



**REPORT TITLE: Draft Local Development Guide Consultation (2024)**

<b>Dates between which decision will be taken</b>	Earliest date: 15 May 2024  Latest date: 22 May 2024
<b>Cabinet Member</b>	Cllr David Gray Cabinet Member for Environment and Planning
<b>Key Decision</b>	Yes
<b>Purpose of Report</b>	<p>The purpose of the Local Development Guide (LDG) is to provide information to local planning authorities (LPAs), developers, and all stakeholders on the types of infrastructure where Gloucestershire County Council (GCC) may seek funding to mitigate the impacts of the proposed development; to make it acceptable in planning terms.</p> <p>The LDG needs to be periodically reviewed to ensure it reflects the latest published national and local guidance. The existing LDG was adopted in March 2021 following a period of public consultation and there is a need to update the document to ensure it remains fit for purpose protecting the wider public interest.</p> <p>Delegated authority is sought to launch an initial 8-week public consultation on a draft updated LDG once produced. Subject to any material changes required in response to the representations received through that consultation period, a second consultation may be required to conclude the review process. The aim is for an updated LDG to be adopted by Cabinet in December 2024.</p>
<b>Recommendations</b>	<p>That the Cabinet Member for Environment and Planning delegates authority to the Executive Director: Economy, Environment and Infrastructure, in consultation with the Cabinet Member for Environment and Planning to:</p> <ul style="list-style-type: none"><li>a) Launch, hold, and assess representations received during an 8-week consultation on the draft Local Development Guide (2024), from the 3 June 2024 to the 28 July 2024.</li><li>b) Determine the need for a second consultation on the draft updated Local Development Guide (2024).</li><li>c) Launch, hold and assess representations received during a second 4-week consultation on the draft updated Local Development Guide (2024) in September 2024, if deemed appropriate.</li></ul>
<b>Reasons for Recommendations</b>	For the LDG to be most effective it is essential for it to be afforded greater weight by LPAs when determining planning applications. It

	is therefore important for the LDG to be up to date and be tested through a robust public consultation process.
<b>Resource Implications</b>	The consultation will be delivered by internal GCC officers who will also be responsible for the summary report. The cost of the LDG update and consultation will be covered by existing Economy & Strategic Planning revenue budgets.
<b>Background Documents</b>	The GCC Local Development Guide 2021 <a href="https://www.gloucestershire.gov.uk/media/kw4dj50l/ldg-2021-final-adopted-version.pdf">https://www.gloucestershire.gov.uk/media/kw4dj50l/ldg-2021-final-adopted-version.pdf</a>  Position Statement on Pupil Product Ratios from new housing (ICM decision March 2024) <a href="https://glostext.gloucestershire.gov.uk/ieDecisionDetails.aspx?ID=2198">https://glostext.gloucestershire.gov.uk/ieDecisionDetails.aspx?ID=2198</a>
<b>Statutory Authority Include:</b>	<ul style="list-style-type: none"> <li>• Town and Country Planning Act (TCPA) 1990 (as amended)</li> <li>• Education Act 1996 (as amended)</li> <li>• The Public Libraries and Museums Act 1964 (as amended)</li> <li>• Highways Act 1980 (as amended)</li> <li>• Community Infrastructure Levy Regulations 2010 (as amended)</li> <li>• National Planning Policy Framework</li> </ul>
<b>Divisional Councillors</b>	All
<b>Officer</b>	Any representations should be sent to:  Name: Ben Watts Tel. no: 01452 426771 Email: <a href="mailto:ben.watts@gloucestershire.gov.uk">ben.watts@gloucestershire.gov.uk</a> By 5pm on 9 <sup>th</sup> May 2024
<b>Timeline</b>	<ul style="list-style-type: none"> <li>• May 2024 - ICM decision to commence public consultation.</li> <li>• June/July - Public consultation.</li> <li>• August - Review consultation responses and take decision on the need to reconsult in discussion with ICM.</li> <li>• September – 4-week consultation (if required)</li> <li>• October - Respond to consultation feedback and finalise LDG.</li> <li>• December - Seek approval from Cabinet to adopt the final LDG.</li> </ul>

## Background

1. GCC plays a key role in supporting sustainable development, through its role as an infrastructure and service provider. The purpose of the LDG is to provide information to LPAs, developers, and all stakeholders on the types of infrastructure where GCC may seek funding to mitigate the impacts of the proposed development; to make it acceptable in planning terms.
2. The LDG is not prescriptive, as each development proposal will be considered on its merits, and any obligations sought will need to meet the relevant tests. However, it is intended to aid, and improve transparency and consistency, in decision-making; and to provide

guidelines to inform the preparation of development plans and other planning documents, as well as assisting in the determination of planning applications.

