

Swindon Borough Local Plan Review

– Regulation 18 (Issues & Options) Consultation

Cabinet

Date: 18th October 2017

Author: Cabinet Member for Strategic Planning and Sustainability /
Corporate Director for Communities and Housing

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To seek approval to undertake public consultation on Issues and Options as the first major stage of the review of the Swindon Borough Local Plan for a six week period, and to prepare and publish supporting evidence base material.
- 1.2 In accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities are required to undertake public consultation regarding the scope and strategic issues to be addressed as the first formal stage in the production of a Local Plan for the area.
- 1.3 Paragraph 158 of the National Planning Policy Framework stipulates that each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.
- 1.4 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 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. It will also enable the Borough Council to adopt a sound spatial economic strategy and a realistic and deliverable housing trajectory against which future development options can be assessed.

2. Recommendations

Cabinet is recommended to:

- 2.1 Authorise the Head of Planning, Regulatory Services, and Heritage to undertake public consultation on the Issues and Options of the Swindon Borough Local Plan Review as attached at **Appendix 1 and 2** and in accordance with the arrangements set out in paragraph 3.21.
- 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 any necessary

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changes to the consultation documents before they are finalised for publication, and agree any changes to Appendix 2 with Wiltshire Council.

- 2.3 Authorise the Head of Planning, Regulatory Services, and Heritage, in consultation with the Cabinet Member for Strategic Planning and Sustainability and other relevant Cabinet Members, to produce and publish evidence base material required to support the preparation of the Local Plan Review.

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.
- 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 revised Local Development Scheme was approved for publication in September 2017 (Cabinet Minute 35, 2017/18 refers) which sets out the timetable for the review of the Local Plan. In accordance with this timetable it is intended to undertake public consultation on the scope of the Local Plan review, commonly referred to Issues and Options Consultation, in the fourth quarter of 2017.

Extent of the Local Plan Review

- 3.4 The Local Plan Review will cover the period of 2016-2036, and on adoption will replace the Swindon Borough Local Plan 2026 and the Swindon Central Area Action Plan (2009). Much of what is in these existing Plans would be carried forward into the new Local Plan, including the strategic developments at Wichelstowe, Commonhead (Badbury Park), Tadpole Garden Village, New Eastern Villages and Kingsdown (East of A419). However the requirement to plan for additional housing and employment land beyond 2026 means the overall development strategy will need to be updated and re-set, along with policies to ensure the delivery of the necessary supporting infrastructure. The Local Plan Review would also provide an opportunity to consider and revise if necessary other policies in the existing Plans.
- 3.5 The Issues and Options consultation provides an opportunity for other statutory and non-statutory organisations, Parish and Town Councils, community groups, businesses, developers, and the public in general to provide comments early in the plan making process as to what the scope of the plan should be, and how identified needs should be met.

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- 3.6 It is important to make clear that, while the Issues and Options document forms part of the overall process of preparing a new Local Plan, it is not of itself a draft development plan or new planning policy. It is by definition a consultation document setting the scene for subsequent preparation of a draft plan document, inviting comments, and is intended to help shape the nature and content of the revised Local Plan.
- 3.7 Therefore, in agreeing to the Issues and Options consultation, Members are not making any set decisions regarding the direction of future strategy or planning policy, nor on the allocation of any additional sites. Decisions on these matters are for future stages of the Plan preparation once the outcomes of the consultation on the Issues and Options consultation have been considered, along with the conclusion of the remaining evidence studies and the Strategic Housing and Economic Land Availability Assessment.
- 3.8 As set out in the Local Development Scheme, there will be further opportunities for the public to comment on the emerging Local Plan Review later in the process, specifically the Preferred Options consultation scheduled for Autumn 2018, and the Pre-Submission Consultation scheduled for Summer 2019.

Duty to Co-operate and Joint Working

- 3.9 The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities and public bodies such as the Environment Agency, Natural England and Highways England, to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. The duty to cooperate is not a duty to agree, however local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.
- 3.10 Adjacent local planning and the other prescribed bodies would be formally consulted through the Issues and Options consultation, however on-going engagement would be undertaken throughout the preparation of the Local Plan Review in accordance with the regulation.
- 3.11 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. Given the functional geographies it is considered that a different, more robust, approach is now required to ensure a sound basis for plan making.
- 3.12 As set out in the revised Local Development Scheme, the agreed approach to joint working is to pursue separate, but aligned plans, alongside a non-statutory

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joint spatial framework. This framework will agree the broad spatial approach to the quantum and location of development and supporting infrastructure, informed by a shared evidence base, and thereby provide 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 non-statutory joint spatial framework is set out at Appendix 2 in the Revised Local Development Scheme (2017). This framework would not have the status of a formal development plan document, and would be used to inform Local Plan preparation rather than as a means of determining planning applications.

- 3.13 The timetable for the preparation of the non-statutory joint strategic framework is also set out in the revised Local Development Scheme. Responses received to the Issues and Options Consultation would also inform the preparation of this framework document. Wiltshire Council has taken a parallel Issues and Options Consultation Report for the Review of the Wiltshire Core Strategy at their Cabinet 10th October 2017.

