

Subject: Revisions to the timetable for preparing the South Warwickshire Local Plan

Lead Officers: John Careford - Head of Development at Stratford-on-Avon (01789 260801), Philip Clarke, Head of Place, Arts & Economy at Warwick District Councils (01926 456518)

Portfolio Holders: Councillor N Rock, Councillor C King

Summary

The purpose of this report is twofold; firstly to note the work that has been undertaken during 2023 on the South Warwickshire Local Plan (SWLP) including the publication of the Consultation Statement following the Issues & Options public consultation earlier in 2023, and secondly to approve amendments to the currently published timetable for preparing the SWLP.

Recommendations:

- (1) That Members note the work that has been undertaken on the South Warwickshire Local Plan since the end of the public consultation on the Issues & Options paper in March 2023, and in particular the publication of the Consultation Statement.
 - (2) That Members approve the revised timetable for preparing the South Warwickshire Local Plan attached as appendix 2.
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1 Background/Information

Recommendation (1).

- 1.1 As members will be aware, work has continued throughout 2023 on the SWLP. The second public consultation on the Plan, the "Issues and Options" consultation, took place between 9 January to 6 March 2023. The consultation document considered many issues raised at earlier stages of the plan making process and presented various options to overcoming them. In total there were 107 questions covering various topics. A total of 1,175 people/organisations responded to the consultation.
- 1.2 Alongside the Issues and Options Consultation, a second Call for Sites was conducted. This call for sites allowed landowners and promoters to submit land that they would like to be considered for inclusion in the local plan. It also allowed those that had previously submitted a site, to submit amendments to either the boundary, or proposed use. 187 new submissions (or significant amendments) were received as part of the call for sites, bringing the total number of site submissions to 737.

- 1.3 Since the close of the public consultation, officers from both Councils have been working on a number of work streams in respect of the SWLP. These have included:-
- a) Summarising and undertaking an initial analysis of the many consultation responses received during the consultation to enable these to be published.
 - b) Checking and mapping all of the additional sites submitted as part of the second "call for sites" exercise.
 - c) Progressing various technical evidence to support the SWLP.
- 1.4 In respect of a), a Consultation Statement on the Issues & Options consultation has now been published on the [SWLP website](#), and is available to view [here](#).
- 1.5 In addition to the above work, active and regular engagement with councillors has continued. Continuing a pattern since the inception of the SWLP in 2020, following the local elections in May the leaders of Stratford-on-Avon and Warwick District Councils, together with the portfolio holders with responsibility for the SWLP, meet on a regular basis to review the progress of the SWLP. Likewise, the SWLP Advisory Group, made up of five councillors from each council (with the portfolio holders attending as observers), has continued to meet, and has done so five occasions since May. Officers have used these meetings to brief new councillors on the work on the SWLP and to share, "sense check" and seek advice on current workstreams. All the matters that are being brought before this Joint Committee today have been reviewed by the Advisory Group prior to this report being prepared.

Recommendation (2)

- 1.6 There are a number of stages to the preparation of Local Plan documents. Publishing a timetable setting out when these various stages are likely to occur helps ensure that residents and stakeholders can more fully engage in the process.
- 1.7 National Planning Practice Guidance states that Local Planning Authorities must publicise and keep up-to-date their timetable for producing their local plan and that this information should be contained within a Local Development Scheme (LDS) prepared by each Council.
- 1.8 The current timetable was agreed at the Joint Committee on 10th March 2022 and the timetable was subsequently incorporated into each council's LDS. The current timetable and a flow chart showing the stages to adoption are included in **Appendix 1**.
- 1.9 It is important for a Local Plan timetable to be kept under review and adjusted where necessary. The current timetable has now been reviewed and requires updating. It had previously identified a Preferred Options (Regulation 19) consultation between July and October this year. Clearly this has not taken place. There are a number of reasons for this.
- A delay to the publication of 2021 Census data resulting in a delay to the production of the Coventry & Warwickshire Housing and Economic Development Needs Assessment (C&W HEDNA), a key piece of evidence required to support the Plan
 - Technical challenges with working across two organisations, for example compatibility of software, procurement of software and data sharing
 - Staff departures and temporary vacancies

