

**TO: EXECUTIVE
23 JUNE 2015**

REVISED LOCAL DEVELOPMENT SCHEME

Director of Environment, Culture and Communities

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.

2 EXECUTIVE SUMMARY

- 2.1 The maintenance of an up to date development plan means that the Council can properly plan and influence the level and location of sustainable new development in the Borough, reflecting community and business needs. The Council's work programme for preparing Local Plans is set out in the LDS. The current LDS (2014 – 2017) sets out a timetable for the preparation of three Local Plans relating to Gypsies and Travellers; Development Management, and a Comprehensive Local Plan (CLP).
- 2.2 Whilst work on these has begun, a recent appeal decision has indicated that the Council needs to prepare up to date robust housing policies more quickly than previously anticipated in the existing timetable for producing a Comprehensive Local Plan. It is also considered more appropriate and effective to incorporate the Gypsy and Traveller, and Development Management Local Plans into one Comprehensive Local Plan.
- 2.3 It is a statutory requirement to prepare and publish an up to date LDS and the changes referred to above mean that there is a need to review the scope and nature of the documents in the current LDS including a review of policy areas in the current Core Strategy (2008) and the Bracknell Forest Borough Local Plan (2002) (subsequently referred to as the 2002 Local Plan).

3. RECOMMENDATION(S)

- 3.1 **That the Executive resolve that the Local Development Scheme at Appendix A shall come into effect on 30th June 2015.**

4 REASONS FOR RECOMMENDATION(S)

- 4.1 The Council is required to maintain an up to date LDS on its website. Preparation and adoption of an up to date LDS will give residents, businesses and potential investors a clear indication that the Council remains committed to having an effective planning policy framework in place. Existing policies in the 2002 Local Plan and the Core Strategy pre-date current planning legislation, policy and guidance and therefore need to be reviewed in the light of these in order to provide a robust planning policy framework.

- 4.2 As set out in paragraph 2.2, it is clear that the Council is vulnerable on appeal without more robust housing policies in place. This is, in part, due to the strategic sites taking longer to come on board than originally anticipated. The preparation of a Comprehensive Local Plan (CLP) will review the Borough's housing requirement and allocate necessary sites to meet development needs more quickly than set out in the current LDS.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The option of not updating the LDS has been considered but as set out in this report the current proposals in the LDS which identify three Local Plans to be prepared is not considered to be the most effective way forward in order for the Council to influence the future level and location of new development. 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.
- 5.2 In addition, alternative timetables for the production of a CLP have been considered as discussed in Section 6 of this report.

6 SUPPORTING INFORMATION

- 6.1 National Policy requires each Local Planning Authority to prepare a Local Plan for its area. The Development Plan for the Borough to 2026 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) (9 January 2002)
 - Core Strategy (February 2008)
 - Minerals and Waste Local Plans (time expired)
 - Site Allocations Local Plan (SALP) (July 2013)
- 6.2 The current LDS (January 2014) identifies the following Local Plans to be prepared:
- Gypsy and Traveller Local Plan (target adoption date June 2017)
 - Development Management Local Plan (target adoption date November 2016)
 - Comprehensive Local Plan (CLP)(target adoption date July 2019).
- 6.3 In adopting the current LDS, the Executive was advised of the significance of a number of legislative and national policy changes that had taken place since the preparation of the 2002 Local Plan and the Core Strategy. These included:
- Introduction of the Localism Act;
 - Introduction of Neighbourhood Planning;
 - Revised Local Planning Regulations;
 - Introduction of the National Planning Policy Framework (NPPF);
 - Introduction of the Planning Policy for Traveller Sites;
 - Replacement of national planning policy guidance with the National Planning Practice Guidance (NPPG);
 - Partial revocation of the South East Plan (Policy NRM6 retained); and,

- Additional changes to the change of use permitted development rights.
- 6.4 More recently other changes which will influence the future development of planning policies include:
- Publication of the Thames Valley Berkshire Local Enterprise Partnership Strategic Economic Plan 2015/16 – 2020/21;
 - Further extension of permitted development rights allowing changes of use without planning permission;
 - Other initiatives such as the introduction of the Self Build and Custom Housebuilding Act 2015 requiring the need for self build plots to be considered through planning policies through the preparation of an on line self build register; and,
 - Ministerial Statement dated 25th March 2015 on streamlining the planning system.
- 6.5 The NPPF strongly supports the preparation of a single Local Plan and along with the NPPG sets out guidance on the evidence base and content of Local Plans, as well as on specific topics such as the Green Belt, town centres and heritage.

