

CABINET



Report subject	Local Development Scheme – BCP Local Plan
Meeting date	11 September 2019
Status	Public Report
Executive summary	<p>To seek approval of the BCP Council Local Development Scheme (LDS) to come into effect from 23rd September 2019. The LDS is attached as Appendix 1. Delegated authority is also sought to enable the Director for Growth & Infrastructure in consultation with the Portfolio Holder for Strategic Planning to make any necessary minor amendments to the LDS document needed for publication on 23rd September 2019.</p> <p>The LDS provides the community and other interested parties with an indication of what local plan documents are to be prepared by the Council and when. The timetable includes particular milestones that highlight public consultation stages where interested parties can be involved in the plan making process.</p>
Recommendations	<p>It is RECOMMENDED that Cabinet recommends to Council:</p> <p>(a) That all previous planning policy work on emerging legacy Local Plans of the preceding authorities is refocused on the preparation of an area-wide BCP Local Plan</p> <p>(b) That the Local Development Scheme be approved to come into effect on 23rd September 2019 to confirm the timetable to produce the BCP Local Plan and other related planning policy documents; and</p> <p>(c) That authority be delegated to the Head of Growth & Infrastructure in consultation with the Portfolio Holder for Strategic Planning to make minor text changes to the LDS document to be published on 23rd September 2019.</p>
Reason for recommendations	<p>To set out the revised timetable and framework to produce the BCP Local Plan and other planning policy documents. The LDS is effectively a project plan and does not constitute a policy document, however as the LDS sets out planning policy making timescales it will impact on the Key Policy Framework.</p>

	<p>The preparation of the LDS is a statutory requirement of the Planning and Compulsory Purchase Act 2004 as amended by the Planning Act 2008 Act, Localism Act 2011, Housing and Planning Act 2016 and the Neighbourhood Planning Act 2017.</p> <p>Preparation of the planning documents as set out in the LDS will help deliver the Council's strategic priorities as expressed in the emerging Corporate Plan.</p>
Portfolio Holder(s):	Councillor Margaret Phipps, Portfolio Holder for Strategic Planning
Corporate Director	Bill Cotton (Corporate Director of Regeneration and Economy)
Contributors	<p>Julian McLaughlin, Director of Growth and Infrastructure</p> <p>Mark Axford, Interim Head of Planning (Bournemouth) / Planning Policy Manager</p> <p>Nicholas Perrins, Policy Manager</p>
Wards	All
Classification	For Decision

Background

1. The Council is required by the Planning and Compulsory Purchase Act 2004 to publish and maintain a Local Development Scheme (LDS).
2. The purpose of the LDS is to act as a project plan for the preparation of Local Plan policy documents, providing the community and other interested parties with an indication of what planning policy documents are to be prepared by the Council and by when.
3. The timetable includes milestones that have to be met in order to accord with statutory requirements for plan making. The LDS's focus is in on timetabling the production of development plan documents i.e. Local Plans. However, it is good practice to also use the LDS to specify what other planning policy work is envisaged such as supplementary planning documents, neighbourhood plans and community infrastructure levy.
4. The proposed BCP Council LDS is attached as Appendix 1. This will be the first LDS published by BCP Council and will be an important document in guiding the consolidation of planning policy having inherited a series of legacy Local Plans for the preceding areas.

The BCP Council Local Development Scheme

BCP Local Plan

5. As set out in the LDS the focus of the LDS is to guide the preparation of the BCP Local Plan, which is proposed to be a single plan to cover the whole BCP council area.
6. As part of agreeing to publish the LDS included at Appendix 1, Cabinet and Council are also asked to confirm that all legacy work on emerging individual Local Plans for Bournemouth and Christchurch is stopped and instead re-focused towards preparation of the single Local Plan for the BCP area, which will supersede existing legacy adopted plans as appropriate.
7. The high-level timetable for the BCP Local Plan is as follows:
 - October 2019 – Initial issues consultation and call for sites
 - October 2020 – Detailed issues and options consultation
 - October 2021 – Publication of draft BCP Local Plan
 - December 2021 – Submit draft plan for examination
 - November 2022 – Adopt BCP Local Plan
8. As explained further in the LDS the intention of the BCP Local Plan is, whilst providing an overarching vision and framework for the BCP area, it will also provide clear policy frameworks to retain local distinctiveness, character and priorities. The precise format of the plan for how this is achieved will be developed in consultation with Members and communities through the preparation of the plan and various consultation stages required.
9. The BCP Local Plan will need to be based on an appropriate evidence base on a range of key issues such as housing needs, location of development, capacity for development, habitats regulations assessment and sustainability appraisal.