- Changes to the administrations of both councils and the need to ensure new administrations and members of all parties understand progress to date on the plan and have an opportunity to input in the process, e.g., through the SWLP Advisory Group
 - Changes to the operational structure of the delivery of the SWLP workstream
 - The uncertainty of potential changes to national planning policy and to the planning system including the process for producing plans. This matter is discussed in more detail in section 2 below.
- 1.10 Clearly, the inability to undertake a Regulation 19 consultation at the time previously indicated has a knock-on effect on the remainder of the timetable and thus an updated timetable is required.
- 1.11 In discussions with the Advisory Group, a proposed new timetable is now recommended. This is set out in **Appendix 2**. This would see the following key milestones being achieved.
- a) Approval of a "Preferred Options" SWLP in October 2024, with a public consultation following this.
 - b) Approval of a "publication" version of the SWLP (indicating the document which is likely to be submitted to the Secretary of State) in September 2025 with a period of further public engagement after this.
 - c) Submission of the SWLP in the summer of 2026 with a likely Public Examination toward the end of 2026.
 - d) Adoption of the SWLP by the end of 2027 following receipt of an Inspector's report after the Public Examination and a further period of consultation on the Inspector's Proposed Modifications to the Plan.
- 1.12 In approving this timetable, councillors should be aware that following submission, the Councils are very much in the hands of the Planning Inspectorate in terms of the dates and length of the Public Examination and the time required by the Inspector to prepare their written report. The proposed dates for these stages are on the basis of the best available evidence and are based on a best-case scenario. They will be kept under review.
- 1.13 It should be noted that in proposing this new timetable, officers have had regard to a number of factors. Some of these relate to matters and risks that are national rather than local, and are considered in more detail in section 2 (alternative options) below. However, some are more local. These include:-
- Levels of staffing that are available across the two councils to support the work on the SWLP. This has to be balanced against other competing policy work that the two councils are undertaking.
 - The complexities of working across two authorities. Whilst producing a Plan across two authorities brings some efficiencies, there are also challenges around matters such as procurement, data sharing and compatibility and access to systems. Furthermore, formal decisions at key stages of the Plan need to be taken by the Joint Committee and also each Council, thus potentially adding more time into the process.

2 Alternative Options available to the Joint Cabinet/Executive Committee

- 2.1 With regard to recommendation 1, there are no alternative options. This recommendation is simply to note work that has already been undertaken and has been published on the SWLP website.
- 2.2 With regard to recommendation 2, there are several alternative options available. In order to understand these, it is important to appreciate current – and anticipated – changes to national planning legislation, policy and guidance.
- The Government has been preparing legislation which will change the processes by which Local Plans are prepared. This has, as of 26th October 2023, now received Royal Assent as the **Levelling Up and Regeneration Act (LURA)**. This Act seeks (amongst other matters) to make plans simpler and faster to prepare. It simplifies the processes that Local Plans have previously had to follow. For its requirements to be brought into effect, there will now need to be a number of further changes including new regulations to be laid before Parliament. These have yet to be prepared and it is understood that it will not be possible to formally commence preparing any Local Plan under the new legislation before the autumn of 2024. A consultation took place on these recently.
 - The government has also consulted on changes to the **National Planning Policy Framework (NPPF)**. Although this consultation was undertaken between December 2022 and February 2023 (and both Councils made formal representations on it), there has been no formal response to this by the Government. At the time of the consultation, government indicated that some changes would be able to be “implemented immediately” (i.e. before the LURA had completed all of its Parliamentary stages) whilst others would require changes to primary legislation. In September, one change was made the NPPF (specifically in relation to onshore wind developments) however government indicated that its formal response to the other wider proposals in the consultation would be published later this autumn. At the time of preparing this report, this has not been done.
 - The **“Standard Method” for assessing local housing need** is set by Government and is important in helping to determine levels of housing growth for which Local Plans should provide. The Standard Method currently continues to use the 2014-based household projections data. However, once the implications of the 2021 Census have been fully considered, with a planned publication by the Office for National Statistics in 2024, the Government is expected to review the approach to assessing housing need.
- 2.3 Added to this, all members will be aware that there will be a general election either during 2024 or by January 2025 at the very latest. Planning and plan-making are likely to be significant election issues and are likely to form manifesto pledges by the main political parties. If there is a change in Government, this may have impacts on the planning system, for example: the implementation of changes to the planning system may be paused to enable politicians to further reflect on them or even a new approach might be proposed.
- 2.4 Against all these points, it should be made clear that at no time has the current government ever proposed that local authorities should pause their plan-making work. Indeed, when introducing significant changes to the planning system, successive governments have always allowed a period of transition for local authorities that are in the process of preparing Plans to get their plans

adopted under the “old” procedures. In the case of the LURA, the government is currently requiring that Local Plans must be submitted by June 2025 in order to be allowed to proceed under the “old” procedures.

