

Report Title:	Revocation of Supplementary Planning Guidance and Supplementary Planning Documents
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Phil Haseler (Cabinet Member for Highways & Transport, Planning & Parking).
Meeting and Date:	Cabinet – 31 <sup>st</sup> March 2022
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services & Adrien Waite, Head of Planning
Wards affected:	All



## **REPORT SUMMARY**

1. Following the adoption of the RBWM Borough Local Plan 2013-2033 (BLP), the policy framework under which many of the Council's Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD) were prepared has now changed. As a result, they are no longer required and should be revoked. Revoking these out-dated SPDs and SPGs will avoid confusion and make it easier for interested parties to access relevant information when seeking planning policy advice and submitting planning applications.
2. The six SPGs and two SPDs (as listed below in Appendix 1) which are proposed for revocation were all adopted between 2000 and 2010. Their content is inconsistent with the BLP as they were based upon the policies within the now superseded 1999 Local Plan (incorporating Alterations adopted June 2003). These SPGs and SPDs were also adopted by the Council before the introduction of the National Planning Policy Framework in 2012.
3. This report recommends that the Cabinet agrees to revoke the SPGs and SPDs listed in Appendix 1 of this report.

## **1. DETAILS OF RECOMMENDATION(S)**

**RECOMMENDATION:** That Cabinet notes the report and:

- i. **Approves the revocation of the Supplementary Planning Guidance notes and Supplementary Planning Documents as listed in Appendix 1.**

## 2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

### Options

**Table 1: Options arising from this report**

Option	Comments
<p>Revoke the suggested Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPDs) that are now out of date, or no longer required, as a result of the adoption of the Borough Local Plan.</p> <p><b>This is the recommended option.</b></p>	<p>Revoking these out-of-date SPGs and SPDs would ensure that the Council has an up-to-date strategic planning framework. Revoking these SPDs and SPGs will help to avoid confusion and make it easier for interested parties to access relevant information when seeking planning policy advice and submitting planning applications.</p>
<p>Not to revoke any Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPDs) now out of date, or no longer required, as a result of the adoption of the Borough Local Plan.</p>	<p>Not revoking the out-of-date SPGs and SPDs would mean that the Council would not have a robust and up to date suite of SPGs and SPDs to implement the Council's placemaking and climate change ambitions. As they are out of date, they will be given little to no weight in the decision-making process. Retaining these out-of-date SPGs and SPDs will cause confusion for applicants and officers when determining planning applications.</p>

### Background

- 2.1 Over the past twenty years the Council has produced many Supplementary Planning Guidance notes (SPG) and Supplementary Planning Documents (SPD) to provide more detail on the policies in the now superseded 1999 RBWM Local Plan (incorporating Alterations adopted June 2003). These are a material consideration in decision-making.
- 2.2 Now that the Borough Local Plan (2013-2033) has been adopted, it is considered appropriate to review the current suite of documents and to revoke any that are no longer relevant to decision making. Following a review by officers of the new Local Plan and its implications on current SPGs and SPDs, a list of SPGs and SPDs to be revoked has been identified and recorded within Appendix 1 – this includes any guidance which is now inaccurate, no longer relevant, or conflicts with newly adopted development plan policy.
- 2.3 Revocation is a technical exercise to be carried out in accordance with section 25 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") and

Regulation 15(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012. The documents that are the subject of this report are not development plan documents (DPDs), within the meaning of Part 2 of the 2004 Act. Rather, they are local development documents (LDDs), specifically, supplementary planning documents (SPDs), that have been adopted by the local planning authority over time.

- 2.4 As such, by virtue of Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended ("the 2000 Regulations"), the function of revoking LDDs shall be the responsibility of the executive of the authority (i.e., the Cabinet). No consultation is required, but a revocation statement will be published online, and the revoked documents will be removed from the planning policy web pages. Clearly now that Council has adopted the Borough Local Plan (2013-2033), it is appropriate for Cabinet to consider revoking out of date LDDs.

