

STROUD DISTRICT COUNCIL

AGENDA

EXTRAORDINARY COUNCIL

ITEM NO

19 NOVEMBER 2015

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Report Title	STROUD DISTRICT LOCAL PLAN: ADOPTION
Purpose of Report	To adopt the Local Plan as part of the development plan for Stroud District
Decision(s)	Council RESOLVES: 1. to note the conclusions of the Inspector's Report (Appendix A) and accept his recommendations regarding the main modifications that are required to make the Plan sound; 2. to approve the additional modifications (Appendix B) and consequential changes to the Policies Map arising from the Inspector's recommendations; 3. to adopt as a development plan document the Local Plan (Appendix C) in accordance with Regulation 26 of the Town and Country Planning (Local Planning) Regulations 2012; 4. to delegate to the Strategic Head (Development Services), prior to the publication of the final Local Plan document, the correction of any further minor spelling, grammatical or typographical errors together with any improvements from a presentational perspective.
Consultation and Feedback	Extensive consultation has been undertaken throughout the preparation of the Local Plan. Representations received at each stage have been reported to the Council and taken into consideration in progressing the Plan. The Inspector's report has to be made publicly available in accordance with the Local Plan Regulations but there is now no further opportunity for further consultation or comment on either the Inspector's report or the Plan. The Inspector's report will remain available at the deposit locations for at least six weeks following the adoption of the Plan.
Financial Implications and Risk Assessment	If the Local Plan is adopted, proposals can then be finalised for developing and setting up CIL (Community Infrastructure Levy) which will allow the Council to charge developers for the funding of local infrastructure.

	<p>Adoption of the Plan is likely to reduce the number of speculative planning applications in the medium term reducing planning appeal related expenditure.</p> <p>Adele Rudkin, Accountant Tel: 01453 754109 Email: @stroud.gov.uk</p> <p>If there are delays in the adoption of the Local Plan this will impact on the Council's ability to defend planning decisions at appeal. (Corporate risk code DEV11)</p>
Legal Implications	<p>This report outlines the final stage of the Local Plan adoption process. Subject to meeting publication requirements and expiration of the statutory six week period for legal challenge of the plan without any such challenge being successful, the adopted Local Plan will form part of the Development Plan for the district. In accordance with the law, the Development Plan sets out the policies which planning applications should adhere to unless material planning considerations indicate otherwise.</p> <p>Karen Trickey, Legal Services Manager Tel: 01453 754369 Email: karen.trickey@stroud.gov.uk</p>
Report Author	<p>Mark Russell, Planning Strategy Manager Tel: 01453 754305 Email: mark.russell@stroud.gov.uk</p>
Options	<p>The options open to the Council are limited by the legislation. The Council can either:</p> <p>(i) Adopt the Local Plan with the modifications recommended by the Inspector; or</p> <p>(ii) Resolve not to adopt the Local Plan.</p> <p>In the case of (ii) the Council would need to withdraw the Local Plan and begin preparation of a new plan. This would have severe repercussions for putting in place a planning framework and identifying a housing land supply, leading to speculative rather than plan led development across the District until a new plan has been prepared and adopted.</p>
Performance Management Follow Up	<p>The Local Plan, when adopted, will form part of the Development Plan for the District and will be used to determine planning applications. The implementation of the Plan will be subject to regular monitoring. An early review of the Local Plan will commence after adoption.</p>

Background Papers/ Appendices	<p>The following appendices are available to view here: http://www.stroud.gov.uk/council19nov Appendix A – Inspector’s report including main modifications Appendix B – Additional modifications Appendix C – Stroud District Local Plan for adoption Appendix D – SA/SEA adoption statement</p>
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1. BACKGROUND

- 1.1 The Local Plan was submitted for examination in December 2013 and initial hearing sessions were held in April 2014. In July 2014, the Local Plan Inspector, on the request of the Council, suspended the examination for further assessment to be undertaken to identify, in particular, the housing requirement figure for the Local Plan period. Following further work, the Council resolved in December 2014 to make proposed changes to the Plan which were subject to public consultation in February 2015. The Inspector held resumed hearing sessions into the Local Plan during May and June 2015 and recommended further proposed changes to the Plan, which the Council consulted upon in July 2015.
- 1.2 The Council received the Inspector’s Report from the Planning Inspectorate on 2 November 2015. The report has been made available to the public via the Council’s website and at deposit locations.
- 1.3 The Council now needs to consider the contents of the Inspector’s report and his recommended modifications, and agree the final steps in the Local Plan process.

