

# OVERVIEW AND SCRUTINY BOARD



Report subject	<b>Consultation on the Draft BCP Local Plan and the Draft BCP CIL Charging Schedule</b>
Meeting date	4 December
Status	Public Report
Executive summary	<p>The Draft BCP Local Plan sets out a vision, objectives and spatial strategy to protect and enhance the environment whilst addressing the needs for new homes, jobs and infrastructure until 2039. A range of policies and site allocations are included which will inform planning decisions once the BCP Local Plan is adopted.</p> <p>The Draft Community Infrastructure Levy (CIL) Charging Schedule sets out the charge per square metre new development must pay to fund supporting infrastructure.</p> <p>A six-week consultation is required on both documents before all feedback and evidence is submitted to the Secretary of State for examination.</p>
Recommendations	<p><b>It is RECOMMENDED that Cabinet recommends to Council that:</b></p> <ul style="list-style-type: none"> <li><b>a) the Draft BCP Local Plan and Draft CIL Charging Schedule are approved for public consultation for a period of six weeks from January 2024;</b></li> <li><b>b) any minor changes following Council on 9 January to the Draft BCP Local Plan and Draft CIL Charging Schedule are delegated to the Director of Planning and Destination in consultation with the Portfolio Holder for Dynamic Places for inclusion in the consultation versions;</b></li> <li><b>c) any changes to the corporate strategy resulting from the outcome of Cabinet on 13 December are delegated to the Director of Planning and Destination in consultation with the Portfolio Holder for Dynamic Places for consideration and incorporation into the Draft BCP Local Plan;</b></li> <li><b>d) subject to no major amendments being required following consultation, the decision to submit the Draft BCP Local Plan to the Secretary of State for examination is delegated to the Director of Planning and Destination in consultation with the Portfolio Holder for Dynamic Places; and</b></li> <li><b>e) the Local Development Scheme is approved to reflect the amended timetable.</b></li> </ul>

Reason for recommendations	We have a legal duty to prepare and maintain a Local Plan for our area. The publication of the draft BCP Local Plan is an important formal stage of the process prior to examination.
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Wards	Council-wide
Classification	For Recommendation

## Background

1. The BCP Local Plan will set out the vision and planning framework for our area for the next 15 years. It will provide the land use policies that help us to implement our commitment to address the climate and ecological emergency. It will confirm our strategic approach to the delivery of a range of development, including market and affordable housing, employment, tourism, community facilities and supporting infrastructure. The Local Plan has to balance these development requirements against the need to protect the built and natural environment, whilst also furthering the response to the council's declared climate and ecological emergency. Once adopted, all planning applications will be determined against the Local Plan, making it the most important place-shaping document for the BCP area.
2. We have a statutory duty to prepare and maintain a Local Plan. The National Planning Policy Framework (NPPF) sets out that the planning system should be genuinely plan-led with succinct and up-to-date plans. We are currently operating three legacy area Local Plans that include over 300 policies, a significant proportion of which are out of date. The BCP Local Plan will replace these plans providing a single up-to-date plan for the area.
3. The BCP Draft CIL Charging Schedule sets a non-negotiable charge per square metre upon new development to fund supporting infrastructure. It will replace three legacy charging schedules and provide a simpler approach.
4. A timeline of the key stages:
  - November 2019 - consultation on scope and content of the Local Plan.
  - 2020/2021 - preparation of evidence.
  - January 2022 - consultation on our Issues and the Options available to us.
  - May 2023 - the election lead to change in approach with ward councillors shaping the policy for their ward.

