

Joint duty to cooperate update statement on cross boundary issues at Uplyme/Lyme Regis

November 2014

Report jointly prepared by officers of and on behalf of East Devon District Council and West Dorset District Council

1 The issue

- 1.1 The town of Lyme Regis lies within West Dorset, but the county boundary runs close to the west of the town and the East Devon village of Uplyme is adjacent to the north western boundary. Future development options for any growth of Lyme Regis have been identified as a cross boundary planning issue through the development of both the East Devon Local Plan (EDLP) and the West Dorset Weymouth and Portland Local Plan (WDWPLP).
- 1.2 This report has been prepared by officers from East Devon District Council and West Dorset District Council as an update to cross boundary issues at Lyme Regis and Uplyme. It concludes that there are no outstanding cross boundary issues that require modifications to either local plan and has been endorsed by both of the relevant planning authorities (at October/November 2014 endorsement was being formally sought).

2 Background

- 2.1 The Localism Act of 2011 imposes a legal duty to co-operate with neighbouring planning authorities during the preparation of local plans. It is also one of the tests of soundness against which local plans are assessed. Both the East Devon Local Plan (EDLP) and the West Dorset Weymouth and Portland Local Plan (WDWPLP) were submitted for examination in summer 2013. The duty to cooperate statement produced by West Dorset District Council in June 2013 is available here https://www.dorsetforyou.com/media/185571/Duty-to-Cooperate-Statement-June-2013/pdf/JW_fn_duty_to_cooperate_130618.pdf. The statement of compliance with the duty to co-operate produced by East Devon District Council in July 2013 is available here <http://eastdevon.gov.uk/planning-libraries/evidence->

[document-library/chapter1.0/sd006-statementofcompliance-duty-to-co-operate-july2013.pdf](http://eastdevon.gov.uk/planning-libraries/evidence-document-library/chapter1.0/sd006-statementofcompliance-duty-to-co-operate-july2013.pdf). This paper updates both of these statements in respect of cross boundary issues between East Devon and West Dorset.

- 2.2 West Dorset District Council objected to the East Devon Local Plan and sought changes to the wording of the plan to enable joint working as part of the next review of plans (in the longer term on understanding and exploring the development options to meet local needs) <http://eastdevon.gov.uk/planning-libraries/evidence-document-library/chapter14.0/westdorsetdchearing1.pdf>
- 2.3 East Devon District Council suggested changes to the wording of the West Dorset Weymouth and Portland Local Plan to ensure a joint understanding of housing needs and comparative cross boundary site assessments before developing policy solutions <http://eastdevon.gov.uk/planning-libraries/evidence-document-library/chapter14.0/ws01-writtenstatement01legalandproceduralrequirementsfinal.pdf> (please see Appendix 6 of this document from page 74).
- 2.4 An exploratory meeting was conducted into the WDWPLP in January 2014 and the issues covered included the duty to co-operate, housing and affordable housing. The Inspector's response in February 2014 found that the majority of matters he originally identified were capable of resolution through modifications to the plan. However, Mr Crysell raised concerns that the housing evidence was not sufficiently robust to support the current plan proposals and the examination was suspended to allow time for additional work to be undertaken.
- 2.5 Formal hearings into the EDLP were held in February and March 2014 during which representations were made. In addition to the points made by WDDC, a third party proposed that a site within East Devon to the west of Lyme Regis should be identified to provide 350-400 homes to meet the growth needs of Lyme Regis within East Devon <http://eastdevon.gov.uk/planning-libraries/evidence-document-library/chapter14.0/6207-pinhayestatehearing1.pdf>
- 2.6 In his initial letter of 31st March 2014 the East Devon Local Plan Inspector, Mr Thickett, found that the plan was not currently sound and raised concerns about the robustness of the housing evidence, housing distribution, length of plan period and gypsy and traveller provision. The examination was suspended to allow time for additional work to be undertaken. Mr Thickett also noted that the West Dorset Inspector, Mr Crysell, had indicated that further work was needed to assess housing needs for the WDWPLP. Mr Thickett suggested that there was an opportunity for East Devon to work with West Dorset in preparing evidence and this remainder of paper sets out the work that has subsequently been undertaken.