Duty to Cooperate

10. The Council has a statutory duty to cooperate with adjoining Councils and other prescribed bodies on cross boundary strategic planning issues. It will be imperative to the successful delivery of the BCP Local Plan to work closely with Dorset Council and other key partners on key strategic issues such as meeting housing needs, employment, transport and strategic environmental protection.
11. A key part of working together will be jointly commission evidence that affects a range of other partners. Work has started on this with emerging evidence being produced such as the South East Dorset Urban Mobility Study and the Local Industrial Strategy.
12. The legacy arrangements for meeting the duty to cooperate were through the Dorset Strategic Planning Forum (DSPF), a non-executive body made up of

members from across the preceding Dorset councils. There is, however, a need for a review of the DSPF following local government reorganisation to ensure it (or any successor arrangement) is set up appropriately to ensure the duty to cooperate is met in respect of both the BCP and Dorset Council plans.

13. Scoping work has started on potential future governance arrangements and what shared evidence is needed to ensure the Duty to Cooperate is met, which will be brought back to a future meeting of cabinet to agree as soon as practical.

Minerals and Waste Planning

14. In addition to the BCP Local Plan, the LDS also sets out the intention to recommend adoption of the new Dorset wide Waste Plan and Minerals Sites Plans by December 2020. A report will be prepared for Cabinet consideration later in 2019. These plans have been in production for many years and have both been recently found 'sound' in accordance with planning legislation and national policy following extensive public consultation and independent examination in public; they are now ready for adoption.

Neighbourhood Planning

15. There are a number of Neighbourhood Plans in production, which the Council has a statutory duty to provide support for. The LDS recognises that more communities may want to prepare a Neighbourhood Plan and therefore the Council will need to ensure sufficient resources are available to assist.

Other Planning Policy Documents

16. The LDS also sets out that other planning policy work will include preparation of supplementary planning documents to, in time, replace those adopted by the legacy councils.
17. BCP Council will also need to review its arrangements for Community Infrastructure Levy and other developer contributions charges, which broadly will follow the timetable for the BCP Local Plan.

Summary of financial implications

18. Preparation of the Local Development Scheme is met within existing budgets. When preparing the plans as set out in the proposed timetable costs will be incurred for example through specialist consultant fees, examination costs and printing.
19. There is approximately £450,000 of funding in place from legacy budgets / reserves for plan preparation. No additional financial request is made at this stage but this will need to be kept under close review as the project progresses to ensure sufficient resources remain in place to ensure the project is delivered on time.

Summary of legal implications

20. Failure to have in place an up to date LDS could result in planning documents being found unsound at examination. Section 15 of the 2004 Planning and Compulsory Purchase Act (as amended by the Planning Act 2008 section 180 and the Localism Act section 111) state that a local planning authority must prepare and maintain an LDS. Recent amendments under the Housing and Planning Act 2016 and Neighbourhood Planning Act 2017 also make provision for the Secretary of State to prepare an LDS for Local Councils who do not have one in place and then direct that the LDS is brought into effect.
21. The formation of BCP Council was the subject of consequential orders set by national government. These required that the Council has in place a local plan for the BCP area by 2024. However as expressed in the LDS it is intended to accelerate this deadline and have a BCP local plan in place by 2022.

Summary of human resources implications

22. The timetable for preparing documents has to reflect the capacity of team members to draft and progress planning documents through to adoption and produce supporting evidence documents. In certain cases, this will involve the use of specialist consultants. There are sufficient staffing resources across the Planning Teams in each BCP area office to support preparation of the plan to the milestones set out in the LDS. The ability to meet the LDS milestones will be affected by reduction in staff and/or local plan evidence base budget.

Summary of environmental impact

23. The LDS does not have any direct environmental impacts. However, as the LDS facilitates the preparation of a Local Plan there will be a series of potential impacts on the environment through the adoption of a new strategic planning policy framework for BCP Council. The Local Plan will be subject to testing by way of Sustainability Appraisal and Habitats Regulation Assessment.

Summary of public health implications

24. The LDS does not have any direct public health impacts. However, as the LDS facilitates the preparation of a Local Plan there will be a series of potential impacts on the health and wellbeing agenda through the adoption of a new strategic planning policy framework for BCP Council.

Summary of equality implications

25. The preparation of a Local Plan will be undertaken in accordance with equalities legislation. Each stage of the plan will be subject to a detailed Equalities Impact Assessment to ensure emerging policies are suitably framed to promote equal opportunities for all.

Summary of risk assessment

26. Failure to have in place an up to date LDS could pose a risk to timely delivery and adoption of planning policy documents, this will have consequences for delivery of Council objectives. It could result in planning applications being decided, either by the Council or at appeal, outside the framework of an up to date plan.
27. There are risks associated with future reorganisation and any reduction in planning staff that can work on the local plan and/or local plan evidence base budget. This can be mitigated by ensuring sufficient staff resources and plan preparation budget remain available to support the lifetime of the project.

Background papers

None

Appendices

Appendix 1 – BCP Council Local Development Scheme