



COTSWOLD DISTRICT COUNCIL

COUNCIL (SPECIAL MEETING)

3RD AUGUST 2018

AGENDA ITEM (3)

ADOPTION OF COTSWOLD DISTRICT LOCAL PLAN 2011-2031

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 formally adopt the review of the Cotswold District Local Plan 2011-2031.
Recommendations	<p>(a) That, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council adopts the contents of the Local Plan, as set out at Appendix 1 to this report;</p> <p>(b) that the Deputy Leader of the Council and Cabinet Member for Forward Planning be authorised to approve (i) the presentational style of the final version document, including photographs and illustrations; and (ii) any final factual, grammatical and/or typographical errors that have not previously been identified and which would not materially affect the content or meaning of the Plan.</p>
Reason(s) for Recommendation(s)	<p>To enable the Council to formally adopt an up-to-date Local Plan, which will be the starting point for the determination of planning applications.</p> <p>For the avoidance of doubt, the 'saved policies' of the extant Local Plan (2001-2011) will be revoked once the reviewed Plan (2011-2031) has been adopted (as set out in Appendix L of the latter - Replacement of 'Saved' Policies).</p>
Ward(s) Affected	All
Key Decision	N/A
Recommendation to Council	N/A

<p>Financial Implications</p>	<p>There are significant, but unavoidable, cost implications associated with the publication and submission of the Local Plan, particularly the examination process. Provision has, however, been made to meet these costs within the Council's Medium Term Financial Strategy through the Council's Priorities Fund (Council decision, 15th June 2018).</p> <p>Otherwise, this report raises no significant cost implications beyond the normal costs associated with the adoption procedure and publishing the Local Plan.</p>
<p>Legal and Human Rights Implications</p>	<p>The Local Plan has been produced under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The submitted Plan has been found sound (subject to Main Modifications) by the Planning Inspectorate on behalf of the Secretary of State for MHCLG, following an exhaustive examination process (see Inspector's report at Appendix 4). From a legal perspective, there is no rational reason for the Council to resist adopting the Local Plan.</p> <p>Under Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council must, as soon as is reasonably practicable after adoption:</p> <p>(a) make available the following documents in accordance with Regulation 35:</p> <ul style="list-style-type: none"> • the Local Plan; • an adoption statement; • the sustainability appraisal report; and • details of where and when the documents can be inspected; <p>(b) send the adoption statement to anyone who has asked to be notified of the adoption;</p> <p>(c) send a copy of the adoption statement to the Secretary of State.</p> <p>Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004 states that, as soon as reasonably practicable after the adoption, the responsible authority shall make a copy of the Plan's accompanying environmental report available for inspection. The Draft Sustainability Appraisal Post-Adoption Statement is available for Members' information (see Background Documents). If the Plan is adopted, a final version will be made publicly available, including on the Council's website.</p> <p>The validity of the Local Plan and its adoption may be challenged in the High Court, within a six-week period, by way of section 113 of the Planning and Compulsory Purchase Act 2004.</p>
<p>Environmental and Sustainability Implications</p>	<p>The adopted Local Plan, which is underpinned by a sustainable strategy, will provide a sound basis for decision making on future planning applications.</p> <p>The Council has undertaken sustainability appraisals at all key stages to consider the environmental, social and economic impacts of the Local Plan's emerging proposals. This was to help ensure</p>

	that development meets the needs of both present and future generations. A Habitat Regulations Assessment (HRA) was also undertaken to assess any potential impacts arising from the Plan on European Sites and, where necessary, identify potential mitigation measures.
Human Resource Implications	None
Key Risks	<p>In view of the legal implications above, and given that the Local Plan:</p> <ul style="list-style-type: none"> (i) has already been approved by this Council; (ii) is underpinned by a substantial body of up-to-date evidence; and (iii) has been found sound (subject to Main Modifications) by the Planning Inspectorate; <p>it would be perverse and irrational to resist adopting the Plan.</p> <p>Failure to adopt, for whatever reason, would create the spectre of potentially having to go back several stages in the process or even having to start the Plan all over again. It would also inevitably result in direct intervention from the Secretary of State on the production of a new local plan:</p> <p>https://www.gov.uk/government/publications/local-plan-intervention-letters-to-councils.</p> <p>Non-adoption, moreover, would jeopardise the five-year housing land supply in the medium term and beyond. The absence of an up-to-date Local Plan and resultant five-year supply vulnerability would, once again, put the Council at risk of opportunistic planning applications from developers.</p> <p>Non-adoption would also result in substantial, unnecessary, costs as well as incalculable reputational damage for the Council.</p> <p>Any material changes to the text presented in the document at Appendix 1 would potentially risk legal challenge(s) under section 113 of the Planning and Compulsory Purchase Act 2004. This is because the Local Plan draft version for adoption incorporates the recommendations of the Report of the Examination of the Cotswold District Local Plan 2011-2031 (dated 5th June 2018).</p> <p>Any successful legal challenge(s) to the High Court made within the prescribed time period could pose a potential risk to the Local Plan.</p>
Equalities Impact Assessment	A full range of assessments, including an Equalities Impact Assessment, have been undertaken at all key stages of the Plan's preparation.
Related Decisions	<ul style="list-style-type: none"> (i) Cabinet, 15th February 2018 - Main Modifications and Policy Map Changes to the Submitted Cotswold District Local Plan (ii) Council, 13th June 2017 - Focussed Changes and Minor Modifications to the Submission Draft Cotswold District Local Plan