Future approach for Bracknell Forest

- 6.6 The current LDS shows the preparation of three Local Plans with a CLP (which would include a review of future development needs including housing) starting this year and following the preparation of the other Local Plans. A recent appeal decision at Tilehurst Lane, Binfield indicates that the Council needs to prepare robust housing policies more quickly than previously anticipated in order to be able to defend planning refusals and properly plan for longer term sustainable development. Other reasons for preparing a CLP which were set out when the current LDS was agreed also remain relevant:
- Loss of the regional context for the role of Bracknell Forest, following the partial revocation of the South East Plan;
 - To respond to the wider economic context particularly through the role and work of the Local Enterprise Partnership;
 - To ensure compliance and consistency with national planning policy and guidance
 - To inform the development of Neighbourhood Plans;
 - To provide a robust and up to date evidence base to support planning decisions/defend appeals, and the Borough's planning policies and guidance framework (such as housing, gypsy and traveller needs, affordable housing, retail, employment, landscape and infrastructure).
- 6.7 In order to maintain progress on introducing up to date development management policies and a target for the provision of plots/pitches for travellers and any associated site allocations, it is proposed to merge the Development Management Local Plan and Gypsy and Traveller Local Plan with the CLP. The current LDS indicates that minerals and waste policies will be incorporated in the CLP. However, it is now planned to produce a joint Minerals and Waste Local Plan with Reading Borough Council, Wokingham Borough Council, and the Royal Borough of Windsor and Maidenhead. It is proposed to change the LDS to reflect this currently planned approach. If, for some reason a joint Minerals and Waste Local Plan is not practicable, the LDS will be further updated accordingly. A detailed timetable is

currently being prepared jointly with the other local authorities, but at this stage it is anticipated that adoption would be during 2019.

Comprehensive Local Plan Timetable options

- 6.8 The statutory process for preparing a Local Plan is set out in the 2012 Local Plan Regulations. The main area of flexibility relates to the level of stakeholder and community engagement in the plan preparation process. Regulations and guidance set out an expectation that there will be engagement in the Plan but there are no prescribed requirements (such as an Issues and Options or draft Plan/Preferred Options stage), prior to the Publication stage when the Plan has to be made available for a period of six weeks before it is then submitted, with any representations, for examination.
- 6.9 The level and timing of engagement will therefore have an impact on the overall length of time that it will take to prepare the Local Plan and a balance needs to be struck between the need to progress the Plan within a reasonable timeframe in order to provide up to date policies, and the need for the Plan to have input from stakeholders, including satisfying the Duty to Cooperate.
- 6.10 Engagement will include a range of meetings and communication throughout the preparation process as well as more ‘formal’ style consultations. In terms of more ‘formal’ consultations, it is considered that at the least this should include engagement and participation on a draft Plan as well as engagement at the Publication stage. In preparing both the Core Strategy and the Site Allocations Local Plan (SALP), the Council also included an earlier ‘Issues and Options’ stage. A further option would be to go straight to a Publication Plan without any formal consultation stages up until that point. However, it is considered that this carries a high risk of developing an unsound Plan and should not be pursued.
- 6.11 The table below sets out potential timetables for preparing a CLP with and without an Issues and Options stage. The current LDS (2014 – 2017) identifies commencement of a CLP this month (June 2015) and adoption in July 2019.

Task	Without Issues and Options	With Issues and Options
SA Scoping	June 2015	June 2015
Issues & Options consultation		June/July 2016
Draft Plan consultation	October/November 2016	June/July 2017
Publication Plan (6 weeks)	June/July 2017	Feb/March 2018
Submission	December 2017	July 2018

Adoption	September 2018	February 2019
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6.12 Both options provide different timetables and have different advantages and disadvantages as set out below:

Timetabling Options	Pros	Cons
Including an Issues and Options and a Draft Plan stage	<p>Greater community involvement</p> <p>Greater opportunity to resolve concerns / objections</p> <p>Greater opportunity to explore and resolve duty to cooperate issues</p>	<p>Local Plan takes longer to prepare – delay to adoption of up to date policies</p> <p>More consultation requires greater financial and staff resources</p> <p>Longer timeframe may risk some early evidence having to be updated</p>
Including only a Draft Plan stage	<p>Local Plan can be prepared more quickly – leading to up to date policies in place sooner.</p> <p>Less staff and financial resources required</p> <p>Evidence base less likely to be out of date</p>	<p>Stakeholders may feel less engaged/involved in plan preparation</p> <p>Less opportunity to resolve concerns/objections including duty to cooperate issues.</p>

6.13 In preparing previous Local Plans, including the SALP, it is clear that there is a high level of engagement and interest from the local community and other stakeholders in preparing the Local Plan. In addition, the challenges of meeting the Duty to Co-operate will be significant in preparing a CLP. It is therefore considered that there are advantages in progressing a timetable that includes an Issues and Options stage. There is flexibility about what this engagement might include and whether it comprises a series of smaller topic discussions/consultations, and/or workshops, or consultation on an Issues and Options document. This would still enable a CLP to be prepared more quickly than shown in the current LDS (subject to other risks).

