



COUNCIL

13th JUNE 2017

AGENDA ITEM (9)

FOCUSED CHANGES AND MINOR MODIFICATIONS TO THE SUBMISSION DRAFT COTSWOLD DISTRICT LOCAL PLAN

Accountable Member	Councillor NJW Parsons Deputy Leader of the Council and 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	<p>To consider 'Focussed Changes' and 'Minor Modifications' to the Submission Draft Cotswold District Local Plan, which will be formally submitted to the Secretary of State for examination, as amendments to the Submission Draft, on 23rd June 2017.</p> <p>To consider a revised Cotswold District Local Development Scheme for 2017.</p> <p>To consider delegated authority to the Forward Planning Manager to provide formal responses to questions from the Inspector for the duration the Local Plan's examination.</p>
Recommendations	<p>(a) That the 'Submission Draft Cotswold District Local Plan Focussed Changes Addendum' (Appendix 1) and the 'Submission Draft Cotswold District Local Plan Minor Modifications Addendum' (Appendix 2) be approved for formal submission to the Secretary of State as amendments to the Submission Draft Local Plan in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;</p> <p>(b) that the Deputy Leader of the Council and Cabinet Member for Forward Planning be authorised to approve further minor modifications and minor amendments, as necessary, prior to formal submission to the Secretary of State in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;</p> <p>(c) that the Forward Planning Manager, in consultation with the Deputy Leader of the Council and Cabinet Member for Forward Planning, be authorised to provide formal responses to questions from the Inspector for the duration the Local Plan's examination;</p> <p>(d) that the Cotswold District Local Development Scheme April 2017 to March 2020 (Appendix 5) be approved.</p>

Reason(s) for Recommendation(s)	<p>To secure approval to submit 'Focussed Changes' and 'Minor Modifications' to the Local Plan Submission Draft Regulation 19 (June 2016) for submission to the Secretary of State.</p> <p>To respond to the Inspector's requests promptly, thereby reducing both the length and cost of the Local Plan's examination.</p> <p><i>It is important to note that the Council has already approved the Submission Draft Local Plan (May 2016). This report therefore relates, essentially, to the proposed amendments to that Submission Draft. A consolidated version of the 'Draft Local Plan' - i.e. the Submission Draft combined with Focussed Changes and Minor Modifications is attached at Appendix 4. The consolidated Draft Local Plan is the version that, subject to any further minor amendments, will be submitted for examination.</i></p> <p>To secure approval of the updated Local Development Scheme, which is referred to in the Planning Inspectorate's Procedural Practice as a prescribed document for the purposes of examining Local Plans.</p>
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Ward(s) Affected	All
Key Decision	Not applicable
Recommendation to Council	Not applicable

Financial Implications	<p>There are significant but unavoidable cost implications associated with the publication and submission of the Local Plan, particularly the subsequent examination process. These will be funded from the Local Development Framework earmarked reserve.</p> <p>Provision has been made within the Council's Medium Term Financial Strategy for the development of the Local Plan. It has previously been agreed that funding will be made available via the Council's Priorities Fund as the Local Plan progresses to adoption.</p>
Legal and Human Rights Implications	<p>The Submission Draft Cotswold District Local Plan and the 'Focussed Changes Addendum' have been produced for publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("Local Planning Regulations") as the version to be submitted to the Secretary of State for examination.</p> <p>Local Authorities are required by law to prepare a Local Plan for their administrative areas and the process for doing that is governed by statute. The Regulations require Local Planning Authorities to notify and invite comments from a range of specified persons and organisations on their Local Plan proposals.</p> <p>Under Regulation 19, before submitting a Local Plan to the Secretary of State, the Council must make a copy of all the proposed submission documents and a statement of representations procedure available via the Website; the principal office; and such other places within its area, as it considers appropriate, for a period of six weeks.</p>

