

Report subject	<b>BCP Local Plan next steps, updated Local Development Scheme (LDS) and Statement of Community Involvement (SCI)</b>
Meeting date	13 May 2025
Status	Public Report
Executive summary	<p>Following Stage 1 examination hearings on the draft BCP Local Plan in January 2025, the Inspectors provided a post hearing letter in early March 2025. The letter stated that the Council had failed to adequately discharge the Duty to Cooperate. This is not something that can be rectified during the examination.</p> <p>Cabinet is therefore recommended to withdraw the draft BCP Local Plan from examination.</p> <p>The associated Community Infrastructure Levy (CIL) Charging Schedule that was submitted for its own examination at the same time is also recommended to be withdrawn due its strong ties with the draft Local Plan.</p> <p>If Cabinet and Council agree the withdrawal of the Local Plan and CIL Charging Schedule, a new Local Plan will need to be prepared. A timetable (Local Development Scheme - LDS) for this new Plan is recommended in Appendix 1.</p> <p>To facilitate community involvement and good plan making and development management processes, an updated Statement of Community Involvement (SCI) is also recommended for Cabinet to agree at Appendix 2.</p>
Recommendations	<p><b>It is RECOMMENDED that Cabinet:</b></p> <ul style="list-style-type: none"> <li><b>a. Recommends to Council that the draft BCP Local Plan be withdrawn from examination.</b></li> <li><b>b. Recommends to Council that the draft BCP CIL Charging Schedule be withdrawn from examination.</b></li> <li><b>c. Agree to the publication of a new Local Development Scheme at Appendix 1 and submission to Government, subject to Council agreement to withdraw the draft BCP Local Plan under recommendation a.</b></li> <li><b>d. Agree the updated Statement of Community Involvement at Appendix 2.</b></li> </ul>

Reason for recommendations	<p>The draft BCP Local Plan has not been supported by the Inspectors' at examination Stage 1.</p> <p>Local Authorities are required to produce, and keep up to date, a Local Development Scheme (LDS) which sets out the future planning documents the Council will be producing within a three-year period and the timescales and key milestones for their preparation. A new LDS is needed if the Council chooses to withdraw the draft BCP Local Plan and start work on a new BCP Local Plan.</p> <p>To update the SCI for the purpose of good planning.</p>
Portfolio Holder(s):	Councillor Millie Earl, Leader of the Council and Chair of Cabinet
Corporate Director	Glynn Barton, Chief Operations Officer
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Wards	Council-wide
Classification	For Decision and Recommendation to Council

### **Draft BCP Local Plan – Background**

1. The draft BCP Local Plan was considered and agreed for public consultation and submission to the Secretary of State at Cabinet on 13 December 2023 and by Council on 9 January 2024.
2. Following public consultation between 20 March and 3 May 2024 (Regulation 19), the draft Plan was submitted to the Secretary of State on 27 June 2024.
3. Examination Stage 1 hearings took place between 21 and 23 of January 2025. The hearings were to examine compliance with statutory procedures and legal compliance, including the Duty to Cooperate (DtC), housing needs and the housing requirement. Subject to the Plan being found sound at Stage 1 the Plan would proceed to Stage 2 where the rest of the Plan would be considered.
4. In the week commencing the 3 March 2025, the Council received a post hearing letter from the Inspectors which confirmed that they did not support the Plan. A copy of the letter has been published on the examination web site: [Bournemouth, Christchurch and Poole Local Plan & CIL Examination](#)
5. Paragraph 29 of the letter states, "On the basis of all the evidence before us, and for the reasons set out above, we therefore conclude that the Council has failed to engage constructively, actively and on an ongoing basis during the preparation of the Plan so far as it relates to the strategic matter of housing."

