



# COTSWOLD DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET - 1 JUNE 2020</b>
Report Number	<b>AGENDA ITEM (8)</b>
Subject	<b>A REVIEW OF THE ADOPTED COTSWOLD DISTRICT LOCAL PLAN (2011 to 2031)</b>
Wards affected	ALL
Accountable member	Cllr. Rachel Coxcoon - Cabinet Member for Planning Policy, Climate change and Energy Email: <a href="mailto:Rachel.coxcoon@cotswold.gov.uk">Rachel.coxcoon@cotswold.gov.uk</a>
Accountable officer	James Brain, Forward Planning Manager Tel: 01285 623549 Email: <a href="mailto:james.brain@publicagroup.uk">james.brain@publicagroup.uk</a>
Summary/Purpose	To set out of the matters influencing the need to update the Council's adopted Cotswold District Local Plan.
Annexes	Annex A - PAS Toolkit Part 1: Local Plan Review Assessment Annex B - PAS Toolkit Part 2: Local Plan Form & Content Checklist Annex C - Cotswold District Local Plan Policy Review
Recommendation/s	<i>That Cabinet:</i> <i>(a) notes the findings of the Review (Annex A, B and C); and</i> <i>(b) considers options 1, 2 and 3 as set out in this report and recommends its preferred option to Council.</i>
Corporate priorities	To address the Council's commitment to review the adopted Cotswold District Local Plan.
Key Decision	YES
Exempt	NO
Consultees/ Consultation	None

## 1. BACKGROUND

- 1.1. Legislation and government guidance mandate that, to be effective, development plans need to be kept up-to-date. The National Planning Policy Framework (the Framework) and the National Planning Practice Guidance (the Guidance) require all English local planning authorities to review their respective adopted Local Plans within five years of adoption. The review process is a method to ensure that a local plan and its policies remain effective<sup>1</sup>; it is also the mechanism that determines and triggers whether a Council should update its adopted Local Plan.
- 1.2. The Council is also required to keep up to date its Statement of Community Involvement (SCI) and Local Development Scheme (LDS). The Cotswold District Council SCI and LDS were last updated in September 2014<sup>2</sup> and June 2017<sup>3</sup>, respectively.
- 1.3. Whilst a review could theoretically conclude that a local plan does not require updating, the government states that “Most plans are likely to require updating in whole or in part at least every 5 years”<sup>4</sup>. Guidance states that councils will not necessarily need to revise their entire plan and may publish a list of policies they will update and which policies they consider do not need updating.
- 1.4. Policies and evidence will age at different rates according to local circumstances and a local plan does not become out-of-date automatically after five years. The Guidance identifies factors (see list below) to consider when determining whether a plan should be updated. This is not an exhaustive list.
  - conformity with the Framework;
  - changes to local circumstances such as a change in Local Housing Need;
  - the Council’s Housing Delivery Test performance;
  - whether the Council can demonstrate a five year supply of deliverable sites for housing;
  - whether issues have arisen that may impact on the deliverability of key site allocations;
  - planning application appeals performance;
  - success of policies against indicators in the Development Plan as set out in the Council’s monitoring reports;
  - the impact of changes to higher tier plans;
  - plan-making activity by other authorities (e.g. Duty to Cooperate), such as whether they have identified that they are unable to meet all their housing need;
  - significant economic changes that may impact on viability; and
  - whether any new social, environmental or economic priorities may have arisen.

