

**TO: EXECUTIVE
9 FEBRUARY 2021**

**REVISED LOCAL DEVELOPMENT SCHEME
2021 - 2024
Director of Place, Planning and Regeneration**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Executive's approval to bring a revised Local Development Scheme (LDS) into effect covering the period 2021 - 2024.
- 1.2 The Council's work programme for preparing local plans is set out in the Local Development Scheme. The current LDS (2019-2022) sets out timetables for the preparation of the:
- Bracknell Forest Local Plan,
 - Joint Minerals and Waste Local Plan (covering Bracknell Forest, Wokingham Borough, Royal Borough of Windsor and Maidenhead and Reading Borough), and
 - Policies Map.
- 1.3 Due to changes in circumstance since the current LDS was agreed, it will not be possible to meet the outstanding milestones set out in the document.

2 RECOMMENDATION

- 2.1 That the Executive resolves that the Local Development Scheme 2021 – 2024 (attached as Appendix A) shall come into effect on 17th February 2021.**

3 REASONS FOR RECOMMENDATION

- 3.1 The Council is required to maintain an up to date LDS on its website. Preparation and approval of an up to date LDS aims to give residents, businesses and potential investors a clear indication of the timetable that the Council is working to in respect of the production of local development documents. It provides a starting point for stakeholders to see at what stages they can get involved in compiling these documents. The current version of the LDS does not contain up to date timetables for the local plans that are being prepared.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The option of not updating the LDS has been considered, but there is a statutory requirement¹ for an up to date LDS. Due to the changes set out below, it is not possible to keep to the timelines set out in the current LDS. Additionally, not publishing an up to date LDS would mean a lack of clarity for local residents, developers and the business community about the Council's intended approach to producing planning policies to guide future development.

¹ Section 15 of the Planning and Compulsory Purchase Act requires the Council to prepare and maintain a Local Development Scheme

5 SUPPORTING INFORMATION

Background

- 5.1 National policy requires each local planning authority to have succinct and up-to-date local plans for the future development of their local areas. There is a statutory requirement² to review policies in local plans and to assess whether they need updating at least once every five years. They should then be updated as necessary. Account must be taken of changing circumstances affecting an area, or any relevant changes in national policy.
- 5.2 The Development Plan for the Borough currently comprises the following documents:
- South East Plan (May 2009) – Thames Basin Heaths Special Protection Area Policy NRM6 only
 - Saved policies in the Bracknell Forest Borough Local Plan (BFBLP) (2002)
 - Core Strategy (February 2008)
 - Saved policies in the Replacement Minerals Local Plan (2001) and Waste Local Plans (1998)
 - Site Allocations Local Plan (SALP) (2013)
 - Policies Map (2013)

Local Development Scheme agreed in 2019

- 5.3 The current LDS (February 2019) identifies programmes for the preparation and adoption of the following new documents:
- Bracknell Forest Local Plan (target date for adoption: January 2021)
 - Joint Minerals and Waste Local Plan (target date for adoption: Winter 2020/2021)
 - Policies Map (to be progressed alongside the timetables for the Bracknell Forest Local Plan and the Joint Minerals and Waste Local Plan).

Changes since the 2019 LDS was brought into effect

Bracknell Forest Local Plan

- 5.4 Whilst much work has already been undertaken, a number of changes have delayed progress on the Bracknell Forest Local Plan. These are summarised below:
- Changes in national legislation and guidance that have necessitated revisions to certain policies and supporting text. These have included changes to permitted development rights, changes to the Town and Country Planning (Use Classes) Order 1987 (as amended) and revisions to various sections of the Planning Practice Guidance.
 - A high number of responses were received to the consultation on the Council's Revised Growth Strategy that ran between October and December 2019. Several of the issues raised by a range of stakeholders have required further technical work and significant adjustments to policy. These have included the need to adjust the capacity of some sites.
 - The need for updated/more evidence on certain issues due to contextual changes and the publication of new data.
 - The complexity and depth of evidence required on transport and air quality issues necessitated the building of a new transport model that has subsequently been used in modelling work.

² Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

- Further sites were submitted for consideration for development during and following the consultation on the Revised Growth Strategy in October - December 2019. There has been a need to assess these sites in a similar way to other submitted sites, which has required further technical evidence.
- The need to extend the plan period to comply with the National Planning Policy Framework (NPPF) requirement for strategic policies to look ahead a minimum of 15 years from the date of adoption.
- The need to update the base date of the Plan to 1st April 2020 in terms of the Local Housing Need figure and commitments data.