## BCP Council and Duty to Cooperate

6. The background to the DtC can be summarised as follows:
  - The Government determined that the standard method for calculating housing need would use 2014-based household projections, even though more recent projections were available.
  - In 2016, the Office of National Statistics (ONS) advised that Bournemouth was one of six towns that had a significant over-estimation of student emigration figures. This was adjusted by the ONS for its projections from 2016 onwards, but this meant that the 2014-based household projections were inaccurate.
  - Therefore, an alternative method was used by BCP Council as the National Planning Policy Framework (NPPF 2023) allowed an alternative approach where there were exceptional circumstances, which placed housing need at 1,600 homes per year. BCP Council could identify land for this amount of need and therefore there was no shortfall to be met by neighbours. DtC meetings therefore focused on other issues such as nutrient neutrality.
  - BCP Council held an advisory meeting with the Planning Inspectorate to discuss this issue and they advised that they felt that the Council would be better identifying a shortfall and discussing with neighbours, then relying on exceptional circumstances for an alternative approach.
  - This change in approach was the reason for the late identification of a shortfall
  - The Local Plan Inspectors were “not persuaded that there are ‘exceptional circumstances’ in BCP which justify an alternative approach to assessing housing need” (para.33 of the Inspectors letter). This matter could only be tested at the examination.
7. Paragraph 37 of the letter sets out the options now open to the Council: “In the light of the failure to adequately discharge the DtC [Duty to Cooperate], there are two options open to the Council, either to withdraw the Plan from examination or to ask that we write a report setting out our conclusions. The latter option would incur further expense, and the contents of our report would likely be very similar to this letter.”
8. Paragraph 31 of the Planning Policy Guidance (PPG) states that,

“As the duty to cooperate relates to the preparation of the plan it cannot be rectified post-submission, so if the Inspector finds that the duty has not been complied with they will recommend that the local plan is not adopted and the examination will not proceed any further. The most appropriate course of action is likely to be for the local planning authority to withdraw the plan and engage in the necessary discussions and actions with other relevant local planning authorities and bodies. In these circumstances the local planning authority will need to re-publish the revised plan for consultation before it is re-submitted for examination.”

## Options for the draft BCP Local Plan

9. There are limited options open to the Council. These have been set out by the Inspectors in their letter and paragraphs 7 and 8 above.
10. **Withdraw the Plan** (recommended to Cabinet and Council) - If the Council chooses to withdraw the Plan, the way becomes clear to focus resources on the

preparation of a new Local Plan. Note that if the draft BCP Local Plan had been supported at Stage 1 of the examination then it would have been challenging in terms of resources to undertake Stage 2 of the examination, consult on modifications and adopt the Plan at the same time as starting a partial review as required by Government.

11. If the Council support withdrawal of the BCP Local Plan, then a new LDS setting out the timetable for the preparation of a new Local Plan is needed. The updated LDS attached as Appendix 1 provides this. The LDS continues to be subject to the need for further clarification from Government and the publication of regulations and guidance for plan-making reforms, expected in Summer/ Autumn 2025.
12. The draft BCP Community Infrastructure Levy (CIL) Charging Schedule was submitted to the Secretary of State for examination on 27 June 2024. This was proposed to be a follow-on examination after the draft BCP Local Plan examination had been completed. However, if the Council supports withdrawal of the BCP Local Plan, it is recommended that the draft BCP Community CIL Charging Schedule is also withdrawn. This is because the draft CIL Charging Schedule is inextricably linked to the draft BCP Local Plan, its policies and evidence base. A new CIL Charging Schedule would need to be prepared.
13. **Ask that the Inspectors write a report setting out their conclusions** – The Inspectors have already indicated that this would incur further expense for the Council and the contents of their report would likely be very similar to the letter that has already received. Based on the reasons given by the Inspectors for not supporting the Plan, this option is not recommended.
14. **Do nothing** – The Council could choose to make no decision. However, there is a statutory requirement placed on all Local Authorities to have an up-to-date Local Plan in place and for the Local Planning Authorities to review their plans every five years. The Bournemouth Core Strategy (2012), Christchurch Core Strategy (2014) and Poole Local Plan (2018) are all older than 5 years and, as such, we have a statutory duty to produce a plan. This means that a 'do nothing approach' is not a viable option. It also does not provide key stakeholders such as the community, businesses and infrastructure providers with certainty about where development and investments should and will occur.