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<sup>1</sup> PPG Plan Making Chapter - Para: 064 Ref ID: 61-064-20190315 ([www.gov.uk/guidance/plan-making](http://www.gov.uk/guidance/plan-making))

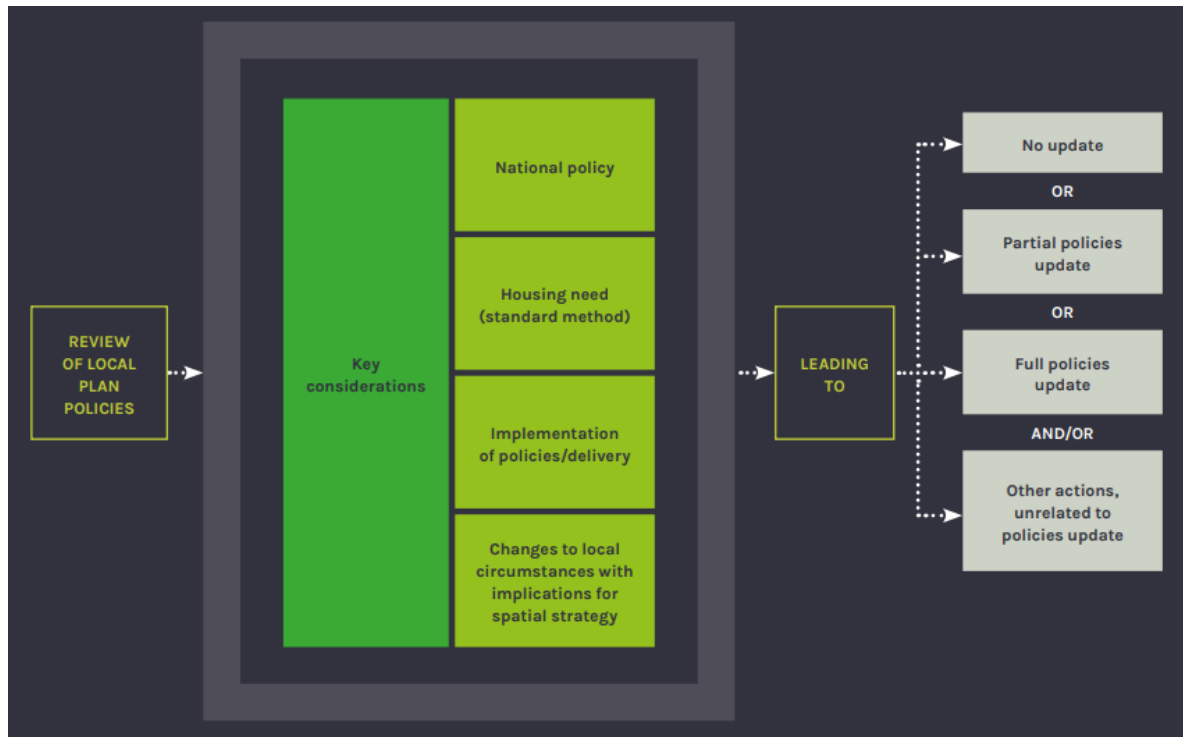
<sup>2</sup> <https://www.cotswold.gov.uk/media/cwrfkbyc/statement-of-community-involvement-2014.pdf>

<sup>3</sup> [www.cotswold.gov.uk/media/qmnabhas/local-development-scheme.pdf](http://www.cotswold.gov.uk/media/qmnabhas/local-development-scheme.pdf)

<sup>4</sup> PPG Plan Making Chapter - Para: 062 Ref ID: 61-062-20190315 ([www.gov.uk/guidance/plan-making](http://www.gov.uk/guidance/plan-making))

## 2. THE REVIEW

- 2.1. A review identifies which policies may need updating for the purposes of decision making or where circumstances may have changed and whether or not policies in the plan continue to be effective in addressing the specific local issues that are identified the Local Plan. The conclusions of a review will help to establish if an update is required and, if so, the scale and extent of the update required. The following diagram provides a useful illustration of the process:



- 2.2. A review of the adopted Local Plan has been completed. It is made up of three documents - see ANNEX A, B and C - collectively known at 'the Review'.
- 2.3. The Review concludes that a partial update of the adopted Cotswold District Local Plan is required. No policy has been found to be significantly out of date for the purposes of decision making at the time of writing, instead the Review has identified the need to update parts of a policy and / or supporting policy text to ensure the Local Plan continues to be effective over the plan period (to 31 March 2031).
- 2.4. There are four factors influencing the need to update the Local Plan:  
A) Consistency with the Framework and the Guidance
- 2.5. National policy and guidance recognise that policies age at different rates according to local circumstances and a local plan does not become out-of-date automatically after five years. The High Court clarifies that the passage of time is not sufficient to conclude that a policy is out-of-date, but the question is whether or not the passage of time has led to the policy being overtaken by events<sup>5</sup>.

