

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE		
DATE:	23 NOVEMBER 2016	AGENDA ITEM:	8
TITLE:	REVISED LOCAL DEVELOPMENT SCHEME		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT
SERVICE:	PLANNING	WARDS:	ALL
LEAD OFFICER:	MARK WORRINGHAM	TEL:	0118 9373337
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**1. EXECUTIVE SUMMARY**

- 1.1 A Local Development Scheme (LDS) is a statutory programme tool, which sets out the planning policy documents that the Council intends to produce, and their purpose, timescales and geographical area.
- 1.2 This Committee most recently approved a new LDS on 5<sup>th</sup> April 2016 (Minute 34 refers). The main document proposed to be produced was a comprehensive Local Plan to replace all three existing development plan documents.
- 1.3 This report seeks a change to the LDS. There are two main changes. Firstly, the timescales for production of this Local Plan are amended. The reason for this change is primarily to take account of ongoing joint work with neighbouring authorities in the western part of Berkshire around options for growth. Secondly, the LDS now includes proposals for a joint Minerals and Waste Local Plan with adjoining authorities, a Joint Agreement for which was approved by Policy Committee on 31<sup>st</sup> October 2016 (Minute 51 refers).
- 1.4 This report therefore seeks approval of a revised LDS which shows the documents that the Council intends to produce over the coming years.

**2. RECOMMENDED ACTION**

2.1 That the Local Development Scheme, including the Minerals and Waste Local Development Scheme (Appendix 2), be approved and brought into effect, and that it form the basis for production of planning policy, with effect from 24<sup>th</sup> November 2016.

### 3. POLICY CONTEXT

3.1 A Local Development Scheme (LDS) is a document setting out the Local Planning authority's programme for producing planning policy documents. It lists the documents that are to be produced, sets out their scope and purpose, and sets out the broad timescales for its production, including important milestones. It is a statutory requirement under the Planning and Compulsory Purchase Act 2004.

### 4. THE PROPOSAL

#### (a) Current Position

4.1 This Committee approved a new LDS on 9<sup>th</sup> July 2013 (Minute 8 refers) which set out a programme for producing a comprehensive Local Plan to replace the three existing development plan documents - the Core Strategy, Reading Central Area Action Plan and Sites and Detailed Policies Document. Various amended versions of the LDS were approved by this Committee on 20<sup>th</sup> November 2013 (Minute 19 refers), 25<sup>th</sup> November 2014 (Minute 17 refers), and, most recently, 5<sup>th</sup> April 2016 (Minute 34 refers) to take account of necessary amendments to the timescale.

4.2 Progress has been made with producing the Local Plan, and the Council most recently consulted on the first stage, Issues and Options, in January 2016. However, there is a need to amend the LDS to take account of changes in the proposed timescale.

#### (b) Option Proposed

4.5 Committee is recommended to approve the Local Development Scheme 2014 (Appendix 2) as the programme for producing planning policy documents.

4.6 The version of the LDS in Appendix 2 is in tracked changes format, showing changes from the April 2016 version. The main changes are as follows:

- The timescales for production of a Local Plan have been slightly delayed. It was previously intended to bring a draft version of the Local Plan to this November meeting to agree for consultation. However, the four authorities that make up the Western Berkshire Housing Market Area, as defined in the Berkshire Strategic Housing

Market Assessment (West Berkshire Council, Reading Borough Council, Wokingham Borough Council and Bracknell Forest Borough Council) are undertaking important joint work under to examine how growth can be accommodated within the area, and this feeds into Reading's draft Local Plan. Under the Localism Act 2011, there is a duty to co-operate with neighbouring authorities in plan making, and it is therefore necessary to delay production of the draft to take account of this work, and to allow better alignment with the plan processes of our neighbours.

- A proposal to jointly undertake plan making for minerals and waste across Central and Eastern Berkshire, covering Reading Borough Council, Wokingham Borough Council, Bracknell Forest Borough Council and the Royal Borough of Windsor and Maidenhead, has now been agreed. Hampshire County Council has been appointed to undertake this work on behalf of the four authorities. A Joint Agreement between the four Berkshire authorities and Hampshire was agreed by Policy Committee on 31<sup>st</sup> October 2016 (Minute 51 refers), and more details on the case for these joint arrangements is set out in the relevant report<sup>1</sup>.

