

Shadow Dorset Council

Date of Meeting	15 October 2018
Lead Member	Cllr David Walsh
Officer	Hilary Jordan Corporate Manager, Planning (Community & Policy Development), Dorset Councils Partnership
Subject of Report	Future of Local Plans in Dorset
Executive Summary	This report raises to members' attention the significance of the decisions to be made by the new Dorset Council about the future progress towards the adoption of revised local plans. Existing adopted local plans will transfer to the new council on 1 April and will continue to form the statutory development plan. It is however essential to maintain progress in reviewing local plans, in order to meet the requirement for them to be reviewed every five years, and to ensure an adequate supply of land for housing, without which adopted policies cannot be given as much weight in planning decisions. The Consequential Orders specify that a new local plan covering the whole of the new council area must be adopted within five years of the reorganisation date. The options for moving to this position, and the risks involved, are considered within the report, but whatever the new council decides in future, continuing work on the local plan reviews in the meantime is recommended.
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>No EQulA has been carried out on this report: individual EQulAs are carried out on each local plan.</p> <p>Use of Evidence:</p> <p>Evidence has included the published programmes for each of the local plan reviews, and evidence of the actual time taken to complete recent reviews.</p> <p>Budget:</p> <p>Costs include staff time, consultancy work on developing the evidence base, and the cost of the public examination which is a significant element. The sovereign councils have each budgeted for the costs of their individual local plan reviews so far, though not all have reserved budgets for the examination stage.</p>

	<p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the LGR approved risk management methodology, the level of risk has been identified as: Current Risk: HIGH Residual Risk MEDIUM The risks, as discussed further in the report, are those of failing to have up-to-date plans or a sufficient housing land supply, which would reduce the council's control over planning decisions and have reputational risks.</p> <p>Other Implications:</p> <p>Having up to date local plans in place is important in achieving sustainable development, enabling the meeting of economic, social and environmental needs.</p>
<p>Recommendations</p>	<p>That the Shadow Executive Committee:</p> <ol style="list-style-type: none"> 1) Agrees that the current work on local plan reviews should continue until any decisions are made by the new Dorset Council about the future of local plans; 2) Notes the continuing status of the existing adopted local plans after the formation of the new council; 3) Notes the essential need to progress local plan reviews in good time in future, and the risks associated with the various options for doing so, as outlined in the report.
<p>Reason for Recommendation</p>	<p>To highlight the importance of maintaining progress on reviewing planning policy, and the decisions that need to be made by the new Council about how this is achieved.</p>
<p>Appendices</p>	<p>1) Indicative programme for local plan reviews</p>
<p>Background Papers</p>	<p><u>Adopted Local Plans:</u> Christchurch and East Dorset Core Strategy Purbeck Local Plan North Dorset Local Plan West Dorset, Weymouth & Portland Local Plan</p> <p><u>Local Plan Review documents:</u> East Dorset Local Plan, Issues and Preferred Options document 2018 Purbeck Local Plan consultation documents 2017 North Dorset Local Plan Issues and Options document 2017 West Dorset, Weymouth & Portland Preferred Options document 2018</p>
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1. Background

1.1. A request was made in July 2018, by the Leader of East Dorset District Council, for a report on local plans in Dorset to be brought to this committee. This letter asked the Shadow Council to express its support for the continuation of the existing local

plan reviews to adoption, alongside the preparation of a new plan for the unitary council by 2024, in order to avoid any planning vacuum in the intervening years.

- 1.2. Local plans are statutory policy documents that are the primary consideration in making decisions on planning applications. They are now required to be reviewed every five years. It is important that they are kept up-to-date and particularly that they allocate sufficient land for housing development. Where there is not a five-year supply of housing land, or where housing delivery has fallen sufficiently below targets in the last three years, then relevant policies cannot be given their full statutory weight, and decisions must instead be based on national policy. Having up-to-date local plans in place is therefore vital to maintaining local control over planning decisions.