<sup>5</sup> Peel Investments (North) Ltd vs Salford City Council. Para 61 (May 2019)  
[www.bailii.org/ew/cases/EWHC/Admin/2019/2143.html](http://www.bailii.org/ew/cases/EWHC/Admin/2019/2143.html)

- 2.6.** The Review, and in particular ANNEX A, provides detailed commentary and assessment of factors and events influencing an update. Taken together the Review concludes that the policies of the Local Plan remain consistent with national policy and guidance. For example, the development strategy is currently proving robust and rates of land supply and delivery are above target and relevant policies for the supply of housing are withstanding challenges through the Development Management process, e.g. Section 78 planning appeals.
- 2.7.** Be that as it may, the Review concludes that certain policies should be updated and / or would benefit from being updated to aid conformity with national policy and guidance; ANNEX C provides useful commentary in this regard.

#### B) Local Housing Need and Supply

- 2.8.** The review process requires local planning authorities to consider whether there has been a significant change in local housing need numbers from that specified in the adopted Local Plan. The Review (ANNEX A) provides detailed discussion on the topic. It observes that the government's Standard Method for Calculating Housing Need (the Standard Method<sup>6</sup>) increases the Council's annual housing need to 490 per annum, up from 420 per annum.
- 2.9.** Whilst the Council continues to demonstrate a robust Five Year Housing Land Supply (5YHLS)<sup>7</sup>, which is predicted to increase over the next two years, the Standard Method is forecast to affect the Council's ability to maintain a 5YHLS from August 2023. The Review indicates that a modest supply of additional housing land is required to ensure the Council maintains an enduring 5YHLS and ensure sufficient supply over the remaining plan period. The Review concludes that the effect of the Standard Method on the Development Strategy is not significant as modest measures can be made to rectify any potential shortfall in the plan period.

#### C) Economic Conditions

- 2.10.** Local Plan policies S3 (Cirencester Central Area Strategy), EC7 and EC8 require revision to reflect the changing nature of town centres. Policy EC9 should also be revised to include leisure and office proposals, as out-of-centre development of this type could have a negative impact on any revised strategic approach to town centres.
- 2.11.** Although not discussed in the Review, the spread of Covid-19 has now been classified as a global pandemic and it is now affecting the UK and global economies. The scale and extent of the impact is significant. The UK government has directly intervened and has so far announced £330 Billion of financial aid (equivalent to 15% of the UK's annual Gross Development Product) to support UK businesses; the government has stated that additional financial support will be provided if necessary. The Council, as part of its review, may wish to revise existing economic planning policies in light of the economic emergency and explore new planning measures that it might not ordinarily be considered. Officers

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<sup>6</sup> National Planning Practice Guidance: Housing and Economic Needs Assessment.  
[www.gov.uk/guidance/housing-and-economic-development-needs-assessments](http://www.gov.uk/guidance/housing-and-economic-development-needs-assessments)

<sup>7</sup> Housing Land Supply Report (May 2019) [www.cotswold.gov.uk/media/avohqt0m/1205-housing-land-supply-report-may-2019.pdf](http://www.cotswold.gov.uk/media/avohqt0m/1205-housing-land-supply-report-may-2019.pdf)

await the forthcoming Planning White Paper which may provide a steer in this regard.

D) Corporate Strategy

- 2.12. Applied correctly the Local Plan provides the spatial framework for delivering the Council’s ambitions. Since the adoption of the Local Plan a new Corporate Strategy has been adopted and it introduces five new priorities all of which have a spatial component. The most significant of these are the requirement to make the Local Plan green to the core and to deliver more social rented affordable homes.
- 2.13. The Local Plan’s vision, objectives and spatial strategy remain ‘fit for purpose’ and changes can be made to policies to re-emphasise council priorities.

