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| Report Title: | Borough Local Plan Publication |
| Contains Confidential or Exempt Information? | <i>NO - Part I</i> |
| Member reporting: | Cllr Derek Wilson, Lead Member for Planning |
| Meeting and Date: | Council |
| Responsible Officer(s): | Russell O'Keefe, Executive Director |
| Wards affected: | All |



REPORT SUMMARY

The report follows on from the Cabinet decision on 24th November 2016 to undertake consultation on the draft Borough Local Plan under Regulation 18 of the Local Plan. The purpose of this report is to seek Council approval for publication of the Borough Local Plan (BLP) under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 prior to its submission to the Secretary of State for independent examination.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council:

- i) **Approve the Borough Local Plan and associated Sustainability Appraisal (including Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA)) for publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequent submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004.**
- ii) **Delegate authority to the Executive Director, Place in consultation with the Lead Member for Planning final editorial and formatting amendments to the Borough Local Plan and supporting documents that (taken together) do not materially affect the policies set out in the Borough Local Plan.**
- iii) **Delegate authority to the Executive Director, Place in consultation with the Lead Member for Planning for the preparation and submission of a schedule of proposed changes to the Regulation 19 Local Plan which are recommended by statutory consultees and/or considered by officers to be necessary that (taken together) do not materially affect the policies set out in the Publication Local Plan.**

2. REASONS FOR RECOMMENDATION AND OPTIONS CONSIDERED

- 2.1 The Borough Local Plan (BLP) is a key corporate priority and over the last few years the Council has been preparing a new BLP that will provide the development plan to guide the future development of the Borough. It is important that the Council has an up-to-date Local Plan prepared and adopted in accordance with the National Planning Policy Framework (NPPF), published in March 2012.
- 2.2 The Secretary of State for Communities and Local Government has identified as a key priority the requirement for all local planning authorities to prepare and adopt a NPPF compliant Local Plan without further delay. To that end, the Government has also set a target for all local planning authorities to have submitted a draft Local Plan to the Secretary of State for independent examination by early 2017 but no exact date has yet been set.
- 2.3 In the event of not achieving that target, the Secretary of State may utilise the statutory powers to intervene in the plan-making process under Part 2 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act"), which have recently been extended by the enactment of the Housing and Planning Act 2016. In practical terms, this means that the Government could take control over plan-making in the Royal Borough.
- 2.4 This BLP is the result of a process of plan preparation and consultation exercise that commenced with 'Issues and Options' in 2009; followed by 'Planning for the Future' in 2012; the publication of Preferred Options in 2014; and further public consultations on elements of the draft BLP in 2015. Following technical reviews, legal advice and significant redrafting, on 24th November 2016, Cabinet approved the draft BLP for a full public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the Local Planning Regulations"), which took place between 3rd December 2016 and 13th January 2017.

Responses to the Regulation 18 Consultation (December 2016)

- 2.5 The response rate was circa 1% of residents (1,682 individuals). Approximately 6,000 representations to the draft BLP consultation were received from 2,148 different respondents, including members of the public, landowners, developers, infrastructure providers and other stakeholders, including statutory consultees and neighbouring Councils. Local community and interest groups also made representations regarding specific aspects of the BLP and all responses are collated on the Council's consultation database and available to view.
- 2.6 The key themes identified, within the representations received, are set out within the Regulation 18 Consultation Statement. Themes have been identified based on the metric of numbers of responses received on a policy area. Aside from the key themes other policies contained in the Regulation 18 consultation received a very low response rate from individuals which was often less than 10 respondents.

- 2.7 The key themes raised in reply to the Regulation 18 consultation are presented in points 2.9 – 2.28; the policy reference refers to the Regulation 18 plan. In formulating the Regulation 19 plan, the representations against each individual policy and section of the Regulation 18 Borough Local Plan have been analysed with regard to their impact on the proposals and policies of the BLP. Whereas a number of textual and content amendments have been made to the draft BLP as a result of representations, the majority of the representations relate to policy positions within the Plan that Cabinet approved for consultation on 24 November 2016. For the reasons explained in detail within the Regulation 18 Consultation Statement and summarised below, Officers consider that the representations received in response to consultation do not warrant making substantial amendments to the strategy and main policies within the draft BLP.
- 2.8 Accordingly, approval is sought to publicise the BLP (attached as Appendix A), together with the associated Sustainability Appraisal (including the SA/SEA and HRA), in accordance with the requirements of Regulation 19, and subsequent submission to the Secretary of State for examination under section 20 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act").