2. Local Plans and the Consequential Orders

- 2.1. The Consequential Orders set out the procedural matters for the transfer of functions to the new Council.
- 2.2. The existing adopted local plans will all transfer to the new unitary council and so will continue to be part of the statutory development plan for those areas, together with the adopted neighbourhood plans. This means that there will be no immediate policy 'vacuum', though there are still implications where local plans are more than five years old (as is already the case with the adopted Purbeck local plan), where there is no five-year housing land supply or where the 'delivery test' has not been met over the preceding three years. This is discussed more fully in the section on risks and issues below.
- 2.3. The Orders state that the new council '*must adopt a local development document under section 23 of the 2004 Act to apply to the whole of its area within a period of five years starting with the reorganisation date*'. Continuing with sub-area plans in the long term is not therefore an option. The Orders however allow for the separate reviews to be continued to adoption in the meantime, stating that the council '*may adopt, with or without modification, a document which was prepared but not adopted by a predecessor council before the reorganisation date*'.
- 2.4. The requirement for a plan covering the whole area accords with national legislation and policy, which states that the development plan must include '*strategic policies to address each local planning authority's priorities for the development and use of land in its area*' and that strategic policy-making authorities should '*establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period*'.
- 2.5. While the Orders specify that the plan to be adopted by 2024 must cover the whole of the council's area, there are options for its format. These include: a single local plan for the whole Dorset Council area; a joint plan covering the Dorset Council and Bournemouth, Christchurch and Poole Council areas; or a statutory strategic plan covering both council areas, supported by separate plans including more detailed local policies. The latter two options would of course require the agreement of the Bournemouth, Christchurch and Poole Council.

3. Risks and Issues

- 3.1. The major risk, as identified in the request for this report to come to the committee, is that of loss of control over planning decisions as a result of being unable to give

full statutory weight to local plan policies. This can happen as a result of local plans being adopted more than five years ago (already the case with one of the adopted plans in the Dorset Council area); as a result of the council being unable to demonstrate the required five-year supply of land for housing development; or as a result of failure to meet the new 'housing delivery test' that was introduced in the 2018 revised National Planning Policy Framework.

- 3.2. It is therefore vital that work on local plan preparation is progressed as quickly as possible and without unnecessary delays. In considering the implications of the options, however, it is important to bear in mind that from 1 April 2019 any local plan reviews in the area will be the responsibility of the new Dorset Council. It is also likely that the five-year housing land supply and housing delivery test will be assessed on the basis of the whole Dorset Council area, rather than on the separate local plan areas, though details of this process are not currently certain and clarification is being sought as part of the Shaping Dorset Council service implementation work. Options must therefore be considered on the basis of whether they provide the best outcome for the Dorset Council area as a whole. The adoption of a new local plan for one area may not protect that particular area if the whole council area cannot demonstrate a five-year land supply or sufficient housing delivery, or when there is not complete coverage of plans that are less than five years old.
- 3.3. The housing delivery test is based on completions over the last three years. Where delivery has been below 95%, an action plan must be published. Where delivery is below 85%, a 20% buffer must be added to the five-year land supply, and where delivery is below 75% the presumption in favour of sustainable development comes into effect, meaning that relevant planning policies cannot be given full weight. There are transitional arrangements, starting at 25% rather than 75% in the first year, but the risk of being unable to give full weight to policies will increase in subsequent years.
- 3.4. Where local plans are more than five years old, the new housing requirements methodology (or for the years prior to 2018, the household forecasts) must be used to calculate the housing delivery test results, which are based on completions for the previous three years. Local plan figures should continue to be used up until five years after adoption, so the target for a particular three-year period may be based on a mix of the local plan and new methodology figures. How this would take effect on creation of the new unitary authority is not clear, but advice will be sought as part of the implementation work being undertaken for the new council. But as the new methodology figures are generally higher than the local plan figures, having plans more than five years old is likely to increase the risk of failing the delivery test.
- 3.5. Across the new council area, East Dorset and Christchurch, and Purbeck, currently have a five-year supply of housing land, but North Dorset and West Dorset, Weymouth and Portland do not (although at April 2018 both have over four years' supply, and West Dorset, Weymouth & Portland's total is very close to five years: the position will need to be reviewed when the government guidance is published this autumn). An estimate of the likely five-year land supply position for the new council, based on April 2018 figures and using the approaches proposed in the revised National Planning Policy Framework, needs to be undertaken in order to assess the level of risk to the new council.
- 3.6. In considering issues around the programme for local plan preparation, members need to bear in mind that it is not all within the council's control. Once the plan is submitted for examination, the process is in the hands of the inspector. Our