Conclusion

- 2.14. The Review concludes that certain policies should be updated and / or would benefit from being updated to aid conformity with national policy and guidance, to reflect changes to local and national strategic priorities (e.g. the amendments to the Climate Change Act 2008); and to reflect recent updates to evidence.
- 2.15. The policies that have been identified as needing to be updated (see table below) largely fall into two categories, spatial policy (e.g. Cirencester Town Centre) and Development Management policies (e.g. design, retail, etc.); most fall into the latter category. Some of these policies will impact other dependent policies, which will require modifications as well; not all are listed below. The Review also anticipates new policies will also be required to address matters such as the climate emergency.

<b>Policy Theme</b>	<b>Local Plan Policies</b>
<b>Plan Making</b>	Issues, S1, DS1, DS2, S4 to S19, Appendix J and K
<b>Housing</b>	H1, H2, H4, H5
<b>Economy</b>	EC6, EC7, EC8, EC10, EC11
<b>Town Centres</b>	S3
<b>Environment</b>	EN7, EN8, EN12, EN13
<b>Design</b>	EN2, Appendix D
<b>Infrastructure</b>	INF1, INF2, INF3, INF7, INF9, INF10, SA1 to SA3, Appendix F

- 2.16. The act of carrying out a Review does not mean that these policies are immediately out-of-date, rather the Review is a proactive process that seeks to mitigate issues before the horizon comes into full focus. The Review and the Development Management process demonstrate that the Local Plan continues to provide a sound and robust starting point for determining planning applications.
- 2.17. There are other policies not listed in the table that do not individually represent a significant issue to justify updating the Local Plan. However, should the Council decide to update the Local Plan this presents an ideal opportunity to make textual and typographical changes to improve the clarity of policies and assist the Development Management process.

- 2.18.** The Framework makes clear that the planning system should be genuinely plan-led and that plans should be kept up-to-date. It is within this context that the Council should update its Local Plan and avoid the alternative approach of the Development Management / appeal-led system. Options available to the Council are discussed below.

### **3. UPDATING THE COTSWOLD DISTRICT LOCAL PLAN – THE OPTIONS**

- 3.1.** This section of the report identifies three options that officers believe are currently open to the Council:-

Option (A): Do not update the Local Plan at this stage;

Option (B): Undertake a partial update of the Local Plan as identified in the ANNEX A. This option only focusses on those issues that need modification within the plan period (to 2031) and does not invite consultation and examination on matters beyond the plan period; or

Option (C): Undertake a more comprehensive update of the Local Plan, which would include extending the plan period to 2041 and consequently include an update of strategic policies in addition to policies identified in ANNEX A.

- 3.2.** The benefits and disadvantages for each option are set out below.

#### OPTION A: Benefits

- 3.3.** Although the Review concludes that an update is required, the Council could choose to delay the update to a later date, as the issues are not affecting decision making in the short term. In this scenario the Council would choose to delay an update until issues begin to affect the Development Management process. The cost of updating a Local Plan would be deferred in the immediate / short term.

#### OPTION A: Disadvantages

- 3.4.** Choosing to delay an update would mean foregoing the opportunity to modify the Local Plan before nationally prescribed policies and methodologies affect the Council's ability to promote plan-led development. It would also mean delaying new / revised planning mechanisms to assist the delivery of new corporate priorities.
- 3.5.** From August 2023, the Framework requires the Council to apply the government's standard methodology for calculating housing need (the standard methodology) instead of its adopted housing requirement (Policy DS1: Development Strategy<sup>8</sup>). Housing land supply forecasts indicate that the Council will find it increasingly challenging to maintain a five year housing land supply from 2023 as a result of having to employ the standard methodology.
- 3.6.** Cost avoidance in the short term will affect the Council's ability to proactively respond to known issues. It might impede the Council's ability to work collaboratively with Gloucestershire partners to commission Gloucestershire wide studies, which continue to demonstrate cost savings when compared to