Theme - Spatial Strategy: Policy SP1

- 2.9 Responses from statutory bodies and neighbouring authorities were broadly supportive of the overall spatial strategy in the draft BLP. Additionally, the spatial strategy received support from parish councils. The representations made by developers and landowners generally supported the overall approach set out in the plan.
- 2.10 There is general public support for making best use of land within existing built-up areas although this is tempered by concern for the liveability of centres without adequate parking and highways capacity improvements and lack of green space. For some respondents, urban expansion and loss of Green Belt was not supported, principally on grounds of character and insufficient infrastructure to support the development. Support is received for more intense use of previously developed land including the conversion of underused community facilities and vacant offices to residential use.
- 2.11 There was a mixture of support for Maidenhead as a growth area; some considered it was being expected to accommodate too much growth whilst others supported the expansion of the high-density area where tall buildings could be accommodated beyond the defined town centre area. Many individual residents responding suggested that Ascot, Sunninghill and Sunningdale area was allocated too much development and this would undermine the character of the area. The deliverability of some sites was questioned with a view from some that additional sites would be needed to meet the housing requirement.

Theme - Design: Policy SP3

- 2.12 Rationalisation and clarification of policies in the plan to deal with duplication was raised, design was singled out as it was across a number of policies. The majority of responses were received from individual members of the public, the key point being that this should not be a strategic policy. This was a view held strongly by a small number of Neighbourhood Plan Groups whilst Historic

England supported the policy broadly as did developers. A small number of Neighbourhood Plan groups raised concern that the plan did not take account sufficiently of Neighbourhood Plans. In reviewing the responses received Officers have sought to clarify that this is a high-level design policy which sets the context for achieving high quality design and place making through the development management process. In addition, the Head of Planning has written to all Neighbourhood Plan groups and parish councils to explain the relationship between the tiers of plan making. Design has been consolidated into a single policy in the Regulation 19 Local Plan and this has been identified as a non-strategic policy.

Theme - Green Belt: Policy SP6

- 2.13 The loss of land from the Green Belt designation and preservation of the remaining Green Belt was a key theme from individual residents responding to the Regulation 18 consultation. It was not a theme of the consultation responses from developers, landowners, statutory bodies or neighbouring authorities. While some respondents are categorical in the need to preserve Green Belt land at all costs, others are pragmatic and advise that overall coalescence of settlements should be avoided and a policy of phasing non-Green Belt land to be developed ahead of Green Belt land should be adopted.
- 2.14 The preservation of strategic green gaps is supported by a small number of Parish Councils and local amenity groups, together with the need to maintain a strategic gap between Maidenhead and Holyport, Maidenhead and Cookham and Maidenhead and Windsor via the "Bray Green Gap" identified only by Bray Parish Council. The separation of the Cookhams from each other and Ascot from Sunninghill and Sunningdale is viewed as critical to the character of the areas. Officers have considered the position, on the basis that one of the purposes of Green Belt is to prevent the coalescence of settlements it was not considered to be necessary to identify strategic green gaps. Additionally, the plan is required to be evidence led. It is noted that this issue has been picked up in the Bray Neighbourhood Plan in relation to the Bray Green Gap.
- 2.15 A number of individual respondents consider that the exceptional circumstance for Green Belt release have not been adequately demonstrated by the draft Plan. Other organisations were of the view that the case for release had been made; this was particularly clear from developers and landowners and in relation to some infrastructure providers. Officers have considered the position and are satisfied that the exceptional circumstances case required by the NPPF has been achieved and is set out; textual revisions to the plan seek to make this clear.

Theme - Housing

- 2.16 Individual members of the public responding considered that the housing requirement in the BLP is too high and has been poorly defined by the Strategic Housing Market Area Assessment (SHMAA). Equally those in the development industry responding made the case that the housing requirement was too low. Statutory bodies and neighbouring authorities did not make any material representations in relation to overall housing numbers in the plan period.

- 2.17 Neighbouring authorities have raised the supply of affordable housing (defined as affordable rent, social rent and intermediate housing in the plan) as being an issue for the Borough. Local authority respondents suggested it would be more appropriate for the affordable housing requirements to follow the national threshold set out in the NPPF. Following viability work undertaken to support the plan which has demonstrated that development would remain viable if the threshold is set at 10 units as per the national guidance the policy has been amended to reflect this position. This will increase the overall supply of affordable homes in the borough, helping to build a borough for everyone.

