing use value +' approach. Moreover, PP39 itself does not itself define the viability appraisal approach which should be used and its supporting text indicates that there may be circumstances where an approach other than the 'existing use value +' one is appropriate. In this respect the policy is, thus, sound.

157. In conclusion, subject to the above-mentioned modifications, the plan's implementation policies and mechanisms are justified, effective and consistent with national policy.

### **Other Matters**

158. Throughout the examination, I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the course of the examination including the accommodation needs of gypsies and travellers and the need for adaptable and accessible housing.

159. Since submission of the plan for examination it has been confirmed that reorganisation of local government will take place in Dorset in 2019. As detailed elsewhere in this report the plan has been prepared with a high degree of co-operation with the existing neighbouring local authorities, although it is possible that, over time, new priorities and strategies will be developed for the new local authority area which may require a review of the policies of the Poole Local Plan. However, having particular regard to the importance the government places on getting up to date local plans in place, I conclude that the advantages of adopting at this stage this plan for Poole alone would significantly outweigh any disadvantages of doing so.
160. It has been contended that in preparing the plan the Council has breached the 'Gunning' principle that consultation should be undertaken at a time at which it can genuinely influence decision making. This is argued primarily in connection with site allocations in the plan for which the Council has previously granted planning permission. However, the Council has a statutory responsibility to determine planning applications submitted to it and the PPG indicates that refusal of permission on the grounds of prematurity in respect of a forthcoming Local Plan is seldom likely to be justified. The inclusion of the relevant site allocations in the plan, and my consideration of the soundness of them, cannot influence whether or not extant planning permissions are implemented.
161. However, as a matter of principle, it is not inappropriate for a local plan to include site allocations for which planning permissions already exist. This is in order to make clear the criteria against which any subsequent planning application would be assessed if the existing permission in connection with the site were not to be implemented. On this basis it was appropriate for the Council to include the relevant site allocations in the plan and to consult on them. As detailed elsewhere in this report I have assessed the soundness of the site allocations having regard to the comments made in response to consultation on the plan. Moreover, in assessing the soundness of the principle of these allocations, I have not given significant weight to the existence of any relevant planning permissions on the sites. In this context I am satisfied that no conflict with the 'Gunning' principle has occurred.

## **Assessment of Legal Compliance**

162. My examination of the legal compliance of the plan is summarised below.

- Other than in connection with some inconsequential differences with respect to dates, the plan has been prepared in accordance with the Council's *Local Development Scheme (April 2016)*.
- Consultation on the Local Plan and the MMs was carried out in compliance with the Council's *Statement of Community Involvement (February 2016)*. Whilst concerns have been raised about the Council's decision making processes during plan preparation, these primarily concern the Council's internal procedures rather than the legal compliance of public consultation carried out on the plan.
- Sustainability Appraisal has been carried out and is adequate.

- The *Poole Local Plan Submission Stage Habitats Regulations Assessment (June 2017)* and *Habitats Regulations Assessment of Modifications to the Pre-Submission Draft (July 2018)* identify that, subject to mitigation measures included in the plan, no significant adverse effects on the integrity of European protected sites is likely.
- The plan includes policies designed to secure that the development and use of land in Poole contribute to the mitigation of, and adaptation to, climate change, in particular policies PP2, PP33, PP36 and PP37 concerning the location of new development, the transport strategy, renewable energy and managing flood risk.
- The plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Overall Conclusion and Recommendation**

163. The plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

164. The Council has requested that I recommend MMs to make the plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Poole Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the *National Planning Policy Framework* (March 2012).

*Malcolm Rivett*

**Inspector**

This report is accompanied by an Appendix containing the Main Modifications.