



COTSWOLD DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET - 2 NOVEMBER 2020
Report Number	AGENDA ITEM 7
Subject	PARTIAL UPDATE OF THE ADOPTED LOCAL PLAN – A PLANNING REFORM UPDATE
Wards affected	ALL
Accountable member	Cllr Rachel Coxcoon Cabinet Member for Planning Policy, Climate Change and Energy Email: Rachel.coxcoon@cotswold.gov.uk
Accountable officer	James Brain, Forward Planning Manager Tel: 01285 623549 Email: james.brain@cotswold.gov.uk
Summary/Purpose	To report on the project to partially update the Cotswold District Local Plan within the context of the government's planning reform white paper and expected changes to government planning policy and guidance. The report also covers governance arrangements, the Council's Statement of Community Involvement and expected local plan making costs.
Annexes	Annex A - SWOT analysis of maintaining the existing Local Plan work programme Annex B - Local Plan Programme Board Terms of Reference Annex C - Cirencester Town Centre Masterplan Programme Board Terms of Reference Annex D - Statement of Community Involvement 2020 update Annex E - Local Plan Programme of Work Annex F - Anticipated costs of Plan Making
Recommendation/s	<i>That Cabinet:</i> <i>(a) Makes clear its preferred approach to plan making in the short term;</i> <i>(b) Approves Terms of Reference for the Local Plan Board and Masterplan Board;</i> <i>(c) Approves the update to the Statement of Community Involvement; and</i>

	<i>(d) Approves draw down of £284,500 from the Council Priorities Fund reserve to initiate and / or remunerate programmes of work identified in para 5.3</i>
Corporate priorities	<ul style="list-style-type: none"> ● Presenting a local plan which is green to the core ● Responding to the challenges presented by the climate change emergency ● Delivering good quality social rented homes
Key Decision	YES
Exempt	NO
Consultees/ Consultation	<p>Internal consultation: Senior Management Team, Development Management and Heritage and Design Teams</p> <p>External consultation: Cirencester Town Council (Annex C)</p>

1. BACKGROUND

- 1.1. At a meeting of Full Council on Wednesday 3 June 2020, members unanimously agreed to undertake a partial update of the Local Plan. The update only focuses on issues that need modification within the plan period (to 2031) and does not invite consultation and examination on matters beyond the plan period.
- 1.2. Subsequent to the meeting of Council, on Thursday 6 August 2020 the Government published two planning consultations. The first, a White Paper, seeks radical reform of the existing planning system. The second seeks to make specific changes to the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). Both consultations would change the way all authorities plan for new development and determine planning applications.
- 1.3. Council agreed on 23 September 2020 to reject Government proposals to the planning system. It is not the purpose of this report to reiterate all these proposals and their implications, although it is helpful to highlight the principal issues affecting local plan making:
 - Under the White Paper's proposals, Local Plans are expected to be produced within a statutory 30-month timeframe with sanctions for those who fail to do so. They would be significantly shorter in length, based on a new zonal system and limited to no more than setting out site- or area-specific parameters and opportunities.
 - Changes to the current planning system would mean Cotswold District's housing requirement (local plan target) would increase from an average of 420 homes a year to over 1,200 homes a year.

2. EXISTING LOCAL PLAN WORK PROGRAMME - OPTIONS GOING FORWARD

- 2.1. At present the Forward Planning work programme is geared towards producing a revision of elements of the adopted Local Plan so that it remains a sound basis for decision-making.
- 2.2. The update covers a range of issues including housing numbers and site allocations, changes to the NPPF/NPPG, gaps in policy coverage relating to addressing the climate change and ecological emergencies, making the Local Plan green to the core, and other matters. Technical work is in hand regarding these updates. Preliminary "issues and options" for an initial round of stakeholder and public engagement have been identified by officers.
- 2.3. The "Planning for the Future" White Paper consultation changes the basis on which the Council's programme of work is predicated. If these changes are implemented in their current form the existing Local Plan and the system that it rests upon will become obsolete, albeit there is likely to be a transitional period to move from the extant system to a new one.
- 2.4. This begs the obvious question: should the Council carry on preparing the proposed revisions to the adopted Local Plan or should it take a different approach?
- 2.5. The options are relatively simple to identify and are twofold, although the consequences are multifaceted:

- a) OPTION A: Carry on preparing proposed revisions to the adopted Local Plan; and
 - b) OPTION B: Pause the formal / regulatory plan making process until there is clarity on the White Paper and transitional arrangements from the old system to the new, and consequent change to the NPPF and NPPG.
- 2.6. A strengths, weaknesses, opportunities and threats (SWOT) analysis of the options has been carried out (ANNEX A), which succinctly examines what the different approaches may entail.
- 2.7. Both options have their pros and cons. The decision before members is difficult because the impacts of proposals contained in both government consultations may or may not take effect either partially or in full.
- 2.8. There are several factors in favour of continuing with a partial update of the Local Plan (Option A). Chief amongst them is that it is consistent with the Administration's objective to upgrade the Local Plan. Equally, there is no guarantee that changes to the planning system and the National Planning Policy Framework will be made and even if they are that they will be made in a timely manner, especially given the current Covid-19 and Brexit-dominated context. However, there are two significant factors that should be considered when deciding to continue with this approach, a) the cost to the Council of continuing to prepare a plan that may become obsolete, either during production or soon after adoption; and b) the approach is unable to address the significantly higher housing need figures proposed by the "changes to the current planning system" consultation.
- 2.9. Conversely, Option B allows the Council to 'hedge its bets'. Plan making activities continue but they are focussed on projects that are less affected by changes to the planning system. Equally, it allows the Council to pause and review its position once housing need figures and White Paper proposals are confirmed. However, this will mean delaying the delivery of the consultation draft of a partially updated local plan into the public domain. It also assumes that the proposed changes to the planning system and national policy will take effect.

Conclusion

- 2.10. Although the White Paper has wider ranging effects on the planning system, the most significant issue for Cotswold District, in the short term, is the government's proposed changes to the 'standard method for calculating housing need'. Unlike the White Paper, changes proposed in the 'changes to the current planning system' consultation, in which the new housing need figure resides, are expected to be adopted within a few months. Should the higher housing need figure become the new accepted figure then it is highly likely that the Council will need to reconsider its programme of work and move away from partially updating the Local Plan to a more comprehensive update.
- 2.11. The Local Plan Review PAS toolkit¹ advises Councils that a full update of its spatial strategy and strategic policies will be required if there is a material change in the housing requirement (housing target) because these changes are likely to have

¹ Council paper agenda item 10, 3 June 2020 -

<https://www.cmis.cotswold.gov.uk/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/4746/Committee/879/Default.aspx>

implications for other plan requirements / the overall evidence base. A principal agent affecting the housing requirement is a change in the underlying housing need figures.

2.12. The White Paper and changes to existing national planning policy and guidance do not directly prevent the Council from proceeding with a partial update of the local plan at this stage. However, it does affect the basis that the review, and the subsequent decision to partially update the local plan, is predicated. It is therefore important, at this early stage, to reflect how the Council should proceed with its plan making activities.

2.13. An interview with a former senior planning inspector who spent many years examining and advising local planning authorities on local plans provides an unfiltered opinion of the issues that local planning authorities face.

“More than 50 per cent of local planning authorities do not have an up-to-date local plan. Past experience shows that many of these authorities will be reluctant to start a plan now. They will wait for the current uncertainties to be resolved and for the primary and secondary legislation and housing numbers to be produced. Inevitably, local planning will come to a slow, confused halt. Housebuilding will be delayed.

Don’t expect a quick resolution of these questions. There is no way the government can get through all this by its projected date of 2024, especially with Brexit and Covid-19 in the way.