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<sup>8</sup> Interactive Local Plan – select tab titled “6 Local Plan Strategy”

<https://cotswold.maps.arcgis.com/apps/MapSeries/index.html?appid=885eb94398bf4819b17bd66d64275e59>

commissioning work separately. A delay to updating the Local Plan might incur additional cost to ensure already commissioned countywide evidence remains up-to-date at point of submission. However, this is a particular hazard of plan making and issues such as changes to national policy and guidance can affect the underlying assumptions and methodology regardless of the option chosen. In this regard the Council will need to be mindful of the government's emerging Planning White Paper and future updates to the standard methodology<sup>9</sup>.

- 3.7.** The inability to demonstrate a robust housing land supply position will place greater pressure on the Council to approve applications that actively seek to meet any shortfall in housing supply. Depending on the Council's response, this may increase the prevalence of section 87 appeals (planning appeals).

#### OPTION A: Conclusions and Recommendation

- 3.8.** There is a clear case for updating the Local Plan and to begin this process now. Therefore, officers do not recommend this approach.

#### OPTION B: Benefits

- 3.9.** Option B narrows the focus on to those policies that need, or would benefit from, an update. A partial update is likely to be more cost and time effective than Option C. This approach provides the quickest route to providing a spatial response to delivering corporate priorities and it provides a timely opportunity to modify policies to respond to known issues before they begin to take effect.
- 3.10.** Evidence used to support a partial update will help inform a more comprehensive update in the latter half of the 2020s.
- 3.11.** This approach is supported by the government who are steering local planning authorities to undertake partial updates as part of its drive to ensure local plans remain up-to-date; local planning authorities can even choose to review and update specific policies on an individual basis.

#### OPTION B: Disadvantages

- 3.12.** National policy requires that strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. At adoption the Council could only demonstrate 13 years.
- 3.13.** Option B is out of step up with the Council's local planning authority partners across Gloucestershire who are all updating their respective local plans to 2040 (Stroud) or 2041 (Joint Core Strategy (JCS) authorities and the Forest of Dean). It would also be out of step with the emerging Gloucestershire Statement of Common Ground that seeks to align plan making and plan periods across Gloucestershire to assist the coordination of strategic scale development and the provision of infrastructure.

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<sup>9</sup> Recently published 2018 mid-year population estimates show that Cotswold District has the tenth highest projected population growth between mid-2018 and mid-2028 in England. The authority will go by an estimated 12,500 people by 2028. It is unclear at this stage how this will be factored in the revised standard method but it is likely this will increase housing need further still.  
<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/bulletins/subnationalpopulationprojectionsforengland/2018based>



### OPTION B: Conclusions and Recommendation

- 3.14.** The Review concludes the strategic policies remain fit for purpose and therefore a full update of the Local Plan is not considered necessary at this stage.
- 3.15.** The Review recognises the Local Plan falls short of the recommended 15 years' horizon for strategic policies. However, the Framework does not have the force of statute. The Review concludes that a full update of strategic policies so soon after adoption is not a proportionate response and is not required at this stage.
- 3.16.** Option B places the Council out of step with its Gloucestershire partners. However, there are specific factors influencing plan making in other parts of the county. The Joint Core Strategy (JCS) authorities<sup>10</sup> have been instructed by the Planning Inspectorate *to undertake an immediate partial review on the basis that it is in the Public's interest to have an adopted Plan in place as soon as possible to reduce continuing ad-hoc, unplanned development*. An update to the JCS has now begun. Stroud District Council (SDC) is geographically linked to the JCS authorities as demonstrated by their Statement of Common Ground with Gloucester City<sup>11</sup>. SDC are at an advanced stage in their local plan update and are working collaboratively with the JCS authorities to collectively meet needs arising in the Severn Vale area. Lastly, the Forest of Dean's (FOD) Core Strategy provides strategic policies up to 2026 and therefore it has become necessary for FOD to update their Core Strategy, a process which they have commenced.
- 3.17.** These factors are not applicable to Cotswold District; neighbouring authorities are not seeking to meet their needs in Cotswold District and the Council's Local Plan is delivering against the District's needs and has many years before the end of the plan period.
- 3.18.** Overall, Option B provides a proportionate response to the issues identified in the Review. It only seeks to respond to and remedy matters that need attention within the plan period and it does not focus on strategic matters beyond the plan period (2031) at this stage. It provides the quickest route to making the "Local Plan green to the core" and to embed climate emergency measures and considerations at a local level, in accordance with the priorities set out in the Council's Corporate Strategy.

