



COUNCIL

17TH MAY 2016

AGENDA ITEM (8)

**SUBMISSION DRAFT COTSWOLD DISTRICT LOCAL PLAN 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 approve the Submission Draft Cotswold District Local Plan.
Recommendations	<p>CABINET RECOMMENDATIONS FROM SPECIAL MEETING, 21 APRIL 2016</p> <p><i>COUNCIL IS RECOMMENDED TO AGREE THAT:</i></p> <p>(a) the conclusions arising from the report 'Updated Estimate of the Objectively Assessed Housing Needs of Cotswold District (March 2016)' and other related evidence be accepted;</p> <p>(b) the Submission Draft Cotswold District Local Plan (attached at Appendix 1 to the report circulated to the Cabinet), as amended, be approved for the purpose of formally consulting, for a statutory period of six 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) the Deputy Leader of the Council and Cabinet Member for Forward Planning be authorised to approve outstanding matters, including minor amendments, prior to the start of the public consultation period;</p> <p>(d) the Cabinet be authorised to approve outstanding matters, including minor amendments, prior to submission of the Local Plan to the Secretary of State for examination;</p> <p>(e) subject to there being no significant new issues raised during the statutory six-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>

	<p>ADDITIONAL OFFICER RECOMMENDATION:</p> <p>(f) that the considered opinion of the Council is that the housing requirement does not justify an uplift to assist with meeting the need for affordable housing.</p>
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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.
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Ward(s) Affected	All
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Key Decision	Yes
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Recommendation to Council	Yes, from Cabinet
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Financial Implications	There are significant, but unavoidable, 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.
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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>
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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 (to the Cabinet report).</p> <p>The Council must also go through a Sustainability Appraisal (SA) 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. SA and HRA reports have been published to accompany key stages of the Local Plan to date and the same will apply when the Submission Draft Cotswold District Local Plan is published. Draft versions of both SA and HRA have been prepared and these will be completed once the final amendments to the Local Plan, arising from this meeting, are known,</p>
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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 and report to Cabinet as to whether the plan should be formally submitted to the Secretary of State or whether any additional work is needed.</p> <p>There is a risk of national planning policy changing up to and even during the Local Plan examination. For example, the Housing and Planning Bill could be enacted in the autumn and this could have implications for, amongst other matters, the way that the housing requirement is calculated and the definitions and delivery of affordable housing.</p>
Equalities Impact Assessment	The Submission Draft Cotswold District Local Plan will be accompanied by a full range of assessments, including an Equality Impact Assessment - see Appendix 7 (attached).

Related Decisions	<p>Cabinet, 21st April 2016 : Cotswold District Local Plan Submission Draft Reg. 19</p> <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, May 2016) (ii) Residential Land Monitoring Statistics (CDC, April 2016) (iii) Economic Land Monitoring Report (CDC, April 2016) (iv) Supplement to Evidence Paper to inform non-strategic housing and employment site allocations (CDC, April 2016) (v) Whole Plan and Community Infrastructure Levy Viability Assessment (HDH Planning and Development) (April 2016) (vi) Infrastructure Delivery Plan – refresh (April 2016) (vii) Strategic Housing Market Assessment (HDH Planning and Development, further update, Affordable Housing (March 2016) (viii) Review of Economic Forecasts for Cotswold District (Nupremis, February 2016)

