

Meeting of West Berkshire District Council

**Thursday, 10th September,
2020**

Summons and Agenda

This meeting will be held in a virtual format in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (“the Regulations”).

To: All Members of the Council

You are requested to attend a meeting of
WEST BERKSHIRE DISTRICT COUNCIL
to be held in the
**COUNCIL OFFICES, MARKET STREET,
NEWBURY**
on
Thursday, 10th September, 2020
at 7.00 pm

Sarah Clarke.

Sarah Clarke
Head of Legal and Strategic Support
West Berkshire District Council

Date of despatch of Agenda: Wednesday, 2 September 2020

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any).

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members.

3. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 12 May 2020.

(Pages 13 - 20)



WestBerkshire
C O U N C I L

4. **DECLARATIONS OF INTEREST**

To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).

5. **PETITIONS**

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion.

6. **PUBLIC QUESTIONS**

Members of the Executive to answer the following questions submitted by members of the public in accordance with the Council's Constitution:

(a) **Question to be answered by the Executive Member for Finance and Economic Development submitted by Mr Graham Storey:**

"Can the council provide an up to date valuation and expected yield on its commercial property portfolio?"

(b) **Question to be answered by the Executive Member for Adult Social Care submitted by Paula Saunderson:**

"WBC Placement Policy states the Council "does not have enough affordable supply to meet demand", so what is WBC's definition of an Affordable Care placement, please?"

(c) **Question to be answered by the Executive Member for Adult Social Care submitted by Paula Saunderson:**

"How many 'affordable' placements are there available in West Berks, excluding Walnut Close?"

(d) **Question to be answered by the Executive Member for Adult Social Care submitted by Paula Saunderson:**

"What is the current average price paid by WBC for an externally purchased placement?"

(e) **Question to be answered by the Executive Member for Adult Social Care submitted by Paula Saunderson:**

"What is the current average price for a placement in one of the WBC managed Care Homes, excluding Walnut Close?"

(f) **Question to be answered by the Executive Member for Adult Social Care submitted by Paula Saunderson:**

"How many Dementia placements are available in West Berks, excluding Walnut Close?"

(g) **Question to be answered by the Executive Member for Adult Social Care submitted by Paula Saunderson:**

"How many Dementia placements are available in WBC managed Care Homes, excluding Walnut Close?"

- (h) **Question to be answered by the Executive Member for Adult Social Care submitted by Paula Saunderson:**
“What are the WBC projections for the number of patients diagnosed with Dementia in the fiscal years ending 2021, 2022, 2023, 2024 & 2025?”
- (i) **Question to be answered by the Executive Member for Adult Social Care submitted by Paula Saunderson:**
“How do these compare with the CPEC published projections of the number of patients diagnosed with Dementia for West Berkshire?”
- (j) **Question to be answered by the Executive Member for Adult Social Care submitted by Paula Saunderson:**
“Does the Council have any plans to address the predicted shortage in affordable supply of placements?”
- (k) **Question to be answered by the Executive Member for Finance and Economic Development submitted by Mr Paul Morgan:**
“Is the primary reason that the Council is now suggesting turning the LRIE into a housing estate driven by the need for a plan ‘b’ in the event that the Sandleford link development does not go ahead?”
- (l) **Question to be answered by the Executive Member for Public Health and Community Wellbeing submitted by Dr Julie Wintrup:**
“How many contact tracers are now employed and trained by the West Berkshire's own Public Health team and how many by private companies?”
- (m) **Question to be answered by the Executive Member for Public Health and Community Wellbeing submitted by Dr Julie Wintrup:**
“Is West Berkshire's Public Health team properly resourced and trained to provide the highest standard of finding, testing, tracing, and supporting people to isolate, and to maintain its other essential public health duties?”
- (n) **Question to be answered by the Executive Member for Finance and Economic Development submitted by Dr Julie Wintrup:**
“Is the Institute for Fiscal Studies' prediction correct in West Berkshire Council's case, in anticipating that without additional financial support from Government, it will be forced to slash services?”
- (o) **Question to be answered by the Leader of the Council submitted by Dr Julie Wintrup:**
“Is the Council confident that all Councillors are now properly trained in use of social media and are all upholding the seven Nolan Principles in their social media practices?”
- (p) **Question to be answered by the Portfolio Holder for Planning and Housing submitted by Mr Alan Pearce:**
“Please can the Council confirm after what date the public will be able to access on the Council's website the following CVS files comprising of Developer agreements, Developer contributions and Developer transactions?”



(q) **Question to be answered by the Portfolio Holder for Planning and Housing submitted by Mr Alan Pearce:**

“After what date will the Council have submitted the URLs to the national register of developer contributions?”

(r) **Question to be answered by the Portfolio Holder for Transport and Countryside submitted by Mr Alan Pearce:**

“In follow up to the answer I received at the Executive on 16 July 2020, please will the council immediately give details of all the identified highway improvements along the A339 that they are planning to discuss with the developer’s consultants and a copy of any legal agreements (redacted if necessary) that had been made or are being considered?”

(s) **Question to be answered by the Portfolio Holder for Environment submitted by Dr Susan Millington:**

“When will the delivery plan for the Environmental Strategy be published?”

(t) **Question to be answered by the Portfolio Holder for Environment submitted by Dr Susan Millington:**

“As part of your Environmental Strategy commitment to carbon sequestration and improving biodiversity through large scale tree planting, will West Berkshire District Council be purchasing and leasing land for woodland creation?”

(u) **Question to be answered by the Portfolio Holder for Finance and Economic Development submitted by Mr Paul Morgan:**

“Can the Council please explain why it has been able to make available to the public and members a copy of the Avison Young report regarding the LRIE Development Brief but despite many requests, is still refusing to publish and make available a copy of the Surfacing Standard Limited (SSL) report looking at possible alternative sites for the football ground?”

7. **MEMBERSHIP OF COMMITTEES**

The Council to agree any changes to the membership of Committees.

8. **MOTIONS FROM PREVIOUS MEETINGS**

To note the responses to Motions which have been presented to previous Council meetings.

- a) [Response to the Motion from Councillor Steve Ardagh Walter](#) presented to the 16 July 2020 Executive Meeting
- b) [Response to the Motion from Councillor Lynne Doherty](#) presented to the 24 April 2020 Personnel Committee Meeting
- c) [Response to the Motion from Councillor Carolyne Culver](#) presented to the 16 July 2020 Executive

9. **LICENSING COMMITTEE**

The Council is asked to note that since the last meeting of the Council, the Licensing Committee met on 14 May 2020. Copies of the Minutes of this meeting can be

obtained from Strategy and Governance or via the [Council's website](#).

10. PERSONNEL COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Personnel Committee met on 14 May 2020 and 17 July 2020. Copies of the Minutes of these meetings can be obtained from Strategy and Governance or via the [Council's website](#).

11. GOVERNANCE AND ETHICS COMMITTEE

The Council is asked to note that since the last meeting of Council, the Governance and Ethics Committee met on 14 May 2020, 15 June 2020 and 24 August 2020. Copies of the Minutes of these meetings can be obtained from Strategy and Governance or via the [Council's website](#).

12. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last meeting of the Council, the District Planning Committee met on 14 May 2020 and 08 July 2020. Copies of the Minutes of these meetings can be obtained from Strategy and Governance or via the [Council's website](#).

13. OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

The Council is asked to note that since the last meeting of the Council, the Overview and Scrutiny Management Commission met on 14 May 2020, 25 June 2020 and 28 July 2020. Copies of the Minutes of these meetings can be obtained from Legal and Strategic Support or via the [Council's website](#).

14. JOINT PUBLIC PROTECTION COMMITTEE

The Council is asked to note that since the last meeting of the Council, the Joint Public Protection Committee met on 24 June 2020. Copies of the Minutes of this meeting can be obtained from Strategy and Governance or via the [Council's website](#).