### OPTION C: Advantages / Benefits

- 3.19.** Extending the plan period to 2041 would align with Gloucestershire local planning authority partners who are all extending their plan periods to 2040 or 2041. It demonstrates a commitment to partners that the Council is putting in place a programme of work to deliver future needs identified in the soon to be published Gloucestershire Local Housing Needs Assessment and the Gloucestershire Economic Needs Assessment.
- 3.20.** Option C begins the process of identifying strategic scale development to meet needs arising in the 2030s. Experience of the process both locally and nationally demonstrates that it can take many years (almost a decade) from inception before

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<sup>10</sup> Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council

<sup>11</sup> JCS Inspector's Report (Paragraph 269). The Inspector notes that the statement provides a tool for exploring the possibility of housing land supply in Stroud contributing to the JCS authorities' needs <https://www.jointcorestrategy.org/news/inspector-issues-final-jcs-examination-report>



earth is broken on very large development sites. The earlier the Council starts this process the better it is able to work with communities to guide development needs and also demonstrate a sound and enduring development strategy.

- 3.21. The approach would ensure the Local Plan conforms with the Framework, which requires local planning authorities to have a minimum 15 year plan from adoption.

#### OPTION C: Disadvantages / Risks

- 3.22. Option C would engage a deeper update of the Local Plan and its supporting evidence base. This is likely to be the most costly approach of all the options and it will also take longer to draft and produce when compared to option B. Option C is not as agile as Option B, which is better able to respond to known issues in a more timely fashion and therefore reduce the risk of events overtake the plan making process.

#### OPTION C: Conclusions and Recommendation

- 3.23. The Review concludes that the Local Plan remains robust as it provides a sound starting point for determining planning applications. The rationale used by other Gloucestershire authorities to undertake a more fundamental update of their local plans / core strategies is not directly comparable with Cotswold. Together, these factors do not indicate that a more comprehensive update is required and Option C does not represent a proportionate response at this time.

#### Conclusions

- 3.24. Option B provides a proportionate response to the known issues and it is largely consistent with provisions contained within the Framework. It directly targets known issues before they begin to affect the Council's local planning framework. A partial update can be delivered in a far more timely manner by virtue of the fact that it only focusses on those matters that need updating.
- 3.25. The same rigour has to be applied in terms of the test of soundness and the application of national policy and regulation regardless of the scale of the review. Both options would resolve issues such as the Framework's requirement to make clear which are strategic and non-strategic policies.
- 3.26. Although not discussed in any level of detail it is likely that the Council's Community Infrastructure Levy will need to be updated in parallel with a local plan update to reflect the latest viability evidence.

## **4. FINANCIAL IMPLICATIONS**

- 4.1. There are financial implications associated with preparing and updating a Local Plan. The costs can be considered against a number of discrete parts:
- **Updating the evidence base** – includes costs associated with consultants and the commissioning of studies.
  - **Policy writing** – includes legal and specialist expertise input to help shape the emerging plan and review all supporting documents.
  - **Undertaking the Regulation 18 and 19 formal consultations** – includes costs associated with managing the Council's local plan consultation database and interactive consultation system, procuring consultants (where

required) to help run the consultation and other activities such as venue hire, printing of materials, etc.

