

Swindon Borough Local Development Scheme Review 2019

Cabinet

Date: 20th March 2019

Author:	Cabinet Member for Strategic Planning and Sustainability
Wards:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To inform and seek agreement for the revised Swindon Borough Local Development Scheme (LDS) 2019, which establishes the work programme for the production of Local Development Plans, (principally the Local Plan), including joint working arrangements with Wiltshire Council, and of the arrangements to make it publicly available.
- 1.2 The LDS was last published in September 2017. Since that date the revised National Planning Policy Framework (NPPF2018) has been published which has implications for the production of the Swindon Local Plan review and joint working arrangements with Wiltshire Council. In order to formally commence the Review it is critical that an updated LDS is published to inform stakeholders and the public on the work programme and key dates in its production.
- 1.3 The Local Plan Review will have a key role in implementing many of the Corporate Plan's priorities and will be fundamental in delivering key elements of the Priority One: Improve infrastructure and housing to support a growing, low-carbon economy.

2. Recommendations

Cabinet is recommended to:

- 2.1 Approve the Swindon Borough Local Development Scheme as attached at **Appendix 1** and to publish it in accordance with the arrangements set out in paragraph 3.24.
- 2.2 Authorise the Head of Planning, Regulatory Services, and Heritage, in consultation with the Cabinet Member for Strategic Planning and Sustainability, and the Director of Law and Democratic Services, to make minor non-material changes to the content of the Swindon Borough Local Development Scheme if required, prior to publication.
- 2.3 Support the preparation of a Statement of Common Ground with Wiltshire Council to clarify the strategic cross boundary issues between the two authorities.

3. Detail

- 3.1 The Council is required to have an up to date Local Plan to provide a planning framework to shape and guide future development as the principal policy document in the determination of planning applications in the Borough.

Further information on the subject of this report can be obtained from Phil Smith, 01793 466443, psmith@swindon.gov.uk.

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- 3.2 The Planning and Compulsory Purchase Act, 2004 (as amended by the Localism Act 2011) requires the Council to prepare and maintain a Local Development Scheme (LDS) setting out a rolling three year programme of work to deliver local planning documents.
- 3.3 Swindon Borough Council adopted its first LDS in September 2005, and since that time it has been subject to periodic review. A review of the LDS was published in September 2017 (Cabinet Minute 35, 6/09/2017 refers) setting out the timetable for the Swindon Borough Local Plan review. A further update has become necessary following the publication of the revised National Planning Policy Framework in July 2018.
- 3.4 In relation to plan making and housing delivery there are three significant changes introduced in the NPPF2018:
- 3.4.1 the introduction of a 'standard methodology' for calculating local housing need based on population projections and local affordability ratios (house price to income);
 - 3.4.2 this local housing need is to be expressed as a single authority housing requirement replacing the previous approach to calculate local housing need on the basis of housing market areas;
 - 3.4.3 Statements of Common Ground with neighbouring local planning authorities are to become live documents which identify the strategic cross boundary matters being addressed through the plan making process; and
- 3.5 This iteration of the LDS covers the period 2019 to 2022. The main element of the revised LDS is the preparation of the review of the Swindon Borough Local Plan. The Revised Local Plan will cover the period 2016 to 2036.

Local Housing Need

- 3.6 The Government signalled its intention to move to a standardised method of calculating local housing need in the Housing White Paper published in February 2017. At present, as outlined in the Government's consultation paper¹ issued in October 2018, the ONS 2014-based demographic data will be the basis for calculating local housing need until such time a new method for calculating local need is established that accords with the Government's aspirations for the housing market. That figure is 20,460 dwellings for the period 2016-2036.
- 3.7 It is critical for the future development strategy for the Borough that production of the Local Plan is not unduly delayed pending confirmation of the final housing needs methodology. It is therefore proposed to proceed on the basis of the

¹ Technical consultation on updates to national planning policy and guidance. Ministry of Housing, Communities and Local Government, October 2017

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Government's consultation paper. On this basis, the revised local housing need for Swindon Borough is likely to be significantly lower than indicated in the Swindon and Wiltshire Strategic Housing Market Assessment published in October 2017. On-going work is being under-taken to sense check the local housing need figure in respect of economic forecasts and affordable housing needs, and to consider the implications for future housing need and employment that flow from the recent announcement by Honda to cease production in the town.