- May 2023 – workshops with developers to explore viability and development costs.
  - November 2023 – public drop-in information events before the draft plan comes through the committee cycle.
  - 4 December 2023 – Overview and Scrutiny Board will assess the Draft BCP Local Plan and BCP Draft CIL Charging Schedule and may suggest changes.
  - 13 December 2023 – Cabinet will consider the revised documents containing the agreed changes suggested by Overview and Scrutiny Board.
  - 9 January 2024 – Council meeting – final sign off for consultation with any minor changes to the Draft BCP Local Plan and Draft CIL Charging Schedule delegated to the Director of Planning and Destination in consultation with the Portfolio Holder for Dynamic Places, for inclusion in the consultation versions.
  - End January to early March 2024 – public consultation for a statutory 6 week period where anyone may make a representation (a formal response).
  - End March 2024 – As per recommendation (d) the Draft BCP Local Plan and BCP Draft CIL Charging Schedule, evidence base and representations are submitted for examination provided the Director of Planning and Destination in consultation with the Portfolio Holder for Dynamic Places do not consider the need for major changes to the plan, having considered the representations.
  - April 2024 – March 2025 – examination where the Inspector takes over and examines the Draft BCP Local Plan and BCP Draft CIL Charging Schedule with a series of public hearings.
  - May 2025 – Towards the end of the examination we will consult on modifications to the Draft BCP Local Plan and BCP Draft CIL Charging Schedule before adopting them as new Council policy, replacing our current plans.
5. While shaping the plan we have met with neighbourhood plan groups, community organisations, developers, service providers, neighbouring councils and statutory bodies. A cross-party Local Plan Working Group has provided guidance. .

### **Key considerations for the Draft Local Plan**

1. The Draft BCP Local Plan is at Appendix 1 and the Key Diagram is at Appendix 2.

### Vision and objectives

2. We have used the vision from the draft Corporate Strategy that is being considered for adoption by Cabinet on 13 December. Any changes to the draft coming from Cabinet will be fed into the draft BCP Local Plan to ensure the documents are aligned and this event is reflected in the recommendation (c).
3. We have set the following strategic objectives in the BCP Local Plan to help deliver the spatial planning aspects of the corporate vision:
  - Achieve carbon neutrality ahead of 2050 and take action to combat and adapt to the climate and ecological emergency.

- Conserve and enhance our outstanding natural environment.
- Improve health and wellbeing.
- Grow the economy, supporting the creation of new jobs and the offer to visitors.
- Provide new market and affordable homes to meet the different needs of our communities.
- Improve our town centres and build strong and inclusive communities.
- Create vibrant and appealing high streets for shopping, leisure, community and cultural activities.
- Deliver high quality places that preserve or enhance our heritage.
- Provide a safe, sustainable and convenient transport network that meets the needs of all residents.
- Deliver the infrastructure needed to support sustainable communities, businesses and development.

#### Climate and ecological emergency

4. Addressing issues associated with the climate and ecological emergency are a critical part of the Draft Local Plan. We must ensure that development minimises carbon emissions by reducing the need to travel. We will promote sustainable transport choices, whilst ensuring new buildings are 'zero carbon ready' to minimise energy consumption, and secure more renewable energy production.
5. Strategic Policy S1: Addressing the climate and ecological emergency requires applicants seeking planning permission to demonstrate how their proposal will contribute towards the objectives listed above to deliver sustainable development and address the climate and ecological emergency. This will ensure that all applicants clearly demonstrate the measures to address climate change they have incorporated into the development.
6. We need to adapt to climate change and mitigate impact where possible. The Draft BCP Local Plan will introduce much stronger policies on enhancing nature within the urban area with policies to protect and enhance our open spaces, habitats and green infrastructure. New development must integrate biodiversity net gain, tree cover and urban greening on-site providing a variety of ecological and climate change benefits.
7. Flood risk is a major impact of climate change, from the sea, rivers and from rainfall events. Whilst we have an established strategy for Poole town centre with new flood defences planned, we are still preparing a strategy to defend Christchurch town centre and the Sandbanks Peninsula, delaying delivery of homes in these areas.

#### The Strategy

8. The spatial strategy sets out the overall approach to the amount and distribution of development with the underlying aim of achieving sustainable development and addressing our climate and ecological emergency. New homes will be focussed on brownfield sites in the most sustainable locations, within walking distance of local facilities, services and high frequency public transport.

The starting point for setting a housing target is the government's standard methodology for calculating the housing need, which is 2,800 homes a year. In preparing the Draft BCP Local Plan we have demonstrated that constraints posed by Green Belt, flood risk, habitat sites and availability of land for development that a target of 1,600 homes a year is more suitable. This reduced target is supported by our own local housing needs study that highlights errors with the assumptions in the standard methodology calculations. In total we are planning for a minimum of 24,000 homes over the 15 year plan period from 2024 to 2039.