- 2.5 The alternative options are therefore as follows.
- 2.6 Option 1: the councils could continue to work to a timetable that enables submission of the SWLP by June 2025. Under this theoretical timetable, the Plan could be adopted by December 2026. Although initially an attractive option, this is not being recommended. Officers have concluded that it would be extremely challenging to prepare the preferred options in the time frame set out and simply unrealistic to subsequently undertake analysis of representations in the time frames that this timetable would require. The Preferred Options stage of the SWLP is when the locations of growth are identified, it is at this stage that the Plan becomes more tangible to communities. We would anticipate more significant numbers of representations being received at this time, thus potentially needing more time for analysis. It is also likely to generate more interest from all councillors across the two councils than did the Issues & Options stage. In short, this is an unrealistic timetable which would not allow members or officers the time to properly consider important development options or consider the views of local communities and stakeholders.
- 2.7 Option 2: the councils would pause or cease work on the SWLP until there is further clarity around changes to the plan-making system and NPPF, then prepare a Plan under the new system. As noted above, it is the intention that regulations, policy and guidance will be in place by Autumn 2024. Therefore, it would not be possible to commence work on a new style plan ahead of then.
- 2.8 The new style plans would have a 30-month timeframe, from formally commencing work on the Plan to adoption (with the addition of a 4-month scoping and early participation period in advance). Under this timetable, we could commence pre-preparation of the Plan in June/July 2024 and adopt by March 2027. (It should be noted that this is subject to regulations and guidance which have yet to be published – and may be delayed. Until we see these, we will not be able to properly prepare to commence any review under this new system.) This timeline is significantly shorter than the current average time for preparing and adopting a plan of 7 years. However, under these new procedures there are less opportunities for public consultation (two formal public consultation periods) and most likely less time to reflect on consultations and produce evidence to support a Plan.
- 2.9 Furthermore, it should be noted that the timeline suggested above is optimistic for several reasons. In order to prevent overburdening the Planning Inspectorate, who are responsible for the examination of Plans, it is expected that local authorities will only be able to submit local plans in waves and we may have limited say as to when we can progress a Plan. This option therefore represents the earliest timetable for producing a new style plan, as the start date for commencement is likely to be somewhat outside of our control.
- 2.10 There is further uncertainty relating to whether the 30th June 2025 deadline for submissions of current plans will be fixed, and whether the same process will be followed if there is a change in Government at the General Election.
- 2.11 For the reasons above, officers do not consider it sensible to either pause work or abandon the SWLP, awaiting the introduction of the new system. For these reasons, this option is not supported.

- 2.12 It should be noted that whilst officers are recommending a timetable which is based on implementing the old plan-making system, we may need to change to the system when that is introduced by government. Should this be the case, this would require further modifications to the plan-making timetable, and this would be brought before the Joint Committee at that time. Officers are confident that any work (evidence gathering, consultations, calls for sites, etc) carried out on the SWLP to date would not be wasted in the event that the Councils are required to move to the new plan-making procedures.

3 Ward Councillor and Portfolio Holder Members' Comments

- 3.1 The two portfolio holders with responsibility for the SWLP (Cllr Rock for SDC and Cllr King for WDC) have been fully involved throughout this process and are supportive of the recommendations. The SWLP Member Advisory Group which includes a number of Ward Councillors meets monthly and is supportive of the proposed approach.

4 Implications of the proposal

4.1 *Legal/Human Rights Implications*

- 4.1.1 The South Warwickshire Local Plan is a Development Plan Document and as such, when adopted, will form part of the statutory Development Plan for both Districts. As such, its preparation has to comply with a number of statutory requirements including public consultation, regard to national policy, the achievement of sustainable development and fulfilment of the Duty to Co-operate. As a Development Plan document, it will be subject to independent scrutiny through an examination in public to ensure that it is 'sound' (fit for purpose) and satisfies all necessary legal requirements. This includes ensuring that residents and stakeholders can engage meaningfully in the process.