Theme - Specific site allocation responses

- 2.17 There were no individual representations received from members of the public on employment sites allocated through policy ED2. A small number of respondents asserted that the availability of land had changed since the call for sites which has resulted in minor amendments to site boundaries and capacity.
- 2.18 The Environment Agency commented in relation to Level 2 Strategic Flood Risk Assessment evidence which the Council has produced and has been working through with the Environment Agency in reply to the Regulation 18 comments.
- 2.19 Landowners and developers have responded generally in support of sites proposed to be allocated in the Regulation 18 plan; clarification has been provided in some instances in relation to availability of sites. A number of omission sites have been proposed which the Council has considered. This includes land adjoining sites that had been identified in the Regulation 18 plan at Tithe Farm, Tithe Lane, Wraysbury (HA48); at Whitebrook Park, Lower Cookham Road in Maidenhead (HA19); Summerleaze Road in Maidenhead (HA24); and land south of Harvest Hill Road in Maidenhead (HA7). Following work assessing these sites and with consideration to the SA/SEA and other evidence these site allocations have been expanded to include additional land and capacities proposed increased. The increases in the areas of land to be included within these are not significant and do not result in any material changes to the requirements and/or the key considerations in the Housing Site Allocation Proformas.
- 2.20 One site allocation has been amended in response to the Regulation 18 consultation representations made. The first change relates to site HA11, land west of Windsor, north and south of the A308, where land is no longer being made available by landowners, thereby reducing the site area available to be allocated. As a result, the capacity of the site has been reduced from 650 units to 450 units, using the pattern book density approach taking account of the representations made by the developer/landowners of the parcels remaining within the allocation.
- 2.21 The second change to proposed site allocations relate to the Triangle Site (HA9). The site was allocated for mixed-use in the Regulation 18 consultation draft and the representations made by the landowner supported that approach or, alternatively, for employment development. Following further work on employment needs due to the representations made by neighbouring authorities in response to the Regulation 18, the Triangle Site no longer is proposed as a

site allocation; rather, it is protected for potential future long-term Employment Uses, and will remain within the Green Belt. The Regulation 18 plan was based on using past trends as a scenario for provision of employment floorspace, an approach which neighbouring authorities within the Functional Economic Market Area did not support. Further work indicates that a labour supply scenario is supported by evidence, upon which a jobs-based target and a minimum floorspace target have been identified. The draft BLP acknowledges that an early review of employment needs and the employment policies is likely.

- 2.22 As regards housing site allocations, the key sites from responses from individuals were Maidenhead Golf Course and land to the south (HA6, HA7 & HA8); Ascot Centre (HA10), land west of Windsor (HA11); and sites in the south of the Borough (HA30 to HA37).
- 2.23 Representations were made using three standard letter templates by 26 individuals, which objected to the collective allocation of BLP sites HA6, HA7, HA8 and HA9 on grounds of highways capacity. The respondents consider that alternative sites to the north of Maidenhead, where they assert highways networks could be improved, offer a more appropriate direction of expansion for the town, and that better use of town centre sites could be made through high density and high-rise development. The level of development proposed for Ascot Centre in the form of the HA10 site allocation drew a higher level of responses from an online petition. A total of 1,374 people signed a petition objecting to the proposed site allocation, which can be viewed online at <http://petitions.rbwm.gov.uk/AscotCentreGB/>. A further petition (which is not available on line) objecting to the allocation of land to the west of Windsor in the form of the HA11 elicited 40 signatures.
- 2.24 A total of 282 individuals supported the proposal for the designation of Poundfield, Cookham as a Local Green Space.

Theme - Infrastructure: Policies IF3 and IF4

- 2.25 The Regulation 19 Publication BLP must be accompanied by an Infrastructure Delivery Plan (IDP), setting out the existing infrastructure capacity and future requirements for infrastructure provision to support the development identified in the Plan. Although the IDP is produced at Regulation 19 stage, it forms part of the BLP evidence base supporting the draft BLP but is not a document upon which formal Regulation 20 representations are invited. Response to Regulation 18 highlighted the necessity and importance of ensuring that new development proposed in BLP policies and site allocations is supported by a comprehensive and realistic strategy to ensure that the infrastructure necessary to serve that development is delivered and when it is required.
- 2.26 Individual respondents, some parish councils, and local organisations commented that, in their view, existing infrastructure for highways; education; and health would be insufficient to serve the level of new development proposed. Notable examples included highways capacity, community infrastructure, health care and education provision. However, it should be noted that healthcare provision is beyond the remit of the Council; but discussions

with the Clinical Commissioning Group will continue in order to facilitate the delivery of infrastructure to deliver appropriate healthcare solutions.

