

Swindon Borough Local Development Scheme Review 2020

Cabinet

Date: 9th September 2020

Author: Cabinet Member for Strategic Infrastructure, Transport & Planning
Director of Strategic Development

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To seek agreement for the revised Swindon Borough Local Development Scheme (LDS) 2020, which outlines the work programme for the production of Local Development Plans, (principally the Local Plan), including joint working arrangements with Wiltshire Council, and for the arrangements to make it publicly available.
- 1.2 The LDS was last published in March 2019. Since that date, two rounds of public consultation have been undertaken on the Local Plan Review the latest closing on 31st January 2020. As a consequence of representations received to that consultation, it is recommended a number of key evidence base documents are completed prior to submission for examination. This has necessitated a review of the Local Plan timetable. To inform stakeholders and the public on the updated work programme and key dates in the Local Plan production it is critical that an updated LDS is published.
- 1.3 In order to have an up to date planning framework in relation to minerals and waste matters, it is recommended work commences on the review of the Minerals and Waste Development Plan Documents, and in such joint working with Wiltshire Council is continued.
- 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 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 3.27.
- 2.2 Authorise the Director of Strategic Development, in consultation with the Cabinet Member for Strategic Infrastructure, Transport & Planning, to make minor non-

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material changes to the content of the Swindon Borough Local Development Scheme if required, prior to publication.

- 2.3 Authorise the Director of Strategic Development to commence joint working with Wiltshire Council in the review of Minerals and Waste Development Plan documents.

3. Detail

- 3.1 The Council is required to have an up to date Local Plan to provide a planning framework to shape future development as the principal policy document in the determination of planning applications in the Borough.
- 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 March 2019 (Cabinet Minute 76, 2018/19 refers) setting out the timetable for the Swindon Borough Local Plan review. A further update has become necessary following the consultation of the draft Local Plan and implications arising from Covid-19 restrictions.
- 3.4 This iteration of the LDS covers the period 2020 to 2023. The main element of the revised LDS is the preparation of the review of the Swindon Borough Local Plan, but also covers joint working arrangements with Wiltshire Council. The Revised Local Plan will cover the period 2018 to 2036.
- 3.5 The LDS must identify:
- 3.5.1 which of their Local Development Documents are local plans and which are supplementary planning documents,
 - 3.5.2 the subject matter and geographical area to which any local plan relates,
 - 3.5.3 which local plans (if any) are to be prepared jointly with another local planning authority,
 - 3.5.4 any matter or area in respect of which the Council have agreed (or propose to agree) to the constitution of a joint committee, and
 - 3.5.5 the timetable for the preparation and revision of the local plans.

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Local Plan Consultation

- 3.6 Public consultation on the preferred and 'emerging' options for the Local Plan Review was undertaken between 29th July 2019 and 23rd September 2019 in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), (Cabinet Minute 19, 2019/20 refers).
- 3.7 Public consultation on the draft submission Local Plan Review was undertaken between 17th December 2019 and 31st January 2020 in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), (Cabinet Minute 52, 2019/20 refers).
- 3.8 In total 435 representations to the draft submission Plan were received from individuals, parish councils, businesses, developers and other organisations. The comments received are available to view at: [Swindon Borough Council Planning Policy Consultation Portal](#).
- 3.9 In summary, the comments received from residents mainly focused on allocations for residential development in the rural settlements, particularly at Highworth, Wroughton, Wanborough, and Bishopstone. Within the Swindon Urban area, the draft allocation at Marlborough Road received a significant number objections. The comments of residents principally related to concerns over traffic impacts, pressure on key services particularly GP surgeries, and the loss of open space and countryside. Comments were also made by some residents relating to heritage assets and important landscapes. A number of residents raised issues relating to climate change.
- 3.10 Comments from developers mainly focused on the promotion of their own sites, with some arguing the housing and employment land targets are not ambitious. There were also comments relating to the draft Development Management policies, particularly where there is a perceived increase to the costs of development.
- 3.11 Comments were received from a number of stakeholders including the statutory consultees. Key amongst these were those of the Highways England:
- 3.11.1 "It is recognised that the delivery of a number of strategic allocations, including New Eastern Villages and Kingsdown, has been delayed and subsequently a number of unallocated and speculative development sites have been permitted, particularly along the A419 corridor. Highways England need to better understand the changes to the spatial strategy for Swindon that are proposed by the Local Plan Review, its impact on the SRN and the implications for the delivery of necessary highways and transport infrastructure".

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- 3.12 Following discussions with Highways England, it was agreed additional transport modelling was required to underpin the Local Plan which itself necessitates an update to the SATURN model. Such an update will require traffic count data, which since the start of the Covid-19 pandemic restrictions has not been possible or meaningful. Discussions are on-going as to how best to update the SATURN model in the mean-time. It is anticipated that the production of the transport evidence to the satisfaction of Highways England will take 6 to 9 months.
- 3.13 In addition, as a consequence of points raised through the consultation additional evidence work is required and/or completed in relation to the Water Framework Directive, Viability, infrastructure provision, gypsy & travellers sites and sustainable construction and climate change. This work will be undertaken concurrently with transport evidence update.
- 3.14 It is also important that the work-schedule for the Local Plan takes account of the recent changes to the Planning system introduced by the Government.
- 3.15 To be open and transparent, and to accord with regulations it is recommended consultation is undertaken on modifications to the Plan as a result of the update to the evidence base and comments received to the previous consultation.