15. WBDC RESPONSE TO PLANNING FOR THE FUTURE WHITE PAPER (C3957)

Purpose: To formulate the Councils' response to the Planning White Paper published in August 2020 which is currently out for consultation and which closes on the 28th October 2020.

(Pages 21 - 40)

16. NOTICES OF MOTION

(a) **The following Motion has been submitted in the name of Councillor Steve Ardagh-Walter:**

"In our commitment to working towards being a Carbon Net Zero District by 2030 this Council has made a substantial investment in photovoltaic technology, reducing greenhouse gas emissions and promoting renewable energy. In delivering this significant element of our Environment Strategy, we not only supply the Council with clean energy, we also reduce the cost of running our buildings.

However, the very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being very difficult, if not impossible, for local suppliers to do so. We recognise that making these costs proportionate to the scale of the renewable electricity supplier's operation would enable and empower new local businesses, or Councils such as West Berkshire, to be such providers of locally generated renewable electricity, and that the revenues received could be used to help improve the local economy, local services and facilities, and to reduce local greenhouse gas emissions.

The cross-party Local Electricity Bill, reintroduced into Parliament on 10 June and currently supported by 187 MPs, would, if made into law, establish a *Right to Local Supply* which would promote local renewable electricity supply companies and co-operatives by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply operation.

This Council would therefore welcome the opportunity to benefit further from the creation of a Right to Local Supply and **RESOLVES to support the Local Electricity Bill and to seek the support of our local MPs in ensuring the passage of the Bill through Parliament and into law.**"

(b) **The following Motion has been submitted in the name of Councillor Joanne Stewart:**

"West Berkshire Council stands firmly against all inequality, unlawful discrimination, harassment, victimisation or any other form of activity that creates disadvantages for individuals within the community. The council will always promote equality of opportunity, challenge inequality and ensure respect for **everyone**: within the local community; as an employer; and as a partner.

The Council forges strong links with all groups, both within West Berkshire and within other neighbouring authorities too. Through our Equality and Diversity Officer, we will continue to hear and listen to all voices, especially our hard to reach groups.

We will always promote fairness and accessibility to all services, as well as employment opportunities and apprenticeships and regardless of background.

As times and perspectives are evolving, it is even more important to reinforce our commitment to welcoming diversity and challenging inequality, and therefore this Council **RESOLVES** to:

- Update and refresh our Equality and Diversity Policy and Objectives, as well as implement an Equality and Diversity Strategy to lead us and our residents through these challenging times.
- As part of that Strategy we will ensure Council employees and Members continue to be fully informed and updated through regular Equality and Diversity training to promote positive and inclusive attitudes.
- Through the Health and Wellbeing Board we will work with local partners and review guidance issued by Public Health, to offer support for those at greatest risk of the impact of Covid-19."



(c) **The following Motion has been submitted in the name of Councillor David Marsh:**

"This Council notes the success of the 24-hour traffic-free zone covering part of Newbury town centre.

It made social distancing easier and was popular with shoppers. It helped to promote active travel, in line with the Prime Minister's announcement on 28 July, which included a commitment to "improving air quality and reducing traffic" by introducing zero-emission zones in towns and cities, and with the Council's own recently published Environment Strategy, which stresses the importance of reducing vehicle emissions.

This council further notes that the threat posed by Covid-19, and the need for social distancing, remain, and are likely to do so for the foreseeable future. It therefore regards the decision to return to "business as usual", taken without allowing Council members to debate the issue, or even informing them of the decision, and without consulting Newbury Town Council, as premature at best.

This council further notes the following statement by Grant Shapps, Secretary of State for Transport: "We've got a once-in-a-lifetime opportunity to create a shift in attitudes for generations to come."

Allowing people to enjoy the town centre free of all but essential traffic is good for their health and wellbeing, and good for business. It conforms to the Council's own aims with regard to carbon emissions, road safety, and creating a more attractive town centre for both residents and visitors. It is a win-win for the people of West Berkshire.

This Council therefore **RESOLVES** that:

- (a) The 24-hour traffic-free zone, with appropriate exemptions for deliveries and disabled access, be reinstated with immediate effect.
- (b) Officers will monitor the effect on social distancing, businesses (including the market), air quality and active travel, and report their findings to the Transport Advisory Group and Environment Advisory Group by the end of 2020.
- (c) Following this process, any recommendations as to making the traffic-free zone permanent or otherwise would be considered by the first full Council meeting of 2021."

(d) **The following Motion has been submitted in the name of Councillor Richard Somner:**

"In consideration of the rural nature of the area we share, and communications received by both residents and animal welfare organisations such as the RSPCA, this council recognises the need to take action on the increasing concern of firework use across our District.

As a Council we have historically acted on the need to set appropriate licensing fees for fireworks and the need to restrict the areas in which sky lanterns can be used, this motion sets to add to those actions and to develop a safer environment for residents, their pets and the numerous livestock and wildlife in West Berkshire.

Whilst we recognise that fireworks are used throughout the year, and when used sensibly can be enjoyed by many, we approach a time of year when their use will see a dramatic increase.

The very nature of Fireworks as explosives are that they make loud and high intensity noises that are unpredictable and can affect a wide area.

As with sky lanterns, once reaching the ground the resultant debris can also pose a hazard to animals, such as horses and farm livestock.

We recognise that some people may not be aware of the anxiety or danger that may be created, and so there is a need to raise awareness generally including amongst owners of animals.

The short lived nature of firework noise can make it difficult for the police or local authority officers to pinpoint locations and take action.

This Council **resolves**:

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
- to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
- to encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.”

17. MEMBERS' QUESTIONS

Members of the Executive to answer the following questions submitted by Councillors in accordance with the [Council's Constitution](#):

- (a) **Question to be answered by the Executive Member for Public Health and Community Wellbeing submitted by Councillor Martha Vickers:**

“Can the Council explain how the work begun by Councillor Rick Jones in to the effect of inequality on the health and life chances of its residents is progressing? ”.

- (b) **Question to be answered by the Executive Member for Public Health and Community Wellbeing submitted by Councillor Martha Vickers:**

“In the light of the reported rise of Domestic Abuse cases across the Country and concern about the shortage of Refuge places for those women and families most at risk is this Council planning to increase the number of Refuge places it provides”.

- (c) **Question to be answered by the Executive Member for Children, Young People and Education submitted by Councillor Peter Argyle:**

“What is Council doing to help our children and young people as they resume

their studies after the summer break?”

- (d) **Question to be answered by the Executive Member for Public Health and Community Wellbeing submitted by Councillor Jeff Cant:**

“Can the Council give any further information about the long term sustainable solution for the Lido which was unable to reopen viably this year?”

- (e) **Question to be answered by the Executive Member for Internal Governance submitted by Councillor Tom Marino:**

“Can the portfolio holder tell us what proportion of Council employees are working from home and how does the Council anticipate how this will change in both the short and medium-term?”

- (f) **Question to be answered by the Executive Member for Transport and Countryside submitted by Councillor Carolyn Culver:**

“Will WBC support the Wildlife Trusts, TVERC and others in the creation of a Nature Recovery Network, which is a requirement of the Environment Bill?”

- (g) **Question to be answered by the Executive Member for Transport and Countryside submitted by Councillor Carolyn Culver:**

“Does WBC agree that a good way for the council to support the Environment Bill’s objective to protect urban street trees would be to make the pedestrianisation of Northbrook Street permanent, and plant trees along it, thereby providing an attractive, shady and pollution free space?”

- (h) **Question to be answered by the Executive Member for Transport and Countryside submitted by Councillor Tony Vickers:**

“Why did the Council not consult Newbury Town Council before making major changes to the town centre traffic flow?”

- (i) **Question to be answered by the Executive Member for Planning and Housing submitted by Councillor Tony Vickers:**

“How is the Council planning to involve Newbury Town Council in the master-planning of Newbury town centre?”

- (j) **Question to be answered by the Executive Member for Internal Governance submitted by Councillor Lee Dillon:**

“Why is it taking the Council 14 months to respond to my motion on constitutional changes?”