Background Documents	<p>Summary of representations on Main Modifications and CDC Officers' assessments of soundness issues raised: http://www.cotswold.gov.uk/media/1604668/ED083a-FINAL-SUMMARY-OF-MAIN-MODS-FOR-INSPECTOR-UPDATED-24052018.pdf</p> <p>Draft Sustainability Appraisal Post-Adoption Statement SA Adoption Statement v2.0 170718.pdf</p>
Appendices	<p>Appendix 1 - Cotswold District Local Plan 2011-2031 (draft version for adoption)</p> <p>Appendix 2 - Schedule of Additional Modifications (N.B. these modifications have been incorporated into the draft version for adoption at Appendix 1).</p> <p>Appendix 3 - Schedule of amendments to specifically address ambiguity relating to the definition of Cirencester Town Centre (N.B. as with Appendix 2, these amendments have been incorporated into Appendices 1 and 2). [See paragraphs 6-9 below]</p> <p>Appendices 4 and 4(a) - Report of the Examination of the Cotswold District Local Plan 2011-2031 and Appendix (The Planning Inspectorate, 5th June 2018).</p> <p>Appendix 5 - List of further amendments recommended in the Inspector's report, over and above those published in the Main Modifications consultation.</p>

Performance Management Follow Up	Implement Council decision(s) and any related requirements
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<p>Background Information</p> <p><u>The Main Modifications</u></p> <ol style="list-style-type: none"> 1. The independent examination of the Submitted Cotswold District Local Plan (incorporating Focussed Changes and Minor Modifications to the Submission Draft) culminated in the publication of Main Modifications to the Plan in February 2018. The Main Modifications proposed amendments to help ensure the Plan passes nationally-prescribed 'tests of soundness' (NPPF 182: Positively prepared; Justified; Effective; and Consistent with National Policy). 2. The examining Inspector invited comments on the Main Modifications over a six-week period of public consultation, which ended on 4th April 2018. A total of 147 representations were received on the Main Modifications from 41 representors, of which 45 supported the proposals. A link to the summary of representations and Officers' assessments of soundness issues raised is provided above (under Background Documents). 3. The examining Inspector has considered the representations on the Main Modifications and the officers' assessments of them in conjunction with all the other representations and evidence presented to him through the examination process. The Inspector's resulting report is included at Appendix 4, with his detailed recommendations at Appendix 4a. The further amendments that were recommended in his report, beyond those published in the Main Modifications consultation, are summarised at Appendix 5.

4. The Cotswold District Local Plan 2011-2031 (draft version for adoption) at Appendix 1 incorporates all of the Inspector's recommendations.

Additional Modifications

5. Besides the Main Modifications, a number of amendments are proposed that would not materially alter the intent, meaning or content of the Plan. Such amendments, which are geared towards rectifying minor errors, adding clarity, etc., are known as Additional Modifications. There is no requirement for the examining Inspector to consider these - hence, they do not feature in his report dated 5th June 2018. In the interests of transparency, however, all of these Additional Modifications are set out in Appendix 2.

Minor Changes to address ambiguity in the Local Plan

6. Officers have recently identified an ambiguity relating to the use of the term 'town centre' in the Cirencester and Economy sections of the Plan. It is important that this is addressed to make it clear where this term has been applied in the context of:-

- the retail hierarchy (Policy EC7), which refers to 'Town Centre: Cirencester'; and
- the Cirencester Town Centre Strategy (Policy S3).

7. 'Town centre' in relation to the former applies to a limited area of Cirencester bounded by roads including Lewis Lane, Ashcroft Road and The Waterloo. Conversely, the strategy for Cirencester also refers to 'town centre' even though the strategy covers a much larger area, essentially bounded by the 'inner bypass' and Cirencester Park.

8. This ambiguity can be rectified through minor amendments to the text and inset map titles without altering the intention or meaning of the Plan. Officers believe the best way of achieving this would be to change the term 'town centre' to 'central area' when referring to the strategy.

9. The complete schedule of changes recommended to rectify this matter is included at Appendix 3.

Sustainability Appraisal Post-Adoption Statement

10. The Statement includes the following:-

- an overview of the process which has been undertaken for the Sustainability Appraisal;
- how the Sustainability Appraisal has informed and influenced the development of the Local Plan (including through the consideration of reasonable alternatives);
- the consultation that has been undertaken as part of the Sustainability Appraisal process; and
- the proposed monitoring processes.

(END)