6.14 The timetable set out above, and in the attached LDS is considered to be realistic but challenging. The key risks which are considered to be likely to affect this timetable being met are set out below:

Task	Date	Risks
SA Scoping	June 2015	This date is not crucial to the remainder of

		the plan so SA scoping dates can be flexible.
Issues & Options consultation	June/July 2016	<p>Risks to meeting this date will depend in part on the scope of issues to be part of this consultation stage.</p> <p>Dependent upon staff and financial resources required to commission and manage the evidence base and/or undertake evidence gathering in-house, and to prepare and run this consultation stage.</p> <p>Agreement with Duty to Co-operate bodies to the commissioning of joint evidence, and to the findings is also a risk to meeting this date.</p> <p>Any significant planning policy/legislative changes that arise from the new Government may also be a risk to this stage.</p>
Draft Plan consultation	June/July 2017	Changes to legislation and national planning policy and guidance. Staff and financial resources. Duty to Co-operate issues, particularly the agreement to delivering the objectively assessed housing need across the Housing Market Area.
Publication Plan (6 weeks)	Feb/March 2018	<p>The level of responses and issues raised at Draft Plan stage may require additional work to be undertaken.</p> <p>Staff and financial resources to prepare final Plan and finalise the evidence base.</p> <p>Delays possible to Publication if there are any unresolved Duty to Co-operate issues, particularly around the delivery of housing across the Housing Market Area.</p>
Submission	July 2018	Delays are possible to submission if any new and/or significant issues are raised by representations received during Publication. This might include the need to resolve any objections arising from Duty to Co-operate bodies.
Adoption	February 2019	Delays to adoption possible if Modifications arising out of the Examination process require further consultation.

6.15 A certain level of mitigation can be undertaken for some of these risks. For example, by ensuring that adequate financial budgets are in place to deliver the Local Plan. On-going and timely discussions with Duty to Co-operate bodies will be essential in order to identify which are likely to be the most significant cross boundary issues.

Early commissioning of the evidence base will help to ensure that delays are avoided or minimised. It is also possible to engage the Planning Inspectorate at an early stage, and other bodies such as the Planning Advisory Service to help advise on auditing processes and Plan content for example, should this be useful.

Site Implications

- 6.16 Preparation of the CLP will need to reflect the latest evidence on housing need which will be set out in the Strategic Housing Market Assessment being undertaken jointly across Berkshire. This evidence, and the fact that the CLP will probably look to 2035 is likely to result in the need to identify additional sites for residential and potentially other forms of development over and above those identified in the SALP.
- 6.17 The identification of possible sites for allocation will need to be developed through the testing of various options through stakeholder engagement and through the Sustainability Appraisal process.

7. NEXT STEPS

- 7.1 Work which has already been undertaken on the Gypsy and Traveller and Development Management Local Plans will be carried forward to use in the preparation of a CLP. Some of the evidence base for the CLP has already been commissioned and subject to the agreement of the LDS, this will continue and a detailed project plan will be prepared.
- 7.2 Executive and Council approval will be required at the relevant statutory stages in the process of producing the Local Plan documents. A Member Steering Group has also been established to help provide regular and frequent Member input to the process. This is an internal group with no decision making powers on Local Plan documents.

8 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 8.1 No additional comments.

Borough Treasurer

- 8.2 The Council's Commitment Budget makes adequate provision for the delivery of the work outlined in this report.

Equalities Impact Assessment

- 8.3 The Equalities Screening Record Form is at Appendix B of this report.

Strategic Risk Management Issues

- 8.4 The Strategic Risk Register (2015) includes Risk 10 which identifies the risk of not working effectively with key partners or residents in the development of services. Such a risk could mean that community needs are not met. This could have a

negative impact on community cohesion. The production of an up to date CLP as specified in the LDS will involve extensive engagement with stakeholders and residents in order to identify local needs. Risk 11 identifies the risk of being unable to implement legislative changes. As set out in Section 6 such changes may mean some delays to the Local Plan preparation process.

Consultation

- 8.5 No groups have been consulted in the preparation of this report. As the CLP makes progress, relevant consultation bodies and the community will be engaged in the process. Consultation will need to be in line with relevant legislation and with the Council's adopted Statement of Community Involvement (February 2014) which sets out how and when the Council will engage the public and stakeholders in preparing Local Plans. A specific Consultation Strategy for the CLP will also be prepared.

Background Papers

APPENDIX A Local Development Scheme 2015 – 2018
APPENDIX B Equalities Screening Record

Local Development Scheme 2014 – 2017

<http://www.bracknell-forest.gov.uk/local-development-scheme.pdf>

National Planning Policy Framework, March 2012

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance, March 2014 (and updated)

<http://planningguidance.planningportal.gov.uk/>

Planning Policy for traveller sites, March 2012

<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

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