- (k) **Question to be answered by the Executive Member for Finance and Economic Development submitted by Councillor Lee Dillon:**

“Has the council received any communication from the government about preparing for dealing with the end of the transition period without any trade deals in place?”

- (l) **Question to be answered by the Executive Member for Transport and Countryside submitted by Councillor Erik Pattenden:**

“We note that it has been six months since our motion on safer school was referred to TAG, so will the council urgently review it to facilitate children

returning to school safely?”

- (m) **Question to be answered by the Leader of the Council submitted by Councillor Martha Vickers:**

“Would the leader of council support the idea of having themed debates such as on Black Lives Matter and its impact on West Berkshire?”

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

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Agenda Item 3.

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

COUNCIL

MINUTES OF THE MEETING HELD ON TUESDAY, 12 MAY 2020

Councillors Present: Adrian Abbs, Steve Ardagh-Walter, Phil Barnett, Jeff Beck, Dennis Benneyworth, Dominic Boeck, Graham Bridgman, Jeff Brooks, Jeff Cant, Hilary Cole, James Cole, Jeremy Cottam, Carolyn Culver, Lee Dillon, Lynne Doherty, Clive Hooker (Vice-Chairman), Gareth Hurley, Owen Jeffery, Rick Jones, Alan Law, Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro, Thomas Marino, David Marsh, Steve Masters, Andy Moore, Graham Pask (Chairman), Erik Pattenden, Claire Rowles, Garth Simpson, Richard Somner, Joanne Stewart, Martha Vickers, Tony Vickers, Andrew Williamson, Keith Woodhams and Howard Woollaston

Also Present: John Ashworth (Executive Director - Place), Nick Carter (Chief Executive), Sarah Clarke (Service Director (Strategy and Governance)), Kevin Griffin (Head of Customer Services & ICT), Joseph Holmes (Executive Director - Resources), Andy Sharp (Executive Director (People)), Moira Fraser (Democratic and Electoral Services Manager) and Phil Rumens (Digital Services Manager)

Apologies for inability to attend the meeting: Councillor Billy Drummond, Councillor Nassar Kessell and Councillor Geoff Mayes

Councillor Absent: Councillor Peter Argyle

PART I

1. Chairman's Remarks

The Chairman welcomed everyone to the meeting.

The Chairman noted that sadly the Council had recently lost two former Councillors; Councillors Audrey Appleby and David Becket. He asked Members to pause for a moment to reflect on their lives.

Councillor Phil Barnett stated that Audrey Appleby had been part of the 1991 cohort of Councillors who were a very committed special team. He stated that Audrey had been the perfect candidate to represent the people of Greenham. She was a quiet councillor in meetings but was capable of making impassioned speeches when drawn to make them. She had continued to work hard for her constituents when she ceased to be a district councillor as a member of the parish council. She would be sorely missed by her relatives, friends and all the people she represented.

Councillor Jeff Brooks commented that he had first met David Becket in 1994. He was an exceptionally hard working councillor and had been instrumental in introducing the 'twenty is plenty' campaign locally. He was the portfolio holder for highways for a number of years and was renowned for his incredible knowledge of the local road network. David was a hardworking, highly respected, public spirited man who had contributed a lot to this community. He had continued in public life after leaving West Berkshire and had become mayor of his council when he moved to Staffordshire.

Councillor Martha Vickers stated that she had also met David when she was first elected to the Council. He was one of those councillors that was respected across the chamber by Members and also by the officers he worked with. He was also a very good cook and

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she had fond memories of the pots of soup he had prepared for the Liberal Democrat Group. He too would be sorely missed.

The Chairman reported that he had attended 71 events during the 2019/20 Municipal Year. He thanked his Vice Chairman, Councillor Clive Hooker, who had attended 18 events on behalf of residents during the year and also former Chairmen Peter Argyle and Jeff Beck who had also attended events when needed to do so.

The Chairman thanked Members, especially his Vice Chairman, for their support during the past Municipal Year. He also thanked Sarah Clarke for the support that she had given him during the year.

The Chairman thanked Members and Officers, especially those in the Community Hub, for their contributions during this unprecedented and difficult time. He also thanked all the volunteers who were working selflessly across the district.

2. Election of the Chairman for the Municipal Year 2020/21 (C3927)

Prior to nominations being sought for the role of Chairman for the 2020/21 Municipal Year the Leader of the Council commented that she too would like to thank staff for the professional and compassionate way they had conducted themselves during these difficult times.

Councillor Doherty stated that at this point in the meeting she would normally be standing to nominate a new Chairman of Council. However as the current Chairman had been unable to enjoy a full year of activities and with the lockdown continuing the new Chairman also not being able to undertake a full round of civic duties she was proposing that the current Chairman be re-elected for a further year. She also believed that in difficult times continuity was important and this proposal would assist with that.

The Motion was proposed by Councillor Lynne Doherty and seconded by Councillor Graham Bridgman that Councillor Graham Pask be re-elected Chairman of the Council for the Municipal Year 2020/21. There were no further nominations.

Councillor Lynne Doherty in proposing Councillor Pask for the role of Chairman stated that in these uncertain times she could not think of anyone more experienced and suitable for the role.

Councillor Graham Bridgman stated that over the previous year Councillor Pask had proved to be a marvellous and dedicated Chairman. He had been very thorough in his preparations for Council meetings and conducted these meetings in a very fair way. He was therefore delighted to second this proposal.

RESOLVED that Councillor Graham Pask be re-elected as Chairman of Council for the Municipal Year 2020/21.

The Chairman read and signed the Declaration of Acceptance of Office. Councillor Pask thanked the Council for re-electing him and Councillors Doherty and Bridgman for their kind words.

He stated that he would continue to act in a fair manner. He thanked his family, especially his wife Hilary, for their support over the past year and also thanked the Vice Chairman's wife Christine for her contribution.

Councillor Pask also thanked his Vice Chairman, Councillor Clive Hooker, for the support he had given to the Chairman over the 2019/20 Municipal Year.

3. Appointment of Vice-Chairman for the Municipal Year 2020/21 (C3928)

The Chairman stated that he would like to nominate Councillor Clive Hooker for the position of Vice-Chairman of Council for the Municipal Year 2020/21. The nomination

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was seconded by Councillor Lynne Doherty. There were no further nominations for the position of Vice-Chairman.

Councillor Pask stated that Councillor Hooker had been a tower of strength during the past year and had stood in for him at a number of events when he had been unable to attend them.

Councillor Doherty stated that, had the circumstances been different, she would have had no hesitation in nominating Councillor Hooker for the role of Chairman this year. For the reasons previously stated, and because she would have liked him to enjoy a full year of civic duties, she was happy to propose that he be re-appointed as the Vice Chairman for the 2020/21 Municipal Year.

RESOLVED that Councillor Clive Hooker be re-appointed as Vice-Chairman of Council for the Municipal Year 2020/21.

The Vice-Chairman read and signed the Declaration of Acceptance of Office. Councillor Hooker thanked the Council for electing him and Councillors Pask and Doherty for their kind words. He stated that he would do his utmost to fulfil the role to the best of his ability. He also thanked his wife Christine for allowing him to undertake the role.

4. Minutes

The Minutes of the meeting held on 03 March 2020 and the extraordinary meeting held on the 29 April 2020 were approved as true and correct records and signed by the Chairman subject to the inclusion of the following amendments:

03 March 2020 minutes, Item 55, Revenue Budget 2020/21, page 13 of the to follow pack, the third paragraph from the bottom of the page

Insert 'Councillors Lynne Doherty and Graham Bridgman supported the proposal made by Councillor Dillon.' *(Councillor Bridgman confirmed that the Constitution Review Task Group had already looked at the issue of voting on recommendations set out in amendments as individual items.)*

03 March 2020 minutes, Item 58a Notices of Motion, page 16 of the to follow pack

It be noted that the Motion relating to vehicle idling zones would be referred to the Transport Advisory Group and not the Environment Advisory Group for consideration.

