

## CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

**Decision Ref. No:**

**Responsible Officer:** Mark Axford, Principal Planning Policy Officer

**Subject:** Adoption of the Dorset Local Nature Partnership and Local Planning Authorities 'Planning Charter'.

**Decision taken:** Adopt the Dorset Local Nature Partnership Planning Charter.

**Reasons for the decision:** To establish a protocol between the Dorset Local Planning Authorities (LPA) including Bournemouth Borough Council and the Dorset Local Nature Partnership (LNP). This will commit, as set out in the Charter, both the LPA and LNP to a working relationship on Planning Policy preparation and Development Management decision making.

The Planning Charter is attached as Appendix 1 for information.

**Call-in and Urgency:** This decision is subject to the Council's Call-in procedures.

**Background:** The National Planning Policy Framework (NPPF) makes it clear in Paragraph 165 that LPAs should work with LNPs when developing planning policies and when making planning decisions. NPPF Paragraph 180 reiterates the Localism Act requirement for LPAs to plan strategically across boundaries through the 'Duty to Co-operate'. The NPPF states that LPAs should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with LNPs. The Localism Act specifically requires that LPAs must co-operate with those bodies identified as 'prescribed bodies' including the LNP.

The recently published National Planning Policy Guidance (NPPG) states that Local Nature Partnerships work strategically to help their local areas manage the natural environment and they are encouraged to work at a broader 'landscape scale'. Local planning authorities should seek opportunities to work collaboratively with Local Nature Partnerships to deliver a strategic approach to encouraging biodiversity.

Nature conservation and ecological considerations form a key part of plan making and decision making processes in particular in an area such as Dorset with its varied and important habitats and species.

Through the latter part of 2013 the LNP began to develop the Planning Charter in discussion with the Dorset Environmental Managers Group. It was agreed at the DEMG meeting of February 2014 that the LPAs across the County should adopt the Planning Charter.

The Planning Charter will commit the LNP to providing LPAs with relevant data and information that will enable good policy and decision making on major planning applications. The charter will commit the LPAs to have regular communication with the LNP in respect of emerging plans and major development proposals.

**Options - and reasons for rejection:** Two options are available, either adopt the Planning Charter or do not adopt the Planning Charter. It is proposed that the charter is adopted in order to engender good working practice and relationships with the LNP.

**Consultations undertaken:** The planning charter has been presented to the Dorset Environmental Managers Group which decided to adopt the charter. The charter has also been agreed as appropriate by parks and planning staff.

**Finance/Resource Implications:** No resource implications are identified, however future pressure on resources will depend on the type of feedback that is ultimately received from the LNP. Complex and contentious biodiversity issues raised by the LNP may generate additional workload for planning policy and development management officers.

**Name:** Liz Wilkinson  
**Date:** 03/04/2014

**Signature:**

**Legal implications:** The Localism Act 2011 specifically requires in section 33A that LPAs must co-operate with those bodies identified as 'prescribed bodies' including the LNP. No risks are identified apart from a limited possibility of additional pressure on resources.

**Name:** Tanya Coulter  
**Date:** 24/03/2014

**Signature:**

**Risk assessment:** No risk assessment has been carried out because this portfolio decision will not result in a change to council policy.

**Name:** Mark Axford  
**Date:** 16/04/2014

**Signature:**

**Impact Assessments:** No EINA or environmental assessment has been carried out because this portfolio decision will not result in a change to council policy.

**Information for/not for publication:** Information is for publication.

**Background papers:** The LNP Planning Charter is attached as Appendix 1.

Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
No			

\* Delete as appropriate

**Decision taken by:**

Councillor David Smith

Cabinet Portfolio for Planning and Environment

**Signed:**

**Date of decision:** 08/04/2014

Councillor Lawrence Williams

Cabinet Portfolio for Tourism, Leisure and Culture

**Signed:**

**Date of decision:** 14/04/2014

**Date of publication of record of decision:** 17/04/2014

**Date decision effective –** 28/04/2014

**APPENDIX 1**

# THE PROPOSED DORSET LOCAL NATURE PARTNERSHIP (LNP) & LOCAL PLANNING AUTHORITIES 'PLANNING CHARTER'

## 1. Introduction

Both the Local Nature Partnership [LNP] and the Local Enterprise Partnership [LEP] fully recognise that Dorset's natural, land and marine environment are of the highest quality and that new development has to be integrated within this environmental context. There are many areas of land and water that are designated as being of National and European value for nature conservation. This is in addition to other areas that are also of recognised landscape or other importance, within and adjacent to, the larger urban areas, smaller towns and coastal areas, as well as in the wider countryside.

