

STROUD DISTRICT COUNCIL

COUNCIL

THURSDAY, 25 JANUARY 2024

Report Title	Briefing on the current status of the draft Stroud District Local Plan			
Purpose of Report	To brief Members on the current status of the draft Local Plan.			
Decision(s)	The Council RESOLVES to note this Report. As the draft Local Plan is currently at Examination in Public, this report is for briefing purposes only to update Members on its current status.			
Consultation and Feedback	None in respect of this report, since the draft Local Plan is currently at Examination in Public and there are no decisions to be made. There has been extensive consultation and feedback on the preparation of the draft Local Plan including prior to submission.			
Report Author	Tom Ridley, Interim Planning Strategy Manager Email: Tom.Ridley@stroud.gov.uk			
Options	As the draft Local Plan is currently at Examination in Public, this report is for briefing purposes only and there are no options included in this report.			
Background Papers	The full evidence base and information on the Examination can be found here: https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/stroud-district-local-plan-review/local-plan-examination/examination-library			
Appendices	None			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	Yes	Yes	Yes	Yes

1. Introduction / Background

- 1.1 Local Plans sit at the heart of the national planning system, providing a framework for managing the use of land, to address local housing, employment and other needs whilst conserving and enhancing our local environment.
- 1.2 Council adopted the current Stroud District Local Plan in November 2015. The Government expects local planning authorities to review plans regularly and to update them in whole or in part at least every five years. The adopted Local Plan is now more than five years old and the housing requirement set out in the Plan is no longer up-to-date.
- 1.3 In order to comply with Government requirements, in September 2017 Environment Committee approved a timetable for the Local Plan Review and approved an Issues and Options paper for public consultation. In October 2018 Environment Committee approved an Emerging Strategy for further public consultation and in October 2019 Environment Committee approved a draft Local Plan for further public consultation. A final Additional Housing Options document was approved by Environment Committee in October 2020 for public consultation.
- 1.4 The Local Plan review has included four informal stages of public consultation to engage local communities and stakeholders from the start of the plan making process. The first three stages of public consultation included public exhibitions around the District, meetings

with town and parish councils, key stakeholders and hard to reach groups. The Additional Housing Options public consultation was undertaken online due to Covid-19 pandemic restrictions. Reports from each of these initial consultation stages outlining the public consultation activities carried out, comments received and the Council's response are set out in the Examination Library (CD4a – CD4e).

- 1.5 The next stages required the Council to comply with Regulation 19 and 20 of the Town and Country Planning Regulations 2012. Regulation 19 is the last stage of public engagement before submitting the draft plan to the Inspectorate for examination. This is a formal process set by Government regulations that requires comments on the soundness and legal compliance of the plan. Regulation 20 is the submission of the consultation responses to the Inspectors.
- 1.6 On 20th April 2021 Environment Committee resolved to recommend to Council the formal submission of the Pre-submission Draft Local Plan:

“The draft Local Plan is approved for publication in accordance with Regulations 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequently to be submitted to the Secretary of State in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.”

This was followed on the 29th April with the Council resolution to:

“Approve the draft Local Plan for publication in accordance with Regulations 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequently submit to the Secretary of State in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.”

- 1.7 Following the required 8 weeks formal consultation period in accordance with Regulation 19, the draft Local Plan, public consultation responses and supporting evidence base required by Regulation 22 (Regulation 22 sets out which statutory documents must be submitted as part of the submission) were submitted for examination to the Secretary of State in October 2021. Two Inspectors were appointed to examine the plan. Hearing sessions commenced in March 2023 and were paused in June 2023 to allow a summer break. The majority of the hearing sessions have already been held and have covered all site allocations and most of the policies set out in the draft Local Plan.