5. Declarations of Interest

There were no declarations of interest received.

6. Appointment of the Executive by the Leader of the Council for the 2020/21 Municipal Year (C3929)

The Leader announced the composition of the Executive for the 2020/21 Municipal Year. She explained that she had decided to continue to only appoint eight additional colleagues to the Executive.

The Leader explained that Councillor Rick Jones would be stepping down from the Executive and she thanked him for his immense contribution and thoughtful calm influence since joining the Executive.

Portfolio	Member
Leader of Council and District Strategy and Communications	Lynne Doherty

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Deputy Leader of Council and Adult Social Care	Graham Bridgman
Children, Young People and Education	Dominic Boeck
Environment	Steve Ardagh-Walter
Finance and Economic Development	Ross Mackinnon
Internal Governance	Jo Stewart
Planning and Housing	Hilary Cole
Public Health & Community Wellbeing, Leisure and Culture	Howard Woollaston
Transport and Countryside	Richard Somner

Councillor Lee Dillon welcomed Councillor Jo Stewart to the front bench. He also thanked Councillor Jones for his contribution and his calm demeanour, and dignified and professional manner in dealing with contentious issues.

Councillor Graham Bridgman also commented that Councillor Jones had been a stalwart of the Executive. Councillor Bridgman also paid tribute to Councillor Lynne Doherty for the huge amount of work she had undertaken on the Council's response to the Covid crisis. He commented that both Councillor Doherty and the Chief Executive had undertaken an astonishing amount of work.

Councillor Jones stated that he would also like to pay tribute to Councillor Doherty's superb leadership in dealing with this crisis. He thanked the Council for the kind words.

7. **Appointment and Allocation of Seats on Committees for the 2020/21 Municipal Year (C3930)**

The Council considered a report (Agenda Item 8) concerning the appointment and allocation of seats on Committees for the next Municipal Year and sought to agree the Council's Policy Framework for 2020/21 as set out in paragraph 6.1 of the Supporting information.

MOTION: Proposed by Councillor Lynne Doherty and seconded by Councillor Lee Dillon:

That the Council

1. "notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 1.1 of the Supporting Information are to be regarded as Members of the Conservative, Liberal Democrat and Green Party Groups respectively.
2. agrees to the appointment of the various Committees and Commissions, and to the number of places on each as set out in paragraph 2.2 of the Supporting Information. (Table A).
3. agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in paragraph 3.3 of the Supporting Information. (Table B).

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4. agrees that the number of substitutes on Committees and Commissions be as set out in paragraph 4.1 of the Supporting Information (Table C).
5. agrees that in respect of the District and Area Planning Committees, the substitute Members are all drawn from Members representing wards within the Committee's area who are not appointed to the Committee. Where substitutes attend the District Planning meeting they need to be drawn from the same Area Planning meeting as the Member they are substituting for.
6. notes the appointment of Members to the Committees as set out in Appendix A and notes the appointments set out in Appendix B which are in accordance with the wishes of the Political Groups.
7. in accordance with Regulation 4, Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, agrees that the Council's Policy Framework for 2020/21 be as set out in paragraph 6.1 of the Supporting Information and that any appropriate amendments be made to the Council's Constitution (Paragraph 2.5.2) should this be necessary.
8. in accordance with Regulation 5, Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, approves that all other plans, policies and strategies requiring approval and not included in the approved Policy Framework be delegated to the Council's Executive.
9. notes that Paragraph 2.6.5 of Article 6, setting out the Executive Portfolios, will be amended to reflect any changes made by the Leader of the Council at the Annual Council meeting.
10. agrees to the appointment of two non-voting co-opted Parish/Town Councillors to the Governance and Ethics Committee namely: Barry Dickens and Jane Langford. That Lourdes Cottam and Roger Hunneman be appointed as substitute non-voting co-opted Parish/Town Councillors to the Governance and Ethics Committee.
11. agrees to re-appoint three Independent Persons namely Lindsey Appleton, James Rees and Mike Wall.
12. notes the membership of the Health and Wellbeing Board as set out in Appendix A.
13. delegates authority to the Monitoring Officer to make any changes required to the Constitution as a result of the changes to the number of Members of the Council and following the appointments to Committees."

Councillor Doherty in introducing the annual report noted that both Table A and B in the report needed to be amended to reflect that eleven Members would be appointed to the District Planning Committee and not nine. Councillor Doherty also noted that in Appendix A, Councillor James Cole should be the Council's appointed representative on the Joint Public Protection Committee and that Councillor Graham Bridgman should be the Executive Member substitute.

Councillor Lee Dillon commented that he was happy to second the report. He would however like to comment that on the makeup of the Joint Public Protection Committee. He noted that all the Members appointed to it, from West Berkshire, Bracknell Forest and

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Wokingham Borough Council, were Conservative Members and he hoped that the Constitution could be revisited to allow some Opposition Members to be appointed to it.

The Motion was put to the meeting and duly **RESOLVED**.

8. Appointments to Outside Bodies (C3877)

The Council considered a report (Agenda Item 9) concerning West Berkshire Council's nominations to the following outside bodies:

- Royal Berkshire Fire Authority
- Thames Valley Police and Crime Panel
- Local Government Association General Assembly

MOTION: Proposed by Councillor Graham Bridgman and seconded by Councillor Jeff Brooks:

"That the Council agree the following representatives for the 2020/21 Municipal Year:

- Royal Berkshire Fire Authority – Councillors Dennis Benneyworth (Conservative), Garth Simpson (Conservative), Tony Linden (Conservative), Jeff Brooks (Liberal Democrat)
- Thames Valley Police and Crime Panel - Councillor Claire Rowles (Conservative)
- Local Government Association General Assembly – Councillors Lynne Doherty (Conservative), Graham Bridgman (Conservative), Dominic Boeck (Conservative), Lee Dillon (Liberal Democrat)

Councillor Bridgman in introducing the item noted that paragraph 4.1 should be amended to read 'The majority of these appointments were made via Individual Decision in June 2019.'

The Motion was put to the meeting and duly **RESOLVED**.

9. Monitoring Officer's Annual Report to the Governance and Ethics Committee - 2020/21 (C3687)

The Council considered a report (Agenda Item 10) which provided an update on local and national issues relating to ethical standards and brought to the attention of Members any complaints or other problems within West Berkshire.

MOTION: Proposed by Councillor Howard Woollaston and seconded by Councillor Jeff Beck:

That the Council:

"notes the content of the report and agrees that the report be circulated to all Parish/Town Councils in the District for information."

Councillor Woollaston commented that the key finding was that ethical standards were good in West Berkshire. He thanked the Independent Persons for their ongoing hard work.

Councillor Beck commented that the report had been looked at in great detail by the Governance and Ethics Committee when they had met on the 27 April 2020 and they had voted unanimously to agree that the report should be considered by full Council.

Councillor Carolyne Culver noted that on page 55 of the paperwork it was reported that the number of complaints had increased and reference was then made to the cohort of new Members and she queried what the implication was. The Monitoring Officer

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commented that there had been a similar spike in the number of complaints in 2015 after the election. Officers were therefore looking to see if the training provided to Members needed to be changed in any way to address this issue.

The Motion was put to the meeting and duly **RESOLVED**.

10. **Licensing Committee**

The Council noted that, since the last meeting, the Licensing Committee had not met since the last Council meeting.

11. **Personnel Committee**

The Council noted that, since the last meeting, the Personnel Committee had met on the 24th April 2020.

12. **Governance and Ethics Committee**

The Council noted that, since the last meeting, the Governance and Ethics Committee had met on 27 April 2020.

13. **District Planning Committee**

The Council noted that, since the last meeting, the District Planning Committee had met on 04th March 2020.

14. **Overview and Scrutiny Management Commission**

The Council noted that, since the last meeting, the Overview and Scrutiny Management Commission had not met.