- 3.8 Having established the housing need the second exercise is to assess future supply in order to meet that need.
- 3.9 The principle evidence base for assessing potential supply is the Strategic Housing and Employment Land Availability Assessment (SHELAA). Work has progressed over the last twelve months to update the SHELAA including consultation on an initial site analysis in the autumn of 2018. The final SHELAA Report was published on 11th February 2019 and contains an analysis of potential future supply.
- 3.10 In summary, about 18,000 dwellings are part of existing commitments in the form of either planning permissions or allocations in the adopted Local Plan and made neighbourhood plans. The SHELAA identifies residential sites for about 3,000 dwellings developable by 2036 with a further 5,000 developable subject to viability or infrastructure issues being overcome. Making an allowance for small windfall sites results in a potential remaining supply of some 27,000 dwellings.
- 3.11 On this basis, there is a sufficient supply of dwellings to:
 - 3.11.1 demonstrate that housing need could be met within Swindon Borough without recourse to seek allocations in adjacent authorities,
 - 3.11.2 allow for a choice of sites to be allocated according to sustainability appraisal criteria and informed by further public consultation, and,
 - 3.11.3 allow for flexibility in respect of viability and infrastructure issues being resolved.

Employment Land

- 3.12 Unlike housing land there is no standard method for calculating employment land need. The principal local evidence base is the Swindon Borough Employment Land Review (ELR) 2017. The ELR presents a range of future employment floorspace requirements of up to 242,600sqm to 2036.
- 3.13 The SHELAA identifies about 280,000sqm of gross employment floorspace on existing commitments, comprising permissions, plan allocations and sites with resolution to grant planning permissions. Beyond existing commitments, land suitable for employment development is identified with an estimated capacity for

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about 200,000m² of employment floorspace is identified on sites with a total site area of 56.9ha (some of these sites are mixed use sites). Sites with a capacity for a further 1,000,000m² of employment floorspace are assessed as 'possibly developable'.

- 3.14 Notwithstanding this, identified sites may not meet the market requirements in respect of location, size and tenure. Further work will be required to match as far as possible market expectations with site availability in the context of environmental and other constraints.

Implications for Joint Working with Wiltshire Council and Statement of Common Ground

- 3.15 In accordance with Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) local authorities must engage constructively, actively and on an ongoing basis in any process by means of which development plan documents are prepared. This is termed the 'duty to cooperate'. It states that cooperation should take account of the most appropriate functional geographies, which would include housing market areas (HMAs) and functional economic market areas (FEMAs). This provided the momentum for joint working with Wiltshire and the proposed Joint Spatial Framework (Cabinet Minute 52, 18/10/2017 refers).
- 3.16 NPPF2018 now requires local authorities to "maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these". National Planning Practice Guidance outlines what a statement of common ground should contain and explains that it should be "maintained on an on-going basis throughout the plan making process".
- 3.17 A statement of common ground can identify matters that are agreed, yet to be agreed, or further information that is required before matters can be agreed. It will identify those areas where cooperation is required to deliver the strategic policies of both authorities. To this extent it will cover many of the elements previously intended to be included within the Swindon and Wiltshire Joint Spatial Framework.
- 3.18 A Statement of Common Ground should, therefore, be prepared between Wiltshire and Swindon to confirm the extent of joint working between the two authorities, including:
- 3.18.1 whether the proposed housing requirements for Swindon Borough Council and Wiltshire Council can be accommodated within each authority's boundaries and if not the extent of the shortfall in provision.
- 3.18.2 whether the proposed employment land requirement identified in the Swindon and Wiltshire Functional Economic Market Assessment can be

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accommodated within each authority's boundaries and if not the extent of the shortfall in provision, and

3.18.3 whether there are other cross boundary strategic issues that should be addressed through joint working including infrastructure provision to support growth.

