



CABINET (SPECIAL MEETING)

21ST APRIL 2016

AGENDA ITEM (3)

**COTSWOLD DISTRICT LOCAL PLAN SUBMISSION DRAFT REG.19
APRIL 2016**

Accountable Member	Councillor NJW Parsons Cabinet Member for Forward Planning
Accountable Officer	Philippa Lowe Head of Planning and Strategic Housing 01285 623000 philippa.lowe@cotswold.gov.uk

Purpose of Report	To seek Cabinet's views on the Submission Draft Cotswold District Local Plan, for onward recommendation to Council.
Recommendations	<p>That, subject to the views of the Cabinet, Council be recommended to:</p> <p>(a) accept the conclusions arising from the report 'Updated Estimate of the Objectively Assessed Housing Needs of Cotswold District (March 2016)' and other related evidence;</p> <p>(b) approve the Submission Draft Cotswold Local Plan (attached at Appendix 1) for the purpose of formally consulting, for a statutory period of 6 weeks in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as the version proposed to be submitted to the Secretary of State for examination (subject to recommendations (c) and (d) below);</p> <p>(c) delegate authority to the Cabinet Member for Forward Planning to approve outstanding matters, including minor amendments prior to:</p> <p style="padding-left: 40px;">(i) the start of the public consultation period; and</p> <p style="padding-left: 40px;">(ii) submission of the Local Plan to the Secretary of State for examination; and</p> <p>(d) agree that, subject to there being no significant new issues raised during the statutory 6 week period, the Submission Draft Cotswold District Local Plan be formally submitted to the Secretary of State in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulation 2012, including any minor amendments.</p>

Reason(s) for Recommendation(s)	To secure approval to publish the Local Plan for formal consultation and subsequent submission to the Secretary of State for examination.
Ward(s) Affected	All
Key Decision	Yes
Recommendation to Council	Yes
Financial Implications	There are unavoidable and significant cost implications associated with the publication and submission of the Local Plan, particularly the subsequent examination process. These will be funded from the Local Development Framework earmarked reserve.
Legal and Human Rights Implications	<p>The Submission Draft Cotswold District Local Plan has been produced for publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("Local Planning Regulations") as the version to be submitted to the Secretary of State for examination.</p> <p>Local Authorities are required by law to prepare a local plan for their administrative area and the process for doing that is governed by statute. The Regulations require local planning authorities to notify and invite comments from a range of specified persons and organisations on their local plan proposals.</p> <p>Under Regulation 19, before submitting a local plan to the Secretary of State for examination, the Council must make a copy of all the proposed submission documents and a statement of representations procedure available via their website, their principal office and such other places within their area as they consider appropriate for a period of 6 weeks.</p>
Environmental and Sustainability Implications	<p>These implications are implicit in the proposals and policies set out in the Submission Draft Cotswold District Local Plan document at Appendix 1.</p> <p>The Council must also go through a sustainability appraisal process which considers the environmental, social and economic impacts of the Local Plan to ensure that development meets the needs of both present and future generations. Habitat Regulations Assessment (HRA) is also required in order to assess any potential impacts on European Sites and, where necessary, identify potential mitigation measures.</p>
Human Resource Implications	None directly arising from this report.
Key Risks	<p>There is a risk of the Submission Draft Cotswold District Local Plan being challenged or found unsound.</p> <p>Representations received at the formal Regulation 19 publication stage will be focused on legal compliance and soundness. Depending on the issues raised, officers will make informed judgements as to whether the plan should be formally submitted to the Secretary of State or whether any additional work is needed.</p>

