

Report Title:	Review of Local Development Scheme
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport
Meeting and Date:	Cabinet – 15 December 2022
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services & Adrien Waite, Head of Planning
Wards affected:	All

REPORT SUMMARY

Every Local Planning Authority is required to prepare and maintain a document known as a Local Development Scheme (LDS). This document sets out the timetable for the preparation of planning documents such as Local Plans.

The report recommends that the Cabinet approves a new LDS for the Royal Borough for the next three years to end of 2025. This programme includes work on the Traveller Local Plan.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the Local Development Scheme for 2023-2025 for planning policy purposes and to publish it on the Council's website to take effect from 1 January 2023.**
- ii) Delegates authority to the Head of Planning, in consultation with the Cabinet Member for Planning, Parking, Highways and Transport to make any minor non-material corrections to the Local Development Scheme as considered necessary ahead of publication.**

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

Background

2.1 The Planning & Compulsory Planning Act 2004, as amended by the Localism Act 2011 ("2004 Act"), requires each local planning authority to prepare and maintain a document setting out the programme for the preparation of planning documents. This is known as the Local Development Scheme (LDS).

2.2 Planning Practice Guidance¹ states that an LDS should specify (among other matters) the development plan documents (i.e., local plans) which, when prepared, will comprise part of the development plan for the area. It encourages Local planning authorities to include details of other documents which form (or will form) part of the development plan for the area, such as Neighbourhood

¹ Plan-making, Paragraph: 003 Reference ID: 61-003-20190315

Plans. It adds that the LDS must be made available publicly and kept up-to-date so that local communities and interested parties can keep track of progress.

- 2.3 The LDS is a three-year project plan for preparing planning documents, but it is not a policy document itself. It provides a starting point for the local community and stakeholders to find out what planning documents are being prepared by the Council and the timetable for when these documents will be produced. In particular, it sets out the timetable for the review and update of the Council’s Local Plan(s) and outlines the dates when there will be formal opportunities to get involved with the plan making process.
- 2.4 The current Local Development Scheme was approved in October 2019, covering the period to end of 2022. This set out the anticipated dates for the remaining stages for the Borough Local Plan and the Joint Minerals and Waste Plan, along with predicted timetable for the Traveller Local Plan. As we are now at the end of 2022, it is an appropriate time to update the LDS. As stated below, producing an LDS is a statutory requirement and therefore not approving the proposed new LDS is not recommended.

Options

Table 1: Options arising from this report

Option	Comments
To approve the Local Development Scheme 2023-25 This is the recommended option	Agreeing a new LDS would ensure that the Council has an up-to-date programme for future local plan work, in accordance with its legal requirement to do so. Local residents and others would also be aware of the expected future work programme.
Do nothing / not to approve the Local Development Scheme 2023-25	This would mean that communities and other stakeholders would not know what planning documents are proposed to be produced. Also, the production of an LDS is a legal requirement and were this option pursued the Council would not be in line with the regulations.

3. KEY IMPLICATIONS

- 3.1 The Borough Local Plan was adopted by the Royal Borough on 8 February 2022 and the Minerals and Waste Plan, which was produced jointly with three other Central and Eastern Berkshire Councils, **was adopted in November this year**. Progress on the Traveller Local Plan has been slower than anticipated back in 2019 due to a number of factors, particularly the need to prioritise officer resources into taking the BLP through to adoption. However, a consultation on issues and options was undertaken in 2019 with a consultation statement published in 2020. The 2018 Gypsy and Traveller Accommodation Assessment

was updated in 2022 and this sets out the need for pitches and plots for these groups up to 2036/37. The 2022 update can be viewed [here](#).

- 3.2 The new Local Development Scheme has been prepared to cover the period between January 2023 and December 2025. The full documentation is attached as Appendix B to this document. The 2004 Act states that to bring the scheme into effect, the LPA must resolve that the scheme is to have effect and specify the date from which the scheme is to have effect. It is proposed that the LDS will come into effect from 1 January 2023.
- 3.3 The focus in this period will be on preparing the Traveller Local Plan. Councils have a duty to allocate sufficient land for Gypsy and Traveller accommodation needs. The recently updated GTAA shows that there is an unmet need for accommodation² for these groups in the period to 2036/37.
- 3.4 National planning policy in the Planning Policy for Traveller Sites requires that Councils identify a supply of deliverable and developable sites to meet the needs against locally set targets along with criteria-based policies to guide land supply allocations. Although the BLP includes a criteria-based policy for the assessment of proposals for Gypsy & Traveller accommodation, it does not allocate any Gypsy & Traveller pitches or Travelling Showpeople plots. As such, it is necessary to produce a separate Local Plan to meet these needs and allocate new sites for Travellers.
- 3.5 The proposed timetable sets out that the Traveller Local Plan will be submitted for examination by late Summer/early Autumn 2024 and (subject to a timely examination process) adopted by Summer 2025.
- 3.6 The Regulations require that a Local Planning Authority reviews its local plan every five years, starting with the date of adoption³. As the Borough Local Plan was adopted in February 2022, there is no requirement to review this until 2027, beyond the three-year period of the LDS. Similarly, the Minerals and Waste Plan will not need to be reviewed until 2027.
- 3.7 There is no requirement for a programme of Supplementary Planning Documents (SPDs) to be included within the LDS. Since the BLP was adopted, good progress has been made with several SPDs required to provide more detail on policies within the plan. This has included the South West Maidenhead Development Framework SPD and the Building Height and Tall Buildings SPD, and draft versions of both documents have been consulted on during 2022. Work is also ongoing on the Sustainability and Climate Change SPD. Further SPDs will be produced during 2023. Further details of SPDs will be provided on the Council's website.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Cabinet agrees to	LDS not approved	LDS comes into force	LDS comes into force	N/A	01.01.2023

² At least 51 pitches for Travellers who lead a nomadic habit of life, plus a minimum of 14 plots for Travelling Showpeople.

³ Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
approve LDS		on 01.01.23	before 01.01.23		

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The production of the Traveller Local Plan will incur costs, including from public consultation and engagement, legal advice and the cost of the planning inspector for the examination process. However, the evidence of accommodation need has been updated recently and the overall scale of costs will be significantly lower than that incurred for the BLP. The cost of producing the Traveller Local Plan can be funded from existing budgets.
- 4.2 No other significant costs would arise from approving the Local Development Scheme.

5. LEGAL IMPLICATIONS

- 5.1 Section 15 of the Planning & Compulsory Planning Act 2004, as amended by the Localism Act 2011, requires each local planning authority to prepare and maintain a Local Development Scheme (LDS). Failure to produce and update the LDS would result in a failure to meet the Council's legal obligations.

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
The Government is expected to make reforms to the Planning system, and the process for preparing local plans may change within the next 12-18 months. Such changes could affect the Traveller Local Plan.	High	Members will be updated as soon as practicable once further legislation and/or government guidance is received and at the appropriate time the Local Development Scheme may need to be reviewed.	Low
The Traveller Local Plan is delayed through insufficient resourcing or staff shortages.	Medium	The allocation of sufficient budget to progress the plan and the replacement of critical officers who leave the council, subject to approval.	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. An Equality Impact Assessment is available as Appendix A. This sets out that the Traveller Local Plan would benefit the gypsy and traveller communities, who are disadvantaged groups. Some Gypsies and Travellers are protected against discrimination on the basis of their ethnic origins.
- 7.2 *Climate change/sustainability.* All local plans must be subject to a Sustainability Appraisal.
- 7.3 Data Protection/GDPR. No impacts

8. CONSULTATION

- 8.1 The Traveller Local Plan will be subject to extensive public consultation during its preparation. There is no need to consult externally on the content of the Local Development Scheme itself.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: 1st January 2023. The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
15 December 2022	Cabinet decides whether to approve Local Development Scheme.
1 January 2023	Local Development Scheme comes into force, following Call In period.

10. APPENDICES

- 10.1 This report is supported by 2 appendices:
- Appendix A – Equality Impact Assessment
 - Appendix B – Local Development Scheme 2023-25.

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by no background documents:

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	10/11/2022	17/11/2022
Emma Duncan	Director of Law, Strategy & Public Health/ Monitoring Officer	10/11/2022	17/11/2022
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	10/11/2022	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	10/11/2022	
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	10/11/2022	17/11/2022
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus	Equalities & Engagement Officer	21/11/2022	22/11/2022
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Tony Reeves	Interim Chief Executive	10/11/2022	
Andrew Durrant	Executive Director of Place	10/11/2022	18/11/2022
<i>Heads of Service (where relevant)</i>			
Adrien Waite	Head of Planning	10/11/2022	22/11/2022

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Planning, Parking, Highways & Transport	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision	No	No
First entered into the Cabinet Forward Plan: 21/09/2022		

Report Author: Ian Motuel, Planning Policy Manager Tel. 01628 796429

APPENDIX A - EQUALITY IMPACT ASSESSMENT

Essential information

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

Strategy		Policy		Plan	X	Project		Service/Procedure	
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Responsible officer	Ian Motuel	Service area	Planning	Directorate	Place
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Stage 1: EqlA Screening (mandatory)	Date created: 21/11/2022	Stage 2 : Full assessment (if applicable)	Date created: 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: 22/11/22

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 approve the publication of a Local Development Scheme (LDS) for the Royal Borough, covering the next three years to end of 2025. Producing an LDS is a statutory requirement. It is not a policy document itself, but it provides a starting point for the local community and stakeholders to find out what planning documents are being prepared by the Council and the timetable for when these documents will be produced.

This proposed LDS programme includes work on the Traveller Local Plan. Councils have a duty to allocate sufficient land for Gypsy and Traveller accommodation needs. Recent evidence shows that there is an unmet need for accommodation for these groups in the period to 2036/37.

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	Not relevant			The LDS will have no impact on this protected characteristic.
Disability	Not relevant			The LDS will have no impact on this protected characteristic.
Gender re-assignment	Not relevant			The LDS will have no impact on this protected characteristic.
Marriage/civil partnership	Not relevant			The LDS will have no impact on this protected characteristic.
Pregnancy and maternity	Not relevant			The LDS will have no impact on this protected characteristic.
Race	Relevant	High	Positive	This proposed LDS programme includes work on the Traveller Local Plan. Councils have a duty to allocate sufficient land for Gypsy and Traveller accommodation needs. Recent evidence shows that there is an unmet need for accommodation for these groups in the period to 2036/37. The Traveller Local Plan will allocate sites to meet the future accommodation needs of the Traveller communities and include any appropriate relevant policies to guide any planning applications that come forward.
Religion and belief	Not relevant			The LDS will have no impact on this protected characteristic.

Sex	Not relevant			The LDS will have no direct impact on this protected characteristic.
Sexual orientation	Not relevant			The LDS will 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
Was a significant level of negative impact identified?	No	None. It is considered that the proposed Local Development Scheme would not have a negative impact on any particular group. There would be positive impacts for the Traveller communities.	Ian Motuel	Positive impacts will emerge during and after the adoption of the proposed Traveller Local Plan for Traveller communities.
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	None	Ian Motuel	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).