3 West Dorset Weymouth and Portland Local Plan Update

- 3.1 In response to the Inspector's concerns further work has been undertaken on the WDWPLP including an objective assessment of housing need and a review of the Strategic Housing Land Availability Assessment. Further proposed changes have been made to the plan and were published for consultation during summer 2014. Links to the documents are available here [West Dorset, Weymouth and Portland Local Plan and Community Infrastructure Levy Examination - dorsetforyou.com](#).
- 3.2 East Devon District Council welcomed the proposed changes and the specific comments may be viewed here https://www.dorsetforyou.com/media/189986/Summary-of-August-October-Consultationon-Modifications/pdf/Ex_fn_WDDC_Mods_Catalogue_2013_141023.pdf

Results of additional work (objectively assessed housing need)

- 3.3 The NPPF requires LPA's to identify the full, objectively assessed needs for market and affordable housing and to significantly boost the supply of housing in their areas. A Strategic Housing Market Report (SHMR) has been undertaken and is available to view at [West Dorset, Weymouth and Portland Local Plan and Community Infrastructure Levy Examination - dorsetforyou.com](#). **This confirms that Weymouth and Portland together with West Dorset form a single housing market area.**
- 3.4 The SHMR shows a housing need significantly higher than the figure used during preparation of the local plan. This reflects the commitment to economic growth and allows for sufficient in-migration to produce an increase in the workforce in the plan area (taking account of the aging resident population). The consultation on plan changes included increasing the plan target to 15,500 to reflect the most recent evidence on objectively assessed housing need.

Results of Additional Work (housing supply)

- 3.5 West Dorset and Weymouth and Portland have updated their Strategic Housing Land Availability Assessment (SHLAA) and this is available to view at [Strategic housing land availability assessment - dorsetforyou.com](#).
- 3.6 This indicates a total supply for 2011 – 2028 of 14,040 dwellings and compares with a previous supply figure of 12,772. The revised plan includes sufficient land supply to meet the new target figures over a thirteen year period from adoption.