15. **Joint Public Protection Committee**

The Council noted that, since the last meeting, the Joint Public Protection Committee had not met.

(The meeting commenced at 7.00pm and closed at 8.14pm)

CHAIRMAN

Date of Signature

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WBDC response to Planning for the Future White Paper

Committee considering report:	Council
Date of Committee:	11 th September 2020
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	02/09/2020
Report Author:	Bryan Lyttle
Forward Plan Ref:	C3957

1 Purpose

- 1.1 To formulate the Councils' response to the Planning White Paper published in August 2020 which is currently out for consultation and which closes on the 28th October 2020.

2 Recommendations

- 2.1 That West Berkshire District Council formally responds to the consultation questions as set out in appendix 1.
- 2.2 That delegated authority be given to the Head of Planning and Development in consultation with the Portfolio Holder for Planning and the Shadow Portfolio Holders for Planning for any typographical errors and minor amendments needed prior to submission.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>The White Paper contains significant proposals which could have a significant impact on:</p> <p>a) Planning fees received by the authority.</p> <p>b) CIL and S106 income are to be combined into new nationally set, value-based flat rate charge. Current CIL income is estimated to be £3,000,000 per annum (down due to Covid 19).</p>

Human Resource:	None			
Legal:	None			
Risk Management:	None			
Property:	None			
Policy:	<p>Proposed changes include: Identifying land under three categories: Growth, Renewal, Protected;</p> <p>Development management policies established at a national scale and an altered role for local plans;</p> <p>Local plans subject to a single statutory ‘sustainable development’ test replacing soundness test;</p> <p>Statutory timetable for local plan production of no more than 30 months and plans should be significantly shorter in length;</p> <p>Local plans should be based on the latest digital technology and supported by new template;</p> <p>New standard method for establishing housing requirement that factors in land constraints;</p> <p>Stronger enforcement powers.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?			X	<p>Housing have pointed out the potential reduction in affordable housing will disproportionately impact on those who have a disability. As this community is already extremely difficult to secure affordable housing for.</p> <p>Whilst the Housing Act allows for Designated Rural Areas to have a different approach to Affordable Housing in these areas it is discretionary and West Berkshire has not declared that it has adopted this policy.</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?			X	Housing suggest a significant reduction in the provision of affordable housing in the district.
Environmental Impact:			X	There could be a weakening of the protection afforded to much of West Berkshire, (AAAONB, SSSIs, Flooding) in relation to the deemed consent and automatic permission proposals.
Health Impact:			X	With national development management proposals and slimmer Local Plans it is hard to see how local health policies could be introduced.
ICT Impact:	X			In order to get ready for the Digital Services Impact it is likely to have an overall positive outcome for ICT
Digital Services Impact:	X			Greater digital tools for planning would be a bonus.
Council Strategy Priorities:			X	Affordable housing, and other parts of the Council Plan will be affected negatively

Core Business:				Unknown
Data Impact:				Unknown
Consultation and Engagement:	All members have received a written briefing on the document and a video conference was held which was available to all members. Details of the consultation was circulated to Parish and Town Councils along with a briefing note.			

4 Executive Summary

- 4.1 The Council is in the process of producing its Local Plan Review to 2036 and the Government has just produced a White Paper which proposes a new planning regime based on 24 separate proposals.
- 4.2 These proposals would if taken forward;
- (a) Remove the right of councils to determine individual planning applications;
 - (b) Require all land to be designated: Growth, Renewal or Protected;
 - (c) Impose a housing figure on the local authority;
 - (d) Speed up the planning system – automatic outline consent for proposals in growth areas, local plans to be produced every 30 months;
 - (e) Place a greater emphasis on delivering beautiful places;
 - (f) Reform the Community Infrastructure Levy (CIL) and scrap S106 contributions to be replaced by a charge on development value above a certain threshold with a nationally set rate called the Infrastructure Levy; and
 - (g) Only seek affordable housing on developments of over 40 units and for affordable housing to be provided from the new Infrastructure Levy
- 4.3 If the proposals in the White Paper are taken forward, they are likely to have significant implications across the Council and not just in Development and Planning but also finance, education, highways housing and ICT.

5 Supporting Information

Introduction

- 5.1 The White paper if implemented will represent a fundamental change in the planning system in England and it would appear have some big implications for significant parts of the Council outside of planning; education, finance, highways, housing and ICT.

- 5.2 Like all White Papers a lot of the detail is missing, for example it makes no mention of how Mineral and Waste planning will work in the new system.
- 5.3 It should also be noted that Development and Planning as part of the New Ways Of Working project is already implementing a digital first strategy.
- 5.4 The report seeks to provide responses to the 26 questions that the consultation paper asks on behalf of the Council (Appendix A).

Background

- 5.4 There are five basic wishes behind the White Paper;
 - (a) Streamline the planning process with more democracy taking place more effectively at the plan making stage;
 - (b) A radical digital first approach to modernise the planning process;
 - (c) A new focus on design and sustainability;
 - (d) Improve infrastructure delivery in all parts of the country and ensure developers play their part, through the reform of developer contributions; and
 - (e) Ensure more land is available for the homes and development people and communities need and to support the renewal of our town and city centres.

Proposals

- 5.5 Appendix A contains the draft responses to the 26 questions asked in the consultation and which need to be worked up more fully before the Council meeting if the Council is to respond to the consultation.
- 5.6 Where possible the more detailed examples should give facts and figures for West Berkshire to illustrate our response in greater detail. For example between 2011 and 2015 the Council received £15 million from S106 and following the introduction of CIL in 2015 the Council has received £13 million.

6 Other options considered

- 6.1 As well as responding to the consultation, the other option considered was not to respond to the consultation. However, given the recent questions to the Executive and implications across the authority this was rejected.

7 Conclusion

- 7.1 For the reasons stated in this report it is appropriate that the detailed responses to the 26 questions are worked up and discussed with members so that the Council can respond by the end of October deadline.

8 Appendices

- 8.1 Appendix A Draft responses to the 26 questions asked in the consultation.

Background Papers: None

Subject to Call-In:

Yes: ☐ No: X

The item is due to be referred to Council for final approval



Wards affected: All

Officer details:

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Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

Change History

Version	Date	Description	Change ID
1			
2			

Questions

1. What three words do you associate most with the planning system in England?

WBDC does not wish to comment on this question

2(a). Do you get involved with planning decisions in your local area? [Yes / No]

YES

2(b). If no, why not?

[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

N/A

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

[Social media / Online news / Newspaper / By post / Other – please specify]

Proposals are already published in the local newspapers (freesheets as well as paid for), online and via social media (twitter). In addition interested parties are also regularly contacted by email directly. There must remain access for those who are unable to use electronic means or for those who do not read the local newspapers or listen to local radio.

4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

The environment, biodiversity and action on climate change

Building homes for young people / building homes for the homeless (this is the same thing to many homeless)

Supporting the local economy

5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

No.

The need for these changes to be made is not established. Past promises of efforts to tackle other factors such as land-banking or the dominance of the large housebuilders over the market have come to very little leading to market failure. The existing planning system delivers land for homes here, and a fundamental change to the system is simply not required.

As the White Paper consultation states, there are many zoning-based systems in other countries, particularly in Europe. These zoning systems may create the greater certainty that the government is looking for, but all systems have their pros and cons. However, this White Paper does not appear to have been based on any analysis of any of the zoning systems that have operated for many years elsewhere and the effects of which have been widely studied, but rather attempts to build a bespoke, experimental, extremely light touch zoning approach from scratch.

The proposal that land be zoned for only three categories ('growth', 'renewal' and 'protection') is extremely restrictive and does not in any way reflect the complexity of the areas that these local plans will cover. For example, mineral extraction does not seem to fit any of the categories and what about "open countryside" is it to be all zoned as protection?