	<p>Local Planning Authorities are required to produce an up-to-date Local Development Scheme as set out in the Planning and Compulsory Purchase Act 2004, as amended by Section 111 of the Localism Act 2011.</p>
<p>Environmental and Sustainability Implications</p>	<p>Environmental and Sustainability implications are implicit in the proposals and policies set out in the Submission Draft Cotswold District Local Plan and 'Focussed Changes Addendum'.</p> <p>In accordance with national requirements, the Council has undertaken a Sustainability Appraisal (SA) of the likely environmental, social and economic impacts of the Local Plan's proposals. The SA helps to ensure that development meets the needs of both present and future generations.</p> <p>A Habitat Regulations Assessment has also been undertaken to assess any potential impacts on European Sites and, where necessary, identify potential mitigation measures.</p>
<p>Human Resource Implications</p>	<p>None directly arising from this report.</p>
<p>Key Risks</p>	<p>There are risks of the Submission Draft Cotswold District Local Plan being challenged or potentially found unsound.</p> <p>The examination process is based on the premise that Councils prepare local plans that they consider to be essentially 'sound'. The formal Regulation 19 publication stage (including 'Focussed Changes') provided an opportunity for representations to be made, which raise potential soundness or legal compliance issues for the Submission Draft Local Plan. The purpose of publishing the 'Focussed Changes' was to address such issues, thereby helping to augment the soundness of the Plan when it is submitted for examination. The 'Focussed Changes' were subject to a six public consultation during January and February 2017.</p> <p>There is a risk of national planning policy changing up to, and even during, the Local Plan examination hearings. For example, the Housing White Paper and the Housing and Planning Act (and its anticipated Statutory Instrument) could have implications for, amongst other matters, the way that the housing requirement is calculated and the definitions and delivery of affordable housing.</p>
<p>Equalities Impact Assessment</p>	<p>The Submission Draft Cotswold District Local Plan is accompanied by a full range of assessments, including an Equalities Impact Assessment.</p>
<p>Related Decisions</p>	<p>Cabinet - 20th October 2016 - Submission Draft Cotswold Local Plan - Focussed Changes</p> <p>Council - 17th May 2016 - Cotswold District Local Plan Submission Draft Reg. 19</p> <p>Cabinet - 21st April 2016 - Cotswold District Local Plan Submission Draft Reg. 19</p> <p>Cabinet - 15th October 2015 - Local Plan Reg.18 Consultation: Planning Policies</p> <p>Cabinet - 4th December 2014 - Local Plan Reg.18 Consultation: Development Strategy and Site Allocations</p>

	<p>Cabinet - 5th December 2013 - Local Plan Development Strategy</p> <p>Cabinet - 9th May 2013 - Local Plan Consultation Paper: Preferred Development Strategy</p> <p>Cabinet Member for Forward Planning Decision-Making Meeting - 21st March 2013 - Switch from Preparing Core Strategy to a Comprehensive Local Plan.</p>
Background Documents	<p>The following key background documents have been published since publication of the Submission Draft Local Plan:</p> <ul style="list-style-type: none"> (i) Green Infrastructure, Open Space and Play Space Strategy (CDC, draft April 2017; currently being finalised) (ii) Cotswold District Playing Pitch Strategy & Action Plan (KKP, April 2017) (iii) Cotswold Retail Study (GVA, April 2017) (iv) Habitats Regulation Assessment (LUC, April 2017) (v) Landscape Sensitivity Assessment update (White Consultants, April 2017) (vi) Local Green Space evidence paper (CDC, February 2017) (vii) Representations received in response to the Local Plan Submission Draft Reg. 19 Focussed Changes (viii) Sustainability Appraisal (AECOM, Jan 2017) (ix) Objectively Assessed Housing Needs (NMSS, Dec 2016) (x) Retail Needs Assessment (GVA, Dec 2016) (xi) Representations received in response to the Local Plan Submission Draft Reg. 19
Appendices	<p>Appendix 1 - Focussed Changes Addendum to the Local Plan Submission Draft Reg.19 (Dec 2016)</p> <p>Appendix 2 - Minor Modifications Addendum Local Plan Submission Draft Reg.19 (June 2017)</p> <p>Appendix 3 - Consultation Statement (June 2017)</p> <p>Appendix 4 - Submission Draft Local Plan: Tracked Changes incorporating Focussed Changes and Minor Modifications (April 2017)</p> <p>Appendix 5 - Cotswold District Local Plan Local Development Scheme April 2017 to March 2020 (June 2017).</p> <p>N.B. MEMBERS HAVE ALREADY RECEIVED A 'HARD' COPY OF APPENDIX 4, WHICH HAS THEREFORE NOT BEEN REPRODUCED AS PART OF THESE PAPERS.</p> <p>THE REMAINING APPENDICES ARE CONTAINED WITHIN A STAND-ALONE DOCUMENT, WHICH IS ATTACHED TO THESE AGENDA PAPERS</p>
Performance Management Follow Up	<p>Submit the Submission Draft Local Plan (as amended) to the Secretary of State for Public examination.</p>

Background Information

1. Background to the Focussed Changes

1.1 On 17th May 2016, the Council resolved to formally submit the Regulation 19 Local Plan (the 'Submission Draft'). That was subject to there being no material issues raised during the formal consultation on the Submission Draft, which took place during Summer 2016.

1.2 Several material issues were, however, identified - both through representations to the Submission Draft consultation and as a result of updates to certain evidence. Officers sought to resolve these matters by amending the Submission Draft through a process known as 'Focussed Changes'.

1.3 'Focussed Changes' are amendments that a Local Planning Authority chooses to make following a Submission Draft consultation and they are prepared as an addendum to the Plan¹. They are changes which, in the interests of fairness, have to be afforded the opportunity for public consultation.

2. Focussed Changes Consultation

2.1 On 20th October 2016, the Cabinet approved the Focussed Changes Addendum for consultation. A copy is attached at **Appendix 1**. The Addendum did not that seek to alter the thrust of the Submission Draft's Development Strategy, which had been approved by the Council in May 2016.