- 2.27 A few respondents are concerned that the strategic infrastructure requirements required to support the BLP should be secured at the allocation stage, rather than incrementally at the planning application stage. A few Parish Council respondents did welcome the use of CIL collected at implementation stage or through a Section 106 agreement at the decision-making stage on a planning application.
- 2.28 The Council has been working with internal and external stakeholders through the process of identifying existing capacity and future infrastructure needs to support the new development planned in the BLP. The IDP is a 'living document', which means that it continues to evolve through the Regulation 19 pre-submission stage and beyond. On that basis, the IDP published in support of the Regulation 19 BLP is in draft form and will be reviewed having regard to duly made Regulation 20 representations before it is submitted to the Secretary of State with the BLP. It is the Council's intention to work towards an infrastructure investment strategy which will link with governance arrangements for the Community Infrastructure Levy and spending on any monies received through section 106.

Sustainability appraisal

- 2.29 The BLP is informed and accompanied by a Sustainability Appraisal (SA) which is required to be undertaken at each key stage of its preparation. This systematically allows the potential environmental, economic and social impacts of the proposals to be taken into account, and has played a key role throughout the plan-making process.
- 2.30 The SA of the Regulation 19 draft BLP plays an important part in demonstrating that the plan reflects sustainability objectives and incorporates a Strategic Environmental Assessment (SEA) informing the preparation of the draft Plan by identifying and assessing reasonable plan-making alternatives. A Non-Technical Summary SA Report, incorporating the SEA, is attached as Appendix B and the full SA Report is available as a Background Paper.
- 2.31 A Habitats Regulation Assessment (HRA), prepared in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) is required when it is considered that the planned development in the BLP, either alone or in combination with other plans or projects, is likely to have significant effects on the integrity of a designated European site, in this case, the Thames Basin Heaths Special Protection Area. The HRA is appended at Appendix C.

Evidence base for the BLP

- 2.32 To be considered sound, the Borough Local Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence (NPPF, paragraph 182). Paragraphs 158 to 177 of the NPPF set out the type of evidence that may be required, subject to local circumstances.

2.33 In accordance with Planning Practice Guidance (PPG), as they have been completed, the Council has published the documents which form the BLP evidence base. The evidence base has informed the preparation and content of the BLP and key documents are identified as Background Documents (see Section 11 below). The complete suite of documents which make up the evidence base for the BLP are available on the Council website.

Housing

2.34 A crucially important component of the BLP evidence base, is the evidence which identifies the Borough's full objectively assessed need for housing, including affordable housing. The principal source of evidence is the Strategic Housing Market Assessment (February 2016) (SHMA), which was prepared by expert consultants commissioned by the Thames Valley Berkshire LEP on behalf of the Berkshire local authorities and South Bucks District Council.

2.35 The Borough sits within the Eastern Berkshire Housing Market Area (one of two areas within the wider Berkshire Strategic Housing Market Area), comprising this Council's administrative area, Slough Borough Council and South Bucks District Council. The SHMA identified the objectively assessed need (OAN) for housing in the Borough as 712 dwellings per annum, which requires land to be supplied throughout the plan period.

2.36 Using the evidence in the SA/SEA, the Housing and Economic Land Availability Assessment (HELAA), and the Edge of Settlement Study, together with other evidence base, a supply of sites has been identified which would meet 100% of the OAN for housing for the Plan period. These sites are shown on the draft Policies Map and included as allocations in the Borough Local Plan which accompanies this report.

2.37 The BLP includes the significant contribution made to meeting OAN through completions, commitments, small sites (of less than ten units) and windfall sites. It also includes urban sites, sites on the edge of settlements and sites currently within the Green Belt

Employment

2.38 It is important to achieve a balance between sustainable housing and employment growth in the Borough to ensure that there are enough houses to accommodate the economically active workforce required to fill new jobs. There is a substantial evidence base to support the identification of economic development needs, and the Thames Valley Berkshire LEP, in conjunction with the six Berkshire authorities, has jointly commissioned an Economic Development Needs Assessment (EDNA).