Equalities Impact Assessment	The Submission Draft Cotswold District Local Plan will be accompanied by a full range of assessments, including an Equalities Impact Assessment.
Related Decisions	<p>Cabinet 15th October 2015: Local Plan Reg.18 Consultation: Planning Policies</p> <p>Cabinet 4th December 2014: Local Plan Reg.18 Consultation: Development Strategy and Site Allocations</p> <p>Cabinet 5th December 2013: Local Plan Development Strategy</p> <p>Cabinet 9th May 2013: Local Plan Consultation Paper: Preferred Development Strategy</p> <p>Cabinet Member 21st March 2013: Switch from preparing Core Strategy to a comprehensive Local Plan.</p>
Background Documents	<p>The following key background documents are directly relevant to the production of this Submission Draft of the Local Plan :</p> <ul style="list-style-type: none"> (i) Updated Estimate of the Objectively Assessed Housing Needs of Cotswold District (NMSS, March 2016) (ii) Cotswold Local Plan Reg.18 consultation: Policies (CDC, November 2015) and associated representations. (iii) Cirencester Parking Survey results (GCC, August 2015) (iv) Evidence Paper: Cotswold Water Park (CDC, July 2015) (v) Scoping the Cirencester Town centre SPD (CDC, March 2015) (vi) Cotswold Local Plan Reg.18 consultation: Development Strategy and Site Allocations (CDC, January 2015) and associated representations. (vii) Cirencester Sports and Recreation Needs (Ploszajski Lynch Consulting Ltd, January 2015) (viii) Cirencester Concept Statement (Cirencester Town Council, January 2015) (ix) Evidence Paper : Development Strategy (CDC November 2014) (x) Evidence Paper : Housing (CDC November 2014) (xi) Evidence Paper (and appendices) to inform non- strategic Housing and employment Site Allocations (CDC November 2014) (xii) Evidence Paper: Local Green Spaces (CDC, November 2014) (xiii) Evidence Paper: Supplement to Cotswold Economy Study (xiv) 2012 and Economy Evidence paper (CDC, November 2014) (xv) Evidence Paper : Advisory Panel on Gypsy Traveller Site Allocations Assessment (CDC November 2014) (xvi) Gypsy and Traveller - Identification of Potential Sites for Cotswold District (WS Planning and Architecture November 2014) (xvii) Historic Environment Topic Paper - (CDC, July 2014) (xviii) Strategic Employment Land Availability Assessment Viability Considerations (Hewdon Consulting, May 2014) (xix) Strategic Housing Market Assessment review (HDH Planning & Development, March 2014)

	<p>(xx) Strategic Housing Land Availability Assessment Viability Assessment (PCS Enterprises, March 2014);</p> <p>(xxi) Gloucestershire County Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (Peter Brett Associates) October 2013)</p> <p>(xxii) Infrastructure Delivery Plan: Interim Version (ARUP, May 2013)</p> <p>(xxiii) Cotswold Economy Study (Peter Brett Associates, November 2012)</p> <p>(xxiv) Open Space, Sport and Recreation Study (CDC / pmpgenesis, November 2011)</p> <p>(xxv) LDF Core Strategy: Second Issues and Options Paper (CDC, December 2010)</p> <p>(xxvi) Cirencester Town Centre Supplementary planning Document (November 2008)</p> <p>(xxvii) First Issues and Options Consultation (CDC, 2007)</p> <p>(xxviii) Cotswold District Local Plan 2001-2011 (CDC, April 2006)</p>
Appendices	<p>Appendix 1* - Regulation 19 Submission Draft Cotswold District Local Plan</p> <p>Appendix 2* - Proposals Maps</p> <p>Appendix 3 - Summary of Representations received in response to the Local Plan Reg.18 Consultation - Development Strategy and Site Allocations (January 2015)</p> <p>Appendix 4 - Summary of Representations received in response to the Local Plan Reg.18 Consultation - Planning Policies (November 2015)</p> <p>* N.B. APPENDICES 1 AND 2 ARE ENCLOSED AS SEPARATE DOCUMENTS WITH THESE AGENDA PAPERS</p>

Performance Management Follow Up	<p>(i) Forward Cabinet recommendations to Council</p> <p>(ii) Implement subsequent Council decisions</p>
---	--