- **Preparation of the publication/submission plan** – includes specialist expertise input to ensure that the development strategy remains robust in light of comments received. If it does, then there would be costs associated with making any final amendments to the plan and associated documents, and printing of all documents for submission to the Secretary of State. If it does not, then a further targeted Regulation 19 consultation would be required.
- **Examination, adoption and legal challenge** – includes costs associated with hiring an independent Planning Inspector and a Programme Officer to support them. There would also be costs associated with having specialist consultants (where appropriate) to represent the Council, including specialist barristers. Members of the public are free to legally challenge the adoption of a local plan within a set timeframe, should the Local Plan be legally challenged this is likely to incur additional costs.

- 4.2. Expected costings for the Local Plan update have been considered as part of the Council's future budget setting process. A figure of £850,000 has been earmarked in the Council's Medium Term Financial Statement (2020/21) to deliver an update of the Local Plan, which includes delivering a masterplan for Cirencester Town Centre. However, and subject to Council's decision on the extent of the update, a partial update is unlikely to require the same breadth of supporting evidence as a full local plan update. Therefore, Officers anticipate that costs will be less than the figure earmarked in Council's Medium Term Financial Statement. Requests for drawdown of funding will be considered by the Cabinet and / or Council in line with the requirements of the Council's Financial Rules in due course.
- 4.3. Subject to Council's decision on the extent of the update, a further paper will be presented to the Cabinet that seeks approval of the project plan (Local Developer Scheme) and community engagement (Statement of Community Involvement). This will also provide the opportunity to examine the timetable of work, expected project costs and any request for drawdown of funding for the remaining 2020/21 period.
- 4.4. A concerted effort is being made to coordinate evidence gathering across Gloucestershire in response to the Framework's requirement for far greater co-operation between neighbouring authorities and also to reduce the financial burden of plan making. Additionally, the Council is working closely with Cirencester Town Council to deliver a masterplan for Cirencester Town Centre. Opportunities are being explored to co-commission work to the benefit of the Masterplan / Local Plan and the Cirencester Neighbourhood Development Plan. Opportunities are also being investigated within Publica to pool expertise to deliver evidence in-house and jointly commission work with West Oxfordshire District and Forest of Dean District Councils.

## Timescales

- 4.5.** In terms of timescales and project management, a Local Development Scheme will need to be published. This will set out the main local plan making milestones and dates. The timetable is subject to periodic review and milestones may change if, for example, significant additional issues are identified through the consultation process and/or the review of the Council's evidence base. This will be kept under review by the Local Plan Programme Board.
- 4.6.** The following table provides an indicative timetable in advance of the Local Development Scheme. However, this has not been subject to the rigours of the project management system and it does not factor in the effects of the Covid-19 emergency. A Local Development Scheme will be presented to Cabinet later this year.

<b>DATE</b>	<b>STAGE</b>
<b>April 2020 to December 2021</b>	Local Plan preparation (Regulation 18 stage)
<b>July 2022</b>	Local Plan publication consultation (Regulation 19 stage)
<b>December 2022 to June 2023</b>	Submission and Examination in Public
<b>July 2023</b>	Inspector's Report
<b>August 2023</b>	Adoption

## **5. HUMAN RESOURCE IMPLICATIONS**

- 5.1.** The Forward Planning team is central to the delivery of two corporate tasks, 1) a review of the adopted Local Plan; and 2) Cirencester Town Centre Masterplan. There is an expectation that both will be delivered in a timely and cost efficient manner.
- 5.2.** The local plan making process employs a project management approach that actively monitors the time, cost and quality. This helps to anticipate risks and costs early in the process aid transparency and it will also help to ensure an appropriate level of resource to deliver the refreshed plan. Any additional funding requirement will come out of the provision within the MTFs for the refresh of the Plan.
- 5.3.** Senior Publica officers have requested that a saving of approximately £100,000 be made in the 2020/21 financial year across the three Forward Planning teams. Publica Business Managers are investigating options to increase productivity and reduce revenue costs.

