

**COUNCIL  
27 OCTOBER 2004**

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**BERKSHIRE STRUCTURE PLAN 2001 - 2016  
MODIFICATIONS AND ADOPTION  
(Director of Environment & Leisure)**

**1 PURPOSE OF DECISION**

- 1.1 The Council is requested to approve the adoption of the Berkshire Structure Plan 2001 – 2016, (separate enclosure) as recommended by the Executive.

**2 RECOMMENDATION**

- 2.1 That the Council acknowledges and ratifies the decision of the Joint Strategic Planning Committee on 13<sup>th</sup> July 2004:

- a) *“That,……., the Joint Committee formally approves the factual updates and points of clarification to the Berkshire Structure Plan and Explanatory Memorandum, detailed in Appendix 1.”* (see table in paragraph 5.3)
- b) *“That, the Joint Committee agrees to the responses to representations made during the deposit period, as set out in Appendix 1.”*
- c) *“That the Joint Committee recommends that the Berkshire Unitary Authorities follow the process leading to adoption set out in paragraph 3.6 of the report.”*

- 2.2 That no further Examination In Public be required

- 2.3 That the Berkshire Structure Plan 2001 – 2016 be adopted on Friday 10<sup>th</sup> December 2004 or such other date as the Chief Executive in consultation with the Executive Member for Planning & Transportation shall agree with the Berkshire unitary authorities.

- 2.4 That the Council authorise the publication of the Form 3 - Notice of intention to adopt proposals for the alteration or replacement of a structure plan without proposing modifications or further modifications

- 2.5 That the Council authorise the publication of the Form 5 - Notice of adoption of proposals for the alteration or replacement of a structure plan

**3 REASONS FOR RECOMMENDATION**

- 3.1 Section 26 of the Planning and Compensation Act 1991 introduced Section 54A into the Town and Country Planning Act 1990. Section 54A requires that *“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan*

*unless material considerations indicate otherwise*". The relevance of this matter is that where, previously, the development plan had been one of the material considerations in making a planning determination it then took on primacy. This increased the importance of having an up to date development plan if reasoned, robust and defensible planning determinations are to be made.

- 3.2 The adopted Development Plan presently comprises the Berkshire Structure Plan 1991 – 2006 (incorporating alterations adopted in August 1997) and the Bracknell Forest Borough Local Plan 2002. The composition of the Development Plan will be amended by the impending Planning and Compulsory Purchase Act 2004, such that the Development Plan will comprise the emerging Regional Spatial Strategy and Development Plan Documents.
- 3.3 The 2004 Act will contain transitional provisions such that once the emerging Berkshire Structure Plan 2001 – 2016 has been adopted its provisions can be "saved" for (probably) three years in order that some form of strategic planning policy will be in existence during the preparation, and until the adoption, of the Regional Spatial Strategy. The Berkshire Structure Plan 2001 – 2016 needs to be adopted to ensure continuous, up to date, strategic planning policy during the period after 2006 until the Regional Spatial Strategy is approved.
- 3.4 The Joint Strategic Planning Committee have overseen procedures to-date and on 13 July 2004 resolved to proceed to adopt the Berkshire Structure Plan. In this Committee Members considered a report that outlined the main issues that had arisen during the deposit of the Proposed Modifications to the Structure Plan. These included objections to Policies DP1, H3 and H4 on the location of housing development and the managed release of sites, Policy DP7 on gaps and wedges and Policy S1 on the absence of a shopping hierarchy. All comments received were summarised in an Appendix to the report and draft responses included (both are listed as No. 8 and 9 in the table in paragraph 5.3 below). Accordingly, no further Examination In Public (EIP) is needed as no new issues were raised to the proposed modifications and it is considered that a further EIP will not materially assist the decision making process. Recommendation 2 is required to satisfy the regulations for the Structure Plan process.
- 3.5 The final procedures to adoption of the Berkshire Structure Plan are that each of the six Berkshire Unitary Authorities are to resolve to adopt the Berkshire Structure Plan on a single day (i.e. 10<sup>th</sup> December 2004). Shortly following Bracknell Forest Borough Council's resolution to adopt the Berkshire Structure Plan, the Council should publish its notice of intent to adopt (Form 3) and a notice of adoption (Form 5). Dates for publication of these notices can be found in paragraph 8.1 below.