No guidance is given to the size of these zones only that they should be machine code readable to provide complete coverage over England. This needs greater explanation as to how this would work in practice. There is no substitute for a human reading planning documentation and understanding the context and nuance.

In the town centre, it may involve high density redevelopment of underused areas including buildings of more than 5 storeys – or, within a few hundred metres of the same site, it may include low-rise, sensitively-designed development within a conservation area or its setting. Outside the town centre, it may involve medium density development along public transport corridors, extensive regeneration of suburban housing estates, or very small-scale infill within areas of existing high quality character. The current local plan system can, and does, reflect these vital differences, but simply badging something as 'renewal' on a map and then giving general guidelines on what is acceptable cannot.

The different application processes for 'growth', 'renewal' and 'protection' areas set out in this White Paper create an incentive for authorities to identify land for protection as open countryside, because it appears that the alternative is largely uncontrolled development. A protection designation under the current proposals at least results in a planning application. Some sites that might actually be appropriate for the right form of development may well end up in the protected category, and this may therefore serve to prevent supply coming forward in some cases.

The proposal also fails to fit with our experience of how the planning system operates. The proposals rely upon accurately predicting how developers and landowners will want to develop their sites in the future, but in our experience this can change substantially over time, and the development that comes forward is rarely the same as that which was proposed at the time the plan was drafted regardless of any SPD a site may have. This means that setting policies with appropriate levels of flexibility to take account of these changes is an essential part of local plan-making and actually helps to deliver development. Certainty in the local plan only works if that certainty is reflected in the developer intentions.

In summary the proposals have potential benefits but also huge implications, and may well not work in the manner intended, with risks including inappropriate design and mass for a particular setting within a zone, poor-quality development and, in some cases, actual suppression of supply. The need to make such a fundamental change must be much more clearly established based on real evidence.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

[Yes / No / Not sure. Please provide supporting statement.]

No.

This amounts to a wholesale centralisation of much of planning policy.

Local areas will lose much of the control that they have over the form of development, leaving only location and design in their hands. They will no longer have the ability to set policies that respond to their own local priorities and deliver the development that the local community needs. This will lead to a further deterioration in confidence in the planning system, and will undermine any notion of changing public opposition to development. It will further erode public trust in the system and is likely to destroy what remains of local community identity in "place-setting". It won't end "NIMBYism".

In addition, the tendency for national government to continually change the planning system means that it is highly unlikely that there will be any consistency in these policies, which will almost certainly change frequently according to a change of government or minister, and in ways which some developers will exploit to provide poor quality developments. It is also fair to say that national leadership on some matters, for instance climate change, has been considerably behind some local authorities (West Berkshire had a Core Strategy policy requiring zero carbon housing by 2016 back in 2012), and a reliance on purely national level development management policies may well mean a reluctance to meet key challenges.

If national development management policies are to be set, the process for putting them in place needs to be improved. The National Space Standards of 2015 for example, require local authorities to adopt them through the local plan process.

Local planning policies have to go through a rigorous process including consultation, sustainability appraisal (or equivalent) and public examination. This means that they can be given considerable weight at determination. National planning policy goes through a much lighter-touch process, and one of the consequences of this is that it can change much more frequently. A process would be required which ensures that policies are appropriately tested. There does not appear to be any suggestion in the consultation that such a process will be in place.

**7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact?
[Yes / No / Not sure. Please provide supporting statement.]**

No – greater details are needed before a judgement could be made.

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

We do not support removal of the Duty to Cooperate. The duty is far from the ideal tool in ensuring that areas are properly planned to take account of strategic matters, but it is better than nothing at all.

We cannot imagine how central government can manage all 'strategic' planning decisions for the whole of England. Some means of democratic cross-boundary decision making needs to be retained and improved by centralising everything to Whitehall cannot be the answer.

Without any firm proposals for stronger strategic planning, the removal of the duty to co-operate will mean that strategic issues are often simply not planned for, leading to disjointed development and failure to support development with the right strategic infrastructure.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]

No.

A standard methodology for assessing needs, where that methodology is soundly based and does not fluctuate significantly from year to year, is a helpful way of eliminating much of the back and forth at local plan examination stage. However, it needs a local assessment of constraints for this to be translated into a proposed supply figure. There is no way for constraints to be accurately assessed at the national level for an authority such as ours. Whilst it may be possible to use broad definitions such as Green Belt, AONB and designated wildlife sites to calculate a capacity for some areas, in an urban area where many of those constraints do not exist and where almost all development is brownfield, the only way to reliably assess capacity is a site-by-site analysis taking account of the unique circumstances of each site. This cannot be done at a national level. It is far better to calculate the need at a national level and continue to allow local planning authorities to use their local knowledge of capacity to assess what can actually be delivered.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

No.

Affordability is an appropriate indicator of "need", although it needs to be carefully balanced by other factors.

The extent of existing urban areas is not a good indicator of the quantity of development to be accommodated, in part because relying on this will create a self-perpetuating cycle whereby the more homes are delivered, the greater the need.

9(a). Do you agree that there should be automatic permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]

No – getting consent is not a barrier (90% of all planning applications submitted got approved last year) it is the availability of finance to development proposals plus an unwillingness for developers to implement schemes when they look at the commercial prospects of all development across their market area.

The proposed automatic outline permission gives no scope to consider whether there has been a significant material change that means that development is no longer appropriate. Even with the streamlined process, a new local plan would take 30 months to prepare, which may not be sufficiently fast to respond to those changes. The current system, in its wording of Section 38(6) of the Planning and Compulsory Purchase Act 2004, allows for these material considerations to be taken into account.

The need for a masterplan to be in place prior to submission of the detailed application is noted, but if these are to follow on from the local plan (which is probable, as the 30-month timescale for local plan production is unlikely to give sufficient time to prepare a masterplan) it would need to be an established principle that authorities can refuse the detailed permission if such a masterplan does not exist.

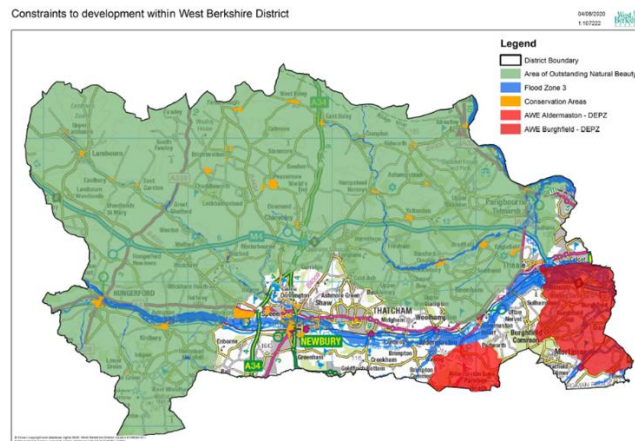
Finally, the proposal would require the local planning authority to produce things that are currently prepared by developers such as: traffic models; ecology reports; drainage assessments which have big cost implications at a time when the local authority would not benefit from any planning application fee to recover its costs.

9(b). Do you agree with our proposals above for the consent arrangements for *Renewal and Protected areas*?

[Yes / No / Not sure. Please provide supporting statement.]

No – greater details are needed before a judgement could be made. For example the document does not mention “Minerals” once and “Waste” is only mentioned with regards to nationally significant projects. Also most residential areas would be areas of renewal and it would not be possible to prevent “overlooking” by a simple area-wide code.

Judging by the comments in the White Paper, we anticipate that most of our area would be an area for ‘protection’.



This would mean that the majority of the annual requirement would have to be squeezed in to the few urban areas.

However, just because an area is protected does not mean that planning applications can't be submitted. Developers, benefitting from automatic consents elsewhere, will be able to simply funnel their resources towards areas defined for protection, where there could be an increase of appeals.

Finally, the proposal states that the ‘protection’ areas can include back gardens. On a purely map-based local plan system, is the suggestion that a local planning authority should map every back garden that is proposed to benefit from this protection? It does not seem practical to do so, and would potentially lead to much discussion of individual gardens at examination stage, which cannot be a good use of time. Further thought is needed about how this would operate.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

[Yes / No / Not sure. Please provide supporting statement.]