#### Housing mix, building heights and affordable housing

9. Our housing need study tells us we need more family homes and more affordable homes. Over recent years we have seen many major planning applications seeking to develop 1-2 bed flats, and concern has been raised by Councillors about this imbalance in housing stock. In dialogue with the development industry and viability specialists it has become evident that there is no evidence of demand for 3 bed flats in town centres. As a result we are recommending a policy for our town centres of restricting one bed flats to a maximum of 40% and requiring a minimum of 3 beds. Across the rest of BCP area we place a greater emphasis on providing 3 bed properties for families.
10. We are also providing more certainty on building heights in our policies. Proposed policy BE4 provides a framework for setting building heights on allocated sites. We provide a range of heights allowable, but allowing for additional heights under certain circumstances. There is greater potential for tall buildings within Bournemouth and Poole town centres. Outside of town centres we have identified local opportunity areas and local opportunity streets where building heights can be increased by one storey in sustainable locations with good access to public transport. Officers believe that this policy approach provides certainty.
11. Affordable housing remains a huge challenge with house prices typically ten times higher than average earnings. Whilst we have secured large numbers of affordable housing on greenfield sites, with around 750 affordable homes expected to be delivered over the next 5 years, providing affordable housing on brownfield sites is much more challenging due to viability issues. The NPPF requires 10% of homes on sites over 10 to be provided for low cost ownership. This policy requirement will apply across the BCP area, except for the higher value areas where it will be 20%. We have also introduced a tariff table for affordable housing in lieu of on-site delivery. We believe standard contributions will be welcomed by developers by providing greater certainty about the cost of development. We can use these financial contributions to work with our partners to deliver affordable housing on our own sites and build on the good work in 2022/23 where the Council delivered 81 affordable homes.

#### Economic needs

12. Employment forecasts indicate a need for 66 to 97 hectares of new employment land, including at least 41,600 sqm of high-quality office space by 2039. We are allocating around 75 hectares of employment land including the strategic sites of Bournemouth Airport business parks, Wessex Fields and Talbot Village, with office development focussed in Bournemouth and Poole town centres. Retail and tourism industries are not expected to expand and our approach is consolidation and enhancement of the current offer.

### Sites allocated for development

13. The site allocations are a mix of sites rolled forward from current local plans as the sites are not yet built and new sites allocated for the first time. The allocations are included in the ward policies.
14. Strategic sites for new homes include the land north of Merley, land north of Bearwood and Roeshot Hill,
15. In Bournemouth town centre, the Bournemouth Arc (Former Winter Gardens, BIC, Bath Road North and South) will provide a focus for leisure and recreational uses with some residential development. Several town centre car parks can be redeveloped for housing, but is subject to the outcome the Bournemouth Town Centre Parking Strategy which will consider the number of parking space required to support the town centre offer.
16. In Poole town centre, Town Centre North (stadium, railway sidings, Dolphin Pool, Barclays, St Johns House, Seldown car park) provides the focus for new development, which needs to come forward in accordance with an agreed masterplan for the area. This masterplan work will need to set a framework to provide significantly improved connections around the area, provide new homes and facilities, and explore options to improve the crossing of the railway.
17. In Christchurch town centre, Stony Lane (Former civic offices, former gasworks and other sites) will, subject to the agreement of a flood risk strategy, provide new homes. For this site to come forward financial contributions will be needed towards flood defences to make the development safe.
18. Concern has been raised by ward councillors and members from other political groups over the allocation of the proposed Innovation Quarter at Talbot Village. This site is an existing allocation in the Poole Local Plan, but was refused planning permission at Planning Committee in October. To address these concerns we have reduced the size of the Innovation Quarter from 9.8 hectares to 4.7 hectares so that only the northern half is allocated for development and the southern half remains agricultural fields.
19. Concern has also been raised by ward councillors and nearby ward councillors over the allocation of land at Branksome Triangle for specialist housing accommodation that could include permanent site for gypsy and travellers. We have a need for 21 permanent pitches from the natural increase in our resident gypsy and traveller community. The Local Plan must address this need to be found sound through the examination process. The Local Plan is not required to allocate a transit site to accommodate the summer issue we have with illegal encampments, so no site has been allocated. Such provision can be considered outside of the Local Plan process.

