

# Cabinet

12 March 2024

## Local Development Scheme Update

### For Decision

**Portfolio Holder:** Cllr D Walsh, Planning

**Local Councillor(s):** All

**Executive Director:** Jan Britton, Executive Lead for Place

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**Report Status:** Public (the exemption paragraph is N/A)

#### Brief Summary:

Update of the Local Development Scheme to establish the timetable for the production of the Dorset Council Local Plan, the Dorset Council Minerals and Waste Local Plan, various neighbourhood plans and other planning policy documents. This update is required in response to the Written Ministerial Statement made by the Secretary of State for Levelling Up, Housing and Communities on 19 December 2023.

Preparing an updated Local Development Scheme helps to meet the Dorset Council priority of being a customer focused council by publicising the approach Dorset Council will be taking to the production of its various development plan documents. Producing these development plan documents then helps to meet the other council priorities: driving economic prosperity, creating stronger healthier communities, creating sustainable development and housing, and protecting our natural environment, climate and ecology.

#### Recommendation:

- i. That Cabinet acknowledge the timetables outlined in the revised Local Development Scheme and agree to bring it into effect as of the date of this committee.

- ii. That Cabinet agree to the Local Development Scheme being published on the Dorset Council website.
- iii. That Cabinet agree to a copy of the Local Development Scheme being sent to the Secretary of State to comply with the request in the Written Ministerial Statement of 19 December 2023.

### **Reason for Recommendation:**

To meet the requirement set out in the Written Ministerial Statement of 19 December 2023 all Local Planning Authorities need to update their Local Development Scheme within 12 weeks of the publication of the revised National Planning Policy Framework. The revised Local Development Scheme needs to be agreed and sent to the Secretary of State by 13 March 2024.

#### **1. The Local Development Scheme**

- 1.1 Dorset Council is required to prepare and maintain a Local Development Scheme (LDS) that specifies the development plan documents it intends to prepare for the Dorset area. By doing so, the Council will give clarity to local communities and other interested parties on progress in producing these important planning documents.
- 1.2 Development Plan Documents that are included within the LDS are the Dorset Council Local Plan, and the Dorset Council Minerals and Waste Local Plan.
- 1.3 The other planning documents that are being produced within the area should also be set out in the LDS to give further clarity to local communities. These other documents include Neighbourhood Plans, the Community Infrastructure Levy (CIL) documents and Design Guides. The up-to-date LDS should be made publicly available on the Council's website.

#### **2. The Dorset Council Local Plan**

- 2.1 In June 2019, Dorset Council's Cabinet made the decision to start work on producing a single Dorset Council Local Plan to replace all the current adopted Local Plans. The most recent LDS for this plan production was agreed in October 2022 but is now in need of a refresh.
- 2.2 Work on the Local Plan has progressed with consultation on a full draft Local Plan in January 2021. Various evidence studies have been produced with the Weymouth SFRA Level 2 and a Gypsy and Traveller Accommodation Assessment recently being finalised. These studies have

indicated that further work is needed to manage flood risk in Weymouth and a need to identify further sites to meet the need for gypsies and travellers.

- 2.3 In addition, in March 2022 Natural England updated their advice for development proposals that have the potential to affect water quality in internationally protected habitats sites. This advice applied to five catchments and covers a large part of the Dorset Council area and advocated an approach of nutrient neutrality.
- 2.4 These factors have slowed down the progress of the Local Plan with a further round of consultation considered necessary to address the issues that have emerged.
- 2.5 In recent months, there have been revisions to the NPPF alongside proposals for significant changes to the plan-making system. These changes have been subject to consultation with legislation now in place in the form of the Levelling Up and Regeneration Act 2023.
- 2.6 The changes to the plan-making system include a streamlined 30-month local plan production timetable and the introduction of new Gateway Assessments into the process. The proposed changes will remove the need for certain policies through the introduction of a national set of development management policies. The statutory Duty to Cooperate has also been removed in preference to an 'alignment policy' which requires councils to engage with key stakeholders in the production of their local plans.
- 2.7 The Levelling Up and Regeneration Act has put measures in place to aid in addressing nutrient neutrality by requiring the upgrade of wastewater treatment works within a nutrient sensitive catchment. This reduces the nutrient load arising from development, making it easier to mitigate the impact. The council have also received a grant award from DLUHC to deliver nutrient mitigation within Poole Harbour catchment thereby easing a significant block to the delivery of housing in the catchment and enabling progression with the production of the local plan.
- 2.8 The changes to the NPPF have clarified the role of the local housing need calculation, changes to the application of the 5YHLS requirement, and reinforced the role of the green belt. There is a strong emphasis within the revised NPPF on the preparation of up-to-date local plans.