	(ix)	Strategic Housing and Economic Land Availability Assessment - consolidation report (January 2016)
	(x)	Strategic Housing Land Availability Assessment Addendum II (December 2015)
	(xi)	Industrial and Business Trends for Cotswold District (Nupremis, November 2015)
	(xii)	Local Plan Reg.18 consultation: Policies (CDC, November 2015), Sustainability Assessment, Habitats Regulation Assessment and associated representations.
	(xiii)	Cirencester Parking Survey results (GCC, August 2015)
	(xiv)	Evidence Paper: Cotswold Water Park (CDC, July 2015)
	(xv)	Scoping the Cirencester Town centre SPD (CDC, March 2015)
	(xvi)	Local Plan Reg.18 consultation: Development Strategy and Site Allocations, Sustainability Assessment, Habitats Regulation Assessment (CDC, January 2015) and associated representations.
	(xvii)	Cirencester Sports and Recreation Needs (Ploszajski Lynch Consulting Ltd, January 2015)
	(xviii)	Cirencester Concept Statement (Cirencester Town Council, January 2015)
	(xix)	Evidence Paper: Development Strategy (CDC November 2014)
	(xx)	Strategic Housing Land Availability Assessment Addendum I (November 2014)
	(xxi)	Evidence Paper: Housing (CDC November 2014)
	(xxii)	Evidence Paper (and appendices) to inform non- strategic Housing and employment Site Allocations (CDC November 2014)
	(xxiii)	Evidence Paper: Local Green Spaces (CDC, November 2014)
	(xxiv)	Evidence Paper: Supplement to Cotswold Economy Study 2012 and Economy Evidence paper (CDC, November 2014)
	(xxv)	Evidence Paper: Advisory Panel on Gypsy Traveller Site Allocations Assessment (CDC November 2014)
	(xxvi)	Gypsy and Traveller - Identification of Potential Sites for Cotswold District (WS Planning and Architecture November 2014)
	(xxvii)	Historic Environment Topic Paper - (CDC, July 2014)
	(xxviii)	Strategic Employment Land Availability Assessment Viability Considerations (Hewdon Consulting, May 2014)
	(xxix)	Strategic Housing Land Availability Assessment Review (May 2014)
	(xxx)	Strategic Housing Market Assessment review (HDH Planning & Development, March 2014)
	(xxxi)	Strategic Housing Land Availability Assessment Viability Assessment (PCS Enterprises, March 2014);
	(xxxii)	Gloucestershire County Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (ORS) October 2013)
	(xxxiii)	Infrastructure Delivery Plan: Interim Version (ARUP, 2014)

	<p>(xxxiv) Cotswold Economy Study (Peter Brett Associates, November 2012)</p> <p>(xxxv) Strategic Housing Land Availability Assessment (October 2012)</p> <p>(xxxvi) Open Space, Sport and Recreation Study (CDC / pmppgenesis, November 2011)</p> <p>(xxxvii) LDF Core Strategy: Second Issues and Options Paper (CDC, December 2010)</p> <p>(xxxviii) Strategic Housing Land Availability Assessment (October 2010)</p> <p>(xxxix) Cirencester Town Centre Supplementary planning Document (November 2008)</p> <p>(xl) Strategic Housing Land Availability Assessment Methodology (March 2008)</p> <p>(xli) First Issues and Options Consultation (CDC, 2007)</p> <p>(xlii) Cotswold District Local Plan 2001-2011 (CDC, April 2006)</p>
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Appendices	<p>Appendix 1* - Regulation 19 Submission Draft Cotswold District Local Plan [Cabinet paper]</p> <p>Appendix 2* - Proposals Maps [Cabinet paper]</p> <p>Appendix 2A - Additional sites brought before Cabinet ['tabled' at Cabinet - ATTACHED]</p> <p>Appendix 3* - Summary of Representations received in response to the Local Plan Reg.18 Consultation - Development Strategy and Site Allocations (January 2015) [Cabinet paper]</p> <p>Appendix 4* - Summary of Representations received in response to the Local Plan Reg.18 Consultation - Planning Policies (November 2015) [Cabinet paper]</p> <p>Appendix 5 - Cotswold Local Plan Submission Draft - Changes considered by the Portfolio Holder after 21st April Special Cabinet Meeting [ATTACHED]</p> <p>Appendix 6 - Actions following Special Cabinet [ATTACHED]</p> <p>Appendix 7 - Equality Impact Assessment [ATTACHED]</p> <p>Appendix 8 - Rural Housing Proforma [ATTACHED]</p>
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Performance Management Follow Up	Implement Council decisions
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Introduction

As previously advised to Members, the Regulation 19 Submission Draft Cotswold District Local Plan documents that were circulated to all Members in advance of the Special Cabinet Meeting on 21st April 2016 (Appendices 1-4 inclusive), have **not** been re-printed for this Council meeting - Members were asked to retain their copies of those documents for this Meeting. However, Members are provided with a schedule of changes to those documents, which is attached at **Appendix 5**.