### Infrastructure

20. We have worked with service providers to identify our infrastructure needs to support growth, including:
  - Sustainable transport improvements to improve accessibility and reduce congestion;
  - Poole and Christchurch town centre flood defences;

- Delivery of new green infrastructure, recreational facilities and public open space including the Stour Valley Park and heathland mitigation projects;
- Investing in delivering the Seafront Strategy;
- Provision of new cemeteries north of Poole, Bournemouth and Christchurch;
- Underground bins in the right locations; and
- Enhancements to schools including new educational premises for special educational needs and disabilities (SEND).

21. We will continue to work with the NHS, doctors and other service providers, including utility companies, to secure new infrastructure is delivered at the right time to meet the demands of a growing population.

#### Viability/CIL

22. The costs that local plan policies place upon development must be considered to ensure that we do not make development unviable. Our work with developers and specialists has demonstrated that the Draft BCP Local Plan is viable and deliverable. In addition to the policy costs identified in the Local Plan there is sufficient viability within development to charge CIL.

23. The Draft CIL Charging Schedule is at Appendix 3 and following public consultation and examination will replace the three current schedules from the legacy Councils, simplifying our charges. We will charge a higher CIL rate for developments under 10 homes and a lower CIL rate for developments over 10 homes that must also provide 10-15% affordable housing. We need to charge CIL in all wards to ensure that these local communities can benefit from Neighbourhood CIL for community projects. We are therefore now proposing to charge CIL in the current zero rated CIL areas of Bournemouth Town Centre and Poole Regeneration area.

#### **Local Development Scheme**

24. The additional work with the new administration requires an update to the Local Development Scheme (the approved and adopted work programme for the preparation of the Local Plan), at Appendix 4, to reflect the new timeline for plan preparation.

#### **Next steps**

25. Subject to the agreement of Cabinet and Council, we will publish the Draft BCP Local Plan and Draft CIL Charging Schedule for a six-week formal consultation stage, commencing in late January 2024. This consultation provides the opportunity for people to submit 'representations' that declare support or objection to each policy or site allocation in the plan. The consultation documents (and evidence base) will be available on the council's website and the documents will be available at the Civic Centre and libraries during normal opening hours. As this is the formal stage of the process, we are not holding any consultation events. However, the Planning Policy team will be available to assist anyone who needs support in making representations.

26. At the conclusion of the consultation, if from the representations we decide that major modifications are not necessary, we will submit the Draft BCP Local Plan and Draft CIL Charging Schedule to the Secretary of State for examination. The

Secretary of State will appoint independent inspectors to run an examination on each. At the end of examination if there are positive recommendations by the inspectors, Cabinet and Council can then consider adoption of the new BCP Local Plan and CIL Charging Schedule.

### Options Appraisal

27. Instead of proceeding with the Draft BCP Local Plan and Draft CIL Charging Schedule consultation the alternative option would be to delay the consultation to re-draft the Plan and choose a different strategy.

28. Option 1: Agree the Draft BCP Local Plan and Draft CIL Charging Schedule for consultation and submission:

#### Pros:

- We demonstrate good progress in meeting our duty to have a Local Plan in place within five years of BCP Council forming and reduce the risk of government taking over and preparing the plans.
- We can demonstrate a five-year housing land supply and take control of where and what development comes forward.
- It reduces 300 policies into under 100 policies.
- It sets a clear vision for the BCP area aligned with the new corporate vision.
- Increased CIL, Council Tax and New Homes Bonus.
- New policy to help us meet our climate and ecological emergency goals.

#### Cons:

- The proposals will not be supported by everyone.

29. Option 2: Re-draft the Local Plan and Draft CIL Charging Schedule

#### Pros:

- We can review our strategy and work to gain greater support for the Local Plan moving forward.