3. Whilst the LDG is not a Development Plan document nor a Supplementary Planning Document, it is a material consideration in the determination of planning applications.
4. To inform the LDG review process and with a view to greater collaboration between local authorities, a Gloucestershire-wide officer group was created with officers attending from each of the six LPAs representing a Planning Policy and Planning Development Management perspective. The views of this group have been reflected within the updated Guide. The group also enables GCC officers to explain the detail of the Guide so there is a greater awareness and less misunderstanding of the process used when GCC requests developer contributions for different service areas. It is intended that this group will meet throughout the lifetime of the LDG review process.
5. Public consultation and engagement are critical in justifying the weight afforded to the LDG in planning terms. To demonstrate transparency and ensure the GCC's position is defensible through the review process, it is proposed that an eight-week public consultation be undertaken using the County Council's Engagement HQ consultation platform.
6. At the end of the eight-week public consultation, where stakeholders have agreed to be contacted, GCC officers will respond directly to their representations outlining how the LDG will be updated, or not, in response to the representation received.
7. At the end of the consultation process, a summary report will be provided to outline the extent of feedback received and what corresponding action is required to address the issues raised through the process. A decision will need to be made in consultation with the Cabinet Member, and the Head of Legal Services regarding the extent of the proposed changes required to the draft LDG in response to representations received.
8. If the proposed changes are considered to materially change the draft LDG published through the public consultation, then an additional targeted consultation will be required with those stakeholders that agreed to be contacted through the initial public consultation process. If a second consultation is required, then this will be for a shorter period of four weeks.
9. The proposed public consultation will be advertised on the GCC website and in Libraries. Where contact details are known, officers will directly contact the following specific groups and encourage them to actively engage in the consultation process:
  - District/City/Borough Councils
  - Parish/Town Councils
  - Neighbouring Authorities
  - Builder/Developers
  - Planning consultants/Agents
  - Statutory bodies affected by, or who should be aware of GCC's advice when responses to planning applications.
10. Upon completion of the consultation, the LDG review (2024) will be finalised with an updated LDG produced, and approval will be sought by Cabinet for the formal adoption of updated Guide.

## Options

11. Not to commence with the consultation. This option was rejected as the 2021 version of the LDG requires updating, continuing with this version would significantly undermine its robustness with LPAs and developers and through the wider planning process. This could result in GCC receiving less developer contributions, through either Section 106 agreements or the Community Infrastructure Levy (CIL).
12. The proposed consultation strategy demonstrates transparency and good practice. It enables all stakeholders and members of the public the opportunity to fully engaged with the process/have their say on the approach GCC takes to determine the extent of financial developer contributions required to mitigate the impacts of development on existing services, infrastructure and support the delivery of sustainable growth.

## **Risks**

13. There is a risk that targeted groups may not engage in the process. This will be mitigated as much as possible by GCC officers directly contacting stakeholders to raise awareness of the consultation process. In addition, reminders will be periodically sent during the 8-week consultation window to encourage their engagement.
14. There is the potential for reputational risk to the authority if GCC officers fail to clearly articulate how they plan to respond to any representations received through the consultation process. This will be mitigated by GCC officers directly responding to all stakeholders, where they have given permission to do so, to explain how they intend to respond to the representation received. This could be to accept proposed changes to the draft LDG or explain why they do not accept their issues raised. A summary report outlining the outcomes of the consultation shall also be produced and published on the Council's website and promoted through the Council's social media channels.
15. There is a risk that the representations received through the initial consultation process result in material changes made to the LDG without the further opportunity for stakeholders to comment. This will be mitigated by undertaking a second consultation.
16. There is a risk that the LPAs do not acknowledge the LDG and decline GCC's requests for developer contributions to mitigate the impacts of development when determining planning applications. This could result in significantly less funding available for services and infrastructure. This will be mitigated by increased collaboration and engagement between GCC and the LPAs during the LDG review process to ensure that there is a greater awareness and understanding of each of the local authorities' processes and views on the delivery of sustainable growth.

## **Financial implications**

17. There are no financial implications of undertaking the LDG review and consultation. The cost of the process is being covered by existing budgets.

## **Climate Change and Ecological implications**

18. Neither a Climate Impact Assessment Tool (CIAT) nor an Ecological Impact Assessment (EclA) has been completed. This was discussed with the Sustainability Team, and it was agreed that neither assessment was required at this stage of the LDG Review process. It was agreed that a CIAT would be completed ahead of seeking formal adoption of the updated LDG Review later this year.

## **Equality implications**

19. An Equalities Impact Assessment (EqIA) been completed.

20. Cabinet Members should read and consider the Equalities Impact Assessment to satisfy themselves as decision makers that due regard has been given.

### **Data Protection Impact Assessment (DPIA) implications**

21. A DPIA Checklist has been completed and it confirms that there is no legal requirement for a DPIA to be completed. As it is very likely that the volume of representations received will be less than 100 the consultation is considered relatively low risk.

22. A DPIA has therefore not been completed.

### **Social value implications**

23. None.

### **Consultation feedback**

24. None at this stage.

### **Officer recommendations**

25. That the Cabinet Member for Environment and Planning delegates authority to the Executive Director: Economy, Environment and Infrastructure, in consultation with the Cabinet Member for Environment and Planning to:

- a) Launch, hold, and assess representations received during an 8-week consultation on the draft Local Development Guide (2024), from the 3 June 2024 to the 28 July 2024.
- b) Determine the need for a second consultation on the draft updated Local Development Guide (2024).
- c) Launch, hold and assess representations received during a second 4-week consultation on the draft updated Local Development Guide (2024) in September 2024, if deemed appropriate.

### **Performance management/follow-up**

26. Following the conclusion of the consultation, a summary report will be prepared outlining all of the representations received and what action is required to address the issues raised.

27. This report will include an officer recommendation on the need to reconsult if the extent of changes required materially change the LDG as drafted during the public consultation.

28. The decision to reconsult will be taken in discussion with the Cabinet Member.

29. The aim is to conclude the LDG review and seek approval from Cabinet to adopt the final LDG in December 2024.