Therefore, not only does the environment provide for a good quality of life for existing residents, but it is a major attractor for inward economic investment and business location. The natural environment also provides the focal point for many outdoor activities and watersports, that in themselves, make a significant contribution to the local economy through businesses delivering services to this sector of the visitor/tourism market, accommodation, transport and catering.

There is therefore mutual interest for the LNP and LEP in ensuring that new economic development and investment within the area is sustainable and respects the high quality environment within which it takes place. It is also essential that both organisations have good working relations with the Local Planning Authorities [LPAs], that all parties have a clear understanding of their respective roles and that both the LEP and LNP are given status, in the terms set out in the National Planning Policy Framework, [NPPF].

The Dorset LEP has adopted a 'Planning Charter' which includes the following statement:

*"We aim to deliver high quality sustainable development in a streamlined, consistent and collaborative way across Dorset. The key focus is on securing investment and business development to enable and support economic growth, as well as preserving and enhancing the natural and built environments and meeting the needs of communities through planning".*

This is a sentiment that is shared by the LNP, but it is also recognised that on occasions there may be differences in the balance of priorities between the two strategic partnerships. The LNP recognises the need for economic regeneration and that there are unemployment issues and skill development needs, that should be addressed if Dorset, Bournemouth & Poole are to have a prosperous future; but with full and proper regard being given to the natural resource base upon which these needs will be sustained in the long term.

## 2. Background to LNPs role in the planning process

The National Planning Policy Framework (NPPF) sets a clear expectation that Local Planning Authorities will work collaboratively on strategic planning priorities with LNPs, to enable the delivery of sustainable development; [Paras 165 & 180 refer]. The LNP is keen to forge a positive relationship with the LPAs in Bournemouth, Dorset and Poole which reflects the aims of the LNP,

as set out in its strategic plan. This will also help LPAs demonstrate that they have met their obligations to *'engage actively, constructively and on an ongoing basis'* as required by regulations introduced subsequent to the Localism Act and the 'Duty to Co-operate'. This is especially important in relation to Local Plan Examinations in Public where amongst other responsibilities, it is the role of the Planning Inspector to assess whether the plan has been prepared in accordance with the Duty to Cooperate, in order to help determine whether or not the plan is 'sound'. [Para 182 of the NPPF refers].

### **3. Developing a Shared Understanding of the LNP's role**

The LNP is committed to developing a shared understanding of its planning role with the LPAs and to agree a Planning Charter. In considering this role, a number of key points need to be highlighted, which are summarised below:

- Whilst the LNP is not a 'statutory consultee' in relation to planning matters, there are clear expectations under the NPPF, and requirements under 'Duty to Co-operate' Regulations, for it to be engaged in strategic planning issues. The onus is on LPAs to engage the LNP, which is keen to support LPAs in finding an effective and efficient means of achieving the appropriate level of cooperation through this Planning Charter.
- The LNP Board is able to make the collective experience and expertise of Board Members and partners available to the LPAs, as a source of advice and assistance with horizon-scanning, highlighting and addressing potential opportunities for, or barriers to, the achievement of planning objectives. The LNP is able to serve as a sounding board for a wide range of environmental interests and questions which may face LPAs in developing plans. Early engagement should be especially useful for all parties and will assist in finding solutions, before they become problems.
- It is recognised that early engagement with the LNP should not be seen as a substitute for consultation that LPAs must undertake with bodies which might also be involved in the LNP (Natural England, DWT, RSPB etc.), but it could help bring them together and give LPAs a clear steer on the strategic environmental dimensions of plans and projects at an early stage.
- It is not the intention of the Dorset LNP Board to review Local Plans and other policy documents in fine detail – rather it will seek to focus on broad strategic issues, such as the approach to sustainable development; identification of potential areas for sensitive growth; strategically significant development or infrastructure; and the environmental evidence-base used to inform plans and planning decisions.
- In keeping with this strategic role, unless there were exceptional circumstances, the LNP would be unlikely to express support for, or lodge objections to, particular proposals. In addition to other agencies and organisations, it may, however, give LPAs an assessment of the extent to which a plan or strategically significant project might contribute towards or conflict with, the shared vision set out in the LNP's strategy.
- The LNP recognises that different LPAs are at different stages in their plan preparation processes, but LPAs need to engage with the LNP, so