- 2.9 Announcements about the introduction of the new plan-making system have suggested that the necessary regulations, policy and guidance will be in place by November 2024 with the first set of councils able to commence on the new approach from that point. The transition to the new approach also suggests a cutoff of June 2025 for plans to be submitted under the old system.
- 2.10 If a local planning authority does not meet the 30 June 2025 submission deadline for 'old-style' plans, it has been suggested that they will need to prepare a local plan under the new plan-making system. The transition arrangements also suggest that at the point the regulations are in place, if a council is not proactively working towards the June 2025 deadline, then a new-style local plan should be commenced straight away.
- 2.11 Given the stage that the Dorset Council Local Plan has reached, and the work that needs to be undertaken to resolve the identified issues, it is unlikely that the Council would be in a position to submit a complete local plan by 30 June 2025. It is therefore necessary to move across to the new plan-making system and to formally start preparing a new-style local plan in November 2024. The new approach to plan-making does however incorporate a period of early engagement and scoping with key stakeholders which it is suggested could commence up to four months before the official start of the 30-month timetable.
- 2.12 The official start of the new plan preparation process would be in November 2024 with the preparation of a 'project initiation document' and the first of three gateway assessments. During the preparation of the plan, there would be two formal rounds of consultation along with a second gateway assessment and then prior to the submission for examination, a third gateway assessment would take place. Submission for examination would be scheduled for November 2026 and, subject to the result of this examination, adoption would be in May 2027. Further detail on this timetable is included within the LDS document in Appendix 1.
- 2.13 There is a degree of uncertainty over this timetable as it relies upon the necessary regulations, policy and guidance to be put in place to enable the first new-style local plans to be produced. Although there have been transitional arrangements suggested by government, these could be subject to change which may mean that the start of the preparation of a new-style Dorset Council Local Plan could be delayed.

- 2.14 Although the 30-month requirement for the production of a new-style local plan is untested, it is considered realistic given the slimmed-down nature of the new-style local plan and the suggested process for its production.
- 2.15 The LDS will however be regularly reviewed and updated as further detail of the new plan-making system becomes apparent and will eventually be amended to reflect the requirements of this new approach.

### **3. The Purbeck Local Plan**

- 3.1 In June 2019, the review of the Purbeck Local Plan had reached an advanced stage with the draft Local Plan being submitted for examination in January 2019. A decision was taken to continue with the examination of this Local Plan.
- 3.2 Due to a number of factors, the examination has taken longer than expected however it is now reaching the final stages. It is expected that the Inspector's report on the examination of the Purbeck Local Plan will be received in early 2024 and with adoption following on from this and anticipated for mid-2024.
- 3.3 Once adopted, the Purbeck Local Plan will become part of the development plan for the Purbeck area, replacing the current Purbeck Local Plan Part 1.

### **4. The Dorset Council Minerals and Waste Local Plan**

- 4.1 The Bournemouth, Dorset and Poole Minerals Strategy 2014 is over five years old. Work had begun on a review but staffing issues and uncertainty over the plan production system have led to delays. As it is not yet five years since adoption of the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan 2019 and Waste Plan 2019, work has not commenced on a review of either of these Plans.
- 4.2 Therefore, when the new plan-making regulations, guidance and policy are in place later this year, it will be necessary to move across to the new plan-making system and to formally start preparing a new-style Minerals and Waste Local Plan. This would align the work on production of Minerals and Waste Local Plan with the production of the Dorset Council Local Plan, potentially allowing savings on plan preparation costs and avoiding duplication of effort.
- 4.3 Reviewing and updating the minerals and waste plans will re-asses the strategies for maintaining provision of minerals and managing waste,

allowing them to reflect any changes that have taken place since their adoption and enabling new sites and policies to be considered to meet the need for minerals development and waste management.

4.4 The recent government consultation on changes to the plan-making system suggested three possible routes<sup>1</sup> for the production of minerals and waste plans, these were:

- a. as a single document - a minerals and waste plan
- b. separately – a minerals plan and a waste plan
- c. where possible through local government structure, incorporated as part of a local plan.

4.5 The precise approach that will be followed to prepare the minerals and waste plans and the Dorset Council Local Plan is a matter that will be considered at a later date once further guidance, policy and regulations have been introduced.

