

Wiltshire Council

Cabinet

24 March 2020

Subject: Update of Local Development Scheme

Cabinet Member: Cllr Toby Sturgis Cabinet Member for Spatial Planning, Development Management and Investment

Key Decision: Non Key

Executive Summary

Cabinet at its meeting on 26th March 2019 approved the Wiltshire Local Development Scheme 2019 (LDS). In response to revisions to national planning policy, the 2019 version updated the timescale for the review of the Core Strategy to cover the period 2016-2036, titled the Wiltshire Local Plan Review. The 2019 LDS also provided an update on timescales for the Wiltshire Housing Site Allocation Plan and set out the position on neighbourhood plans.

Cabinet, at that meeting, delegated authority for subsequent reviews of the LDS to take place and for any significant modifications to be referred to Cabinet. This proposed revision to the LDS is of significance requiring Cabinet consideration and approval.

Work has been progressing on the evidence base and consultation undertaken with town and parish councils for the Local Plan Review. However, to provide additional consultation with the wider community on proposals for growth a further consultation is planned for Summer 2020, which affects the overall timescale of the LDS and the end date by which the Local Plan Review would be adopted. The proposed adoption date for the new Local Plan would be at the start of 2023. The revised timetable also allows for greater emphasis to be placed on climate change in the light of the Council's declaration.

In addition, the LDS makes provision to amend the scope of the Local Plan Review and progress a separate single issue plan that meets the needs of Gypsies and Travellers, and updates the position with regard to minerals and waste plans.

The revised LDS also sets out the current position in respect of the adoption of the Wiltshire Housing Site Allocations Plan and brings the list of made Neighbourhood Plans up to date.

Proposal(s)

That Cabinet:

- (i) Agree the revised Wiltshire Local Development Scheme be brought into effect from 30th March 2020 and published on the Council's website (**Appendix 1**).
- (ii) Authorises the Director for Economic Development and Planning, in consultation with the Cabinet Member for Spatial Planning, Development Management and Investment to make minor amendments to the Local Development Scheme in the interests of clarity and accuracy before publishing it on the Council's website.
- (iii) Delegates authority to the Director for Economic Development and Planning, in consultation with the Director for Legal, Electoral and Registration Services and Cabinet Member for Spatial Planning, Development Management and Investment to undertake subsequent reviews and updates to the Local Development Scheme and bring them into effect; save for those that introduce new development plan documents, which will be referred to Cabinet.
- (iv) In the event of the planned consultation in the Summer 2020 needing to be delayed due to COVID-19, delegates authority in line with (iii) to amend the Local Plan Review timetable to take account of this.

Reason for Proposal(s)

Section 15(1) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) (PCPA) requires the Local Planning Authority to prepare and maintain a Local Development Scheme (LDS). The up to date text and copy of any amendments to the scheme need to be made available to the public (section 15 (9A) PCPA). This is done through publication on the Council's website. Delegated authority for subsequent revisions to the LDS will allow for efficiency in maintaining an up to date document. Section 15(8) of PCPA requires the Local Planning Authority to revise the LDS at such time as they consider appropriate.

The timescale proposed for the Wiltshire Local Plan Review will allow for additional community engagement, allowing residents a greater opportunity to shape the communities in which they live and work. The introduction of the Gypsies and Travellers development plan document will enable the housing needs of this community to be met ahead of the Local Plan.

Alistair Cunningham
Chief Executive Officer – Place

Wiltshire Council

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Key Decision: Non Key

Purpose of Report

1. The purpose of the report is to seek approval for a revised Wiltshire Local Development Scheme.

Relevance to the Council's Business Plan

2. The Wiltshire Business Plan 2017-2027 seeks to create strong communities in Wiltshire both through the delivery of growth to provide resilient and sustainable places and, also to enable those who live, work and do business in Wiltshire to shape our communities. Developing the Local Plan, with the involvement of local communities and interested parties, is consistent with these objectives.