### **3. KEY IMPLICATIONS**

- 3.1 Although not part of the development plan, a number of the existing Supplementary Planning Guidance and Supplementary Planning Documents (SPGs and SPDs) will no longer be up to date and consistent with the BLP and Government policy and should be revoked following adoption of the BLP. It is recommended that the following SPGs and SPDs be revoked:

- Telecommunications SPD (2008)
- Planning for an Ageing Population SPD (2010)
- Interpretation of Policy F1 SPG (2004)
- Interpretation of Policies R2, R3, R4, R5 and R6 SPG (2003-05)
- Interpretation of Policy NAP4 SPG (2000)
- Land at Alma Road car park Development Brief SPG (2001)
- Land at Moorbridge Road, Maidenhead Design Brief SPG (2003)
- Cookham Gas Holder Station Development Brief SPG (2003)

- 3.2 More details on the reasons for the revocation of these SPGs and SPDs can be found in Appendix 1. The remaining SPGs and SPDs will be retained for now, even though several are not fully consistent with the BLP and national policy. It is anticipated that many of these will be amended and re-adopted over the next 12-18 months as resources allow. The Affordable Housing SPG (2016) and the Parking Strategy (2004) will be among the first to be reviewed and updated as SPDs.

- 3.3 In addition, several new SPDs will be produced to help deliver the BLP. These will include the Sustainability and Climate Change SPD, Building Height and

Tall Buildings SPD, and South West Maidenhead Development Framework SPD.

**Table 2: Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
Cabinet agrees to revoke SPGs and SPDs	Suggested SPGs and SPDs are not revoked	Suggested SPGs and SPDs are revoked	N/A	N/A	12 <sup>th</sup> April 2022

#### **4. FINANCIAL DETAILS / VALUE FOR MONEY**

4.1 No implications.

#### **5. LEGAL IMPLICATIONS**

5.1 Section 25 of the 2004 Act empowers the Secretary of State, at any time, to revoke a LDD at the request of the local planning authority or prescribe descriptions of LDD which may be revoked by the authority themselves.

5.2 Regulation 15(2) of the 2012 provides that, “A local planning authority may revoke any supplementary planning document.”

5.3 Regulation 15 further provides that, upon revoking a SPD, the following steps must be taken:

- Make available a public statement on the revocation in accordance with regulation 35. No consultation is required but the planning policy web pages will be updated to raise awareness of revocation and a revocation statement will be published online.
- Send, to each body or person which made representations on the SPD, notification that the document has been withdrawn. The contacts on RBWM’s planning policy consultation database will be notified of Cabinet’s decision to revoke the documents listed in Appendix 1.
- Cease to make withdrawn documents available. No hard copies are currently publicly available – they are only digitally accessible, and all documents listed in Appendix 1 will be removed from the Council’s website.

5.4 As stated in paragraph 2.4 (above) the adoption and revocation of LDDs (including SPDs) that are not DPDs shall be the sole responsibility of Cabinet rather than Full Council.

## 6. RISK MANAGEMENT

6.1 The headline risks are set out in Table 3 below.

**Table 3: Impact of risk and mitigation**

<b>Risk</b>	<b>Level of uncontrolled risk</b>	<b>Controls</b>	<b>Level of controlled risk</b>
Non revocation of the SPGs and SPDs resulting in implications explained in this report.	High	Actions set out in recommendation	Low

## 7. POTENTIAL IMPACTS

7.1 Equalities. The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts on particular groups, including those within the workforce and customer/public groups, have been considered. A EQIA (Equalities Impact Assessment) Screening has been completed and is available in Appendix 2.

7.2 Data Protection/GDPR. The revocation of the SPGs and SPDs will be undertaken by the council in accordance with the Data Protection Act 2018 and the General Data Protection Regulation. No impacts.

## 8. CONSULTATION

8.1 As stated in Section 2 above, consultation is not required to revoke SPGs and SPDs.

8.2 Following revocation, the Council will notify those who have made representations (along with other persons and organisations on the consultation portal database) that the SPGs and SPDs have been revoked and will make the revocation statement available in accordance with Regulations 26 and 35 of the 2012 Regulations.

## 9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

**Table 4: Implementation timetable**

<b>Date</b>	<b>Details</b>
12 <sup>th</sup> April 2022	SPGs and SPDs listed in Appendix 1 are revoked.