4.2 *Financial*

- 4.2.1 The estimated cost of producing and getting the South Warwickshire Local Plan in place is £2.2m, excluding staff costs. This cost is to be shared equally between Stratford and Warwick. Stratford has £1.3m in place within the Core Strategy Funding Reserve to fund its share. Warwick currently has £0.5m allocated, including £0.3m as part of the 2022/23 Budget. Further funding from Warwick will need to be agreed as part of future Budgets.

4.3 *Environmental/Climate Change Implications*

- 4.3.1 Tackling Climate change and responding to the Climate Emergencies that both Councils have declared is at the heart of the South Warwickshire Local Plan. In order to maximise opportunities for climate change adaptation and mitigation, and to meet net carbon zero targets, it is critical that the evolving Plan is informed by assessments on its impact on climate change. As such, consultants have been appointed to prepare these assessments and ensure that all aspects of climate change are considered as part of the SWLP. The Programme Director for Climate Change is directly involved in this work.

4.4 *Council Plan*

- 4.4.1 As a Development Plan Document, the South Warwickshire Local Plan will help Stratford-on-Avon District Council achieve all five objectives of the Council Plan. Arguably, the Local Plan is the most important policy document that the Council prepares as it represents the spatial expression of the Council's vision and ambitions.
- 4.4.2 In respect of the Warwick Districts emerging Corporate Strategy, preparation of the SWLP will help the Council achieve its stated objectives of:-

- prioritising housing development on brownfield sites.
- minimizing use of greenfield sites where possible.
- promoting new developments using 20-minute neighbourhood/settlement designs.
- ensuring convenient access to services and shop.
- protecting existing community identities, and
- ensuring the provision of appropriate infrastructure is available to support new and existing development.

4.5 ***Analysis of the effects on Equality***

4.5.1 An Equalities Impact Assessment is required and will be undertaken at various stages of the SWLP to ensure that strategies and policies contribute towards eliminating discrimination, promoting equality and fostering good relations.

4.6 ***Data Protection***

4.6.1 Both Councils will ensure that all data protection requirements are adhered to. This will particularly be the case in respect of personal or commercially sensitive information that is provided to the Council through public consultations.

5 Risk Assessment

5.1.1 There are many risks associated with undertaking a Local Plan review. These are financial, reputational and, sometimes, legal. All local authorities are required to prepare Local Plans and both Councils are experienced in managing these risks. All stages of the Local Plan are subject to Councillor advice, scrutiny and approval and so there is plenty of opportunity for Councillors to have proper oversight of the technical work and procedures that are being undertaken.

5.1.2 There are additional risks in undertaking a joint Local Plan review with another local authority as is being undertaken here. These are largely political and relate to the willingness of both Councils to continue to work together to approve the document.

5.1.3 Ultimately, as local planning authorities, both Stratford-on-Avon and Warwick District Councils are obliged to prepare and keep up to date a Development Plan for their area. The SDC Core Strategy was adopted in 2016 and the WDC Local Plan in 2017. Both plans are now more than five years old, and in accordance with government advice it is prudent to start to consider now planning for the period post 2031/2029 when those plans expire.

5.1.4 It is also recognised that there are risks associated with preparing a Local Plan, the final adoption of which will take place after the 2027 local elections. It is only this final decision which would be made by the new Councils at that time. All other decisions would be made by the current administrations of both Councils and by the current Joint Committee.