## 6. LEGAL IMPLICATIONS

- 6.1. Local planning authorities must review local plans at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community<sup>12</sup>. The Review, at Annex A, B and C, discharges this duty.
- 6.2. Local Plans are required by planning and environmental legislation to contribute proactively to meeting national and international climate emergency commitments. This is an imperative; a point highlighted in a recent landmark ruling<sup>13</sup> over plans to build a third runway at Heathrow Airport. The Court of Appeal ruled the proposal did not adequately take into account the government's commitments to tackle the climate emergency.
- 6.3. Covid19 and the resulting social isolation that members of the public are being asked to follow will affect the ability to operate formal public consultations. Regulation 35 of the Local Planning Regulation 2012, sets out the how documents should be made available during the latter stages of the plan making process – it requires the local authority to make available both physical and digital copies. Unlike the latter stages, the first regulatory consultation stage, often referred to by town planners as Regulation 18 or “preparation of a local plan”, does not engage regulation 35 and therefore there is no explicit requirement on how local authorities should make documents available for inspection during a regulation 18 consultation.
- 6.4. The Council's Statement of Community Involvement sets out how the council intends to engagement local communities, businesses and organisations on plan making activities; this will be updated later this year to support the local plan update. Subject to appropriate advertisement and social distancing measures, the Council should be confident to hold a Regulation 18 consultation later this year even with partial lockdown measures still in effect.

## 7. RISK ASSESSMENT

- 7.1. A failure to address known issues will increase the likelihood of the Council not being able demonstrate a fully up-to-date Local Plan from August 2023. The Review identifies several matters that will affect its status, including the need to address climate emergency commitments, increase social rented housing and demonstrate a deliverable supply of housing land in the short term and over the plan period.

### Planning for the Future / Planning White Paper

- 7.2. The government has published a paper titled *Planning for the Future*<sup>14</sup>; this is a precursor to the government's *Planning White Paper* that is expected in spring

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<sup>12</sup> Planning and Compulsory Purchase Act 2004 [www.legislation.gov.uk/ukpga/2004/5/contents](http://www.legislation.gov.uk/ukpga/2004/5/contents) & The Town and Country Planning (Local Planning) (England) Regulations 2012 <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

<sup>13</sup> Plan B Earth vs SoS for Transport (Feb 2020) [www.judiciary.uk/wp-content/uploads/2020/02/Heathrow-judgment-on-planning-issues-27-February-2020.pdf](http://www.judiciary.uk/wp-content/uploads/2020/02/Heathrow-judgment-on-planning-issues-27-February-2020.pdf)

<sup>14</sup> Planning for the Future (MHCLG, March 2020) [www.gov.uk/government/publications/planning-for-the-future](http://www.gov.uk/government/publications/planning-for-the-future)

2020. A key tenet is to *ensure that communities make land sufficiently available to deliver homes in the right places.*

**7.3.** The government may *intervene where local authorities fail to meet the deadline [of having an up-to-date local plan by December 2023] in accordance with the existing statutory powers, considering appropriate action on a case by case basis.*

**7.4.** The Council will find it increasingly more challenging to demonstrate an up-to-date housing land supply position from August 2023 onwards. This would be at the same time the government expects all English local planning authorities to have an up-to-date local plan. Commencing an update of the Local Plan now will help to ensure compliance with expected government requirements.

#### Resources

**7.5.** The delivery of a Local Plan update is dependent on adequate resources being available. Project delivery will be monitored by the Local Plan Programme Board. The Covid-19 pandemic may affect plan making in the short term if resources are moved to essential Council services and activities.

### **8. EQUALITIES IMPACT (IF REQUIRED)**

**8.1.** Not required at this stage.

### **9. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)**

**9.1.** The Council has declared a climate emergency which commits the Council to prepare an action plan to show how it will support the District to become carbon neutral. The Council has also committed to make the Local Plan green to its core. An update to the Local Plan will directly support local communities and businesses to mitigate and adapt to climate change.

### **10. ALTERNATIVE OPTIONS**

**10.1.** The alternative is to not review the adopted Cotswold District Local Plan (2011 to 2031) until the fifth anniversary of its adoption in August 2023.

### **11. BACKGROUND PAPERS**

**11.1.** None

(END)