

Title of Report:	West Berkshire Local Plan - Local Development Scheme and Sustainability Appraisal Scoping Reports for the Site Allocations and Delivery DPD and the West Berkshire Minerals and Waste DPD
Report to be considered by:	Council
Date of Meeting:	19th September 2013
Forward Plan Ref:	C2720

Purpose of Report:

1. To consider the adoption of the revised Local Development Scheme (LDS) for the West Berkshire Local Plan.
2. To consider giving delegated authority to the Head of Planning and Countryside (in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson) to approve subsequent variations to the LDS.
3. To consider approval to consult on the Sustainability Appraisal / Strategic Environmental Assessment Scoping Reports for the West Berkshire Minerals and Waste Development Plan Document (DPD) and the Site Allocations and Delivery DPD in accordance with the requirements of the SEA Directive.
4. To consider the process of Council approval of the Issues and Options stage in the preparation of the West Berkshire Minerals and Waste DPD and the Site Allocations and Delivery DPD.

Recommended Action:

- a) To adopt the revised Local Development Scheme for the West Berkshire Local Plan.
- b) That delegated authority is given to the Head of Planning and Countryside (in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson) to approve subsequent variations to the LDS.
- c) i) To approve consultation on the Sustainability Appraisal / Strategic Environmental Assessment Scoping Reports for the West Berkshire Minerals and Waste Development Plan Document (DPD)

and the Site Allocations and Delivery DPD in accordance with the requirements of the SEA Directive.

- ii) That delegated authority is given to the Head of Planning and Countryside to agree any minor typographical and formatting refinements to the Sustainability Appraisal / Strategic Environmental Assessment Scoping Reports for the West Berkshire Minerals and Waste DPD and the Site Allocations and Delivery DPD before publication.

- d) That delegated authority is given to the Head of Planning and Countryside (in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson) to carry out the issues and Options consultation as part of the preparation of the West Berkshire Minerals and Waste DPD and the Site Allocations and Delivery DPD.

Reason for decision to be taken:

The publication of a Local Development Scheme for the West Berkshire Local Plan is a statutory requirement.

The carrying out of the publication and consultation on the Sustainability Appraisal / Strategic Environmental Assessment / Scoping Report is a statutory stage in the development of the West Berkshire Site Allocations and Delivery DPD and the West Berkshire Minerals and Waste DPD.

To enable the timely progression of the development of the constituent parts of the West Berkshire Local Plan.

Other options considered:

None

Key background documentation:

Town and Country Planning (Local Planning) (England) Regulations 2012

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- CSP2 – Promoting a vibrant district**
- CSP4 – Protecting the environment**

The proposals will also help achieve the following Council Strategy principle:

- CSP9 - Doing what's important well**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principle by:

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	30 August 2013

Contact Officer Details	
Name:	Matt Meldrum
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Implications

- Policy:** The LDS sets out the Council's timetable for producing the Local Plan.
An SA / SEA is required under the Planning and Compulsory Purchase Act 2004 and must be prepared in accordance with the requirements of the Strategic Environmental Assessment (SEA) Directive. It will help to inform the development of the Site Allocations and Delivery DPD and the West Berkshire Minerals and Waste DPD.
- Financial:** Approval of the LDS commits the Council to producing planning policy documents in accordance with the stated timescale. Budgetary provision has been made to carry out the relevant work.
- Personnel:** None
- Legal/Procurement:** The publication of the LDS and the preparation of a SA report are statutory requirements.
- Property:**
 - None
- Risk Management:** Failure to carry out these requirements would prevent the timely delivery of key elements of the West Berkshire Local Plan

Is this item relevant to equality?	Please tick relevant boxes		Yes	No
Does the policy affect service users, employees or the wider community and:				
• Is it likely to affect people with particular protected characteristics differently?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>	<input type="checkbox"/>

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 As part of the preparation of its Local Plan the government requires the Council to prepare a Local Development Scheme (LDS). The LDS is a public statement setting out details of which development plan documents (DPDs) will be produced by the Council as part of its Local Plan, and the timetable for producing them. The LDS shows that the Council is intending to produce the Site Allocations and Delivery DPD and the Minerals and Waste DPD with the accompanying Policies Map between 2013 and 2016 (Appendix A). It also outlines the key milestones and stages for each DPD.
- 1.2 The Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal (SA) and a Strategic Environmental Assessment (SEA) to be carried out for all DPDs. The purpose of the SA/SEA is to promote sustainable development through the integration of social, environmental and economic considerations in the preparation of new or revised DPDs. The SA scoping report is the first stage of this process and separate reports have been produced for the Site Allocations and Delivery DPD and the West Berkshire Minerals and Waste DPD (see Appendices B and C).
- 1.3 As a result of legal advice officers are taking a precautionary approach and seeking approval for these documents and also for the next stage in the production of the Site Allocations and Delivery DPD and the Minerals and Waste DPD from Full Council.

