

**Dorset Council’s response to the examiner’s letter dated 16 March 2026 regarding new legal compliance and basic conditions.**

**31 March 2026**

Section 98(3) of LURA 2023 modifies Section 38B of PCPA 2004 by adding the following paragraph:

(2B) So far as the qualifying body considers appropriate, having regard to the subject matter of the neighbourhood development plan, the plan must—

(a) be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change, and

(b) take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area, including in particular—

(i) the areas identified in the strategy as areas which—

(A) are, or could become, of particular importance for biodiversity, or

(B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,

(ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and

(iii) the proposals set out in the strategy as to potential measures relating to those priorities.

There are two new requirements here, with (a) relating to climate change, and (b) relating to the local nature recovery strategy (LNRS). It should be emphasised that both are prefixed with “So far as the qualifying body considers appropriate....” While third parties (including the examiner) can take a view on whether these requirements have been met, the wording of the legislation appears to afford the qualifying body (QB) considerable latitude in terms of how they are discharged.

With respect to part (a) ‘climate change’, Dorset Council notes that Section 1.10 on page 17 of the submitted Neighbourhood Plan Review (NPR) covers the topic. It is clear from this section that the topic of climate change mitigation and adaptation has been thoughtfully considered, and that potential actions for how the issue can be tackled have been set out. In our view, therefore, this requirement is discharged.

With respect to part (b) ‘local nature recovery strategy’, we have some sympathy with the QB in that the Dorset LNRS was not published until December 2025, after the NPR was submitted for examination in November 2025. While this provision of LURA 2023 was on the statute books, there was no indication at that time that taking the LNRS into account would shortly become a legal requirement. Nevertheless, the Consultation Statement provides evidence that the LNRS was considered after the Regulation 14 consultation. On page 14 of the Consultation Statement, Sustainable Shaftesbury comment that there is no reference in the plan to the LNRS. The response from the QB is that the LNRS is still in development. The first paragraph on page 47 of the NPR discusses Shaftesbury being declared a “Nature Friendly Town” and references the “Green Wheel” project at Shaftesbury, which aims to create wildlife corridors into Shaftesbury. This project is also listed in the LNRS. In summary, therefore, we believe the QB has discharged this requirement as thoroughly as they could reasonably do so given the circumstances.

Section 99(3) of LURA 2023 modifies the Basic Conditions set out in paragraph 11(2) of Schedule A2 of PCPA 2004 with the following amendments:

(a) for paragraph (c) substitute—

“(ca) the making of the plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the draft plan were not to be made.”;

(b) after paragraph (d) (but before the “and” at the end of that paragraph) insert—

“(da) any requirements imposed in relation to the plan by or under [Part 6](#) of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with.”.

The new basic condition (ca) replaces (c), which stated: “the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).” It could be considered that basic condition (ca) is effectively a narrower version of former basic condition (c). As delivery of housing numbers is a strategic matter, there are probably few situations where a NP could be in general conformity with strategic policies, but also result in less housing coming forward than otherwise planned for. The submitted NPR refers to the existing Local Plan spatial strategy, existing planning consents, and makes a small number of new housing site allocations. It argues that it is meeting its current housing target. In Dorset Council’s response to the Regulation 16 consultation, we expressed some concerns regarding what we saw as the restrictive nature of draft Policy SFHE1. In particular, while we acknowledged that Shaftesbury had seen a lot of housing growth in recent years, we highlighted that there was a pressing need to find additional housing

sites to meet the latest local housing need (LHN) figure for Dorset. Decisions of how the LHN will be met will be made in the emerging Dorset Local Plan. Our concern here was that while strictly speaking the NPR was in general conformity with the adopted local plan, phrases such as “sufficient land has been identified” were liable to be misleading given the significant shortage of deliverable housing sites across Dorset. In light of the new basic condition, we consider our Regulation 16 comments on Policy SFHE1 to be still pertinent.

With regards to the new basic condition (da) “environmental outcomes reports”, as the examiner notes, until the framework is in place for these reports, it is not possible to assess compliance with this condition.

We trust that the examiner finds our comments on these amended legal requirements to be helpful. We will be happy to answer any further questions the examiner might have.