#### **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The alternative would be to not adopt the Berkshire Structure Plan 2001 - 2016. This would result in the existing Berkshire Structure Plan 1991 – 2006 becoming obsolete and the Borough Council not having an adopted, up to date development plan after 2006. The Borough Council would then be unable to comply with the requirements of Best Value Performance Indicator 200 (Development Plans) and would jeopardise any payment to be received under the Planning Delivery Grant. It would also have an adverse effect on the Borough Council's rating as part of the Comprehensive Performance Assessment.

- 4.2 Furthermore, the absence of an adopted and up to date Structure Plan would hamper the Development Control process.

## 5 SUPPORTING INFORMATION

- 5.1 The existing Berkshire Structure Plan 1991 – 2006 was adopted on 4 November 1998 and a later alteration was incorporated in August 1997. When Berkshire County Council, which had responsibility for preparing the Structure Plan, was abolished in 1998, the six Unitary Authorities set up a Joint Strategic Planning Unit to administer the County Council's planning responsibilities. Review of the Structure Plan began immediately.
- 5.2 Key issues were consulted on in November 1999 followed by a housing methodology in November 2000, a preliminary draft Berkshire Structure Plan 2001 – 2016 in October 2001 and a Deposit Draft in March 2002. Following consultation, proposed changes were made to the emerging Structure Plan in March 2003 and a further period of consultation ensued before the Structure Plan was subjected to an examination in public by an independent Panel in September 2003. A Deposit Draft Berkshire Structure Plan 2001 – 2016 incorporating Proposed Modifications was published in March 2004. Representations on the Proposed Modifications were considered by the Joint Strategic Planning Committee, set up by the six Unitary Authorities to oversee the review of the Structure Plan, which recommended that the Unitary Authorities follow the statutory process leading to adoption.
- 5.3 The relevant documents have already been made available to members at the respective timescales and are currently available from the Members Services and Information Manager (e-versions will be made available on request). These are listed in sequence as follows:

No.	Documentation	Date
1	Berkshire Structure Plan 2001-2016 Preliminary Draft (incorporating changes agreed by the Joint Strategic Planning Committee on 12 October 2001)	23 October 2001
2	Deposit Draft Berkshire Structure Plan 2001-2016	March 2002
3	Summary of Objections to Deposit Draft Berkshire Structure Plan and copy of all objections	12 June 2002
4	Berkshire Structure Plan 2001-2016 Deposit draft Incorporating Changes agreed by the 6 Unitary Councils	March 2003
5	Berkshire Structure Plan 2001-2016 Examination in Public September 2003 Report of the Panel	November 2003
6	Berkshire Structure Plan 2001-2016 Statement of Decisions of the Berkshire Unitary Authorities' Joint Strategic Planning Committee on the Recommendations of the Examination in Public Panel	March 2004
7	Berkshire Structure Plan 2001-2016 Reasoned List of Proposed Modifications to the Deposit Draft	March 2004
8	Summary of the objections to the proposed modifications <b>Appendix 1 as referred to in the recommendation 1 a &amp; b</b>	13 July 2004
9	Report of Deposit on proposed modifications to the Structure Plan (Joint Strategic Planning Committee)	13 July 2004