Consultation Documents

- 3.14 The principal consultation document is the Swindon Borough Local Plan Review Issues and Options Paper, attached at **Appendix 1**, which takes the form of a questionnaire supplemented by information regarding the context for the review, the consultation process and next steps, the vision and objectives for the Plan, existing and emerging evidence, and the key issues and challenges the Plan will need to address.
- 3.15 Alongside the above will be a consultation paper concerning the structure and content of the non-statutory Joint Spatial Framework, which has been prepared jointly with Wiltshire Council; attached at **Appendix 2**. This sets out and requests comments regarding the form of joint working proposed, the scope and objectives of the Joint Spatial Framework, the evidence in support of the Joint Strategic Framework and broad concept options for growth. It includes profiles for each housing market area in Swindon and Wiltshire setting out the constraints and opportunities across the HMA and at each of the main settlements. It also invites comments on a draft methodology to identify and assess options for the spatial distribution of the additional housing and economic development (beyond planned and committed growth under the existing plans) required in Wiltshire and Swindon in the period to 2036.

Evidence Base

- 3.16 National Planning Practice Guidance states that the evidence base underpinning the Local Plan needs to inform what is in the plan and shape its development rather than being collected retrospectively. It should also be kept up-to-date. Local planning authorities should publish documents that form part of the

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evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan. It will also help communities bringing forward neighbourhood plans, who may be able to use this evidence to inform the development of their own plans. (*Planning Practice Guidance, Paragraph: 014, Reference ID: 12-014-20140306, CLG 2017*).

- 3.17 Some key evidence work for the Swindon Borough Local Plan Review has already been completed or is nearing completion. These comprise a Strategic Housing Market Assessment and Functional Economic Market Area Assessment (Cabinet Minute 38, 2017/18 refers), an updated Playing Pitch Strategy, a Strategic Housing and Employment Land Availability Assessment (SHELAA), an update Employment Land Review and an updated Retail & Leisure Needs Study.
- 3.18 Other identified evidence work includes, but not limited to, an updated Strategic Flood Risk Assessment, a whole plan and affordable housing viability assessments, an updated Gypsy and Travellers Needs Assessment, an updated Open Space Audit Assessment, transport assessment and updated Infrastructure Delivery Plan. Where practical, with the resources available, evidence will be produced 'in-house'. Where there is a requirement to engage external professional expertise, joint commissioning with neighbouring authorities will be explored where this is appropriate, in order to take advantage of reduced costs of such work through economies of scale.
- 3.19 In order that the evidence base is up-to-date and published without delay in accordance with national guidance, authorisation is sought to prepare and publish appropriate evidence in support of the Local Plan Review.

Consultation Strategy

- 3.20 Effective consultation 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 Review 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.

Next Steps

- 3.21 If agreed by Cabinet, it is intended the public consultation would be undertaken for a period of six weeks from the week beginning 6th November 2017. The consultation will be undertaken in accordance with Council's adopted Statement

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of Community Involvement in Planning. Comments received in relation to the Joint Strategic Framework would be shared with Wiltshire Council on a reciprocal basis. As part of the consultation process the following arrangements would be put in place (with similar arrangements made by Wiltshire Council in relation to their area):

- 3.21.1 Early notification of the consultation period to Parish and Town Councils following Cabinet approval;
 - 3.21.2 Letter or email to consultees on the planning policy consultation database, providing notification of the consultation;
 - 3.21.3 Online publication of all consultation documents on the Council's website including the consultation portal and the creation of a joint web page (hosted on the Wiltshire Council website) to provide information on joint working and links to the appropriate pages of each authority's local plan review website.
 - 3.21.4 Publication of advertisement in local newspapers; and
 - 3.21.5 Documents being made available for viewing at the Council's main office and at public libraries.
 - 3.21.6 Any material relating to joint working will be approved by the Cabinet Member for Strategic Planning and Sustainability and the Wiltshire Cabinet Member for Spatial Planning, Development Management and Property.
- 3.22 It is also proposed to hold specific events for representatives of parish and town councils, as representatives of their communities, on the new HMA basis. The timings and details should be agreed with Wiltshire Council to ensure a coordinated approach to the events. It will be important for Officers from each authority to be able to attend events relating to the Swindon HMA. It is also proposed that a developers' forum is held during the consultation period.

4. Alternative Options

- 4.1 The Borough Council could choose not to proceed to Issues and Options consultation. The focus of work over the last 12 months has been the establishment of an evidence base leading to the preparation for Issues and Options consultation which is a key stage in the plan making process. Not proceeding as intended would lead to delay in producing an up-to-date Local Plan with associated risks, including a continuation of our lack of a 5 year land supply, the stifling of economic development and potential intervention by the Secretary of State.

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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. 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. The Community Infrastructure Levy Charging Schedule will be reviewed in light of the Local Plan Review.

Legal and Human Rights Implications

- 5.3 The Local Plan Review will 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. At this stage

Diversity Impact Assessment (DIA)

- 5.6 A DIA has been undertaken on the Issues and Options, however at this stage in the Local Plan Review the assessment is limited as there are no draft policies to assess. More comprehensive DIA's will be undertaken as the Local Plan Review progresses.

Risk Management

- 5.7 Delay to the Local Plan Review could undermine the Council's vision to create and realise Swindon's aspirations for development. The Revised Local Development Scheme includes a risk assessment for the Local Plan Review.

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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 Plan Review Issues and Options Paper *(This appendix can be inspected on the Council's website and copies can be obtained from the Committee Officer)*
- 8.2 Appendix 2: Swindon and Wiltshire Joint Spatial Framework Issues Paper *(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

- 9.1 This is not a Key Decision.