## 10. APPENDICES

10.1 This report is supported by two appendices:

- Appendix 1 – SPGs and SPDs to be revoked
- Appendix 2 – EqIA Screening Report

## 11. BACKGROUND DOCUMENTS

11.1 This report has no background documents.

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer		
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	4/3/22	9/3/22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	4/3/22	4/3/22
Elaine Browne	Head of Law (Deputy Monitoring Officer)		
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	4/3/22	7/3/22
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	4/3/22	7/3/22
Andrew Durrant	Executive Director of Place	4/3/22	9/3/22
<i>Heads of Service (where relevant)</i>			
Adrien Waite	Head of Planning		
Chris Joyce	Head of Infrastructure, Sustainability and Economic Growth		
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cllr Phil Haseler (Cabinet Member for Highways & Transport, Planning & Parking).	09/03/2022
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## REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
Non-Key decision – first entered onto the Forward Plan 03/03/22	<b>No</b>	<b>No</b>

Report Author: Adrien Waite, Head of Planning
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## Appendix 1 - SPGs and SPDs to be revoked

Document	Reason for revocation
<b>SPDs</b>	
Telecommunications SPD (2008)	This SPD was adopted before the NPPF was first published in 2012. The Permitted development and Prior Approval regimes render much of the document redundant. It is out of date and no longer used by DM.
Planning for an Ageing Population SPD (2010)	This SPD was adopted before the NPPF was first published. It is out of date and no longer relevant.
<b>SPGs</b>	
Interpretation of Policy F1 (2004)	This SPG was adopted before the NPPF was first published. No longer relevant, the policies in the 1999 Local Plan (amended 2003) have been superseded by BLP.
Interpretation of Policies R2, R3, R4, R5 and R6 (2003, updates in 2004 and 2006)	This SPG was adopted before the NPPF was first published. No longer relevant, the policies in the 1999 Local Plan (amended 2003) have been superseded by BLP.
Interpretation of Policy NAP4 (2000)	This SPG was adopted before the NPPF was first published. No longer relevant, the policies in the 1999 Local Plan (amended 2003) have been superseded by BLP.
Land at Alma Road car park Development Brief (2001)	This SPG was adopted before the NPPF was first published. The area is not the subject of a policy or allocation in the BLP. As the BLP has now been adopted, this guidance is unlikely to be a relevant material planning consideration and should be revoked.
Land at Moorbridge Road, Maidenhead Design Brief (2003)	This SPG was adopted before the NPPF was first published. The area is not the subject of a policy or allocation in the BLP. As the BLP has now been adopted, this guidance is unlikely to be a relevant material planning consideration and should be revoked.
Cookham Gas Holder Station Development Brief (2003)	This SPG was adopted before the NPPF was first published. The area is



	<p>now a housing allocation site in the BLP. As the BLP has been adopted, this guidance is unlikely to be a relevant material planning consideration and should be revoked.</p>
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## Appendix 2 – Equality Impact Assessment Screening Report

### Essential information

Items to be assessed: (please mark 'x')

Strategy	X	Policy	X	Plan	X	Project		Service/Procedure	
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Responsible officer	Garry Thornton	Service area	Planning Policy	Directorate	Place
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Stage 1: EqlA Screening (mandatory)	Date created: 23/02/2022	Stage 2 : Full assessment (if applicable)	N/A
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

*"I am satisfied that an equality impact has been undertaken adequately."*

Signed by (print): Adrien Waite

Dated: 10/03/2022

## **Guidance notes**

### **What is an EqIA and why do we need to do it?**

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqIAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqIA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

### **What are the "protected characteristics" under the law?**

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

### **What's the process for conducting an EqIA?**

The process for conducting an EqIA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

### **Openness and transparency**

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

### **Enforcement**

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

### **Stage 1 : Screening (Mandatory)**

## 1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

To revoke six Supplementary Planning Guidance (SPG) notes and two Supplementary Planning Documents (SPD) that are now out of date, or no longer required following the adoption of the Borough Local Plan (2013-2033) on February 8<sup>th</sup>, 2022.

It is recommended that the following SPGs and SPDs be revoked:

- Telecommunications SPD (2008)
- Planning for an Ageing Population SPD (2010)
- Interpretation of Policy F1 SPG (2004)
- Interpretation of Policies R2, R3, R4, R5 and R6 SPG (2003-05)
- Interpretation of Policy NAP4 SPG (2000)
- Land at Alma Road car park Development Brief SPG (2001)
- Land at Moorbridge Road, Maidenhead Design Brief SPG (2003)
- Cookham Gas Holder Station Development Brief SPG (2003)

Revoking these out-dated SPDs and SPGs will avoid confusion and make it easier for interested parties to access relevant information when seeking planning policy advice and submitting planning applications.