<p>Background Information</p> <p>1. <u>General</u></p> <p>1.1 All local authorities are under a statutory obligation to prepare a local plan. The current Local Plan for Cotswold District was adopted in 2006 and had an end date of 2011. Whilst the majority of the policies have been formally 'saved' under transitional arrangements and it remains the Development Plan for Cotswold District, there is a need to introduce an up-to-date replacement local plan.</p> <p>1.2 Following the revocation of both the Draft South West Regional Spatial Strategy in 2010 and the Gloucestershire Structure Plan in 2013, the new Cotswold Local Plan will provide the strategic development framework for the area to 2031.</p> <p>1.3 Consultation on the new Local Plan has been on-going for some time, with two Regulation 18 public consultations having taken place on the Development Strategy and Site Allocations (January 2015) and Planning Policies (November 2015). These were preceded by various consultations undertaken before switching from producing a Core Strategy to a whole Local Plan.</p>

1.4 The Regulation 18 consultations alone attracted representations from over 2,400 individuals and organisations, amounting to more than 12,600 individual comments. These are summarised in **Appendices 3 and 4**. Since those consultations closed, Officers have been analysing the comments and have prepared and commissioned a range of supporting technical evidence.

1.5 A Consultation Statement, which sets out all of the consultation activities that have been carried out during the course of preparing the Plan, is being produced and will be submitted to the Secretary of State. The comments received throughout the process, along with the additional evidence prepared, have all been considered, as well as any changes to national policy and guidance.

1.6 Representations have informed and, where appropriate, been incorporated into the Submission Draft Cotswold Local Plan, which is attached at **Appendix 1**. Officers are working on finalising the Submission Draft and, in some cases, the final wording of policies and supporting text may need to be updated to reflect final evidence reports and other advice, most of which is due shortly. Where updating is required, this is highlighted in grey in the text of the Submission Draft at **Appendix 1**.

1.7 An advisory visit from a Planning Inspector from PINS has been arranged for 19th April 2016 to obtain informal views on the Submission Draft Plan and the next steps through to public examination. Any issues arising from that advisory visit may need to be reported to Cabinet and, if appropriate, addressed in the final version of the document. As with the Regulation 18 stage of the Local Plan preparation, legal advice is being sought on the Submission Draft, and any necessary updates will be reported.

1.8 Officers are also aware that the government is in the course of issuing updated planning policy and guidance - including the Housing and Planning Act, which is due in the autumn. Where we are aware that changes to guidance could impact on policies in the Plan, these have been identified in the supporting text and/or relevant policy.

2. Supporting Evidence

2.1 Various supporting documents are also in preparation, to provide the most up-to-date evidence to inform the latest draft of the Plan. These are:

- Sustainability Appraisal and Habitats Regulations Assessment
- Equalities Impact Assessment
- Legal soundness check
- Duty to Co-operate Statement
- Residential Land Monitoring Statistics April 2016
- Economic Land Monitoring Report April 2016
- Whole Plan and Community Infrastructure Levy (CIL) Viability Assessment March 2016
- Cotswold District Council SHMA, Further Update, Affordable Housing March 2016
- An Updated Estimate of the Objectively Assessed Housing Needs of Cotswold District March 2016
- Economic Development Needs Assessment
- Evidence Paper update: Local Green Spaces
- Infrastructure Delivery Plan March 2016
- Supplement to Evidence Paper to inform non-strategic housing and employment site allocations, April 2016
- Consultation Statement
- Update to the Gloucestershire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GGTTSAA).

2.2 Further evidence has been commissioned and will be published during the summer. This will include:

- Retail Study
- Open Space, Sport and Recreation Study.

2.3 Two pieces of evidence are central to the Plan, and are potentially critical to the Plan's soundness. These are the Strategic Housing Market Assessment (SHMA) and the Economic Development Needs Assessment, on which updated reports have now been received. Officers are carrying out their final analysis and scrutiny of these documents. Whilst it is not currently anticipated that this will lead to any changes to the Plan, it is critically important that this work is done prior to the Plan being referred to Council.

2.4 In particular, to reflect other local authorities' experience at examination, the Council needs to make a clear decision about the Objectively Assessed Need in light of the affordable housing requirement in the updated SHMA.