No.

The Nationally Significant Infrastructure Projects process removes all local democratic accountability from the process, and using it to determine proposals for new settlements would amount to a huge power grab by central government, as the Secretary of State would be the decision-maker.

10. Do you agree with our proposals to make decision-making faster and more certain?

[Yes / No / Not sure. Please provide supporting statement.]

"Faster" – Yes, "More Certain" - No

No evidence has been presented to show that decisions are uncertain. 90% of all applications are approved.

There are some elements of the proposals which would be helpful to all concerned, including shorter and better presentation of the key data and technological solutions to improve validation timescales. However, these could easily be introduced within the current framework.

As for proposals on local plans, there is a massive reliance on technological solutions to make processes faster and more consistent. Although we have used various software packages to manage the application process over the years, and our experience suggests that this is a considerable hurdle to overcome, not least in view of the past track record of major IT initiatives. Therefore, we are very concerned that legislation could end up being introduced before the technology is in place to allow local planning authorities to adequately comply with it.

The proposals would delegate technical details to officers where the principle of development has been agreed, and would therefore reduce democratic oversight of planning decisions on some very major developments. Technical details in some cases are much more wide-ranging than the title suggests, and may include such things as height. Removal of local democracy from this process will only serve to further erode public confidence in planning.

We do not agree with any notion that there should be either a refund of the application fee or a deemed consent for any application that is not determined within statutory timescales. Difficulties in determining applications within timescales are often the result of lack of resources or a poor submission from the developer, and this will hardly be solved by the fees on which local authority planning departments depend being returned. In terms of deemed consents, allowing poor quality developments simply because applications were not determined in time punishes a whole community and may cause severe environmental impacts simply because of a procedural issue. Also it is likely to encourage gaming by developers in the hope that timescales would be exceeded.

In addition, we fundamentally disagree with any suggestion that local authorities should have to refund the application fees for developments when an appeal is allowed. This would only exacerbate any financial incentive to appeal a decision, and would create a climate in which local authorities cannot refuse an application without certainty that an appeal would be dismissed. Such certainty is rarely possible, as Planning Inspectors' decisions are not always predictable, and can be inconsistent.

11. Do you agree with our proposals for digitised, web-based Local Plans?

[Yes / No / Not sure. Please provide supporting statement.]

No – total disenfranchises the visually impaired (including colour blindness), the elderly, and the financially less secure.

Nevertheless WBDC is supportive of the principle of plans being web-based and accessible from all devices (including Apple as well as Android), which can only aid transparency and make consultation processes run more smoothly. However, this will only be the case if functioning software can be rolled out to achieve this. Our strong concern is that legislation will be brought in in advance of that functioning software (not unrealistic, given the recent and past history of governmental IT projects), resulting in a situation where local planning authorities are expected to comply with legislation for which the technology is simply not in

place.

In terms of being purely map-based, in practice this will be difficult to achieve, even if development management policies are set out at the national level. The White Paper talks about the potential for design codes to be part of the local plan, and there will be a need to set out parameters for what development is identified for growth and renewal areas. An accompanying document will always be necessary, even if it is slimmed down.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

[Yes / No / Not sure. Please provide supporting statement.]

No – without a) a stable planning system that doesn't change every couple of years and b) suitable levels of investment it is not achievable

Or

No.

The only way a 30-month timetable is achievable is by significantly reducing opportunities for the community to be involved.

This is demonstrated by the proposed process, which has two stages at which the community are involved – Stage 1, where there is a call for ideas, and Stage 3, after the plan has been submitted. This means that there is no stage at which the local planning authority publishes a draft plan and is then able to respond to the consultation, because at this point the plan has already been submitted.

In addition opportunities for the public to make their voices heard are proposed to be removed at the planning application stage, due ostensibly to the front-loading of involvement at the plan-making stage – yet, in actual fact, opportunities for involvement are also proposed to be removed at plan-making stage.

Even with the restricted consultation process proposed, a 30-month timescale would be challenging in West Berkshire where local plan consultations regularly generates more than 5,000 representations, simply reading and considering those representations is a hugely time-consuming process, and trying to fit this into a very short timeframe will mean needing a huge investment in temporary resources to deal with them. Technology on its own will not be a substitute. Even if technology allows for quick analysis of a standard questionnaire, in practice consultees want to make comments that do not necessarily fit into standard questions and they will respond by letter and hand written submissions.

Other constraints on achieving a plan within this timescale will be the capacity of the Planning Inspectorate. The consultation notes the delays with the Inspectorate as needing to be addressed, but does not include any proposals for doing so.

Finally, it is worth noting that one of the biggest reasons that there is a delay in plan-making is because of constant changes with planning by central government. Plans reach advanced stages of preparation, yet policy or legislation at national level changes and authorities need to redraft their plans or review their evidence base, or wait to see whether changes that have been mooted in white papers, ministerial announcements or, as recently, opinion pieces in national newspapers will be followed through, and how.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

[Yes / No / Not sure. Please provide supporting statement.]

No.

Neighbourhood plans as they currently exist simply do not fit into the proposed system. If development management policies are set nationally, and a local plan has defined all land within its area for growth, renewal or protection, and design codes are also outside this process, there is nothing left for Neighbourhood Plans to do. Furthermore, if local plans are to be made every 30 months then volunteers would need to be found to keep the neighbourhood plan process alive as well.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

It would appear that the two are incompatible.

If there is no clear role for neighbourhood planning in the new system, there would be no purpose in reflecting community preferences, and doing so will only increase mistrust.

**14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?
[Yes / No / Not sure. Please provide supporting statement.]**

Yes.

The government is correct to say that there is a need to examine ways to secure timely build out of developments, and prevent ways of housebuilders sitting on land with planning permissions. However, there is a misplaced belief that the best way to do this is through the planning system, as planning permission generally relates to the land, not to the identity of the developer. The government needs to look at other ways of regulating the market rather than the planning regime, which is unlikely to be an efficient way of tackling the issue.

For example financial penalties could be imposed if the development is not built out in the timescales on the approved plans. If the development is delayed by more than two years the land should be subject to compulsory purchase at the predevelopment price i.e agricultural land value by the local authority.

Or payment up front of a percentage (25%) of the Infrastructure Levy.

**15. What do you think about the design of new development that has happened recently in your area?
[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]**

It is not possible to generalise about the design of development in our area in this manner. Quality differs between developments. However, it is certainly worth stating that some of the poorest development that has taken place has come through the permitted development route with offices changing to residential.

**16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?
[Less reliance on cars / More green and open spaces / Energy efficiency of**

new buildings / More trees / Other – please specify]

All of the above and more. In 2012 we had an approved local plan policy that all new development should be Carbon Neutral by 2016 until DCLG stepped in and abolished Code for Sustainable Homes in 2014.

Our sustainability priority is tackling and adapting to the climate emergency. All of the items specified in the question are a bare minimum requirement in achieving this priority, as is much more, such as dealing with flood risk and extreme weather events, protecting and enhancing biodiversity, promoting renewable and decentralised energy and reducing waste. These priorities cannot be divorced from one another and action for which must be taken before 2050.

17. Do you agree with our proposals for improving the production and use of design guides and codes?

[Yes / No / Not sure. Please provide supporting statement.]

Not sure more detail is needed – will they need to be replaced every 3 years?

Design guides and codes can be very useful, and the principle of wider use of them is reasonable. However, the increased use of local design guides and codes is highly dependent on sufficient resources in terms of time, money and skills being available.

The White Paper also proposes that design guides should only be given weight where it can be demonstrated that local input has been secured. Further, will they need to be replaced every 3 years?

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

[Yes / No / Not sure. Please provide supporting statement.]

Not sure.

The establishment of a new body would be one way of helping to address the skills and resourcing issues that local authorities are likely to face. However, the specific remit of such a body would need to be defined before we could comment further.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

[Yes / No / Not sure. Please provide supporting statement.]