2. Main Points

- 2.1 During the summer break, the Inspectors wrote to the Council on 4th August 2023 setting out concerns with three areas of soundness. The first issue was regarding the Strategic Road Network (SRN), specifically the capacity of Junctions 12 and 14. The second issue raised specific issues with Wisloe PS37 in relation to the provision of the pedestrian and cycle bridge over the motorway on grounds of viability and deliverability. The final issue identified was with Sharpness PS36 regarding the provision of a passenger train service and bespoke Mobility as a Service transport scheme (MaaS) and concerns relating to the viability and deliverability of these schemes.
- 2.2 However, in the same correspondence the Inspectors were also clear that, ‘whilst we have a number of other soundness concerns with the Plan, we are confident that it is likely that these could be addressed by main modifications.’
- 2.3 Since that initial letter, the Council has been working with Gloucestershire County Council (GCC), South Gloucestershire Council (SGC) and National Highways (NH) to address the main concerns raised with the SRN. The Council has requested the Inspectors allow a six month pause to work with its partners to address the concerns with the SRN. The Inspectors are currently considering the request for a six month pause and to assist they requested all parties to produce a Joint Action Plan (JAP) setting out what work would be

undertaken during the six month pause. The JAP was written and agreed by all parties before submission to the Inspectors on 29th November 2023.

- 2.4 The Inspectors have written a further letter to the Council dated 18th December 2023 welcoming the progress that has been made and stating they are encouraged by the joint working that has taken place. The letter sets out that the Inspectors are still currently considering the six month pause but would like clarification regarding some actions within the JAP. The Inspectors encouragingly have also asked the Council to consider the next stages of the process beyond the six month pause. The deadline for the Council to respond is 19th January 2023. While this is before the date of this Extraordinary Council Meeting, the Council will need the approval of the Inspectors before its response can be published on the Examination website. If the Inspectors have granted approval before the 25th January, the response will be available in the Examination Library here: <https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/stroud-district-local-plan-review/local-plan-examination/examination-library>
- 2.5 The Council is aware there is still some confusion over the current status of the Examination and what is and isn't in the control of the Council. To assist Elected Members and the public, the Council has produced a set of FAQs which will be published 22 January 2024 here: <https://www.stroud.gov.uk/environment/planning-and-building-control/planning-strategy/stroud-district-local-plan-review/local-plan-examination>
- 2.6 For clarification, the draft Local Plan is still at Examination and this is a process in the control of the Inspectors and not the Council. Currently the Inspectors control the timetable, the publication of documents, any modifications or changes to the draft plan and any future consultations. Whilst these are all outside the Council's control, we must work positively and collaboratively with the Inspectors. The role of the Inspectors and the Examination is to ensure a sound Local Plan is delivered though relevant modifications for the benefit of local communities.
- 2.7 The Government has been clear in the December 2023 Ministerial Statement and update of the National Planning Policy Framework, (NPPF), that all local authorities must have an up to date plan, otherwise "tough measures will bite". Where local authorities do not have an up to date local plan, authorities will be required to update their housing supply annually, and if they fail to do so, will be "subject to the presumption in favour of sustainable development". Recent changes to the NPPF reward local authorities (LAs) at an advanced stage of plan making whereby those LAs with Local Plans at examination stage need only demonstrate a four-year housing land supply (as opposed to five years) for a period of two years from December 2023 for decision making purposes.
- 2.8 The Government has also recently intervened in a number of Examinations where local authorities, including where there has been a change in control following local elections, have tried to withdraw their Local Plan. Most recently in December 2023 the Minister of State for Housing, Planning and Building Safety, has written to West Berkshire Council to instruct the Council to progress with the Examination of the Local Plan, which was submitted to the Planning Inspectorate for examination in March 2023. The letter warns that further action will be taken unless the Council agrees to halt its current path of withdrawal. More interventionist action has been taken by the Minister of State for Housing, in the name of the Secretary of State, against Spelthorne BC and Erewash in similar circumstances. All three Councils were about to hold council meetings to consider withdrawing their draft local plans from examination.
- 2.9 The message from the Government is clear, that local authorities must work towards having up to date local plans. The Council is committed to working with the Inspectors to achieve this.