2.5 Consultation with the Cabinet Member on these matters will also be arranged.

2.6 The updated findings of the County-wide GGTTSA are awaited. That report will take account of updated national guidance, including revised definitions of gypsies and travellers. This could impact on the allocations of gypsies' and travellers' sites over the Plan period; however, a re-assessment of sites cannot be undertaken until the revised requirement for Cotswold District has been determined by the updated GGTTSA.

2.7 Finally, Officers will carry out further proof-reading and consistency checks before bringing together the document in its final form.

3. Member/Officer Engagement

At each stage of Plan preparation, members of the Local Plan Programme Board have been updated on the overall Plan work programme and have considered particular issues related to the emerging Local Plan. Briefings on some of the technical evidence - notably on the Objectively Assessed Need, the Infrastructure Delivery Plan and the Viability Study - have also been held, and these have been open to all Members to attend.

4. Duty to Co-operate

Local Planning Authorities have a statutory duty to co-operate on plan-making and in addressing strategic matters which cross boundaries, including development requirements. A detailed schedule outlining all the actions taken in relation to the duty to co-operate is in preparation and will be submitted, along with the Local Plan, to the Secretary of State. In some instances, Officers aim to formalise more detailed arrangements through the drawing up Memoranda of Understanding - for example with the Local Enterprise Partnership and Gloucestershire County Council.

5. Local Development Scheme

The Local Development Scheme (LDS), which sets out the programme of work associated with the Council's development planning responsibilities, was last updated in April last year and now needs to be updated to reflect the anticipated timelines for the next stages of Plan preparation. It is important to have an up-to-date LDS in place as the government is looking at each authority's LDS as a means of assessing its planning performance. The updated LDS is also on the agenda for this Cabinet Meeting.

6. Community Infrastructure Levy

To ensure that enough infrastructure is planned to support the development of the area, the Council is also preparing a draft Community Infrastructure Levy (CIL) Charging Schedule. This is a means of securing developer contributions and is expressed as a charge per square metre of floor space. It is anticipated that the CIL Charging Schedule will be considered at the Cabinet Meeting in May, and will be examined at the same time as the Local Plan.

7. Consultation

7.1 The Submission Draft Cotswold Council Local Plan will be published for a period of 6 weeks (date to be confirmed). Details on the procedures and the tests of soundness will be provided to guide consultees.

7.2 This marks the start of a very different stage of the Local Plan preparation process where comments are only sought on issues of soundness and legal compliance. Unlike the earlier consultations, the Regulation 19 stage is **not** an opportunity for new ideas or new development proposals to be put forward for consideration. Officers have prepared guidance on the process, and a bespoke form for the submission of representations. Any person may make representations on the Plan and those made in accordance with the representation procedure will be forwarded to the Inspector to consider as part of the formal examination process. Representations may be made that relate directly to the following (all taken from the NPPF):

- Legal compliance
- Duty to co-operate
- Soundness

7.3 This means that the Plan must be:

- **Positively prepared** - based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.
- **Justified** - should be the most appropriate strategy when considered against the reasonable alternatives.
- **Effective** - should be deliverable over the Plan period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy** - should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

7.4 Representations that do not conform with the procedure by addressing these matters cannot be taken forward.

7.5 The publication period will be published in accordance with the Local Planning Regulations and using all relevant media sources.

8. Next Steps

8.1 Following publication, Officers will consider representations received and, where appropriate, and with approval of the Cabinet Member, make minor changes to the Local Plan prior to submission to the Secretary of State for examination. At that stage, there will be the option to make minor changes to the Plan; however, in line with the National Planning Policy Framework, Planning Policy Guidance and statutory regulations, the Council should not be making significant changes, as to do so would necessitate a further stage(s) of consultation.

8.2 Unless there are any materially significant new issues raised during that period, it is anticipated that the Submission Cotswold District Local Plan, including any minor modifications, will be formally submitted to the Secretary of State, via the Planning Inspectorate, in Autumn 2016.

(END)