There are too many known unknowns. So there are three words I associate with the white paper: confusion; complexity; delays.”²

2.14. Lichfield’s planning consultancy provides an equally insightful review of the challenges that local planning authorities face and in particular state,

“There will also be some LPAs who are in early plan-preparation stage, with less time and money invested, who might just wait. Why spend lots of local authority money on a Plan now, when there will be a statutory duty to prepare one within 30-months - potentially starting from Summer next year?”³

2.15. This commentary is somewhat countered by the government’s Chief Planner who, in her letter dated October 2020⁴, conveys the following message:

“...some local authorities may be considering pausing or slowing down the preparation of their local plan, in part due to the uncertainty of when the proposals outlined in “Planning for the Future” come into force. We would strongly encourage local authorities to continue in the preparation and adoption of local plans. There will be a period of policy development after the receipt of the responses to the White Paper. This will in turn be followed by the preparation and progress of any

² The Planner (RTPI) - The planning white paper is like a complex and confusing science fiction novel
<https://www.theplanner.co.uk/opinion/the-planning-white-paper-is-like-a-complex-and-confusing-science-fiction-novel>

³
<https://lichfields.uk/blog/2020/september/18/the-local-plan-transition-from-the-nppf-2019-and-the-standard-method-to-a-new-white-paper-planning-system/>

⁴
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/924423/Chief_Planners_Newsletter_-_October_2020.pdf

legislation required to implement the planning reforms. This will take some time and it's therefore important that local areas have a plan in place. As part of the detailed design of the reforms a suitable transition period from approved to new local plans will be implemented."

- 2.16. The Chief Planner's letter is a useful reminder and aid for those authorities that do not have an up to date local plan. However, it offers little advice on how local planning authorities should proceed with plan making for those authorities such as Cotswold District Council who have already adopted local plans and seek a partial update.
- 2.17. The complication is that the Council needs to have a firm basis on which to plan i.e. how many houses does it need to provide. The suggested higher housing need is a fundamental issue, so much so that it may require a new Local Plan (not a partial update). However, there is currently no certainty as to whether the methodology will be modified following consultation and, if so, what the need figure will be.
- 2.18. If a full and comprehensive update of the local plan is required this will take at least three years before it advances to the examination / adoption stages at which point a new planning system could be in place. It is not difficult to imagine that the government would place an expectation on all local planning authorities to update their plans in accordance with the new system. Meaning the newly approved local plan requires an immediate update.
- 2.19. The Council has to accept the government's intention for some kind of reform of the plan-making system in the near future. The issue is that the extent of this, and when it will happen, are currently unknown.
- 2.20. In these uncertain times, the pragmatic approach is to keep Cabinet updated at regular intervals. If something does start to firm up (e.g. housing need or white paper proposals), then officers will inform Cabinet immediately and where possible suggest a course of action.
- 2.21. This watching brief is a short term solution. It allows the Council to proceed with other plan making activities and commit to delivering wider corporate priorities, such as the Cirencester Town Centre Masterplan and Sustainable Transport Strategy, until such time as the government provides clarity on a replacement plan-making system and housing needs.
- 2.22. Once greater clarity has been established the Council will be better able to update its Local Development Scheme; a document that sets out the programme of work and key milestones associated with preparing and adopting a local plan. In the absence of an official LDS, Annex E provides a list of activities and tasks that the Forward Planning team will be actively delivering over the next 12 to 18 months.

3. GOVERNANCE (PROGRAMME BOARDS - TERMS OF REFERENCE)

- 3.1. Activities preparatory to plan-making will continue in either scenario and it is therefore important to ensure internal governance arrangements are in place and up to date.

- 3.2. Historically the Council has set up non-executive boards to monitor the progress of plan making projects. Draft terms of reference for the Local Plan Board and the Masterplan Board are provided at Annex B and Annex C, respectively. The former updates the extant terms of reference and the latter are new terms of reference.
- 3.3. Although the Boards are separate entities it is likely both board meetings will be held on the same days to help manage resources effectively. The CEO of Cirencester Town Council has been consulted regarding the Cirencester Masterplan Board.