2.39 Three separate Functional Economic Market Areas (FEMA) have been identified with the Borough split between the Central Berkshire FEMA which includes Bracknell Forest, Reading and Wokingham and the Eastern Berkshire FEMA comprising Slough and South Bucks. Studies have then been carried out in accordance with the Planning Practice Guidance to provide an assessment of future business needs and requirements for employment land

and floor space within each FEMA, focusing on the group of B class uses which broadly cover office and industrial land uses.

- 2.40 The need for employment floorspace in the Borough has been assessed. The need for employment floorspace in the Regulation 18 draft BLP was based on past trends; however, consultation responses have provided further evidence that future labour supply estimates provide a more appropriate basis for future projections.
- 2.41 Work is continuing to refine the estimates of future employment needs, with both consultants and neighbouring authorities, and a supply of sites for new employment development in constantly changing circumstances. Consequently, policies within the BLP will provide a firm foundation for the provision of employment in the future.

Infrastructure to support the BLP

- 2.42 Whilst the BLP is an opportunity to set out a positive vision for the area, national planning policy and practice guidance is clear that the development proposed in the plan must be supported by appropriate infrastructure. This means that as well as paying careful attention to providing an adequate supply and distribution of land, it is important to identify what infrastructure is required and how it can be funded and brought on stream at the appropriate time.
- 2.43 The timely provision of suitable and appropriate infrastructure is crucial to the wellbeing of the Borough's resident population, those who visit, provide services and those who invest and work in the Borough. Infrastructure has not always historically kept pace with development and there are some parts of the Borough where infrastructure demands are currently near to or at full capacity.
- 2.44 Fundamental to delivering the spatial strategy is ensuring that the necessary social, physical and green infrastructure is put in place to support the level of growth proposed and to serve the changes in the Borough's demographic make-up that is expected to take place over the Plan period. Infrastructure provision is identified in the Infrastructure Delivery Plan ("IDP") (see Background Paper)
- 2.45 In the plan-making context, the term 'infrastructure' is broadly defined and includes a range of services and facilities provided by both public and private bodies. For the purpose of the BLP, the definition of infrastructure comprises:
- Social infrastructure:
 - Education; early years, primary, secondary, SEN;
 - Health; hospitals, medical centres;
 - Community infrastructure; social and community facilities, sports and leisure facilities, libraries;

- Transport:
 - Local and major schemes, junction improvements, sustainable transport;

- Utilities and hard infrastructure:
 - Utilities; electricity, gas, water supply, sewerage;
 - Waste;
 - Telecommunications;
 - Flood defences;

- Environmental infrastructure:
 - Public open space, play space;
 - Sustainable Alternative Green Space (SANG).

2.46 The Draft IDP constitutes an assessment of infrastructure need, indicates the infrastructure requirements of planned development and provides schedules of when and where infrastructure should be provided. It is a 'living document' which will be subject to constant review and updating: The Council has sought to identify an estimate of costs for infrastructure projects and the sources of funds where these are known, it should be noted that information on most of these elements is provided by external agencies.

Compliance with the Duty to Co-operate

2.47 A key element of the Local Plan process is the legal requirement on plan-making authorities to co-operate with neighbouring local authorities and prescribed bodies on issues of strategic importance which cross boundaries. The NPPF (paragraphs 178-181) advises that local planning authorities should work collaboratively to meet development requirements that cannot be wholly met within their own areas, for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the NPPF.

2.48 This collaboration is additional to all other forms of statutory consultation and the Duty to Co-operate Compliance Statement (Background Paper) details the extensive work undertaken by the Borough since 2012 to ensure that the requirements have been met during the local plan preparation process. An extensive programme of meetings and consultations has taken place to ensure that the Duty has been complied with, and these are itemised in the Compliance Statement as noted above.

2.49 It is appropriate at this stage to acknowledge that substantial efforts have been made over the last two years to address several challenging issues raised by the Council's Duty to Co-operate partners. The Duty to Co-operate is a legal

duty that, in respect of the preparation of the BLP, continues to apply until the Plan is submitted to the Secretary of State for independent examination.