2.2 The consultation, which proposed 92 Focussed Changes, was conducted over a formal six week period, ending on 27th February 2017.

2.3 The Council received just over 150 comments in response to the consultation. There was a mixture of support for and objection to the Focussed Changes, as well as a number of continued objections to the Submission Draft (which were not the subject of the consultation). Such representations had already been logged last year and will be submitted for examination.

2.3 While there continues to be outstanding objections to both the Submission Draft and some of the Focussed Changes, these are not considered to be matters that would prevent the Council from submitting the draft Local Plan to the Secretary of State for examination. Many of the representations relate to issues on which one would expect a Local Planning Authority to be challenged. A summary of the main issues raised by representations to the Submission Draft and Focussed Changes consultations is attached at **Appendix 3**, the Consultation Statement. All comments are publicly available to view, in full, on the Council's Local Plan consultation portal².

2.4 **It should be noted that this report and its recommendations should not be confused with the Chesterton Strategic Site planning application, which is being determined through a separate, Development Management process.**

3. Minor Modifications

3.1 In addition to the Focussed Changes, Officers recommend making a number of 'Minor Modifications' to the Submission Draft and Focussed Changes Addendum attached at **Appendix 2**. These Modifications include issues that do not alter the thrust of the Local Plan or its policies. They simply provide further clarity to the reader and rectify factual, grammatical and/or typographical errors.

¹ [www.gov.uk/government/uploads/system/uploads/attachment_data/file/531005/Procedural Practice i
n the Examination of Local Plans - final.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/531005/Procedural_Practice_in_the_Examination_of_Local_Plans_-_final.pdf)

² http://consult.cotswold.gov.uk/portal/fp/local_plan_2011-2031/

3.2 Due to their non-material nature, Minor Modifications can be made without subjecting them to the consultation and examination process. The process can be managed by preparing a Schedule of 'Minor Modifications' as at **Appendix 2**, which will be submitted along with all other Local Plan submission documents for the Inspector's consideration.

3.3 Councillors have been advised that seeking further changes beyond what is proposed in this report could require another round of Focussed Changes. This would result in further delay to submission of the Local Plan for examination.

4. Cotswold District Local Development Scheme

The Local Development Scheme (LDS) is a three-year project plan for the period April 2017 to March 2020. It is a statutory requirement that Local Planning Authorities keep their LDS up to date. A copy of the latest version is attached at **Appendix 5**, and will, in accordance with Planning Inspectorate advice, be submitted along with other prescribed documents.

5. Delegated Authority for Examination of the Draft Local Plan

5.1 During the course of the examination, both leading up to, and during, the public hearings, the Inspector is likely to request further information and informed opinions from the Council. Such requests will require prompt responses to enable the examination to proceed efficiently.

5.2 Providing information about the Local Plan's evidence base is a technical matter, which is unlikely to require a formal decision by the Council. However, the Inspector could ask the Council matters such as:-

- whether alternative policy wording would be acceptable;
- how a particular policy issue should be addressed through amended wording;
- whether an alternative option would be acceptable/preferable.

5.3 During the formal hearing sessions, the Inspector may request a response from the Council by the start of the following day.

5.4 Obtaining a formal Council response to such questions would inevitably cause delays and needless work preparing reports, as well as increased costs (the Council is invoiced for the number of days the Inspector is required). Therefore, it is proposed that authority be delegated for the duration of the examination to enable the Council to respond promptly to any such matters raised by the Inspector.

5.5 Once the Inspector has concluded the hearing sessions, it is anticipated that a Schedule of Proposed Main Modifications will have been identified, which the Inspector considers are required to make the Local Plan sound. The Council would need to agree Main Modifications before they are published for a six-week period of public consultation. Any consultation responses would be provided to the Inspector before he/she concludes the examination and finalises his/her report. The Council will, therefore, have an opportunity to consider any proposed wording changes prior to the adoption of the Local Plan.

6. Next Steps

6.1 Subject to approval by the Council, Officers will submit the Draft Local Plan together with its supporting documentation and evidence to the Planning Inspectorate for receipt by no later than 12.00 p.m. on Friday 23rd June 2017.

6.2 Upon receiving the submission documentation, a Planning Inspector will be appointed to examine the Draft Local Plan. Officers anticipate the examination hearings will take place during October/ November 2017, assuming there are no major concerns with legal compliance and/or the Council's Duty to Cooperate. The Planning Inspector alone controls and sets the Examination programme.

6.3 The Planning Inspector will be supported by a Programme Officer (PO). The PO must be employed by the Council to support the running and programming of the examination. However, the PO will need to work independently of the Forward Planning team and act as the single point of contact for the Planning Inspector.

7. Conclusions

7.1 Approval of the Focussed Changes and Minor Modifications addenda enables the Council to progress to the next stage in the plan-making process, the Examination in Public.

7.2 It is standard practice for a system of delegated authority to be set up to enable the Council to provide formal responses at short notice during the examination hearings. Approval of delegated authority would ensure the Council can respond to such matters in a timely manner.

(END)