Hampshire County Council has prepared a LDS for the production of a joint minerals and waste plan for Central and Eastern Berkshire, which envisages adoption of a joint plan in winter 2020. This is set out in Appendix 3 to our proposed LDS, and corresponds to the timescale referred to in the 31<sup>st</sup> October Policy Committee report. The proposal is that each of the four authorities approve this Minerals and Waste LDS, ideally as part of their own LDS.

- References to Supplementary Planning Documents have now been consolidated, with specific dates removed, as they need to be flexible to take account of progress on specific sites.

(c) Other Options Considered

4.7 There is one alternative option that could be considered, which is to produce a LDS with a delayed Local Plan

4.8 There are a number of disadvantages to delaying the Local Plan any further:

- It would leave the Borough without a fully up-to-date plan for a longer period. This may leave the Council vulnerable to appeals, particularly as we now have published levels of housing need for which, whilst there is adequate supply of land in the short term, in the longer term the Local Plan will need to set out the strategy for how this is accommodated. Therefore, the Council could lose some control over the form of development.

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<sup>1</sup> <http://www.reading.gov.uk/media/6222/item14-mineralswaste/pdf/item14-mineralswaste.pdf>

- The production of a delayed plan would be likely to cost more resources in the long term. Much of our evidence has already been assembled, and delaying the process would likely mean the need to produce this evidence again, but less cost-effectively because the opportunity to undertake joint pieces of work with our neighbours will likely have passed.
- The Council may be subject to special measures. In a written statement to Parliament in July 2015, then planning and housing minister Brandon Lewis stated that a deadline of early 2017 applies for Local Planning authorities to produce a Local Plan. He said that “In cases where no Local Plan has been produced by early 2017 - five years after the publication of the NPPF - we will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate production of a Local Plan”. Although no guidance was given on how far along with production authorities are expected to be, having a draft plan published in early 2017 means that intervention in Reading is considerably less likely.

4.9 Proceeding with the existing LDS is not an option for this report, as that would have relied upon approving a draft plan at this meeting. Proceeding with the existing timetable in advance of the expected progress in joint working with neighbours could have led to the plan pre-empting some of that work, potentially leading to objections from neighbouring authorities. This could have put further co-operation at risk.

## 5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The Local Plan, through setting out the way Reading will develop to 2036, will contribute to the following priorities in the Corporate Plan 2015-18:
- Safeguarding and protecting those that are most vulnerable;
  - Providing the best life through education, early help and healthy living;
  - Providing homes for those in most need;
  - Keeping the town clean, safe, green and active;
  - Providing infrastructure to support the economy;
  - Remaining financially sustainable to deliver these service priorities.

## 6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 The LDS is simply a programme for production of planning documents, and will not be subject to community engagement. However, the LDS does programme community involvement stages for a number of documents. These community involvement stages will need to comply with the Council’s adopted Statement of Community Involvement.

## **7. EQUALITY ASSESSMENT**

- 7.1 The Scoping Assessment, included at Appendix 1 identifies that an Equality Impact Assessment (EqIA) is not required for the LDS, as there is no reason to believe that specific groups will be affected any differently from others by the LDS.

## **8. LEGAL IMPLICATIONS**

- 8.1 The content of Local Development Schemes is specified in Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by Section 180 of the Planning Act 2008 and Section 111 of the Localism Act 2011. Under the legislation, the LDS must list the development plan documents to be produced, set out their subject matter, geographical area and timescales, and which are to be prepared jointly.
- 8.2 The LDS has also had regard to the legislation on the process of production of the individual documents it lists, which is set out in the Planning and Compulsory Purchase Act 2008 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012.

## **9 FINANCIAL IMPLICATIONS**

- 9.1 The production of the LDS itself will be funded from existing budgets and has no significant financial implications. The main financial implications of the LDS lies with the documents that the LDS proposes to prepare, in particular the Local Plan and the Minerals and Waste Local Plan.
- 9.2 Production of planning policy documents is generally carried out within existing budgets, and this will largely be the case with the documents listed in the LDS. However, there are some elements of producing these documents that can have significant resource implications, depending on how they are carried out.
- 9.3 Consultation exercises can be resource intensive, particularly at early stages where the focus is on engaging as many people as possible, and on asking wide-ranging and open-ended questions. However, the Council's consultation process is based mainly on electronic communication, which helps to minimise resource costs. In addition, the most wide-ranging, and therefore most resource-intensive, consultation period comes at the earliest stage, Issues and Options, and this is now therefore complete.
- 9.4 Another main area where there can be significant financial implications is in producing the evidence base, particularly where the use of external consultants is required. Some external consultants will be needed when considering matters such as flood risk and transport impact. Consultants will only be used where they genuinely represent the best option in terms of value for money. Undertaking key pieces of evidence jointly with neighbouring authorities (as has happened in the case of housing needs, employment needs and retail and leisure needs) represents a