estimates of the local plan programmes are based on a straightforward examination process with no delays, but a number of circumstances can lead to delays. These can include changes in national policy that are introduced during examinations and need to be taken into account, and concerns raised by inspectors during the examinations that require further work to be undertaken.

- 3.7. Other risks include shortages of staff resources (there is a national shortage of planners so even with sufficient funding it may not be possible to resource the teams fully) and complications arising from the complexity of planning issues in the Dorset area. These include the need for strategic green belt reviews, the implications of the international nature conservation designations in Dorset, and issues around the duty to cooperate. It is likely that the Bournemouth, Christchurch and Poole Council will be unable to meet all of its housing requirements and that the Dorset Council will have to meet some of this unmet need, or make a strong case why this is not possible. We may also have to take account of unmet need from other surrounding councils. Plans will not be found sound unless they have satisfied the duty to cooperate.

4. Options for future progress with local plan reviews

- 4.1. Local plan reviews are currently under way in all the districts in the Dorset Council area, but these are at different stages. The Purbeck review is the most advanced, with the intention of submitting the plan for examination prior to 1 April 2019 and adopting at the end of 2019. The East Dorset local plan review, and the West Dorset, Weymouth and Portland local plan review, are both going through consultation on 'preferred options' (the final informal consultation stage before pre-submission consultation on a full draft plan) this summer/autumn, with the intention of submission in 2019. The North Dorset local plan review is likely to go through 'preferred options' consultation early in 2019.
- 4.2. The first option for the new council to consider, therefore, is ***continuing all of these reviews through to adoption, and then progressing immediately to work on a new plan for the whole new council area.*** Assuming that each individual team continues to work on the same area plan, staff resources could be moved onto the new plan as soon as work was concluded on each area plan, starting with the Purbeck team from the end of 2019. This would be achievable provided that the local plan reviews all stick to the envisaged programmes and that the new plan can be developed from start to adoption within four years, and a very indicative programme is set out in Appendix 1.
- 4.3. A clear advantage of this option is that staff can continue working as they are at present, and there would be no immediate delays in progress. There are however significant risks, as any delays to the individual plan reviews will have implications for our ability to meet the 2024 deadline for the new plan. It would be dependent on existing staff resources being maintained, with no early review of the planning policy function and no requirement for savings or staffing reductions.
- 4.4. Once plans have been submitted, the programme is not within our control. The current West Dorset, Weymouth & Portland local plan had a delay of nearly a year due to the inspector asking for further work to raise housing numbers: the Wiltshire local plan had a similar delay. Issues around the duty to cooperate can cause problems at examination, and the inspectors at each individual examination will need to be satisfied that the whole Dorset Council is meeting not only its own housing needs across the whole area, but also any unmet needs from adjoining areas that could be met within the Dorset Council area.