Yes and then maybe we wouldn't get such poor proposals Homes England which go against local opinion and adopted SPDs.

20. Do you agree with our proposals for implementing a fast-track for beauty?

[Yes / No / Not sure. Please provide supporting statement.]

No.

The fast-track to beauty is a seriously misleading concept. A fast-track route for development that complies with the plan and a design code does not equate to beauty, however good that

design code is.

Beauty is a hugely subjective term. The more prescriptive a design code is to try to achieve this intangible 'beauty', the more likely it is to restrict truly innovative design and architecture that might actually deliver what many consider to be beautiful developments.

This also betrays a lack of understanding of local opposition to development. The aesthetic quality of development is rarely the main reason that local residents object. Strain on infrastructure is much more significant, as are noise and disturbance and environmental impacts. However 'beautiful' a development is, if it places an unacceptable burden on roads and schools, residents will object, and it is not clear that the infrastructure proposals in this White Paper will do anything to resolve that. Planning is about much more than agreeing with the design of a development, but the proposal does not make clear how all of the other issues that need to be considered will be resolved.

The White Paper proposes that permitted development rights should be rolled out to 'popular and replicable' forms of development, using a pattern book approach. This will inevitably lead to the increasing standardisation of development across England, and result in an accelerated decline in local distinctiveness. As such it is likely to actively work against achieving 'beautiful' development. Such a proposal will also hugely benefit the large housebuilders that already dominate the market, who will tailor their standard products to these national pattern books and roll them out at scale across the country. The proposal that local areas can define elements such as materials might help achieve some level of local distinctiveness (where there are locally-distinctive materials in the first place), but this will only be skin-deep.

We are also generally concerned that permitted development rights are being proposed to be further expanded even within the context of a planning system with much reduced local oversight. Surely a new system should be in place of expanded permitted development rights, not alongside it? If the system is designed properly, and a well thought out zoning system is introduced, there should be no need for further deregulation via permitted development.

21. When new development happens in your area, what is your priority for what comes with it?

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

More affordable housing / more or better infrastructure / Design / Climate change amelioration and adaption including greenspace and biodiversity

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

[Yes / No / Not sure. Please provide supporting statement.]

No – it will never be enough.

In order to meet the infrastructure funding gap arising from the implementation of the Adopted Local Plan, and as set out in the IDP and CIL Charging Schedule, WBDC will need to collect over £163M over the plan period to 2026.

Since 2012 the combination of CIL and S106 to WBDC has contributed just £28 million.

In relation to the previous consultation to the changes in the CIL regime in 2018 and

the Government's response to that consultation, a flat rate CIL Charge was dismissed. No evidence has been presented as part of this consultation to demonstrate why the conclusions in 2018 should be set aside.

WBDC therefore has no confidence in what is now being suggested. It will simply not meet the costs of infrastructure associated with development for any authority. Schemes in the North of England would not be financially viable with such a charge whilst schemes in the South would result in being greatly subsidised by existing residents which would allow developers to make even greater profits.

Other important issues are:

- The proposed changes imply a financial levy therefore, non-financial planning obligations will not be captured.
- The proposed changes imply a threshold, therefore small developments which contribute greatly to financial provision of infrastructure in West Berkshire would not be captured. This will inevitably increase the burden on local residents.
- The proposed changes imply setting a low rate to apply to all. This, as indicated above will have a huge impact on what infrastructure can be delivered in the area.
- Timing of the calculation of the proposed levy – it is going to be enormously difficult to calculate the levy before the development is completed. This will give rise to huge uncertainties in the development industry.
- The proposed system will require a valuation system with qualified personnel to undertake the valuations. Thus the resource impact of implementing such an approach on councils has not been considered carefully enough, the amount of time, post planning permission that it will take to undertake this work. There would inevitably be a delay in schemes getting started which runs contrary to the aim of speeding up the development process and lifting the burden on development. How will non-compliance/enforcement be dealt with? It is difficult to see how in practice the proposed levy can be collected prior to a change in ownership.
- Development value is not all together in accord with site viability. Inevitably, it will become difficult for an authority to collect the proposed levy at all. Gaps in infrastructure provision will therefore widen and disparities between areas will become inevitable.

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]

Locally

Given the vast differences between values in different parts of the country, a flat national CIL rate would lead to extreme reductions in the amount of money available for infrastructure provision in more buoyant parts of the country such as ours where infrastructure is already under strain. Far from maximising revenue nationally, it would have the opposite effect.

It is far better that rates be set at a local level to enable differences in viability between areas, and indeed within an authority's own area, to be addressed.

There is no clear rationale for national government to take over the setting of CIL rates. The CIL charging schedule process has been substantially slimmed down, with examinations often taking place by written representations, and is relatively straightforward. The White Paper does not say what the advantages are of taking the setting of rates out of local authority hands, and it therefore simply seems to be part of the centralisation of planning powers that is a running theme in these

proposals.

- 22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]**

Greater/more value.

Any change proposed to the now very over-complex system of the Community Infrastructure Levy should be supported by a clear evidence base supporting the proposed change. WBDC consider that any change should thus be aimed at capturing more value to contribute to investment of local infrastructure, this should only be proposed if it can be demonstrated that the evidence points to the change having the desired effect. (See answer to Question 22a for the developer contributions collected by WBDC against the funding gap identified through the Adopted Local Plan and IDP.)

For example, if affordable housing is no longer to be via S106 then it must be greater otherwise no affordable housing will ever get built.

- 22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]**

No, absolutely not. The cornerstone is that infrastructure should be provided in a timely manner in order to support the delivery of new development. There is no logic to allowing the collection of a levy following occupation, given the timeline needed to build new roads, junction improvements, new schools etc that are a result of development.

However, if the new proposed Combined Infrastructure Levy is only to be paid on occupation and not construction it could lead to a significant time lag of years between the money being borrowed and the money being paid back to the local authority and it might never get the money if the original proposal changes. Why should the local community pay for the interest associated with the loan to provide the infrastructure, which should have been provided by the developers in the first instance?

- 23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]**

Yes otherwise the existing residents are supporting the developer and enhancing the profits on the scheme. The change to permitted development rights to allow offices to convert to residential has placed additional burdens on our services which would have been compensated for by CIL.

- 24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]**

Yes if not more

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

[Yes / No / Not sure. Please provide supporting statement.]

In-kind payment wherever possible. However, we have concerns about how this would work in practice.

Once the levy is paid and, potentially, the site sold, it is difficult to see what enforcement mechanisms there would be to ensure that the affordable housing remains affordable in perpetuity without a legal agreement of some format. And, without such an owner, if the housing does cease being affordable, and the current owner is not the individual/company that was responsible for compliance with the levy, it may not be clear who is legally responsible without the legal agreement

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

[Yes / No / Not sure. Please provide supporting statement.]

Yes no local authority should over pay for anything

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]

Probably yes, but there are a lot of problem in accepting an in kind development.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

[Yes / No / Not sure. Please provide supporting statement.]

Yes it should only be spent on infrastructure

25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

Yes

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

These are extremely wide-ranging proposals, and as such their effects on groups with protected characteristics could potentially be significant, and may only become more apparent when further detail emerges.

A move towards much greater reliance on engagement using digital technology will favour younger age groups and those who can afford a laptop, tablet and/or a smart phone. It is recognised that these groups tend to be underrepresented in planning

consultations at the moment, but that does not mean that changes should be made that exclude many older people or those who cannot afford expensive IT equipment or fast internet access. Maps and plans do not display well on small screens so those who rely on phones and tablets could be further disadvantaged. Proposals will have to be carefully developed to avoid that effect.

The proposal to set development management policies at national level could have effects on people with disabilities. Local plans contain expectations for the accessibility and adaptability of new housing, based on local evidence of likely need. National development management policies may well result in less accessible and adaptable housing being provided.