As a result of the informal meeting with the Planning Inspector, and reflecting on the most appropriate response to building in flexibility and contingency for land supply throughout the plan period, it is recommended that further sites are brought into the list of allocations. These are in addition to those identified in the January 2015 consultation. All of these sites have been reviewed as part of the SHLAA process to establish that they are suitable and available for development within

the plan period and therefore represent a sound strategy for delivery of the OAN. A copy of the brief Update Note, which identifies the recommended additional site allocations, together with the associated plans - as 'tabled' at the Special Cabinet Meeting - is attached at **Appendix 2A**.

It was also agreed at the Special Cabinet meeting that Officers would prepare a briefing paper to respond to a number of outstanding queries. The report, as requested, is attached at **Appendix 6**.

A copy of the Cotswold District Council Local Plan Equality Impact Assessment and the Rural Housing Proforma are attached at **Appendices 7 and 8** respectively.

Background Information

1. General

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 the document remains the Development Plan for Cotswold District, there is a need to introduce an up-to-date replacement local plan.

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 District Local Plan will provide the strategic development framework for the area to 2031.

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.

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** (to Cabinet report). 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 District Local Plan, which is attached at **Appendix 1** (to Cabinet report).

1.7 An advisory visit from a representative of the Planning Inspectorate was held on 19th April 2016 to obtain informal views on the Submission Draft and the next steps through to public examination. He provided advice on the overall approach to plan preparation for submission and answered questions about uncertainties and potential risks. The visit was both constructive and positive. The Inspector was broadly supportive of the plan's strategy and the progress being made through to submission and examination, though suggestions were made on a number of areas where the text of the Local Plan document could be improved and clarified. The latest version of the plan being considered by Council reflects this advice. As with the Regulation 18 stage of the Local Plan preparation, independent legal advice has been sought on the Submission Draft, and no major soundness issues were highlighted.

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 officers 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. Further Supporting Evidence

2.1 Various supporting documents are also in preparation or nearing completion, to provide the most up-to-date evidence to inform the Submission Draft. These include:

- Sustainability Appraisal update
- Habitats Regulations Assessment (HRA) update
- Legal soundness check
- Duty to Co-operate Statement
- Economic Development Needs Assessment
- Evidence Paper update: Local Green Spaces
- Consultation Statement
- Update to the Gloucestershire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GGTTSA).

2.2 It should be noted that the HRA has yet to reach robust conclusions in relation to the potential significance of air pollution on land designated as a SAC at North Meadow and Clattinger Farm (near Cricklade). The consultants undertaking the HRA are hopeful that discussions with Natural England will enable the issue to be resolved, by agreeing mitigation measures if necessary, such that the HRA can conclude no adverse effects on the integrity of that SAC. However, until discussions have taken place with Natural England, robust conclusions cannot be included in the HRA. It is anticipated that those discussions will happen soon and that the HRA can be finalised in good time for publication of the Reg. 19 Draft Submission Local Plan.

2.3 Further supporting evidence and refresh work has been commissioned and will be published during the summer. This will include:

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

Affordable Housing and Potential Implications for the Housing Requirement

2.4 The full housing needs 2011-2031 have been assessed, through the Updated Estimate of the Objectively Assessed Housing Needs of Cotswold District (May 2016), as being 8,400 dwellings.

2.5 An affordable housing need figure is produced through the SHMA and is an unconstrained figure that reflects the current housing market situation. It is not a component of the OAN, but is calculated using a different approach and different data sources. It estimates the number of affordable housing units that would be needed if certain housing standards were to be met (i.e. what ought to happen) in contrast with the OAN which estimates what is likely to happen if recent trends were to continue.

2.6 On completion of the calculation of the need for affordable housing, the PPG states, at Reference ID: 2a-029-20140306:

The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered [officer emphasis] where it could help deliver the required number of affordable homes.

2.7 Given recent case law and other authorities' experience at examination, it is necessary for the Council to consider whether or not the housing requirement in the Local Plan should be increased to assist with meeting the need for affordable housing.

2.8 When making this decision, the following may be relevant:

- a. The affordable housing targets recommended in the Whole Plan and CIL Viability Assessment;
- b. Some sites will not bear any affordable housing and they may be below the size threshold or be unviable;
- c. There are numerous ways of providing affordable housing other than just on 'market lead developments':
 - i. Rural Exception Sites;
 - ii. Development of the Council's own (surplus) land;
 - iii. Initiatives from Registered Providers, for example infill development in existing schemes;
 - iv. Bringing vacant accommodation back into use;
- d. Many households in affordable need are housed within the Private Rented Sector and receive Local Housing Allowance (subject to caps). This is not classed as affordable housing even though it accommodates households that are in need;
- e. Market capacity; and
- f. Developer capacity.