#### Cons:

- Development will continue to be determined by out-of-date policy whereby we miss the opportunities presented by our draft policies.
- The presumption in favour of development of sustainable development will continue to apply meaning we lose control of planning decisions as the provision of new homes will trump other policy considerations such as our climate and ecological emergency goals and meeting our housing needs.
- We risk missing the cut off of June 2025 to submit a Draft BCP Local Plan to the Secretary of State under the current planning system, as plans prepared after this date must follow a new unproven planning system, the details of which are yet to be published, which could lead to significant delays, leaving us with three out-of-date Local Plans for a long period of time.



### **Summary of financial implications**

30. The preparation and examination of the Local Plan is funded through the existing Planning Services budget. Once adopted these plans will enable us to benefit from more CIL, Council Tax, Business Rates and New Homes Bonus. The proposals will help grow the local economy through billions of pounds spent on construction costs and throughout the operational life of development (including increased jobs).

### **Summary of legal implications –**

31. A requirement set in law is that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise. The Planning and Compulsory Purchase Act 2004 (as amended) sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents (i.e. produce a local plan). Local plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. It is essential that plans are in place and kept up to date.
32. Under regulation 19 of the Local Government (Structural Changes) (Transitional Arrangements) (No2) Regulations 2008 the Council has a duty to adopt a local plan within five years of reorganisation.
33. CIL is a charge which can be levied by local authorities on new development in their area to help deliver the infrastructure. The levy only applies in areas where a local authority prepares a charging schedule in accordance with the Planning Act (2008) (as amended). Levy rates are expressed as pounds (£) per square metre. When deciding the levy rates, an authority must strike an appropriate balance between additional investment to support development and the potential effect on the viability of developments.
34. A Local Development Scheme is required under the Planning and Compulsory Purchase Act 2004 (as amended). This must specify the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area, and must be kept up to date.

### **Summary of human resources implications**

35. There are no human resource implications, the production of the plan is undertaken by existing staff within the Planning Policy team.

### **Summary of sustainability impact**

A copy of the Decision Impact Assessment is at Appendix 4, with the overall finding a low impact. There is one amber for a minor negative impact regarding waste and resource use. We are planning 24,000 homes and 75 hectares of employment growth over the next 15 years so there will be the need to extract minerals for building materials and more people living in the area will increase consumption including water. As mitigation the Draft BCP Local Plan includes policy to lower water use in buildings to the minimum allowable building standard, and to encourage the reuse of building materials from demolition.

### **Summary of public health implications**

36. We have worked closely with Public Health Dorset to ensure that the policies in the local plan will lead to healthy lives. Policies include the need for exercise through improved walking, cycling and access to public open spaces, limit clustering of hot food takeaways, incorporate suicide prevention measures on tall buildings.

### **Summary of equality implications**

37. The Equalities Act 2010 (Section 149) places a duty on public authorities, in the exercise of their functions, to ensure that they do not discriminate against any group or individual in the community. An Equalities Impact Assessment, currently being prepared, forms part of the Sustainability Appraisal and will be published with the draft Local Plan to meet the Public Sector Equality Duty in the Equality Act 2010 covering protected and other relevant characteristics.

### **Summary of risk assessment**

38. There is always a high risk of new policy requirements being introduced by Government during the Examination process. A change in Government during 2025 is likely to lead to a change in national planning policy. In the past governments have used transitional arrangements to enable Local Plans at examination to continue progress. There is a risk the plan may be delayed.
39. In December 2022 the Secretary of State for Levelling Up, Housing & Communities wrote to all Council's outlining proposed changes to the NPPF. These changes were due to confirm that the Standard Method was a starting point to calculating housing need and Councils would not be expected to release Green Belt to deliver housing need and to give more clarity about the methods that can be used to calculate local housing needs. These changes are due in Autumn 2023 but at the time of writing have not been published. If the NPPF changes do go through as planned the risk to the Draft BCP Local Plan failing at examination is much reduced. If however the changes to the NPPF don't materialise there is a high risk the Draft BCP Local Plan will fail at examination (and the knock on effect will also be the failure of the Draft CIL Charging Schedule).

### **Background papers**

None

### **Appendices -**

Appendix 1- Publication Draft BCP Local Plan

Appendix 2 – Key Diagram

Appendix 3 –Draft BCP CIL Charging Schedule

Appendix 4 - Local Development Scheme

Appendix 5 – Decision Impact Assessment