Background

3. Cabinet at its meeting on 26 March 2019, as part of a report on progress with the review of the Wiltshire Local Plan approved a revised Local Development Scheme (LDS). This updated the timetables for the adoption of the Wiltshire Housing Site Allocation Plan and Wiltshire Local Plan Review in the light of revisions to the National Planning Policy Framework; and reaffirmed the commitment to a review of adopted minerals and waste plans (see [Agenda Item 32](#)). The 2019 Wiltshire LDS was brought into effect in April 2019, when it was published on the Council's website.
4. The Local Planning Authority has a duty under Section 15 of the Planning and Compulsory Purchase Act (PCPA) to prepare and maintain their LDS; and make it publicly available. This must specify the development plan documents (i.e. local plan), which are prioritised for production by Wiltshire Council, their timetable for preparation and revision, the geographical area to which they relate, and which are to be prepared jointly with one of more other local planning authority. When prepared these documents will comprise part of the development plan for Wiltshire. The LDS is also encouraged to include details of 'made' neighbourhood plans, which also form part of the development plan for the area.

Main Considerations for the Council

5. The LDS is required to be kept up to date and was last reviewed early 2019. In March 2019, Cabinet resolved to delegate authority for the review and update of the LDS, with any significant modifications being referred to Cabinet. This was to allow future updates to be undertaken in an efficient manner.
6. The revised version of the LDS is set out in **Appendix 1**. Some of the proposed modifications are considered significant and therefore outside the scope of the delegated authority. In summary these are:
 - (i) Wiltshire Local Plan Review: A revised timescale to allow for an additional stage of public consultation during Summer 2020; and change of scope to allow for the introduction of a new development plan document for Gypsies and Travellers. Adoption is now programmed for Q1 2023, with publication of the draft Plan in Q3, 2021; and
 - (ii) Introduction of a Gypsy and Traveller development plan document to allow for the needs of this community to be addressed ahead of the wider Local Plan. Adoption is programmed for Q3, 2022, with publication of the draft Plan in Q2 2021;
7. In addition, the less significant modifications proposed to the LDS comprise:
 - (i) Additional detail on the review process for minerals and waste policies that will be carried out in collaboration with Swindon Borough Council; reaffirming the Council's commitment to review these policies and identify the need for any additional policy development;
 - (ii) Updates to the summary of neighbourhood plans that have been made and now form part of the development plan and those that have progressed to at least the submission stage at the time of writing the revised LDS; and
 - (iii) the updated position on the Wiltshire Housing Site Allocations Plan and joint working with Swindon Borough Council.
8. It is acknowledged that this LDS will need a further revision at some stage which will include a timescale for a review of Minerals and Waste policies.
9. The revised LDS has been considered by the Local Plan Programme Board, which comprises senior managers from across the Council and provides governance for the Local Plan work programme.
10. The Board has endorsed the additional stage of consultation, recognising that it will enable the Council to build on the emerging evidence base and targeted engagement that has been undertaken to date, particularly with

Town and Parish Councils. They considered that the revised timescale will enable greater emphasis to be placed on climate change in the light of the Council's declaration, as well as health and wellbeing issues as golden threads in plan making. A later submission date will also enable the anticipated revision to Government's national policy on Local Housing Need to be fully considered before the draft Plan is completed for its final stage of consultation.

11. In the light of an up to date Gypsy and Traveller Accommodation Assessment that is being prepared and Council monitoring of provision, there is the need to separate out the Gypsies and Travellers policy from the wider Wiltshire Local Plan Review. This will enable the needs of this community to be addressed ahead of the review.

Overview and Scrutiny Engagement

12. There has been no overview and scrutiny engagement in revising the LDS. However, the Environment Select Committee are involved in informing development of policies in the Local Plan. For example, members of the Global Warming & Climate Change Emergency Task Group are involved in a focus group considering the development of policies to help address climate change in the Wiltshire Local Plan.

Safeguarding Implications

13. There are no direct safeguarding implications arising from the proposal.

Public Health Implications

14. There are no direct public health implications arising from the proposal. Planning has, at its heart, sustainable development to meet the employment, housing and infrastructure needs of the community to help foster their wellbeing.

Procurement Implications

15. There are no direct procurement implications for the revisions to the LDS itself. However, there are for the overall Local Plan Review, which have previously been considered including commissioning appropriate evidence to support the plan making process. Where such procurement implications arise, these requirements will be undertaken in accordance with procurement and contracting Regulations, and in consultation with Strategic Procurement.

Equalities Impact of the Proposal

16. The purpose of maintaining up to date planning policies in Wiltshire is to make sure growth and development in Wiltshire is positively managed. The proposed additional consultation stage reflected in the revised timescale will allow for everyone to have the opportunity to help to shape and inform the Wiltshire Local Plan Review. Separating out the Gypsies

and Travellers policy from the wider review will enable the needs of this community to be met ahead of the wider Local Plan.