### **Next steps for a BCP Local Plan**

15. If Council decides to withdraw the draft BCP Local Plan from examination, a new LDS is needed to provide clarity on the timetable for the preparation of a new Local Plan.
16. The indicative timetable for the new Local Plan (Appendix 1) is based on the requirements in the Levelling Up and Regeneration Act (LURA) to produce a Local Plan within 30 months. Much of the detail on the plan-making reforms is still to be published and confirmed. In the absence of these details, the Planning Advisory Service has recommended using the details published under the 2023 consultation regarding the new system and this consultation has shaped the indicative timetable in Appendix 1.
17. The indicative timetable includes 3 assessment points, called Gateways to check on progress and to help address issues early in the process. Planning Inspectors

will likely be involved with at least 2 of these Gateway stages. The 30-month timeframe for plan preparation is triggered at Gateway 1.

18. Two formal stages of public consultation will be needed: visioning and strategy development (8 weeks) and response to a draft plan (6 weeks). However, in advance of these stages and Gateway 1, BCP Council intends to carry out early engagement to front load the process.
19. Significant changes and requirements will be needed for the new Local Plan, which will be considered under the NPPF December 2024. This includes mandatory Government housing figures (new standard method), assessment of Green Belt and new definition of 'Grey Belt'. The draft BCP Local Plan included 1,600 homes per year for 15 years (24,000). The new housing requirement will be almost 3,000 homes per year (45,000).
20. It is intended that robust early engagement will assist local communities in understanding what national policy requires of this new plan and enable them to influence where growth is to be planned.
21. The new Local Plan making process is expected to increase the use of digital tools and use of templates to support efficiencies and produce simpler, visual and accessible plans.
22. Until a BCP Local Plan is in place, current Local Plans where relevant and the Government's reforms are informing decisions as the revised National Planning Policy Framework is a material consideration in the Council's decisions on planning applications.

### **Local Development Scheme**

23. A draft LDS was considered by Cabinet on 5 March and subsequently submitted to Government as required on 6 March. This was submitted as a draft because this LDS had been prepared in advance of the Council receiving the letter from the Inspectors' examining the draft BCP Local Plan. The draft LDS considered in March was prepared on the basis that the Plan would be supported at Stage 1 and that the Council would carry out a partial review of the Plan to address the Government's new Plan making requirements e.g mandatory housing figures prepared using a new standard method of calculation and Green Belt review.
24. As the BCP Plan has not been supported at examination, subject to the Council's consideration and decision about whether to withdraw the Plan, the draft LDS needs to be updated to reflect the change in situation. It would no longer be a partial review of the Plan, but a completely new Local Plan reflecting the Government's new planning system.
25. The available options for Cabinet (not Council) to consider are:
  - i. To approve the draft LDS in appendix 1; or
  - ii. To approve the draft LDS in appendix 1 with changes; or
  - iii. To not agree the draft LDS in appendix 1.Options i) and ii) include submission of an updated LDS to Government.