Implications for the Local Plan Review Timetable

- 3.16 In order to make timely progress on the Local Plan Review and in light of the analysis of evidence base outlined above, it is proposed to amend the timetable to proceed with the Local Plan.
- 3.17 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:
- | | |
|-------------------------------------|----------------|
| Revised Pre-submission Consultation | June/July 2021 |
| Submission for Examination | October 2021 |
- 3.18 Although this is a slippage in the timetable as outlined in the LDS 2019, officers' opinion is that to proceed at a greater pace would risk the Plan being found unsound at Examination with a consequence for ultimate adoption of the Plan.
- 3.19 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 mid to late 2022, assuming it is found sound at examination.
- 3.20 The government has recently issued a White Paper for consultation, 'Planning for the Future', with the intention to reform the planning system to streamline the planning process and accelerate delivery of new homes. This includes proposals

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to simplify the role, production and examination of local plans. If these proposals are enacted it may have implications for the Local Plan timetable which would be addressed through a further revision to the LDS.

Minerals and Waste Planning

- 3.21 As unitary authorities, both Swindon Borough Council and Wiltshire Council are the local planning authority responsible for minerals and waste. Each Council is the designated Mineral Planning Authority (MPA) and Waste Planning Authority (WPA) for its respective administrative area and has, among other duties, responsibility for preparing, monitoring and reviewing a Minerals and/or Waste Local Plan (previously referred to as Development Plan Documents).
- 3.22 Wiltshire Council and Swindon Borough Council have, historically, collaborated successfully in the preparation and adoption of a complete set of Minerals and Waste Development Plan Documents.
- 3.23 The four separate Minerals and Waste Core Strategy and Development Control Policies Development Plan Documents (DPDs) were adopted in 2009, with the two final documents in the framework; the Aggregate Minerals Site Allocations Local Plan and the Waste Site Allocations Local Plan, adopted in 2013.
- 3.24 It is recommended that joint working and production is continued for the Minerals and Waste on the basis of reduced costs of shared evidence base and procurement, and ensuring a co-ordinated approach.
- 3.25 The revised LDS reaffirms Swindon Borough's commitment to review the policies within these plans to identify whether existing policies need to be amended or replaced, particularly in terms of their continued conformity with national policy.
- 3.26 If as a result of completing the review process, in co-operation with Wiltshire Council, it is considered necessary to update the minerals and/or waste plans, either in full or in part, then the LDS will be updated. This will confirm the extent of joint working between the two authorities and be reflected in the Statement of Common Ground.

Next Steps

- 3.27 Should the Cabinet approve the LDS, it will be made available on the Council's website at the earliest opportunity. A copy of any amendments made to the scheme and up-to-date information showing the Council's compliance (or otherwise) with the timetable must also be made available to the public.

4. Alternative Options

- 4.1 The Council is under a statutory obligation to revise the LDS at such time they consider appropriate. The Borough Council could choose not to amend its Local

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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 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.

- 4.2 In respect of Minerals and Waste Planning, each authority would produce its own Plan(s), however this would not realise the cost savings as identified above.

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 existing budgets. Proportional funding would be forthcoming from Wiltshire Council in respect of joint evidence base work and work relating to Minerals and Waste Development Plan documents.
- 5.2 The Swindon Borough Local Plan and the Minerals and Waste Plans are strategic planning policy document, and as such, do not necessarily commit the Council itself to funding proposals contained within them. Any funding requirement would be subject to Cabinet approval.

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 and the Town and Country Planning (Local Planning) Regulations 2012. Swindon Borough Council also has a Statement of Community Involvement (SCI). The SCI sets out the Council's policy for consulting and engaging with individuals, communities and other stakeholders in the preparation and revision of supplementary planning documents amongst other matters. Any consultation must adhere to the SCI, as well as be adequate and fair.
- 5.4 Human Rights considerations have been taken into account by the author in compiling this report. At this stage the report is just asking for approval of the Local Development Scheme which is just a rolling project plan for producing/reviewing local development documents, as such the content of this report will not have a direct implication on human rights issues. In the unlikely event they do, any minor implication will be proportional within the need for the Council to comply with its statutory obligations in reviewing its LDS.

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

- 5.5 The Local Plan Review and Mineral and Waste Development Plan Documents 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 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 Corporate Director of Finance and Assets (Section 151 Officer) and Chief Legal Officer (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 2020

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

- 9.1 This is not a Key Decision and is included in the Cabinet Work Programme and Forward Plan for September 2020.