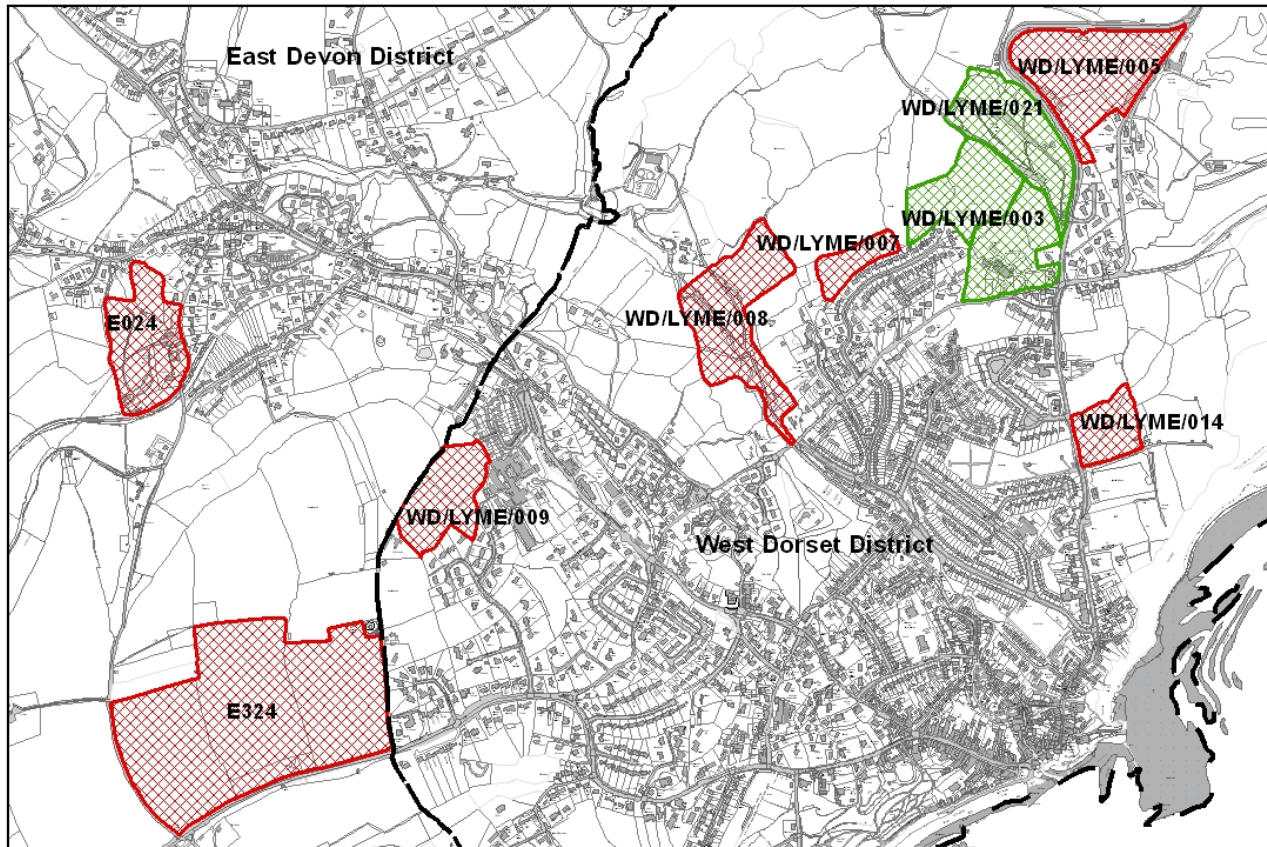
- 3.7 SHLAA (Appendix A) indicates that at April 2014 plots for a total of 56 new dwellings already had planning consent at Lyme Regis. The plan allocation at Woodbury Down is under development and expected to deliver 44 new homes within the plan period (SHLAA Appendix B). Appendix C of the SHLAA identifies the submitted and large sites considered to have development potential. This shows a potential yield of 121 homes in Lyme Regis within 15 years and an additional 90 subject to policy change https://www.dorsetforyou.com/media/196333/West-Dorset-Weymouth-and-Portland-SHLAA-Update-2014---Appendix-C---Submitted-and-large-sites-with-potential/pdf/Appendix_C_-_Submitted_and_large_sites_with_potential.pdf. Of particular significance is the Timber Vale Caravan Park (Site WD/LYME/021) which is identified as having development potential subject to policy change (the site is currently outside the settlement boundary). In total, therefore based on data in Appendices A, B and C of the SHLAA there is a potential supply of 313 dwellings for and beyond the plan period. This does not include supply from minor identified sites, which is estimated to be in the region of 38 dwellings (50% discounted) in Lyme Regis.

Response to EDDC representations

- 3.8 In October 2013 East Devon Council submitted representations to the West Dorset, Weymouth and Portland Local Plan Modifications Consultation requesting minor amendment to Policy Lyme2 and the supporting text. The Councils have not yet had the opportunity to amend the plan, but in principle supports the amendments proposed. These will be drawn to the attention of the Inspector at the forthcoming Local Plan Examination.
- 4 East Devon Local Plan Update
- 4.1 Work to establish the objectively assessed housing need for East Devon is ongoing as part of the Exeter Strategic Housing Market Assessment. Initial demographic modelling work is being undertaken by Devon County Council to take account of specific local circumstances and will inform further work into factors such as affordable housing, market signals and economic development. A report to East Devon's Development Management Committee setting out details of the situation as of 21st October 2014 may be accessed through this link <http://new.eastdevon.gov.uk/media/356078/dm260814-emerging-housing-numbers.pdf>.

5 Joint Work

5.1 Development options for growth around Lyme Regis have been assessed jointly by officers of both local planning authorities with input from both the Dorset and the East Devon AONB teams. The sites considered are shown on the map below.