## Statement of Community Involvement

26. Local planning authorities are required through the Planning and Compulsory Purchase Act 2004 (as amended) to produce a Statement of Community Involvement (SCI), which sets out how they will engage with communities on planning matters including preparation of local plans and planning applications.
27. BCP Council's SCI was adopted in September 2020: [Statement of Community Involvement | BCP](#). Local Planning Authorities are required to review their SCIs every five years from the adoption date.
28. It is important that SCIs are kept up to date to ensure effective community involvement at all stages of the planning process and to reflect any changes to engagement. A local planning authority may review and update their SCI at the same time as reviewing and updating a plan to reflect what action is taken to involve the community in any change to the plan.
29. Since it is close to five years since the adoption of the SCI and subject to the Council's decision to withdraw the draft BCP Local Plan, work will begin on a new Local Plan, it is therefore an appropriate time to update the SCI.
30. The updated SCI is a refresh of the 2020 document and includes primarily factual updates and deletions. These include:
  - a) Removal of reference to Covid-19
  - b) Removal of references to neighbour notification letters.  
(In February 2023, BCP Council agreed a budget for 2023/24. This included the implementation of £32.9m of savings from 1 April 2023. This included changes to our approach to consultation on planning applications).
  - c) Removal of reference and details relating to the Council's Corporate Strategy November 2019 and inclusion of details relating to the December 2024 Strategy.
  - d) Removal of reference to the Council's constitution July 2019 and inclusion of reference to January 2025.
  - e) Removal of reference to the Dorset Local Enterprise Partnership (LEP)
  - f) Removal of reference to Growth and Infrastructure unit.
  - g) Update of the General engagement and consultation principles in relation to inclusive engagement and consultation - with more specific ways that this will be done such as use of plain English.
  - h) Inclusion of reference to the Government's Planning Reforms.
  - i) Inclusion of reference to a revised Local Development Scheme in 2025.
  - j) Update to the reference to made/adopted Neighbourhood Plans.
  - k) Updated text relating to Specific and General consultation bodies.
  - l) Inclusion of reference to Environmental Outcome reports (under Sustainability Appraisal).
  - m) Other minor text updates.

31. The available options for Cabinet (not Council) to consider are:

- i. To approve the draft SCI in appendix 2; or
- ii. To approve the draft SCI in appendix 2 with changes; or
- iii. To not agree the draft SCI in appendix 2.

### **Summary of financial implications**

32. The budgetary implications of this report relate to the options above. Withdrawal of the BCP Local Plan would mean incurring no further costs on this Plan. Instead, costs would be focussed on a new Local Plan, making use of evidence wherever possible from the BCP Local Plan. The costs of asking the Inspectors to provide a report is unknown but this is likely to be significantly less than if their conclusions are subsequently challenged.
33. Initial assumptions have been built into the MTFP in respect to growth pressures and re-charging the Local Plan reserve.

### **Summary of legal implications**

34. The preparation of a Local Development Scheme and Local Plan are statutory requirements of the Planning & Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and Town and Country Planning (Local Planning) (England) Regulations 2012. The Local Plan must be prepared in line with relevant legislation as well as having regard to national planning policy and guidance.
35. Planning & Compulsory Purchase Act 2004 (as amended) requires the local planning authority to produce a Statement of Community Involvement (SCI) every five years.

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

36. N/A

### **Summary of sustainability impact**

37. The LDS sets out a timetable for the production of the Local Plan and in itself does not give rise to any impact upon environmental matters or climate change. The Local Plan has a comprehensive suite of assessments including Sustainability Appraisal and Habitats Regulations Assessment. The SCI is a refresh and update of the previous document and does not give rise to any impact upon environmental matters or climate change.

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

38. Implications will be considered as part of plan-making and decision-taking

## **Summary of equality implications**

39. Implications will be considered as part of plan-making and decision-taking.

## **Summary of risk assessment**

40. There is reputational risk associated with asking for an Inspectors' report and the doing nothing options, as these would cause delay and increase uncertainty for decision makers and developers.
41. The LDS, for which the timetables are being considered, will identify the risks to meeting the Local Plan milestones and sets out some mitigation to each risk. These risks will need to reflect some uncertainty about the yet to be published regulations and guidance for the new planning system moving forwards.
42. There is a reputational risk associated with not updating the SCI in a timely manner in accordance with planning legislation.

## **Background papers**

Planning Reforms and new Local Development Scheme (item 13 Cabinet 5 March 2025: [Welcome to BCP Council | BCP](#)).

National Planning Policy Framework 2024: [National Planning Policy Framework - GOV.UK](#)

## **Appendices**

Appendix 1 – Local Development Scheme

Appendix 2 – Statement of Community Involvement