2.9 The SHMA identifies an affordable housing need of at least 35%, which is the mid-point requirement proposed in Policy H2 (i.e. up to 30% on brownfield sites and up to 40% on greenfield sites).

2.10 Given the above, it is not considered that the overall housing requirement should be increased. To do so would be likely to result in unrealistic and undeliverable rates of housing development, as well as have potentially adverse effects on the District's highly sensitive environment. Therefore, it is neither considered justified to: (i) amend the affordable housing requirement percentages in Policy H2; nor (ii) increase the overall housing requirement in Policy DS1.

Employment Land Allocations

2.11 The latest findings of the Employment Land Assessment show a reduction in the stock of employment sites. This affects the model used to inform the amount of land which should be allocated in the plan. Revisions have therefore been made to Policy DS1 and the supporting text, including revising the requirement from 33.3ha to 27ha.

Gypsy and Travellers Study

2.12 The updated findings of the County-wide GGTTSA are awaited and will not be available until the summer. It will take account of updated national guidance, including revised definitions of gypsies and travellers, and 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.

Consideration of Submission Draft Local Plan by Cabinet on 21st April 2016

2.13 In light of a suggestion made at the Planning Inspectorate advisory visit on 19th April 2016, nine further sites were brought before Cabinet for consideration and decision. These sites were over and above allocations included at Appendices 1 and 2 to the Cabinet report, and they are listed at **Appendix 2A** to this Council report.

2.14 At the Special Cabinet Meeting, Members raised a number of queries and pointed out some typographical errors, including mapping corrections. These have now been considered by officers and collated into a composite schedule of changes to the version of the Local Plan which was considered at the Special Cabinet Meeting. This schedule is attached as **Appendix 5** and also addresses necessary evidence updates, comments raised by the Inspector at the advisory visit and other internal officer comments. The Cabinet Member for Forward Planning has been consulted and has approved the officers' recommendations.

2.15 Cabinet also recommended the preparation of a briefing paper responding to a number of issues; and officers' responses are set out in **Appendix 6** - 'Actions Following Cabinet'. Again the Cabinet Member for Forward Planning has been consulted and has agreed officers' recommendations.

2.16 Finally, officers will carry out further proof-reading and consistency checks before bringing together the document in its final form for consultation, in consultation with Cabinet Member for Forward Planning.

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 have also been given to the Programme Board on some of the technical evidence - notably on the Objectively Assessed Need, the Infrastructure Delivery Plan and the Viability Study.

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 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, has been 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 was approved at the Special Cabinet Meeting on 21st April.

6. Community Infrastructure Levy

To ensure that enough infrastructure is planned to support the development of the area, the Council has prepared a preliminary 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 June, and will be examined at the same time as the Local Plan.

7. Consultation - Regulation 19

7.1 The Submission Draft Cotswold District Local Plan will be published for a period of 6 weeks starting in mid-June. Details on the procedures and the tests of soundness will be provided to guide consultees.

7.2 Comments at the Regulation 19 stage need to focus on soundness and legal compliance, on the understanding that the Council has approved the Local Plan as the version it intends to submit for examination. Officers have prepared consultation guidance on the process, together with a bespoke form for the submission of representations. Any person may make representations on the Plan, and those that are made in accordance with the representation procedure will be forwarded to the Inspectorate to consider as part of the formal examination process. The Inspector will be required to focus on the following matters in considering the representations and the plan as a whole:

- Legal compliance
- Duty to co-operate
- Soundness

7.3 The Inspector will be judging whether the Plan is:

- **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 The formal consultation period will be published in accordance with the Local Planning Regulations and using all relevant media sources.

8. Next Steps

8.1 Following the consultation, Officers will consider representations received and, where appropriate, prepare recommendations in a final report for Cabinet to consider prior to submission. Any resulting minor changes to the Local Plan will be made prior to submission to the Secretary of State for examination.

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

(END)