

# **EXAMINATION OF THE BOURNEMOUTH, CHRISTCHURCH AND POOLE DRAFT LOCAL PLAN AND COMMUNITY INFRASTRUCTURE LEVY (CIL)**

## **PART 1 - MATTERS, ISSUES AND QUESTIONS**

**Inspectors: H Hockenhull BA (Hons) B.PI MRPTI and  
T Hatfield BA (Hons) MPLAN MRTPI**

**Programme Officer: Ian Kemp  
M: 07723 009 166  
Email: [ian@localplanservices.co.uk](mailto:ian@localplanservices.co.uk)**

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### **Introduction**

These matters, issues and questions relate to the examination of the Bournemouth, Christchurch and Poole (BCP) Local Plan (the Plan). All documents can be found on the examination webpage on the Council's website.

Further information about the examination, the conduct of the hearing sessions and the format of any further written statements is provided in the Inspectors' Guidance Note.

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### **Matter 1 – Compliance with statutory procedures and legal matters**

**Issue 1.1 – Has the Council met the statutory duty to cooperate as set out under Sections 20(5)c and 33A of the Planning and Compulsory Purchase Act 2004?**

#### Duty to Cooperate (DtC)

1. Are there any strategic matters as defined by S33A (4) of the Planning and Compulsory Purchase Act 2004, including any site allocations, that may have cross boundary implications?
2. If so, has the Council engaged constructively, actively and on an ongoing basis with all of the relevant authorities and prescribed bodies on the strategic matters' applicable to the Plan and have they been resolved? How has this engagement shaped the Plan?
3. Is this adequately evidenced by the Statement of Compliance with the DtC (SD9) and any supporting Statements of Common Ground (SsoCG)?

4. Does the evidence contained in the Statement of Compliance with the DtC, the Response to Inspectors Initial Questions (Exam 1b) and the associated SsoCG adequately demonstrate that the Council has met the DtC in accommodating unmet housing needs?
5. Why was the request to Dorset Council and New Forest District Council for assistance with unmet housing need made at such a late stage in the preparation of the Local Plan? What implications does this have in terms of cooperation and plan preparation?
6. Are there any 'strategic matters' on which the DtC has not been met? If so, what is the evidence to support this?

### **Issue 1.2 – Has the Plan been prepared in accordance with other legal and procedural requirements?**

#### Sustainability appraisal (SA)

7. Paragraph 32 of the Framework (2023) indicates that local plans should be informed throughout their preparation by a SA (SD5) that meets the relevant legal requirements. Is the SA methodology robust?
8. Are the key sustainability issues identified comprehensive and are they suitably reflected in the SA objectives and sub-objectives?
9. Does the SA adequately consider the likely significant effects of reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?
10. Have other reasonable alternatives been appropriately considered (for example in relation to housing growth) and have adequate reasons been given as to why these have not been selected?
11. Is it clear how the SA has informed judgements about future growth within the Plan and the choice of spatial strategy? Does it support the spatial strategy or is there anything in the SA which indicates that changes should be made to the Plan?
12. Overall, does the SA adequately assess the environmental, social and economic effects of the Plan in accordance with legal and national policy requirements?

#### Habitats Regulations Assessment (HRA)

13. Are Natural England's concerns relating to recreational impacts on the Dorset Heaths, as set out in their letter dated 26<sup>th</sup> April 2024 (representation 0040),

capable of being addressed?

14. The 'BCP Local Plan – Nutrient Neutrality Assessment' (SD6c) states that nutrient mitigation credits are available for around 5,000 of the planned 11,370 homes in the Poole WRC catchment. Will mitigation credits be available for the remaining homes that are planned?
15. Is it clear that the Local Plan will not lead to adverse effects upon Habitats sites due to changes in air quality?
16. Has the HRA otherwise been undertaken in accordance with the Regulations and is it robust?

#### Local Development Scheme (LDS)

17. Has the Plan been prepared in accordance with the Council's LDS?

#### Consultation

18. Has the Plan been prepared in accordance with the Council's Statement of Community Involvement (SD4) and statutory consultation requirements? Has all relevant and available evidence been made available for consultation, at the various stages of Plan preparation?
19. What evidence is there that representations submitted in response to the submission Plan have been taken into account as required by Regulation 18(3)?
20. Were adequate opportunities made available for participants to access and make comments on the Plan, and other relevant documents, in different locations and using different means both digital and non-digital?

#### **Other regulatory and procedural requirements**

#### Equality Impact Assessment and Public Sector Equality Duty ('PSED')

21. In relation to the Public Sector Equality Duty, we note that a 'Equalities Impact Assessment' was undertaken as part of the SA process (Appendix 3 of the SA dated January 2024). Are the positive and neutral impact findings of this assessment reasonable? Is it clear how the Plan seeks to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010, in relation to those who have a relevant protected characteristic?

#### Climate Change Policies

22. Does the Plan, taken as a whole, include policies designed to ensure

that the development and use of land in BCP contributes to the mitigation of, and adaptation to, climate change in accordance with Section 19(A) of the Planning and Compulsory Purchase Act 2004 (as amended)?

#### Strategic Policies, Neighbourhood Plans, Other SPDs

23. Does the Plan appropriately identify strategic policies and set an appropriate framework, and allow an appropriate role, for any neighbourhood plans that may be prepared in the Borough?
24. What existing and proposed Supplementary Planning Documents (SPDs) are there? What is the intended relationship of SPDs with specific policies in the Local Plan and what purpose will they serve? Is this clear and appropriate?

#### Superseded Policies

25. Does the Plan make it clear which policies of the adopted development plan it will supersede, as required by Part 4, paragraph 8(5) of the Regulations? Will the Council's Schedule of possible modifications (Exam 2a) make this clear?

## **Matter 2 – Housing Need and the Housing Requirement**

### **Issue 2.1 – Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to housing need and the housing requirement.**

26. Are there any 'exceptional circumstances' that justify an alternative approach to the standard method in assessing housing need, as per paragraph 61 of the Framework? Is a constraints-based approach justified in this case?
27. The Review of Housing Need (HOM1b) identifies a lower net migration trend in Bournemouth, Christchurch and Poole that is not reflected nationally. Does this analysis provide support for a housing requirement that is below the standard method?
28. Have all potential sources of housing supply been adequately assessed?
29. What implications would the proposed housing requirement have for the delivery of different types of homes, including affordable and family housing, and also for planned economic growth?
30. How does the Council propose to address its unmet housing need?
31. Overall, in light of the standard method calculation of housing need of 2,806 dwellings per annum, is Policy H1 of the Plan positively prepared, justified and consistent with national planning policy in setting a minimum housing target of 24,000 homes over the Plan period, an average of 1,600 homes per annum?