**1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.**

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Relevant	Medium	Positive	<p>The Planning for an Ageing Population SPD is now no longer relevant to the planning decision making process as it is based upon policies within the now superseded Adopted Local Plan (2003). Furthermore, it should be noted that this SPD was adopted before the National Planning Policy Framework (NPPF) was first published in 2012. It is therefore no longer in compliance with either local or national planning policy.</p> <p>The Borough Local Plan (2013-2033) is considered to have a positive impact on the Council's ability to address the issues faced by our ageing population. Policy HO2 of the BLP will facilitate the provision of flexible housing stock to meet the needs of all the borough's residents, including our ageing population. Policy HO2 also states the requirement for the provision of accessible and adaptable dwellings, with a proportion of dwellings within the borough now having to meet the wheelchair accessible standard in Building Regulations M4(3).</p> <p>Policy IF5 of the BLP encourages improvements to the existing public rights of way network including improving accessibility for disabled or elderly people.</p> <p>Revocation of the Planning for an Ageing Population SPD would therefore be considered to have a positive impact on this protected characteristic.</p>

<b>Disability</b>	Relevant	Medium	Positive	<p>The Planning for an Ageing Population SPD includes references relating to this protected characteristic but is now no longer relevant to the planning decision making process as it is based upon policies within the now superseded Adopted Local Plan (2003). Furthermore, it should be noted that this SPD was adopted before the National Planning Policy Framework (NPPF) was first published in 2012. It is therefore no longer in compliance with either local or national planning policy.</p> <p>The Borough Local Plan (2013-2033) is considered to have a positive impact on the Council's ability to address the issues faced by people with disabilities within the borough.</p> <p>Policy HO2 of the BLP will facilitate the provision of flexible housing stock and states the requirement for the provision of accessible and adaptable dwellings, with a proportion of dwellings within the borough now having to meet the wheelchair accessible standard in Building Regulations M4(3).</p> <p>Policy IF2 of the BLP states that development proposals should provide disabled parking spaces.</p> <p>Policy IF5 of the BLP encourages improvements to the existing public rights of way network including improving accessibility for disabled or elderly people.</p> <p>Revocation of the suggested SPGs and SPDs will therefore have no impact on this protected characteristic.</p>
<b>Gender re-assignment</b>	Not relevant			<p>The SPGs and SPDs to be revoked are now no longer relevant to the planning decision making process and hold no weight in the decision-making process. Revocation of the suggested SPGs and SPDs will therefore have no impact on this protected characteristic.</p>

<b>Marriage/civil partnership</b>	Not relevant			The SPGs and SPDs to be revoked are now no longer relevant to the planning decision making process and hold no weight in the decision-making process. Revocation of the suggested SPGs and SPDs will therefore have no impact on this protected characteristic.
<b>Pregnancy and maternity</b>	Not relevant			The SPGs and SPDs to be revoked are now no longer relevant to the planning decision making process and hold no weight in the decision-making process. Revocation of the suggested SPGs and SPDs will therefore have no impact on this protected characteristic.
<b>Race</b>	Not relevant			The SPGs and SPDs to be revoked are now no longer relevant to the planning decision making process and hold no weight in the decision-making process. Revocation of the suggested SPGs and SPDs will therefore have no impact on this protected characteristic.
<b>Religion and belief</b>	Not relevant			The SPGs and SPDs to be revoked are now no longer relevant to the planning decision making process and hold no weight in the decision-making process. Revocation of the suggested SPGs and SPDs will therefore have no impact on this protected characteristic.
<b>Sex</b>	Not relevant			The SPGs and SPDs to be revoked are now no longer relevant to the planning decision making process and hold no weight in the decision-making process. Revocation of the suggested SPGs and SPDs will therefore have no impact on this protected characteristic.
<b>Sexual orientation</b>	Not relevant			The SPGs and SPDs to be revoked are now no longer relevant to the planning decision making process and hold no weight in the decision-making process. Revocation of the suggested SPGs and SPDs will therefore have no impact on this protected characteristic.



## Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
<b>Was a significant level of negative impact identified?</b>	No	None. The revocation of the SPGs and SPGs does not have a negative differential effect on racial groups, gender/transgender, disability, sexual orientation, age or religious belief.	Garry Thornton – Planning Policy	N/A
<b>Does the strategy, policy, plan etc require amendment to have a positive impact?</b>	No	None. The revocation of the SPGs and SPGs does not have a negative differential effect on racial groups, gender/transgender, disability, sexual orientation, age or religious belief.	Garry Thornton – Planning Policy	N/A

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).