

Cabinet

4 October 2022

Local Development Scheme Update

For Decision

Portfolio Holder: Cllr D Walsh, Planning

Local Councillor(s): all

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Brief Summary:

An update to the Local Development Scheme (LDS) is necessary to reflect the anticipated timeframe for the development of various planning documents including the Dorset Council Local Plan. The revision to the timetable for adopting the local plan is to enable Dorset Council to consider and respond to the significant number of representations received to January 2021 consultation. There is also a need to respond to the additional evidence, to the nutrient neutrality advice and to consider the implications of revised national policy. This LDS should be published on the Council's website.

Recommendation:

That Cabinet acknowledge the revised timetable for the production of the Dorset Council Local Plan, the Minerals Plan, the Waste Plan and various Neighbourhood Plans within the Local Development Scheme and resolve that it will come into effect as of the date of this committee.

Reason for Recommendation:

To enable the publication of the updated LDS to outline the revised timetable for the production of the Dorset Council Local Plan and other planning documents as

required by section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

1. The Dorset Council Local Plan

- 1.1 Cabinet agreed in June 2019 to start work on producing a single Dorset Council Local Plan to replace all the current adopted local plans. At this meeting, the Council's first LDS was agreed with subsequent revision agreed in September 2020 and July 2021.
- 1.2 Having an up-to-date local plan is critical as it enables the council to plan strategically for the future development needs of the area whilst protecting its environmental assets. It also gives local people, developers and landowners certainty about what development will take place in their area. Currently all of the adopted local plans are more than five years old and therefore are considered out of date.
- 1.3 By maintaining an up-to-date LDS, it is clear to local people, developers, and landowners when the key stages of the local plan process will take place and when they have an opportunity to be involved in its production.
- 1.4 The high number of representations received to the consultation (in excess of 9,000 responses) raised a number of important issues which highlighted the views, needs and aspirations of the people of Dorset. The Council intends to give full consideration to these responses in preparing the local plan and the revision to the timetable reflects the work needed to achieve this.
- 1.5 In addition, work on the Weymouth Town Centre Flood Risk study is taking longer to complete than initially envisaged and may not be completed until September 2022. Once completed, discussions will need to take place between Dorset Council and the Environment Agency to understand the package of measures needed to reduce flood risk in Weymouth town Centre.
- 1.6 In March of this year, Natural England issued revised guidance on nutrient neutrality across five catchments within Dorset. This advice has significant implications for residential and other development in Dorset. Work is underway to evaluate the extents of the issue and to develop a strategic approach to enable development to take place. Delivery of effective mitigation will however take time.

- 1.7 One of the clear messages that emerged from the local plan consultation was the need to look closely at what can be done to further address the climate and ecological emergencies that Dorset Council has declared. Dorset Council is considering how best the development plan can address these critical objectives alongside the Climate and Ecological Emergency Strategy. The proposed timetable is intended to allow for this work however there will be a need to keep this under review.
- 1.8 In May 2022, the Levelling-up and Regeneration Bill was introduced to Parliament. This proposes significant changes to the way local plans are produced including:
- a move away from the duty to co-operate, and therefore no longer a requirement for local planning authorities to meet unmet housing needs from neighbouring authorities
 - amendments to the 5-year housing land supply requirement making it only impact local planning authorities when the local plan is out of date
 - possible changes to how housing targets are calculated
 - measures to help address the nutrient neutrality requirement for new developments
 - the intention to have a national set of development management policies to streamline plan-making, allowing local planning authorities to focus on strategy, allocations, and location-specific issues
- 1.9 A draft revised National Planning Policy Framework (NPPF) was expected for consultation in July 2022 however this is yet to materialise. The content of the revised NPPF will have implications for the local plan.
- 1.10 The Levelling-up and Regeneration Bill is scheduled to complete its passage through parliament by April 2023.

Implications for the Local Plan Timetable

- 1.11 The published LDS timetable anticipated pre-submission consultation on the local plan towards the end of this year however, the revisions related to nutrient neutrality and delays with evidence gathering have necessitated a review of this timetable. In addition, the uncertainty created by the overdue revised NPPF and the Levelling-up and Regeneration Bill will add further delay to the programme.

1.12 The timetable below is intended to allow for additional work to understand the implications of the emerging evidence and national policy changes. This would see a postponement of the pre-submission publication to December 2024 approximately 2 years later than that within the published LDS. This would mean that adoption of the plan would most likely take place in 2026, although it would be a material consideration (albeit with reduced weight) from publication.

Stage	Existing Milestones in adopted LDS	Proposed Milestones
Further evidence and review	-	to Q2 2024
Cabinet	-	Q2 2024
Council	-	Q3 2024
Publication (pre-submission consultation)	Q2 2022	Q4 2024
Submission to Secretary of State	Q4 2022	Q2 2025
Examination	Q2 2023	Q3 2025
Adoption	Q4 2023	Q2 2026

1.13 The consequential orders put in place at the time of Dorset Council's formation included the requirement for a new Dorset-wide local plan to be adopted by spring 2024. The revised timetable outlined above will mean that this requirement will not be met.