## 5. **The Dorset Council Design Guide**

5.1 The area covered by Dorset Council varies significantly in character. As such a design code that covers the whole of the area would be a significant undertaking and would struggle to effectively address all of the design related issues in sufficient detail whilst being produced in a timely fashion. It is also recognised that local communities may want to play a role in producing a design code.

5.2 For these reasons, a design guide covering the whole of the Dorset Council area will be produced. This will provide a framework for more localised area specific and topic specific design codes to be prepared where necessary. It also enables the production of design codes as part of the Neighbourhood Planning process where the appetite exists locally.

5.3 It is anticipated that the design guide for the Dorset Council area will take approximately one year to prepare.

## 6. **Neighbourhood Plans**

6.1 There are a number of neighbourhood plans being prepared across Dorset and since the last LDS was prepared a number of these plans have been

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<sup>1</sup> Paragraph 207 [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms) - GOV.UK ([www.gov.uk](https://www.gov.uk))

made part of the development plan. The list of made and proposed neighbourhood plans has been updated within the revised LDS.

## **7. Community Infrastructure Levy**

- 7.1 The Community Infrastructure Levy (CIL) is charged in all of the former district and borough council areas except North Dorset. The CIL charging schedule for the Purbeck area is being reviewed alongside the Purbeck Local Plan. A separate report on the Purbeck CIL charging schedule is being considered at this Cabinet meeting. The outcomes of the decision on this item can be updated in the LDS if necessary.
- 7.2 In the future, there is uncertainty about how infrastructure delivery will be supported through development contributions. The government have recently introduced legislative changes that enable the implementation of an Infrastructure Levy which would replace the CIL. Further detail and secondary legislation will be required before the Infrastructure Levy can be formally introduced.

## **8. Financial Implications**

- 8.1 This is an amendment to the timetable for the production of the Dorset Council Local Plan. The local plan and other planning documents are being produced from existing budgets, including reserves that have been safeguarded for this purpose.
- 8.2 The revised timetable for the local plan will have implications for the implementation of a revised Community Infrastructure Levy charge across Dorset as will the timetable for its replacement with the Infrastructure Levy.

## **9. Natural Environment, Climate & Ecology Implications**

- 9.1 No climate decision-wheel has been included for this report as the LDS will set the timetable for future planning policy documents that the Council intends to produce. Each of these planning policy documents will need to be supported by a climate decision-wheel.
- 9.2 One of the roles of the Dorset Council Local Plan is to manage where development takes place and the form that this development takes. The Dorset Council Local Plan and other planning documents will provide an opportunity to ensure developments respond to the climate and ecological emergencies. In the interim period, before the Local Plan is adopted, development will be considered against the adopted local plan policies

having regard to the Council's Climate Change Interim Position Statements<sup>2</sup>.

## 10. **Well-being and Health Implications**

The updated Local Development Scheme will not have Well-being and Health implications.

## 11. **Other Implications**

By updating the Local Development Scheme setting out the timetable for the production of the various Development Plan Documents, including the Dorset Council Local Plan, gives certainty to local communities and businesses on the Council's intentions on the development plan.

## 12. **Risk Assessment**

12.1 The Government have indicated that they intend to have in place the regulations, policy and guidance by autumn 2024 to enable the preparation of the first new-style local plans and minerals and waste plans. There is however a risk that the regulations, policy and guidance are delayed which may delay the timetable for the preparation of the Dorset Council Local Plan.

12.2 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: medium

Residual Risk: medium

## 13. **Equalities Impact Assessment**

13.1 An Equalities Impact Assessment has been prepared for the Dorset Council Local Plan. As this revised LDS amends the timetable for the production of the local plan, along with other updates, it is not considered to have an impact on any groups protected under the Equalities Act. During the process of preparing the various Plans detailed in the LDS, the Equalities Impact Assessments will be refreshed and updated.

<https://www.dorsetcouncil.gov.uk/your-council/equality-and-diversity/equality-impact-assessments/place/dorset-council-local-plan-draft-options-eqia/dorset-council-local-plan-draft-options-eqia.aspx>

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<sup>2</sup> [Planning for climate change - Dorset Council](#)

14. **Appendices**

Appendix 1: Updated Local Development Scheme

15. **Background Papers**

[Written Ministerial Statement made by the Secretary of State for Levelling Up, Housing and Communities - 19 December 2023](#)

16. **Report Sign Off**

11.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)