significant saving over undertaking them independently, as well as offering other advantages, and further opportunities for joint work will be sought, Many of the necessary pieces of evidence have now been paid for.

- 9.5 Finally, the other significant cost is a public examination, which will be required for the Local Plan. These examinations can cost tens of thousands of pounds. They are an inescapable fact of producing development plans, although the length and scope of these examinations can be minimised by seeking to resolve objections before the examination, as well as by combining documents into one document with one examination, as is proposed with the Local Plan.
- 9.6 The financial implications of the Joint Agreement for the Minerals and Waste Local Plan were set out in the report to Policy Committee on the 31<sup>st</sup> October 2016<sup>2</sup>.

#### Value for Money (VFM)

- 9.7 The preparation of a robust set of planning policy documents, as set out in the LDS, will ensure that developments are appropriate to their area, that significant effects are mitigated, that contributions are made to local infrastructure, and that there are no significant environmental, social and economic effects. Robust policies will also reduce the likelihood of planning by appeal, which can result in the Council losing control over the form of some development, as well as significant financial implications. Production of the documents set out, in line with legislation, national policy and best practice, therefore represents good value for money.

#### Risk Assessment

- 9.8 There are no direct financial risks associated with the report.

#### **BACKGROUND PAPERS**

- Planning and Compulsory Purchase Act 2004 (Section 15)
- Localism Act 2011 (Section 111)
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- National Planning Policy Framework
- Local Development Scheme 2016

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<sup>2</sup> <http://www.reading.gov.uk/media/6222/item14-mineralswaste/pdf/item14-mineralswaste.pdf>

**APPENDIX 1: EQUALITY IMPACT ASSESSMENT**

**Provide basic details**

Name of proposal/activity/policy to be assessed:

Local Development Scheme

Directorate: Environment and Neighbourhood Services

Service: Planning and Regulatory Services

Name: Mark Worringham

Job Title: Planning Policy Team Leader

Date of assessment: 03/11/2016

**Scope your proposal**

What is the aim of your policy or new service?

To set out the programme for producing planning policy documents.

Who will benefit from this proposal and how?

The Council will benefit from having an agreed programme and way forward for planning policy. Stakeholders, including members of the public and the development industry, will benefit from more certainty about what documents and consultations to expect and when.

What outcomes will the change achieve and for whom?

The outcome will be a clear programme for document production.

Who are the main stakeholders and what do they want?

Developers/landowners, the public and community groups, infrastructure providers. All parties want an easily digestible summary of which planning policy documents will be produced and when so that they are better able and resourced to engage when consultation processes come about. It will also inform how and when developers or landowners intend to bring forward potential development sites.

**Assess whether an EIA is Relevant**

How does your proposal relate to eliminating discrimination; promoting equality of opportunity; promoting good community relations?

Do you have evidence or reason to believe that some (racial, disability, gender, sexuality, age and religious belief) groups may be affected differently than others? (Think about your monitoring information, research, national data/reports etc)

Yes  No

Is there already public concern about potentially discriminatory practices/impact or could there be? Think about your complaints, consultation, feedback.

Yes  No

If the answer is Yes to any of the above you need to do an Equality Impact Assessment.

If No you **MUST** complete this statement

An Equality Impact Assessment is not relevant because the Local Development Scheme in itself is merely a programme for producing documents. Documents within the LDS may have different effects on different groups, but since these have not yet been produced it is impossible to determine what those effects would be. Where this is the case, an Equality Impact Assessment will be carried out on individual documents as they are produced.

Signed (completing officer)	Mark Worringham	Date: 3 <sup>rd</sup> November 2016
Signed (Lead Officer)	Mark Worringham	Date: 3 <sup>rd</sup> November 2016