2. THE INSPECTOR’S REPORT AND MAIN MODIFICATIONS

- 2.1 Stephen Pratt was appointed by the Secretary of State for Communities and Local Government as the independent Inspector to examine the Stroud District Local Plan. The Inspector’s responsibilities are to assess whether the Council has met the Duty to Co-operate, whether the Plan is legally compliant and whether the Plan is sound. The four tests of soundness, as set out in paragraph 182 of the NPPF, are:
 - Positively prepared- the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified- the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective- the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy- the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

- 2.2 The options available to the Inspector are:
- to conclude that the Local Plan is unsound and changes cannot be made to make it sound, and/or legal procedural requirements have not been met, including the Duty to Co-operate (in which case the Council would not be able to adopt the Plan); or
 - to conclude that the Plan is sound provided that certain main modifications as recommended by the Inspector are made to the policies or supporting text prior to the Plan being adopted.
- 2.3 The guidance makes clear that the Inspector will only make recommendations necessary to make the Plan sound and that minor changes, known as additional modifications, can be made by the Council without the need to be examined.
- 2.4 The Inspector's report comprises two parts:
- the main report giving the Inspector's assessment of the Plan, his recommendations and the reasons for his recommendations; and
 - an appendix comprising a schedule of main modifications necessary to make the Plan sound.
- 2.5 The Inspector's Report (Appendix A) concludes:
"that the Stroud District Local Plan provides an appropriate basis for the planning of the district until 2031 providing a number of modifications are made to the plan. Stroud District Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted. All of the modifications to address this were proposed by the Council, and I have recommended their inclusion after considering the representations from other parties on these issues."
- 2.6 The Non-Technical Summary at the start of the Report (Appendix A) usefully summarises the Main Modifications proposed. The Inspector has confirmed the revised requirements for at least 11,400 dwellings and 58 ha of employment land for the Plan period (2006-2031). Importantly, with relatively minor changes, the Inspector has found sound the development strategy of the Plan. That is, to locate most development at the higher tier settlements including on the allocated sites and to manage development at smaller settlements, particularly by restricting development outside of settlement limits to conserve the countryside and to promote sustainable patterns of development.

3. ADDITIONAL MODIFICATIONS

- 3.1 A schedule of additional or minor modifications to the Local Plan, prepared by the Council is set out in Appendix B. These correct minor errors, update factual information and make consequential changes so that all parts of the Plan are consistent with the main modifications recommended by the Inspector.

- 3.2 The Council needs to be mindful of the provisions of section 23 of the Planning and Compulsory Purchase Act 2004 (as modified by the Localism Act 2011), which allows additional modifications to be made to the Plan if the additional modifications taken together would not materially affect the policies that would be contained in the Plan if it were adopted with just the Inspector's modifications.

4. ENVIRONMENTAL CONSIDERATIONS

- 4.1 A Sustainability Appraisal incorporating Strategic Environmental Assessment has been undertaken during the preparation of the Local Plan. The Sustainability Appraisal has been undertaken iteratively at all stages of preparation and has informed the evolution of the Plan. A Habitat Regulations Assessment has also been undertaken. Both have helped shape the Local Plan, ensuring that negative environmental impacts are avoided and sustainable development can be delivered. A SA/SEA adoption statement (Appendix D) has been prepared which describes how each of the requirements in SEA Regulation 16(4)(a)-(f) have been met during the SA/SEA process for the Local Plan and sets out the SA/SEA monitoring framework proposed for monitoring the implementation of the Local Plan.

5. ADOPTION AND NEXT STEPS

- 5.1 A plain text version of the Stroud District Local Plan as proposed for adoption is set out in Appendix C. This incorporates both the Inspector's recommended main modifications and minor additional modifications.
- 5.2 Once adopted, the Plan will replace saved policies in the Stroud District Local Plan, adopted in November 2005 and will form part of the statutory Development Plan for the District. The NPPF (paragraph 12) states: "proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."
- 5.3 Following adoption, a graphically designed version will be prepared and the Policies Map will be updated to reflect the agreed changes.
- 5.4 There is provision under Section 113 of the Planning and Compulsory Purchase Act for a legal challenge to be made within 6 weeks of the date of adoption of the Local Plan.
- 5.5 The Council has agreed to undertake an early review of the Local Plan, to roll forward the Plan to beyond 2031 and to consider assisting other local planning authorities in this housing market area to meet any unmet development and infrastructure needs should they be identified, in accordance with the Duty to Co-operate.