Joint Minerals and Waste Local Plan

5.5 A number of issues have also been encountered in the preparation of the Joint Minerals and Waste Local Plan which have delayed its progression. These are summarised below:

- Further Minerals and Waste 'call for sites' exercises were required in Winter 2018/19 and late Autumn 2019 due to a shortfall in meeting need due to the limited number of site options.
- Following the Winter 2018/19 'call for sites' exercise, further focused consultation was required in respect of the Bray Quarry extension (Summer 2019).
- Following the late Autumn 2019 'call for sites' exercise, further focused consultation was required on two new sites for sand and gravel (Land west of Basingstoke Road, Spencers Wood in Wokingham Borough and land between Horton Brook and Poyle Quarry in the Royal Borough of Windsor and Maidenhead). This was combined with consultation on criteria for defining an 'Area of Search' for sand and gravel provision and a possible policy on past performance of minerals and waste operators (Spring 2020).
- Concern about the ability to meet legislative requirements in the Town and Country Planning (Local Planning) (England) Regulations 2012 in terms of the deposit of documents at the publication stage resulted in a pause in the process. This was in anticipation of legislative changes to consultation requirements which were ultimately made through The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020. An Addendum to the Council's Statement of Community Involvement (SCI)³ was also produced setting out temporary amendments, in accordance with Planning Practice Guidance⁴ (link to amendment to SCI provided in footnote).

5.6 The changes referred to above mean that there is a need to review the work programmes set out in the current LDS. This will result in amended dates for the subsequent milestones for both local plans. The current LDS will be superseded once the revised document is brought into effect.

Suggested new timelines

5.7 Due to the changes in circumstance summarised in paragraphs 5.4 and 5.5, new dates for subsequent milestones of the Bracknell Forest Local Plan and Joint Minerals and Waste Local Plan are required. The suggested timescales are set out below, although they incorporate some flexibility should circumstances change.

³ <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/about-planning-policy/statement-community-involvement-temporary-changes-addendum>

⁴ Paragraph: 078 Reference ID: 61-078-201200513

Bracknell Forest Local Plan

- Publication (6 weeks): March – May 2021
- Submission: Summer 2021
- Examination: Summer/Autumn/Winter 2021/22
- Report to Council/adoption: Spring 2022

Joint Minerals and Waste Local Plan

- Publication (6 weeks): September – October 2020
- Submission: February 2021
- Examination: Spring – Autumn 2021
- Report to Council/adoption: Winter 2021/Spring 2022

Policies Map

A Policies Map must also be produced which illustrates geographically how the policies in the Local Plans will be applied. This will be developed alongside the relevant plans.

6 CONSULTATION AND OTHER CONSIDERATIONS

Legal advice

- 6.1 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to prepare and maintain an LDS. This must specify (amongst other matters) the development plan documents that are under preparation, including the subject matter and geographical areas to which they relate. To bring the scheme into effect, the local planning authority must resolve that the scheme is to have effect and in the resolution specify the date from which the scheme is to have effect. The LDS must be made publicly available through the publication on a web site and kept up to date.

Financial advice

- 6.2 The costs of developing the local plans, including staffing requirements, consultancy, consultation and examination will be met through existing budgets which have been reviewed and amended as part of the 2021/22 budget setting process to fully accommodate the programme costs. In the case of the Joint Minerals and Waste Local Plan, Bracknell Forest Council, Wokingham Borough Council, Royal Borough of Windsor and Maidenhead and Reading Borough Council have commissioned Hampshire Services to prepare the Plan on their behalf. The cost of the project is being shared equally amongst the four Authorities.

Equalities Impact Assessment

- 6.3 Since this report concerns amendments to timetables for committed local plans, rather than new local plans, it is not necessary to complete an Equalities Screening Record Form.

Strategic Risk Management Issues

- 6.4 The main risks to implementing and achieving the timetables set out in the LDS are the potential for further national legislative, policy and guidance changes and the fact that the timetables for examination of Local Plans are set by the Planning Inspectorate (and not by the Council). Potentially, there could also be operational

Unrestricted

pressures from coronavirus on internal staffing resources that might impact on the timetables.

Consultation requirements

- 6.5 There is no statutory requirement to consult on an LDS due to the nature of the document.
- 6.6 Local plans have to follow prescribed procedures and are subject to wide public consultation and ultimately independent public examination before they can be adopted. Various methods of engagement have already been used, including exhibitions, leaflets, the Council's website, letters and press releases, as appropriate. A considerable amount of consultation has already been undertaken on both local plans and their associated evidence base studies.

Appendices

Appendix A Local Development Scheme 2021 – 2024

Background Papers

Local Development Scheme 2019 – 2022

<https://www.bracknell-forest.gov.uk/lds-2019-to-2022>

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