1.14 The publication version of the Dorset Council Local Plan will incorporate a wide range of changes made in response to the consultation, the additional evidence, and the national planning reforms. Depending on how the draft plan advances, it may be necessary to add additional consultation stages to those identified in the above table which could have a bearing on the overall timetable, and which would require further updates to the LDS.

1.15 In the period to when the local plan is adopted, there will remain a need to demonstrate on an annual basis a supply of deliverable housing sites equivalent to five-years' worth of the housing target. Should this requirement remain (see paragraph 1.8), there will be a risk of greater pressure from speculative planning applications if an up-to-date local plan

is not in place. The proposed timetable is intended to get a sound plan in place as soon as practicable.

- 1.16 There are also risks to this timetable which are out of the control of Dorset Council. These include the form that the proposed planning reforms and revised NPPF take.
- 1.17 In their current form, the proposed reforms to the planning system would reduce the significance of the requirement to maintain a five-year supply of deliverable housing sites with this requirement only applying once an adopted local plan is more than five years old.
- 1.18 The proposals also suggest changes to the requirement for councils to meet the unmet development requirements of neighbouring local planning authority areas. This is a particular issue for Dorset where BCP Council have indicated that they are unlikely to be able to meet their need.

The Purbeck Local Plan

- 1.19 The Purbeck Local Plan covering the legacy authority area of Purbeck was submitted for examination in January 2019, just before Dorset Council was formed. The Plan is currently passing through the examination process which is now nearing completion. This has taken longer than anticipated but adoption is now expected to be in 2023.

Neighbourhood Plans

- 1.20 Since the last update to the LDS, a number of Neighbourhood Plans have been successful at referendum and have now been made part of the development plan for their area. The list of made neighbourhood plans has been updated along with the lists of those plans currently in production. Neighbourhood Plans are not produced by Dorset Council and therefore estimating a detailed timetable for their production is not possible.

Minerals and Waste Plans

- 1.21 In addition to the Dorset Council Local Plan and Neighbourhood Plans, the revised LDS is required to cover the minerals and waste plans that Dorset Council as a minerals and waste planning authority is under a statutory requirement to prepare and update.
- 1.22 The Bournemouth, Dorset and Poole Minerals Strategy 2014 was adopted in 2014. It was assessed in 2020 and although over five years old was found to be still fit for purpose. However, it is now considered to be due for

an update. The Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan 2019 was adopted in 2019 and therefore is less than five years old so is not yet due to be updated. However, it is considered appropriate as part of the update of the Minerals Strategy 2014 to integrate the strategic approach of that plan with the Mineral Sites Plan 2019 to produce a single BCP and Dorset Minerals Plan. This may include additional site-specific allocations, along with an updated strategic approach.

- 1.23 No change to the BCP and Dorset Waste Plan 2019 is considered necessary or proposed at this time. It will continue to be monitored in the normal way.
- 1.24 To date, discussions with BCP Council about the production of a joint Minerals Plan and joint Waste Plan have not concluded. If BCP Council decide to produce their own Minerals and Waste Plans, the Dorset Council Minerals Plan will be produced in accordance with the timetable in the update LDS.
- 1.25 The revised LDS sets out the council's anticipated timetable for producing the Dorset Council Local Plan but this will need to be kept under review. It also sets out a timetable for the production of other planning documents including the Minerals Plan. The changes made to the published version of the LDS are shown within the revised LDS within Appendix B as tracked changes. Within the document in Appendix B changes are shown as ~~strikethrough~~ for text proposed for deletion or **bold and underlined** for text proposed for insertion.

2. **Financial Implications**

- 2.1 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.
- 2.2 The revised timetable for the local plan will have implications for the implementation of a revised Community Infrastructure Levy charge across Dorset. Options for updating this charge before the local plan is adopted are being considered.

3. **Climate Implications**

- 3.1 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 new local plan will provide an opportunity to ensure developments respond

to the climate and ecological emergencies. However, in the interim period, development will be considered against the adopted local plan policies and the need to maintain a five-year housing supply.

4. Well-being and Health Implications

4.1 None – this is an amendment to the timetable for the production of the Dorset Council Local Plan.

5. Other Implications

5.1 None – this is an amendment to the timetable for the production of the Dorset Council Local Plan.

6. Risk Assessment

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

Current Risk: Medium

Residual Risk: Medium

7. Equalities Impact Assessment

7.1 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.

7.2 Similar Impact Assessments were produced for the minerals and waste plans during their production. These will be refreshed once the review of the BCP and Dorset Minerals Strategy commences.

<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>

8. Appendices

Appendix A: Dorset Council Local Development Scheme June 2021

Appendix B: Dorset Council Local Development Scheme June 2021 – tracked changes version

9. Background Papers

Published Local Development Scheme:

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-council-local-plan/evidence/dorset-council-lds-september-2020.pdf>