- 4.5. The indicative programme shows that the 2024 deadline could only be met if all the plans progress very quickly with no delays through the examination process. Looking at the last two new unitary councils to be established, Wiltshire and Cornwall, it can be seen that Wiltshire's first Core Strategy was adopted nearly six years after the formation of the unitary council, despite only one of the individual local plan reviews (that was at an advanced stage) being progressed to adoption alongside it. Cornwall adopted its first local plan seven and a half years after becoming a unitary council, despite not progressing any of the individual local plan reviews first.
- 4.6. This option therefore avoids delays early on, but has the greatest risk of failing to have an up-to-date plan later on. It would be important for the new council to agree the submission plans relatively early in its formation, and committee time would be needed for this.
- 4.7. The option that would potentially maximise the chance of meeting the 2024 deadline is not to complete any of the individual local plan reviews but instead, from April, **start immediately on the preparation of a new plan for the whole Dorset Council area**. This would not mean abandoning the work that has been undertaken: the individual plans would all have been taken to 'preferred options' stage and could then be combined into a new plan for the pre-submission consultation. The work undertaken so far, including research studies, site assessments and public consultation, would remain important inputs to the final plan whatever its form. Adoption of the combined plan would still be likely to be later than adoption of each individual plan, and this would be most significant for the Purbeck plan, as the most advanced – though as explained above, the adoption of the Purbeck plan would not necessarily protect that area if the new council as a whole did not have a five year land supply, meet the delivery test, or have complete coverage of plans that were less than five years old. The Christchurch and East Dorset local plan will also be more than five years old in April 2019.
- 4.8. This option would also be potentially more difficult to manage from the start, assuming that officers will still be working in separate teams for some time, though this would depend on the timing of decisions about service reviews and service convergence in Phase 3 of local government reorganisation for Dorset.
- 4.9. Another option would be a compromise between these two: to **progress the adoption of the Purbeck plan** (as the most advanced, and the only one that will have been submitted by 1 April), complete the analysis of the 'preferred options' consultations on the other plans, and then progress to the combined plan rather than adopting the remaining three plans.
- 4.10. Finally, another possibility would be to develop a **higher-level strategic plan covering both unitary council areas** (Dorset Council and Bournemouth, Christchurch and Poole Council), alongside more detailed local plans. This would focus on the key strategic issues including in particular the numbers and distribution of homes across the area. If this were completed by 2024 it would meet the requirement to have a plan in place based on the new geography, but would not require the same level of detailed work on site allocations or non-strategic policies. There would still have to be early decisions – and by both councils - about how it was managed and resourced, and it would still involve significant work on some challenging issues such as a strategic green belt review, and the potential for the Dorset Council area to provide for some of the unmet housing need from Bournemouth, Poole and Christchurch.

5. Conclusions

- 5.1. In conclusion, the Shadow Executive is invited to recognise the importance of the new Dorset Council making an early decision about how local plan reviews should be progressed, in order to avoid delays to progress. Existing adopted plans will remain as the elements of the statutory development plan for the new council on 1 April, but maintaining progress is essential in order to avoid a loss of control over planning decisions.
- 5.2. The decision about how to progress local plans after local government reorganisation will be for the new Dorset Council, but whatever approach is taken, the work currently being carried out on the individual local plan reviews will be an important input and should be continued in the meantime.
- 5.3. In considering the decision to be made by the new council, members should be aware of the need to consider what is best for the whole Dorset Council area, and the risks of the various different options outlined in this report, including the fact that much of the local plan preparation process, including the examination stage, is not fully within the council's control.

Appendix 1: Indicative programmes for local plan reviews

	Purbeck	West Dorset, Weymouth & Portland	North Dorset	East Dorset	Dorset Council – new plan
Jul-Sep 2018		CONSULT ON POs		CONSULT ON POs	
Oct-Dec 2018					
Jan-Mar 2019	SUBMIT		CONSULT ON POs		
Apr-Jun 2019				SUBMIT	
Jul-Sep 2019	EXAM	SUBMIT			
Oct-Dec 2019	ADOPT			EXAM	
Jan-Mar 2020		EXAM	SUBMIT	ADOPT	START PREPARATION
Apr-Jun 2020		ADOPT			
Jul-Sep 2020			EXAM		
Oct-Dec 2020			ADOPT		
Jan-Mar 2021					CONSULT ON I&Os
Apr-Jun 2021					
Jul-Sep 2021					
Oct-Dec 2021					
Jan-Mar 2022					CONSULT ON POs
Apr-Jun 2022					
Jul-Sep 2022					
Oct-Dec 2022					
Jan-Mar 2023					SUBMIT
Apr-Jun 2023					
Jul-Sept 2023					EXAM
Oct-Dec 2023					
Jan-Mar 2024					ADOPT