Environmental and Climate Change Considerations

17. There are no direct environmental or climate change considerations that result from the proposals. However, the change to the timescale for the Wiltshire Local Plan will allow for greater emphasis on climate change in plan making and engagement with the local community on such issues.
18. The process of plan making incorporates Sustainability Appraisal and will take into consideration both the current position and predicted future considerations in relation to the local environment, for example, in relation to flood risk, climate change and air quality and traffic growth. Habitat Regulations Assessment is also an integral part of plan-making in Wiltshire and will ensure that protected species and habitats are respected.

Risks that may arise if the proposed decision and related work is not taken

19. There are no specific risks associated with adopting a revised timescale for the LDS provided this is adhered to. The greater risk arises if there is insufficient time to develop a robust evidence base and undertake meaningful engagement with the community and stakeholders. This can save time at the later stages of the process. Progressing a Gypsy and Traveller development plan document ahead of the wider Wiltshire Local Plan will enable the needs of this community to be met sooner. This will also preserve the currency of the evidence base in the soon to be completed Gypsy and Traveller Accommodation Assessment.
20. The 2019 LDS indicated that the Wiltshire Local Plan Review would be published for consultation during Q1, 2020. For the reasons explained above, this now needs to be revised and a fresh timescale made publicly available in line with legislation. For the Local Plan to be found sound at examination it must be in line with an up to date LDS.
21. There is a risk that by not ensuring an up to date LDS is published and available to the public the Council could be found in breach of its statutory duty.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

22. As set out above.
23. A project management approach to the delivery of the Local Plan and other documents has recently been established, with governance arrangements through the Local Plan Programme Board. A risk register specific to the projects will allow for early identification of the need for any further review of the LDS.

Financial Implications

24. The existing 2019/20 and planned 2020/21 budgets for Spatial Planning Service will meet financial implications of continuing with the review of the Local Plan and the introduction of the new plan. Budgets for 2021/22 and 2022/23 will need to allow for any new evidence required to support the evolving plans as well as costs relating to consultation and examination.
25. Adoption of both plans will bring forward new sites for housing, thereby enabling the Council to benefit from revenue associated with the delivery of new homes including contributing to the Council's 'Council Tax base' and New Homes Bonus. The Local Plan will also bring forward new sites for employment, which will enable the Council to benefit from Business Rates revenue.

Legal Implications

26. The Council, as Local Planning Authority, has a statutory duty pursuant to Section 19 (1) PCPA to prepare local development documents, which include development plan documents, in accordance with the LDS. Section 15 of the PCPA, provides that the Local Planning Authority must prepare, maintain and make available to the public their LDS. Section 15 of the PCPA also allows for the Secretary of State to intervene and direct Local Planning Authorities to update their LDS.
27. Once adopted the plans identified in the LDS will form the statutory development plan for Wiltshire alongside the existing adopted development plan documents, and made neighbourhood plans, comprising the development plan for Wiltshire.

Workforce Implications

28. Delivery of the development plan documents to the timescales set out in the LDS will have workforce implications for services across the Council. Staff will need to be prioritised to work on the plans as the needs arise. This will be managed through the Local Plan Programme Board.

Options Considered

29. The options for the Council are limited. While there is no absolute requirement to undertake any further consultation prior to the publication of the draft Plan, providing the opportunity for further community engagement and evidence gathering, particularly in relation to climate change, should enable the Local Plan to better reflect local views, resulting in reduced objections and a more effective plan when formally submitted.
30. The option to retain the Gypsies and Travellers policy within the wider Local Plan Review has been considered but dismissed due to the reasons set out above.

Conclusions

31. The LDS should be periodically reviewed in line with legislation, responding to changes in circumstances, to keep it up to date and ensure that there is a clear and transparent programme of work to maintain the Local Plan for Wiltshire. Not to do so would significantly compromise the ability to provide for the needs of local communities through the Local Plan process. In setting timelines and introducing new plans, the Council needs to be realistic about their delivery in order to provide certainty about when new policies should be in place.

Sam Fox (Director - Economic Development and Planning)

Report Author:

Georgina Clampitt-Dix
Head of Spatial Planning
georgina.clampitt-dix@wiltshire.gov.uk
Tel: 01225 713472

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Appendices

Appendix 1: Wiltshire Local Development Scheme, March 2020

Background Papers

None