

Swindon Borough Local Development Scheme 2017

Cabinet

Date: 6th September 2017

Author:	Cabinet Member for Strategic Planning and Sustainability and Corporate Director for Communities and Housing
Wards:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To inform and seek the agreement of the Swindon Borough Local Development Scheme (LDS) 2017, including joint working arrangements with Wiltshire Council, and of the arrangements to make it publicly available.
- 1.2 All Local Planning Authorities are required to maintain an up-to-date programme of the Development Plans, (principally the Local Plan), that they intend to produce and when they intend to produce them. This programme of development is known as the Local Development Scheme (LDS).
- 1.3 The LDS was last published in 2013. Since that date the Swindon Borough Local Plan has been adopted and evidence base work in respect of the Local Plan Review has commenced. In order to formally commence the Review it critical that an updated LDS is published to inform stakeholders and the public on the work programme and key dates in its production.
- 1.4 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 themes of 'One Swindon', including supporting accelerated economic growth and providing a means of ensuring that new development responds to the needs of all of the Borough's communities, such as elderly people.

2. Recommendations

Cabinet is recommended to:

- 2.1 Approve the Swindon Borough Local Development Scheme at **Appendix 1** and to publish it in accordance with the arrangements set out in paragraph 3.15.
- 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, in consultation prior to publication.

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 Swindon Borough Local Plan 2026 was adopted on March 26th 2015 (Council Minute 97, 2014/15 refers). The independent Local Plan Inspector in his report recommended an early review of the Plan to update the housing and employment land requirements.
- 3.3 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.
- 3.4 Swindon Borough Council adopted its first LDS in September 2005, and since that time it has been subject to periodic review. A further review of the LDS has become necessary following the adoption of the Swindon Local Plan 2026 and the Inspector's requirement to undertake an early review of it.
- 3.5 This iteration of the LDS covers the period 2017 to 2020, identifies the Local Development Documents (LDDs) prioritised for production, and sets out a timetable for their production. For clarity, the timetable beyond 2020 is also presented. The main element of the revised LDS is the preparation of the review of the Local Plan. The Revised Local Plan will cover the period 2016 to 2036.

Joint Working

- 3.6 For the current (adopted) plans, joint working was undertaken on an informal basis with Wiltshire Council, which culminated in agreement at examination of Statements of Common Ground between the two authorities. However, given the functional geographies it is considered that a different, more robust, approach is now required to ensure a sound basis for plan making.
- 3.7 A joint member working group has been set up to discuss and progress work informing the Local Plan Review, comprising key Cabinet portfolio holders from Swindon and Wiltshire. This group acts in an advisory capacity to the Joint Strategic Economic Committee of the LEP. The Joint Member Working Group, and the Joint Strategic Economic Committee of the LEP have endorsed the approach to plan preparation proposed through the LDS.

Format of the Local Plan Review

- 3.8 Drawing on practice from elsewhere in England, three principal options have been identified for the Local Plan Review, aligning Swindon and Wiltshire's processes and timescales:
 - 3.8.1 A comprehensive single formal joint statutory plan. This could either cover all of Swindon and Wiltshire or the Swindon Housing Market Area, (which extends into Wiltshire).
 - 3.8.2 A formal joint strategic statutory plan with underlying separate local plans. The strategic plan could cover housing and employment numbers, their

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apportionment and the broad spatial distribution of development, strategic development locations, and strategic infrastructure across Wiltshire and Swindon. This is in effect would be a two part development plan similar to the old Structure Plan/District Local Plan format.

- 3.8.3 Aligned but separate local plans for each authority, informed by a joint evidence base and a non-statutory 'joint framework' covering matters similar to a joint strategic plan which both authorities are 'signed' up to.
- 3.9 The suggested approach to joint working is to pursue separate but aligned plans alongside a joint non-statutory framework. This is considered to be the most effective and proportionate option for Wiltshire and Swindon for the following reasons:
 - 3.9.1 It facilitates streamlined reviews of the recently adopted development plans, allowing a 'light touch' approach to reviewing development management policies as appropriate for each authority.
 - 3.9.2 It provides a means to move forward relatively quickly with the plan reviews to provide robustness around maintaining a five year housing land supply.
 - 3.9.3 It enables each authority to pursue its own plan informed and co-ordinated by the non-statutory framework.
 - 3.9.4 It avoids the lengthy two-stage plan-making process that a joint strategic statutory plan would necessitate, including separate examinations in public for the strategic and local plans.
 - 3.9.5 It avoids the complexity of seeking to bring forward a comprehensive new joint statutory plan for Swindon and Wiltshire.
 - 3.9.6 It provides strong evidence of meeting the legal and policy tests with regard to co-operation, and could act as a platform from which to align land-use and infrastructure planning across the LEP area which should assist when bidding for funding or attracting investment.
- 3.10 A key component of effective collaborative working between the two authorities under this model would be the development and agreement of the **joint non-statutory spatial framework** which sets the broad spatial approach to the quantum and location of development and supporting infrastructure, informed by a shared evidence base, providing a context for decisions over detailed site allocations to be made through the authorities' individual plan reviews. The proposed outline of the scope for the joint non-statutory spatial framework is set out in Appendix 2 in the LDS document (Appendix 1 to this report).

Effective Engagement and Duty to Co-operate

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- 3.11 Effective engagement is a pre-requisite to the smooth delivery of a sound Local Plan. The National Planning Policy Framework (para 69) states that local planning authorities should create a shared vision with communities involving all sections of the community in the development of Local Plans. Community involvement is embedded in the preparation of the Local Plan reviews in line with its Statement of Community Involvement. In particular it is important that all Swindon's communities are involved in the Plan making process by the use of a variety of consultation methods, including social media.
- 3.12 The Council is subject to the 'duty to co-operate' under Section 33A of the Planning and Compulsory Purchase Act (2004). This requires local planning authorities and other prescribed bodies to engage constructively, actively and on an ongoing basis with a view to maximising the effectiveness of the preparation of development plan documents. Such co-operation should take place in relation to the sustainable development or use of land (including infrastructure) that would have a significant impact on at least two local authority areas. This work is on-going throughout the preparation of the plan, and will be reported through Cabinet at the appropriate stages of the production of the Local Plan Review.

Key Dates for the Local Plan Review

- 3.13 The outline programme for the production of the Local Plan Review is presented in Appendix 4 of the LDS document alongside that for the non-statutory joint spatial framework. The key dates for the production of the Local Plan are:

Issues & Options Consultation	Autumn 2017
Preferred Options Consultation	Autumn 2018
Pre-submission Consultation	Summer 2019
Submission for Examination	Early 2020

- 3.14 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.

Next Steps

- 3.15 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.

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 Joint Strategic Economic Committee Agenda and Minutes 14th February 2017.

8. Appendices

- 8.1 Appendix 1: Swindon Borough Local Development Scheme 2017 (*This appendix can be inspected on the Council's website and copies can be obtained from the Committee Officer*)

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

- 9.1 This is not a Key Decision.