- 2.50 Issues concerning the Council's compliance with the Duty to Co-operate were raised by local organisations in their responses to the Regulation 18 consultation; but not by the Council's Duty to Co-operate partners. Since that consultation process in December 2016, the Council has continued to engage constructively, actively and on an ongoing basis with its Duty to Co-operate partners when preparing the pre-submission Publication draft of the BLP and will continue to do so beyond the Regulation 19 stage.
- 2.51 Notwithstanding the Borough's intention to allocate sites in the BLP to meet fully the objectively assessed needs for housing and employment floor space, the NPPF anticipates that neighbouring authorities will ask that the Borough considers the possibility of allocating sites for their needs where they cannot be met within their own boundaries. Recently a request has been received from Bracknell Forest in relation to employment land and one from Surrey Heath with regard to housing. The Publication Local Plan does not make provision to accommodate the unmet needs of neighbouring boroughs or districts; this could only be done through a future review of the plan.
- 2.52 It is often reiterated that the Duty to Co-operate is not a 'duty to agree' and local planning authorities may adopt differing positions on issues due to their specific circumstances and conditions. In some cases, agreement can be reached with regard to joint actions and, in respect of those issues where differing positions are taken, it is important to demonstrate that meaningful discussions have taken place on a regular basis. However, any such failure to agree does not release local planning authorities from their duty to engage constructively, actively and on an ongoing basis to maximise the effectiveness of preparing their local plans as they relate to strategic matters. The planning inspector appointed to examine the BLP will not recommend its adoption (with or without modifications) unless, having the regard to the BLP and the adopted and emerging local plan of neighbouring authorities, it will ensure the effective delivery of sustainable development in respect of strategic matters.
- 2.53 Specifically, Memoranda of Understanding (MoU) are currently being concluded with the nine contiguous and Berkshire authorities, namely: Bracknell Forest, Chiltern/South Bucks (acting together for Local Plan purposes), Reading, Runnymede, Slough, Spelthorne, West Berkshire, Wokingham and Wycombe. These identify the relevant issues and positions adopted by the authorities concerned.
- 2.54 To date, a MoU has been concluded with Wycombe District Council and Surrey Heath Borough Council has indicated that agreement can be reached by the exchange of correspondence rather than a MoU. Agreement is imminent with Spelthorne and Runnymede Councils and discussions are continuing with the Berkshire authorities with a view to concluding agreements before submission to the Secretary of State in October.

- 2.55 The remaining unresolved matters between the Council and some Duty to Co-operate partners will likely be limited to issues relating to the housing and economic market areas; this is largely due to the changing position of South Bucks District Council, which is now preparing a joint Local Plan with Chiltern District Council.
- 2.56 The Berkshire local authorities continue to work together constructively in a wide range of areas in the preparation of evidence to support planning policy in housing, employment, infrastructure provision, minerals and waste and environmental issues. In addition, major stakeholders are consulted on strategic issues which affect more than one council area and in some cases, joint committees and boards have been established, for example, the Thames Basin Heaths Joint Strategic Planning Board.

Table 1: Options

| Option | Comments |
|---|--|
| <p>Approve the Borough Local Plan and associated Sustainability Appraisal (including Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA)) for publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequent submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004</p> <p>The recommended option</p> | <p>This will help to ensure the early adoption of an up-to-date, sound and legally compliant BLP – to ensure the appropriate planning of the area to guide future development management decision-making and to provide the necessary information and links for Neighbourhood Plans.</p> |
| <p>Seek amendments to the BLP before proceeding to consultation</p> <p>Not recommended</p> | <p>The plan would not then be based on the evidence prepared which would impact on soundness and legal and technical compliance. A further Regulation 18 consultation would likely be required. There would be cost implications in further stages of plan preparation.</p> |
| <p>Do not continue to prepare a new Borough Local Plan</p> <p>Not recommended</p> | <p>Progress will not be made towards the adoption of a sound and compliant BLP and there is a very significant risk of Government intervention in the local plan-making process. This would be at cost to the Council. There would be an impact on development management decisions and potential for costs award at appeal.</p> |

3. KEY IMPLICATIONS

Table 2: Key Implications

| Defined Outcomes | Unmet | Met | | Signifi- cantly Exceeded | Date they should be delivered by |
|--|----------------------------|-------------------------------|-----|---|---|
| Borough Local Plan published according to Regulation 19 in June 2017 | BLP published in July 2017 | BLP published on 30 June 2017 | N/A | N/A | 30 June 2017 |

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 Additional budget for specialist assistance for the work to strengthen the BLP has already been agreed and work to prepare the plan and its evidence base will be funded from that allocation. In addition, a capital bid for the monies to fund the Local Plan Examination in 2017 has been progressed separately to this report through the capital programme process for 2017/18. There are no additional financial implications.