1:9,615

SHLAA sites in Lyme Regis and Uplyme

© Crown copyright and database rights 2014 Ordnance Survey 100023746

Note: Sites outlined on green are those outside the established development boundary considered to have development potential. Sites outlined in red were submitted for consideration as part of the SHLAA exercises but are not currently considered to have development potential

- 5.2 A standard approach to this exercise was adopted so that sites were considered on a consistent basis regardless of whether they are located within Devon or Dorset. The approach taken was to visit each of the sites considered as part of a Strategic Housing Land Availability Assessment (SHLAA). The East Devon AONB and the Dorset AONB extend over the settlements and surrounding countryside. The National Planning Policy Framework (NPPF) gives great weight to conserving the landscape and scenic beauty of such areas and states that planning permission should be refused for major developments except in exceptional circumstances (paragraphs 115 and 116).
- 5.3 Given the landscape status of Lyme Regis and the surrounding countryside as an Area of Outstanding Natural Beauty the potential impact of residential development was carefully considered against a standard template devised for assessing landscape sensitivity to change. This approach was developed as part of the work to assess development options in the villages and small towns of East Devon and provided a good framework against which to assess the landscape sensitivity of all the development options. Site visits were undertaken jointly by officers and the initial assessments recorded in the meeting notes which may be viewed at <http://eastdevon.gov.uk/media/382512/2014-01-07-site-meetings-lyme-regis-uplyme-final.pdf> The West Dorset Landscape Officer subsequently completed the landscape assessments for Dorset sites and they were agreed with East Devon Officers. The West Dorset Landscape Officer also commented on the assessments undertaken previously for the two East Devon sites considered and the updated assessments are included in the meeting notes.
- 5.4 All of the sites are considered to have the potential for significant impacts on the AONB landscape. The sites least sensitive are WD/LYME/003 – Land at Woodbury Down, which is currently being developed, and WD/LYME/021 – Land at Timber Vale Caravan Park. The landscape assessment concludes that part of this site has the potential to accommodate new residential development without significantly harming the landscape and visual character of the area (subject to detailed criteria). However, more detailed assessments would be needed before allocation of the site was considered and this would need to be done through a future plan review, having regard to need to demonstrate exceptional circumstances as set out in paragraph 116 of the NPPF. Alternatively, it is possible that this site could come forward through locally led neighbourhood planning. The two sites considered to be most sensitive to landscape change are WD/LYME/005 – Land at Timber Hill and E324 – Land west of Shire Lane.

6 Overall Conclusions

- 6.1 In terms of housing market area West Dorset, Weymouth and Portland have been found to constitute a single market area and East Devon has been confirmed as forming part of the Exeter housing market area. The Planning Advisory Service technical advice note on objectively assessed need and housing targets (published in June 2014) states that HMA boundaries should not cut across local authority areas as it causes major difficulties in analysing evidence and drafting policy. Nevertheless the functional relationships across the county boundary at Lyme Regis and Uplyme are recognised and development potential has been assessed consistently in East Devon and West Dorset.
- 6.2 In terms of future development patterns, Lyme Regis and Uplyme are only considered to be suitable for limited local growth, rather than strategic or significant growth. Potential development options have been examined jointly by officers of the two Councils and cooperation between the authorities will continue into the future, both in respect of Local and Neighbourhood planning activities.

APPENDIX 1

Suggested LYME 2 rewording

15.3 - The coastal town of Lyme Regis, in West Dorset, lies close to Uplyme in East Devon. The East Devon and Dorset AONBs abut one another sweeping over both settlements and the surrounding countryside, and there are also constraints of land instability and highway access that limit development potential in and at both Uplyme and Lyme Regis. Whilst not quantified through formal local housing and employment needs assessment there is a local (Lyme Regis) expression of need for housing and employment in this area, though at Uplyme, including as expressed through policy of the emerging East Devon Local Plan, local aspirations for development are modest

15.4 West Dorset District Council will work with East Devon District Council, Lyme Regis Town Council, Lyme Regis Town Council and Uplyme Parish Council (and the County Councils and other partners) to ensure over the long term that the most appropriate solutions to meeting local needs of both communities are fully understood and explored and thereafter expressed in future policy documents, including neighbourhood plans.

LYME2 - The district council will work with East Devon District Council, Lyme Regis Town Council and Uplyme Parish Council to understand and explore possible options to support the potential long term growth of Lyme Regis and Uplyme.