4. STATEMENT OF COMMUNITY INVOLVEMENT (SCI) UPDATE

- 4.1. Local planning authorities are statutorily required to prepare a Statement of Community Involvement (SCI) setting out how local communities will be engaged in respect of planning matters including plan-making and the determination of planning applications, specifically:
 - Plan-making (e.g. Local Plans, Area Action Plans);
 - Neighbourhood Planning (e.g. Neighbourhood Plans, Neighbourhood Development Orders); and
 - Development management (e.g. the processing and determination of planning applications).
- 4.2. To ensure their effectiveness, SCIs should be kept up to date and reviewed at least once every five years. The current SCI for Cotswold was adopted in 2014 and has therefore been refreshed and updated accordingly. The updated SCI is attached at Annex D.
- 4.3. The sections on plan making and development management have been updated to reflect current practice and procedure and there is a new section on neighbourhood planning. The SCI has also been updated to reflect Covid-19 social distancing guidelines and changes to regulations.
- 4.4. Subject to the approval of Members, the updated SCI will be published on the Council's website and also made available at the Council's main offices and various 'deposit' locations across the District.

5. FINANCIAL IMPLICATIONS

- 5.1. The financial implications associated with preparing and updating a Local Plan were set out at the Council meeting on Wednesday 3 June 2020. To recap, the costs can be considered against several discrete parts, principally updating the evidence base; policy writing; undertaking consultations (formal regulations and informal); preparation of the publication/submission plan; examination; adoption and legal challenge.
- 5.2. Expected costs for the Local Plan update have been considered as part of the Council's future budget setting process and a more refined update is provided at Annex E. A partial update of the Local Plan is expected to cost up to approximately £740,900.
- 5.3. Approval is sought to draw down £284,500 from reserves to initiate and / or remunerate neighbouring authorities for the following studies:

- Cirencester Town Centre Masterplan (£95,000);
- Gloucestershire-wide Economic Needs Assessment (£3,012);
- Gloucestershire-wide Gypsy Assessment and Site Assessment (£10,000);
- Growth Zone Study / Urban Capacity / Strategic land search (£75,000);
- Preparation of a Sustainable Transport Strategy (£75,000);
- Historic Environment Strategy (£1,500); and
- Public Engagement (£25,000).

It is stressed that officers consider these projects to have a degree of immunity to the implications of what may or may not happen to the plan-making system should the White Paper be enacted. Whatever form the development plan eventually takes, up-to-date evidence in these areas will be required.

It is also very important for members to be mindful of the fact that should the White Paper proposals be enacted as currently proposed the Council may only have 30 months from the date of these coming into force to get a new Local Plan adopted. Ensuring that the Council already has critical pieces of up-to-date evidence in hand will significantly ease what is likely to be a very pressured period for officers and members alike.

6. HUMAN RESOURCE IMPLICATIONS

- 6.1. The most significant implication is the ongoing effects of Covid-19. There is a risk of projects being delayed if the Council needs to redeploy resources to support the community in response to Covid-19.

7. LEGAL IMPLICATIONS

- 7.1. The preparation of a Statement of Community Involvement (SCI) is a requirement of the Planning and Compulsory Purchase Act 2004.
- 7.2. The Council currently has an up to date Local Plan. Whilst pausing the Local Plan update at this stage has no specific legal implications, the Council is statutorily required by the NPPF to maintain an up to date Local Plan. Should the housing need of the District increase significantly, then the Council is obliged to commence a full Local Plan review in order to meet that need. Cabinet will be kept apprised of any such changes to national policy and guidance.

8. RISK ASSESSMENT

- 8.1. The key risks emanate from the uncertainty created by the government's White Paper: Planning for the Future and changes to the NPPF and NPPG, and in particular changes to the 'standard method for calculating housing need' which would increase housing need from 420 per annum to over 1,200 per annum.
- 8.2. These risks are described and explained in papers presented to Council on 23 September 2020.

9. EQUALITIES IMPACT

9.1. There are no equality impacts resulting from the recommendations in this report.

10. CLIMATE CHANGE IMPLICATIONS

10.1. 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.

11. ALTERNATIVE OPTIONS

11.1. None.

12. BACKGROUND PAPERS

12.1. None

(END)