2.10 Table 1 contains milestones reached to date with the draft Local Plan:

Regulation 18, Issues and Options Consultation, (8 weeks)	October 2017
Emerging Strategy Consultation, (10 weeks exceeded statutory period)	November 2018
Draft Plan Consultation, (9 weeks exceeded statutory period)	November 2019
Additional Housing Options Consultation, (8 weeks)	October 2020
Pre submission draft Regulation 19 & 20 Consultation, (8 weeks)	May 2021
Regulation 22, the draft Local Plan and all required Evidence Base submitted to the Planning Inspectorate,	October 2021
Additional Technical Evidence – (4 weeks consultation period set by the Inspectors)	September 2022
The Inspectors issue their Matters, Issues and Questions (MIQs) which will be the basis of the EIP sessions. Members of the public have 8 weeks to submit comments to the Inspectors.	20th Dec 22 – 14th Feb 2023
Examination in Public Hearing Sessions	March 2023
Inspectors call a ‘summer break’	June 2023
Inspectors write to the Council setting out concerns with the draft Local Plan	August 2023
The Council requested a six month pause and are working positively with relevant partners to address the Inspectors concerns.	August 2023 – to present
On request of the Inspectors the Council, NH, GCC and SGC submitted a Joint Action Plan (JAP) setting out how all parties would work together to address the Inspectors concerns.	November 2023
The Inspectors are currently considering the JAP and the request for a pause and in correspondence have requested clarification on some technical points included in the JAP. The same correspondence also states they are ‘ <i>encouraged by the joint working that has taken place</i> ’. The Council has until the 19 th January to respond.	Dec 2023 – present

3. Conclusion

- 3.1 The Council must now wait for the Inspectors to consider the JAP along with the additional responses submitted on 19th January. The Inspectors will then determine if a six month pause will be granted. We and our partners believe this is the most pragmatic way forward to address the concerns with the SRN and to ensure delivery of the Local Plan.
- 3.2 The role of the Inspectors and the Examination in Public is to consider issues of soundness and to work with the Council to modify the plan as required to make it sound and move to adoption. The Council is working with the Inspectors and partners to address the SRN

concerns, with a view to achieving a sound Local Plan to ensure that it is the Council that controls the location of housing, extent of economic growth and that we can strengthen and adopt the environmental protections set out in the plan.

- 3.3 This report is necessarily for briefing purposes only, as while the draft Local Plan remains at Examination, it cannot include any recommendations or decisions unless required by the Inspectors. Officers of the Council are still working to the Council resolution of 29th April 2021, to submit the draft Local Plan for Examination.

4. Implications

4.1 Financial Implications

As outlined in the report there are no decisions or recommendations and therefore no financial implications from this briefing paper.

Adele Rudkin Accountant

Tel: 01453 75 6321 Email: adele.rudkin@stroud.gov.uk

4.2 Legal Implications

This Report is for briefing and no decision is recommended. The Report has set out the background to and the statutory requirements of the local plan making process.

The statutory framework for town and country planning development control in England is plan led. Decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

District local planning authorities are required to produce a local plan and keep it under review and up to date. The Council has been adhering to this process and as provided elsewhere in the Report the Stroud draft local plan is now at the examination stage.

As a result of the draft local plan being at the examination stage it is now under the control of the inspectors appointed by the Secretary of State. Currently the Council and its partners are seeking to comply with the directions of the inspectors in respect of the examination process.

The Report highlights the Governments desire to see local plan examinations completed and examples of where the Secretary of State has exercised intervention powers to ensure this happens.

Jeremy Patterson Principal Planning Lawyer, One Legal

Email: legalservices@onelegal.org.uk

4.3 Equality Implications

An EIA is not required because this report does not contain any decisions or recommendations. Although, an EIA was undertaken as part of the draft Local Plan preparation.

4.4 Environmental Implications

There are no significant implications within this category as this report is for briefing purposes only. Although the Draft Local Plan has been subject to Sustainability Appraisal (SA) during its preparation which has included assessing the contents against the objective of encouraging social inclusion, equity, the promotion of equality and a respect for diversity. The Draft Local Plan has taken account of any SA recommendations during its production.