5. LEGAL IMPLICATIONS

- 5.1 The BLP must be prepared and adopted in accordance with the provisions within Part 2 (Local Planning) of the 2004 Act (as amended) and the related Town and Country (Local Planning) (England) Regulations 2012 (as amended). In preparing the BLP, the Council must have regard to national policies and advice contained in guidance issued by the Secretary of State. To be sound, the BLP must be consistent with national policy, which means that the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.
- 5.2 The Council must also demonstrate that it has complied with the Duty to Co-operate with other local planning authorities and other prescribed bodies in the preparation of the BLP in accordance section 33A of the 2004 Act. The Duty to Co-operate is a legal duty that relates to the preparation of local plans only, which comes to an end when a plan is submitted to the Secretary of State for independent examination. Any failure to comply with the Duty to Co-operate cannot be remedied during the examination process.

6. RISK MANAGEMENT

- 6.1 The risks set out in Table 3 have been identified as the key risks that relate to the next stage of the programme. A risk register to support the project is being maintained.

Table 3: Risk

| Risks | Uncontrolled Risk | Controls | Controlled Risk |
|---|--------------------------|-----------------------------------|------------------------|
| A decision to submit the draft BLP for independent examination without further consultation would be unlawful | Very high | Actions set out in recommendation | Low |
| Inspector appointed to carry out the Independent Examination of the BLP concluding that the Council has failed to comply with the Duty to Cooperate necessitating withdrawal of submitted BLP | Very high | Actions set out in recommendation | Low |
| Inspector appointed to carry out the Independent Examination of the BLP concluding that the submitted BLP is not sound and/or not legally compliant | Very high | Actions set out in recommendation | Low |
| The Government intervenes in the plan-making process | High | Actions set out in recommendation | Low |

7. POTENTIAL IMPACTS

Sustainability Appraisal

- 7.1 A Sustainability Appraisal (SA) of the draft BLP must be undertaken at each key stage of its preparation. The SA incorporates a Strategic Environmental Assessment (SEA) informing the preparation of the draft BLP by identifying and assessing reasonable plan-making alternatives. A Habitats Regulations Assessment (HRA) has also been prepared.

7.2 The Non-Technical Summary of the SA/SEA Report and the HRA are attached as Appendices C and D. The full SA/SEA comprises a Background Paper.

8. CONSULTATION

8.1 In addition to the Regulation 18 consultation, there will be continuing the work involved to comply with the Duty to Co-operate. The Council's Statement of Community Involvement includes requirements for public consultation on draft Development Plan Documents; all consultation to date and as proposed complies with the adopted Statement of Community Involvement.

8.2 Extensive public and stakeholder consultation has taken place throughout the plan-making process, as required by planning legislation. Further discussion of the consultations and their results and implications are presented in the Consultation Statement which forms a Background Paper.

9. TIMETABLE FOR IMPLEMENTATION

Table 4: Timetable

| Date | Details |
|----------------------------|--|
| 3 December – 14 April 2017 | Process and consider all Regulation 18 consultation responses including developing written responses to inform the preparation of the draft Regulation 19 Publication version of the BLP. Make any proposed modifications to the Local Plan arising from consultation responses. |
| 19 June 2017 | Council approves Regulation 19 Publication version of the BLP. |
| 30 June – 25 August 2017 | Regulation 19 Publication and eight-week period for making representations under Regulation 20. |
| 26 August - 1 October 2017 | Collate Regulation 20 representations. Regulation 22(1)(c)(v) requires the Council to prepare and submit with the BLP a statement which, inter alia, sets out the number of regulation 20 representations made and a summary of the main issues raised in those representations. |
| October 2017 | Submission of the draft BLP and supporting documents to the Secretary of State for Examination, together with Regulation 20 representations and any proposed changes to the BLP. |
| 2018 | Examination hearings Receipt of Inspector's report Adoption of BLP |

10. APPENDICES

- A. Borough Local Plan Submission Version
- B. Table of Changes between Regulation 18 and 19 versions
- C. Non-Technical Summary Regulation 19 SA/SEA Report
- D. Habitat Regulations Assessment
- E. Infrastructure Delivery Plan
- F. Duty to Co-operate Compliance Statement
- G. Statement on Consultation Regulation 18 – to follow
- H. Equalities Impact Assessment
- I. Policies Map