- 3.19 The Statement of Common Ground should be subject to ongoing review. The scope of the Joint Spatial Framework will be determined by the Statement of Common Ground. It may be reduced in scope compared to that previously proposed, for example, it may focus on employment land and infrastructure delivery.

Implications for the Local Plan Review Timetable

- 3.20 In order to make timely progress on the Local Plan Review and in light of the analysis of supply outlined above, it is proposed to proceed with the Local Plan underpinned by a Statement of Common Ground with Wiltshire Council.
- 3.21 The outline programme for the production of the Local Plan Review is presented in Appendix 4 of the LDS document. The key remaining dates for the production of the Local Plan are:

Preferred Options Consultation	Summer 2019
Pre-submission Consultation	Winter 2019/20
Submission for Examination	Spring 2020

- 3.22 Although there has been some short-term slippage in the timetable as outlined in the LDS 2017, 'front-loading' work particularly in relation to the SHELAA should enable a shorter period between consultation and re-drafting.
- 3.23 After submission, the timetable is largely dictated by the Local Plan Inspector, appointed by the Planning Inspectorate. Based on past experience it anticipated adoption of the revised Plan would be in early 2021, assuming it is found sound at examination. This end date target is the same as outlined in the LDS 2017.

Next Steps

- 3.24 Should the Cabinet approve the LDS it will be made available on the Councils website at the earliest opportunity.

4. Alternative Options

- 4.1 The Borough Council could choose not to amend its Local Development Scheme. However, an out of date scheme is of little use to stakeholders in programming their responses to key policy documents. Also, the Council's Plan preparation is

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judged against the timetables in the Scheme and not having an up-to-date Local Plan may incur the intervention of the Secretary of State.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The costs of preparing the review of the Local Plan will be met from the Forward Planning budget, which is determined annually based on likely spend, so the LDS is helpful in providing the basis of a spend profile. Proportional funding would be forthcoming from Wiltshire Council in respect of joint evidence base work.
- 5.2 The Swindon Borough Local Plan is a strategic planning policy document, and as such, it does not necessarily commit the Council itself to funding proposals contained within it. However, the Local Plan is a key document in securing Government funding for infrastructure and subsequent commitments on the Council for the expenditure of such funding.

Legal and Human Rights Implications

- 5.3 The preparation of the Local Development Scheme and the subsequent Local Plan Review have to be in accordance with relevant legislation, particularly the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
- 5.4 The content of this report will not have a direct implication on human rights issues.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.5 The Local Plan Review will be subject to a Sustainability Appraisal incorporating Strategic Environmental Assessment and Health Impact Assessment to ensure that the impact of proposals can be minimised with the least negative impact possible on the Plan area. Other planned development documents will be in accordance with the Local Plan.

Diversity Impact Assessment (DIA)

- 5.6 A DIA has not been undertaken on the LDS as the purpose of the Scheme is to only outline the programme of the development plan, however DIA's will be undertaken on the development plan documents themselves.

Risk Management

- 5.7 The LDS programmes the statutory development plan for Swindon. Without programming of statutory plans, there is a significant risk that those plans, and the development they cover, will not be delivered when required. Also, there is a

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risk that without an LDS, stakeholders will not be informed of when responses will be required for key policy documents which could result in fewer responses and participation from Swindon's community.

- 5.8 Delay to the Local Plan Review could undermine the Council's vision to create and realise Swindon's aspirations for development. Adequate resourcing and robust proportional evidence are identified as potential risks to the Local Plan Review.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1: Swindon Borough Local Development Scheme 2019 (*The appendix is available online at the Council's website or on request from Committee and Member Services*).

9. Key Decision/Decision in Cabinet Work Programme and Forward Plan

- 9.1 This is not a Key Decision.

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Appendix 1 – Swindon Borough Local Development Scheme 2017 (provided separately)