that it is well informed about the status of plans in Dorset and can make timely, appropriate inputs.

- Given the timescales for engagement and complexity of some strategic planning issues, the LNP Board will establish a Planning Sub Group to examine proposals and plans, which will report back to the full Board.
- The LNP will seek to act as a valued partner rather than as a bureaucratic hurdle.

#### **4. The Planning Charters**

The Local Enterprise Partnership has agreed its 'Planning Charter' with all of the Dorset Bournemouth & Poole Planning Authorities. The LNP Charter could sit alongside this and be guided by similar principles to the LEP Planning Charter, but with a different focus to reflect the different respective remits of the two strategic partnerships.

#### **Local Nature Partnership Planning Charter**

Given the different roles, the LNP Planning Charter takes a different form to that of the LEP, but aims to provide a consistent and complementary approach to that of the LEP but with:

- A clear focus on and commitment to the issues that lie within the LNP's remit and strategy, that are relevant to its planning role, i.e. nature and the wider environment.
- A clear statement of commitment from the LPAs, to reflect the specific role and interests of the LNP.

The LNP supports the early engagement and pre-application discussions by proposers of major development schemes, not only with Local Planning Authorities but also with statutory and other consultees and local communities. It also supports and promotes a consensual approach to the development of planning conditions and agreements, prior to applications being submitted, which can often overcome or satisfactorily mitigate/compensate environmental or indeed other concerns and lead to schemes being supported (perhaps with modifications), where otherwise they may not.

The LNP will not take the place of, or override the role of statutory and other consultees in respect of environmental matters and has no powers to direct any such organisation in its views.

#### **The LNP will commit to:**

- Taking a strategic overview of planning policies, statutory plans and major new development proposals, providing an informed view and guidance to Local Planning Authorities when their Local Plans and other planning documents are prepared and subject to consultation.
- Supporting Local Planning Authorities in defining sustainable development, identifying existing and potential ecological networks and policies for their improvement, and helping to ensure that their plans are based on an accurate and up-to-date environmental evidence base.
- Promoting creative approaches to overcoming traditional conflicts between economic and environmental objectives.

- Drawing upon and making available to LPAs, the knowledge, experience and expertise, within the constituent bodies of the LNP and its Board and when requested, to advise on the appropriate level of compensation measures, when 'Biodiversity Offsetting' is being negotiated with developers/planning applicants.
- Advising on opportunities for biodiversity gains, quality improvements and increased connectivity (the White Paper's 'bigger, better, more joined up' approach).

**The LPAs Commit to:**

- Undertaking regular and consistent communication and consultation with the Dorset Local Nature Partnership, in respect of emerging strategic and local plans, land allocations or major proposals for development or infrastructure.
- Ensuring that such consultation takes place early on in the planning process or when major developments are first proposed.
- Ensuring that when Local Plans have reached an advanced stage, the LNP is made aware of the strategic proposals and the stage which the plan has reached, towards formal adoption.
- Ensuring that the LNP's views have been sought on Local Plans, prior to Examination in Public by an independent Planning Inspector, in order to help ensure that the 'Duty to Cooperate in met, as required by the NPPF.
- Engaging with the concept of 'Biodiversity Offsetting' to secure financial or other compensatory measures where developments impact adversely upon the natural environment and ensure that robust mitigation measures are implemented.

**Simon Cripps - Chair Dorset LNP**

**Simon Williams - Planning Lead Dorset LNP**

**December 2013**