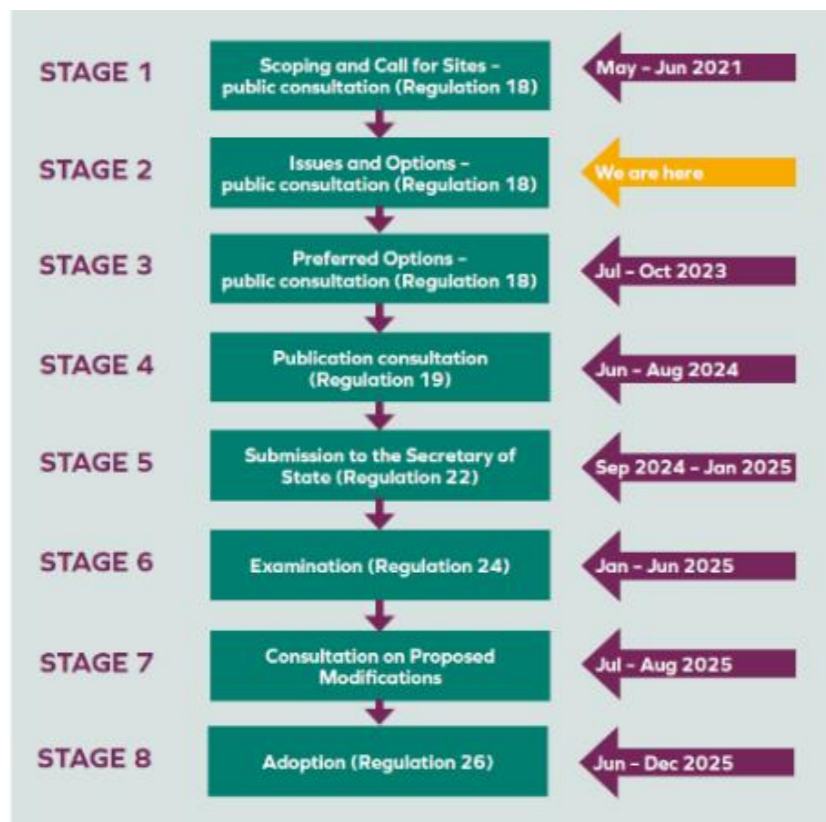
REPORT INFORMATION SHEET

Committee/Date	23 November 2023	
Item No/Title of report	Revisions to the timetable for preparing the South Warwickshire Local Plan	
Consultations undertaken		
Consultee	✓	Details / Date of consultation / comments received
Ward Members	✓	Consultation with member Advisory Group.
Portfolio Holder WDC & SDC <i>*Required</i>	✓	Councillor Nigel Rock (Stratford-on-Avon District Council) and Councillor Chris King (Warwick District Council).
Financial Services * <i>*Required</i>	✓	Richard Burrell, Stratford-On-Avon District Council Andrew Rollins, Warwick District Council
Legal Services * <i>*Required</i>	✓	Ross Chambers, Joint Legal Services Manager, Stratford-On-Avon and Warwick District Councils
Other Services		
Chief Executive	✓	David Buckland, Stratford-On-Avon District Council Chris Elliott, Warwick District Council
Head of Service		n/a
Section 151 Officer	✓	Richard Burrell, Stratford-On-Avon District Council Andrew Rollins, Warwick District Council
Monitoring Officer	✓	Marcia Eccelston, Stratford-On-Avon District Council Graham Leach, Warwick District Council
Other organisations		
Final decision by this Committee or recommendation to another committee/Council?		Final decision
Does this report contain exempt information/Confidential? If so, under which paragraph(s)?		No
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)		Yes, Forward Plan item

Appendix 1: Current SWLP timetable

Stage	2022												2023												2024												2025											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
1. Scoping & Call for Sites																																																
2. Issues & Options									PC	PC																																						
3. Preferred Options																																																
4. Publication																																																
5. Submission																																																
6. Examination																																																
7. Main Modifications																																																
8. Adoption																																																

Key	
PC	Minimum 6 weeks consultation within this period
PU	Purdah
EX	Examination Hearings
IR	Inspector's Report



Current timetable as shown on the South Warwickshire Local Plan website.
 (Note: we are currently in between stages 2 and 3.)

Appendix 2: Proposed revised timetable.

Stage	2023			2024												2025												
	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
3. Preferred Options													P	PC	PC	PC												
4. Publication (Reg 19)																RA	RA	RA	RA	RA					P	PC	PC	PC
5. Submission																												
6. Examination																												
7. Proposed Modifications																												
8. Adoption																												

Stage	2026												2027											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
3. Preferred Options																								
4. Publication (Reg 19)																								
5. Submission	RA	RA	RA	RA		P	P																	
6. Examination											EX	EX			IR									
7. Proposed Modifications																		P	PC	PC				
8. Adoption																				RA				P