11. BACKGROUND DOCUMENTS

11.1 The following documents provide evidence and supporting documents as background to this report:

- Full SA/SEA Report of Regulation 19 BLP (2017) – to follow
- Consultation Statement (2017)
- Housing and Employment Land Availability Assessment (2017)
- Viability Report (2017)
- Draft Strategic Flood Risk Assessment (Levels 1 & 2) (2017) –
- Transport Model Reports (2017)

11.2 The evidence base and supporting documents for the Borough Local Plan can be found on the Council's [website](#):

- [Document downloads – RBWM website - A](#)
- [Document downloads – RBWM website - B](#)

| BLP Regulation 18 December 2016 |
|---|
| Berkshire (including South Bucks) SHMA (2016).pdf |
| Berkshire FEMA (2016).pdf |
| Central Berkshire EDNA (2016).pdf |
| Draft Policies Map - East.pdf |
| Draft Policies Map - Maidenhead Town Centre.pdf |
| Draft Policies Map - West.pdf |
| Draft Policies Map - Windsor Town Centre.pdf |

| BLP Regulation 18 December 2016 |
|--|
| Eastern Berkshire EDNA (2016).pdf |
| Edge of Settlement Analysis Part 1 (2016).pdf |
| Edge of Settlement Analysis Part 2 (2016).pdf |
| Frequently Asked Questions.pdf |
| Green Belt Purpose Analysis (2013).pdf |
| HRA Appendix (2016).pdf |
| HRA Screening Report (2016).pdf (|
| Indoor Sport and Leisure Facility Strategy (2016).pdf |
| Infrastructure Delivery and the Draft Borough Local Plan.pdf |
| Neighbourhood Plans and the Draft Borough Local Plan.pdf |
| Open Spaces Study (2009).pdf |
| Playing Pitch Strategy and Action Plan (2016).pdf |
| Retail & Town Centre Study (2015) Annex A-B.pdf (|
| Retail & Town Centre Study (2015) Appendix A-J.pdf |
| Retail & Town Centre Study (2015).pdf |
| Sustainability Appraisal (2016).PDF |
| Wind Mapping - Medium and Large.pdf |
| Wind Mapping - Small.pdf |
| BLP Local Plan Preferred Options Consultation January 2014 |
| Architects Design Study - Capacity Assessment June 2013.pdf |
| Architects Design Study - Design Solutions Sample Sites June 2013.pdf |
| Employment Site Assessments Dec 2013.pdf |
| Green Belt Boundary Study Dec 2013.pdf |
| Green Belt Purpose Analysis Nov 2013.pdf |
| Highway Modelling Evidence Base - Scenario Testing Jan 2014.pdf |
| Housing Site Assessments Jan 2014.pdf |
| Housing Small Site Analysis Nov 2013.pdf |
| Housing Summary Paper Dec 2013.pdf |
| Retail Capacity Update Nov 2009.pdf |
| Strategic Flood Risk Assessment - Increased Scope and Sequential Testing of Sites .pdf |
| Strategic Flood Risk Assessment - Level 1 SFRA Jan 2014 (Part 1).pdf |
| Strategic Flood Risk Assessment - Level 1 SFRA Jan 2014 (Part 2).pdf |
| Strategic Flood Risk Assessment - Level 1 SFRA Jan 2014 (Part 3).pdf |
| Strategic Housing Land Availability Assessment Jan 2014.pdf |
| Traffic Model - Local Model Validation Report March 2010.pdf |

12. CONSULTATION (MANDATORY)

| Name of consultee | Post held | Date sent | Commented & returned |
|--------------------------|------------------------------|------------------|---------------------------------|
| Cllr D Wilson | Lead Member | 7/6/17 | 7/6/17 |
| Alison Alexander | Managing Director | 7/6/17 | 9/6/17 |
| Russell O'Keefe | Executive Director | 6/6/17 | 7/6/17 |
| Andy Jeffs | Executive Director (interim) | 7/6/17 | For information |
| Rob Stubbs | Section 151 Officer | 7/6/17 | 7/6/17 |
| Mary Kilner | Head of Law and Governance | 7/6/17 | For information |

REPORT HISTORY

| | |
|--|----------------------------|
| Decision type: Key decision | Urgency item? No |
| Report Author: Jenifer Jackson, Head of Planning, 01628 796042 | |