10	Version of the Berkshire Structure Plan 2001-2016 to be adopted	10 December 2004
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- 5.4 Under the joint arrangement between the Berkshire Unitary Authorities it is for each of the participating Councils to adopt the Structure Plan. Each Authority would then have to advertise its intention to adopt the Structure Plan and advertise again that the Plan has been adopted. There then begins a period of six weeks when legal challenges can be made to the Structure Plan.
- 5.5 The national planning system is now in a period of transition. Development Plans, comprising Structure and Local Plans, were given a more important role in relatively recent legislation in respect of Borough and District Councils' Development Control function. Whilst the importance of the Development Plan is not expected to be affected by the impending changes in planning legislation, the composition of the Development Plan is to change.
- 5.7 The Development Plan will comprise the Regional Spatial Strategy (in place of Regional Planning Guidance and the Structure Plan) and Development Plan Documents (in place of the Local Plan). But preparation of the Regional Spatial Strategy has only just begun and is not likely to be completed by 2006. If there is to be no void in strategic planning guidance then transitional provision in the new planning legislation will allow for the Structure Plan to fill this policy vacuum.
- 5.8 Members have previously been circulated with copies of the Structure Plan incorporating Modifications with additions shown underlined and deletions shown ~~strikethrough~~. The Joint Strategic Planning Unit has prepared a final version of the Structure Plan with the additions and deletions made. This will be available for the Council meeting.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 Any comments have been included in this report.

### Borough Finance Officer

- 6.2 The review of the Berkshire Structure Plan 1991 – 2006 culminating in the adoption of the Berkshire Structure Plan 2001 – 2016 has been budgeted for in the contract previously agreed with the Joint Strategic Planning Unit. Day to day management of the preparatory work leading to the adoption of the Berkshire Structure Plan has been undertaken by Officers of the Environment and Leisure Department under the general salary budget. The only outstanding costs relate to advertising the intention to adopt, and the adoption of, the Structure Plan.

### Access Implications

- 6.3 The comments of the Access and Mobility Officer have been incorporated into the text of the emerging Structure Plan. The final document can be made available in a variety of formats.

## **7 CONSULTATION**

- 7.1 Consultation has taken place at several stages during the review process for the Structure Plan and the representations received have all been examined and have helped to inform the proposed changes and modifications to be included in the final version of the Structure Plan document.

## **8 PROCESS TO ADOPTION**

8.1 The next stages in the process can be summarised as:

- 19 October 2004 - Bracknell Forest Borough Executive resolving to recommend adoption to Full Council;
- 27 October 2004 – Bracknell Forest Borough Council resolution to adopt the Berkshire Structure Plan
- 04<sup>th</sup> November 2004 – 1<sup>st</sup> publication in the Bracknell News of Form 3: ‘Notice of intention to adopt proposals for the alteration or replacement of a structure plan without proposing further modifications’
- 11<sup>th</sup> November 2004 – 2<sup>nd</sup> publication in the Bracknell News of Form 3: ‘Notice of intention to adopt proposals for the alteration or replacement of a structure plan without proposing further modifications’
- 13<sup>th</sup> January 2005 – 1<sup>st</sup> publication in the Bracknell News of Form 5: ‘Notice of adoption of proposals for the alteration or replacement of a structure plan’
- 20<sup>th</sup> January 2005 – 2<sup>nd</sup> publication in the Bracknell News of Form 5: ‘Notice of adoption of proposals for the alteration or replacement of a structure plan’
- 14<sup>th</sup> January 2005 to 25<sup>th</sup> February 2005 – six week period for an application to the High Court under section 287 of the 1990 Act to challenge adoption of the Berkshire Structure Plan

### Background Papers

- Berkshire Structure Plan 2001-2016 Preliminary Draft (incorporating changes agreed by the Joint Strategic Planning Committee on 12 October 2001)
- Deposit Draft Berkshire Structure Plan 2001-2016
- Summary of Objections to Deposit Draft Berkshire Structure Plan and copy of all objections
- Berkshire Structure Plan 2001-2016 Deposit draft Incorporating Changes agreed by the 6 Unitary Councils
- Berkshire Structure Plan 2001-2016 Examination in Public September 2003 Report of the Panel
- Berkshire Structure Plan 2001-2016 Statement of Decisions of the Berkshire Unitary Authorities’ Joint Strategic Planning Committee on the Recommendations of the Examination in Public Panel
- Berkshire Structure Plan 2001-2016 Reasoned List of Proposed Modifications to the Deposit Draft
- Summary of the objections to the proposed modifications

- Report of Deposit on proposed modifications to the Structure Plan (Joint Strategic Planning Committee)
- Version of the Berkshire Structure Plan 2001-2016 to be adopted

Contact for further information

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Doc. Ref

00 Berkshire Structure Plan 2001-2016