

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT, CULTURE AND SPORT

TO:	STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE		
DATE:	9 <sup>th</sup> JULY 2013	AGENDA ITEM:	11
TITLE:	LOCAL DEVELOPMENT SCHEME		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	REGENERATION, TRANSPORT AND PLANNING
SERVICE:	PLANNING	WARDS:	BOROUGHWIDE
LEAD OFFICER:	MARK WORRINGHAM	TEL:	0118 9373337
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1. EXECUTIVE SUMMARY

- 1.1 Reading Borough Council has made good progress in producing planning policy documents, and is one of a minority of local authorities to have a full set of development plans in place. Nevertheless, the Core Strategy is now over five years old and the government has made substantial changes to the planning system including the publication of the National Planning Policy Framework (NPPF). As a result, a small number of our policies are susceptible to challenge on appeal. There is a need to review various parts of our evidence base and to reconsider policies in the light of the NPPF, which will mean production of a single Local Plan.
- 1.2 The first step in preparing a Local Plan requires a Local Development Scheme (LDS). The LDS is a programme tool, which sets out the planning policy documents that the Council intends to produce, and their purpose, timescales and geographical area. This report therefore seeks approval of a Draft 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 (Appendix 2) be approved and brought into effect, and that it form the basis for production of planning policy, with effect from 9<sup>th</sup> July 2013.

### 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.
- 3.2 A LDS was produced in 2011, which set out the programme for producing a range of documents within the Local Development Framework. The Council made good progress on these documents, and since 2012 has a full set of development plan documents in place, with the exception of minerals and waste documents. In the light of various recent changes to the planning system, there is now a need to start to think about how and when these documents will be replaced or revised, and new documents created, and the LDS is the appropriate tool to manage this process.

### 4. THE PROPOSAL

#### (a) Current Position

- 4.1 The Council has produced a number of LDSs over the years. The latest was published in 2011, and previous versions were also produced in 2005, 2006 and 2007. Previous Local Development Schemes are available to view on the Council's website<sup>1</sup>.
- 4.2 The 2011 LDS mainly lists documents that have now been produced and adopted, including the Core Strategy (2008), Reading Central Area Action Plan (2009), Sites and Detailed Policies Document (2012) and Proposals Map (2012), as well as various supplementary planning documents including briefs for specific sites. Some of the documents that the 2011 LDS listed but have not yet been produced (e.g. joint minerals and waste planning documents for Berkshire) are now unlikely to be produced as itemised and will require a different approach. There is therefore a clear need to produce a new version of the LDS.

#### (b) Option Proposed

- 4.3 The Committee is asked to approve the LDS, which is attached at Appendix 2. Once approved, there are no further procedural requirements other than publication of the document to make it available to the public. Previous LDS documents had to be approved by the Secretary of State, but that is no longer the case.
- 4.4 The LDS proposes the production of a number of planning policy documents over the coming years. The most significant is a Local Plan, to replace the Core Strategy, Reading Central Area Action Plan and Sites and Detailed Policies Document. This will need to respond to the

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<sup>1</sup> <http://www.reading.gov.uk/businesses/Planning/planning-policy/general-information-on-planning-policy--including-procedural-documents/lds/>

content of the National Planning Policy Framework (NPPF), as well as emerging priorities elsewhere, and this will mean that the following will be among the main areas for review:

- Level of objectively assessed development need that should be accommodated (housing, employment, retail, infrastructure, other uses);
- Location of development, including site allocations;
- Consider inclusion of minerals and waste policies;
- A strategy for the historic environment;
- Taking forward sustainable design and construction policies to take on the emerging requirements for zero carbon developments;
- Updated infrastructure provision policies to reflect changes to CIL and Section 106;
- Any changes to policies needed to reflect new permitted development rights (e.g. residential amenity and employment)

4.5 However, there will also be a significant number of policies in existing documents which are not likely to require a great deal of review, and, subject to consultation and Sustainability Appraisal, can be carried across to the Local Plan.

4.6 The LDS also proposes a number of other documents. This includes a revised version of the Statement of Community Involvement, the document that sets out how the Council will consult. It also includes a number of Supplementary Planning Documents, although some of these were already proposed in the previous LDS.

(c) Other Options Considered

4.7 There are four alternative options that could be considered;

- Not produce a new LDS;
  - Produce a LDS with more ambitious timescales for the Local Plan;
  - Produce a LDS with less ambitious timescales for the Local Plan;
- or
- Not produce a single Local Plan.

4.8 The option of not producing a LDS would not be appropriate, as it is specified in the Planning and Compulsory Purchase Act 2004 that local planning authorities should produce a LDS. It would give no certainty either to the Council as to what programme it is working to, or to important stakeholders about how and when it will have a chance to influence policy.

4.9 Producing a LDS with more ambitious timescales would be difficult, as it may mean rushing the critical task of gathering evidence, particularly on the need for development such as housing. Some of this information should be in place before the first consultation stage in order to give consultees a realistic set of choices for how policy could respond. In addition, a more ambitious timescale would not fit well with committee

timescales and may result in the less than ideal situation of consulting over the Christmas period.

- 4.10 Producing a LDS with less ambitious timescales would leave Reading for a longer period without planning policy in place to cover some important issues. This may leave the Council vulnerable to appeals, particularly as 'objectively assessed development needs' specified by the NPPF had not been set, and could therefore result in some loss of control over the form and scale of development. Lengthening the process could also mean less effective use of resources in the long term, as, for instance, evidence gathered to support an early stage of the document would need major updates before the document is finalised.
- 4.11 The option of not producing a single Local Plan would not be in line with the presumption in the NPPF that a single document should be the preferred approach. Producing a single document saves on resources and streamlines the process, as well as making Reading's planning policy simpler to understand.

## **5. CONTRIBUTION TO STRATEGIC AIMS**

- 5.1 The Local Development Scheme will contribute to achieving the following strategic aims, through production of planning policy to fulfil key aims:
- The development of Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley;
  - Establishing Reading as a learning City and a stimulating and rewarding place to live and visit;
  - Promoting equality, social inclusion and a safe and healthy environment for all.

## **6. COMMUNITY ENGAGEMENT AND INFORMATION**

- 6.1 The Local Development Scheme 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 whole range of documents. One of the documents proposed in the LDS, early on in the process, is an updated Statement of Community Involvement (SCI). The SCI is a document that will set out how the Council will consult on planning policy documents and how developers will consult on major planning applications.

## **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.
- 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 is moving towards a consultation process based mainly on electronic communication, which will help to minimise resource costs. The LDS proposes a review to the Statement of Community Involvement, which will contain proposals on how consultations should be carried out and, where possible, resources minimised.
- 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 housing need, minerals planning and retail need. Consultants will only be used where they genuinely represent the best option in terms of value for money. The Local Plan timescales have been set so that costs of these studies are spread out in order to better fit with existing budgets.
- 9.5 Finally, the other significant cost is a public examination, which will be required for the Local Plan and for the Community Infrastructure Levy. 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.

#### Value for Money (VFM)

- 9.6 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

- 9.7 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 2011

## APPENDIX 1: EQUALITY IMPACT ASSESSMENT

### Provide basic details

Name of proposal/activity/policy to be assessed:

Local Development Scheme

Directorate: ENCAS - Environment, Culture and Sport

Service: Planning and Building Control

Name: Mark Worringham

Job Title: Principal Planner

Date of assessment: 05/06/2013

### 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: 5 <sup>th</sup> June 2013
Signed (Lead Officer)	Mark Worringham	Date: 5 <sup>th</sup> June 2013