2. Equalities Impact Assessment Outcomes

- 2.1 This item is not relevant to equality.

3. Conclusion

- 3.1 It is recommended that the Council adopts the revised Local Development Scheme for the West Berkshire Local Plan and that delegated authority is given to the Head of Planning and Countryside (in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson) to approve subsequent variations to the LDS.
- 3.2 It is also recommended that the Council approves consultation on the Sustainability Appraisal / Strategic Environmental Assessment / Scoping Reports for the West Berkshire Minerals and Waste Development Plan Document (DPD) and the Site Allocations and Delivery DPD in accordance with the requirements of the SEA Directive and that delegated authority is given to the Head of Planning and Countryside (in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson) to carry out the issues and Options consultation as part of the preparation of the West Berkshire Minerals and Waste DPD and the Site Allocations and Delivery DPD.

Executive Report

4. Local Development Scheme

- 4.1 As part of the preparation of its Local Plan the government requires the Council to prepare a Local Development Scheme (LDS). The LDS is a public statement setting out details of which development plan documents (DPDs) will be produced by the Council as part of its Local Plan, and the timetable for producing them. The latest approved LDS was adopted in May 2012. Since then there have been changes in circumstances which have resulted in the need to revise the LDS.
- 4.2 These include the extended examination of the Council's Core Strategy DPD and changes to relevant legislation and regulations for minerals and waste planning. In addition, development of an evidence base for West Berkshire minerals and waste data, as opposed to Berkshire or South East of England minerals and waste data has resulted in a delay to the timetable.
- 4.3 The revised LDS is outlined in Appendix A (due to its size this is available in electronic format only). It shows that the Council is intending to produce the Site Allocations and Delivery DPD and the Minerals and Waste DPD with the accompanying Policies Map between 2013 and 2016. It also outlines the key milestones and stages for each DPD as outlined in the table below.

	Consulting on scope of Sustainability Appraisal	Public participation in the preparation of the DPD	Publication of proposed submission documents	Submission to Secretary of State	Start of Independent Examination	Adoption
Site Allocations and Delivery DPD	September 2013 to October 2013	September 2013 to February 2015	February 2015	September 2015	November 2015	September 2016
Minerals and Waste DPD	September 2013 to October 2013	October 2013 to May 2015	May to June 2015	September 2015	December 2015	September 2016
Policies Map	The Policies Map spatially illustrates the policies of the Local Plan on an Ordnance Survey base. It will be updated to reflect any area specific policies in the Site Allocations and Delivery DPD and the Minerals and Waste DPD.					

5. Adoption of the LDS

- 5.1 The LDS is being presented to Full Council for adoption on the advice of its own legal officers. The Council's Scheme of Delegation, contained at part 3 of the Constitution (at 3.14.21), provides that the powers and duties relating to the Planning and Compulsory Purchase Act 2004 (and thus the Town and Country Planning (Local Planning) (England) Regulations 2012) have been delegated to the Head of Planning and Countryside. Powers under the Localism Act 2011 (which amends the Planning and Compulsory Purchase Act 2004) have not however been delegated.

5.2 Although the Constitution does not specifically limit the extent of the delegation, given the District wide implications of the LDS, which sets out the timetable for the delivery of a number of DPDs that, together, make up the West Berkshire Local Plan, it is considered by legal officers that it is not appropriate that documents pertaining to the development of the West Berkshire Local Plan are adopted/agreed under this delegated power.

5.3 Therefore, in order to prevent the need for any future revisions of the LDS to be returned to Full Council, approval is also sought for the power to authorise any further alterations to the LDS to be delegated to the Head of Planning and Countryside (providing he has consulted with the Leader, appropriate Portfolio Holder and Opposition Spokesperson).

6. Sustainability Appraisal Scoping Reports for the Site Allocations and Delivery DPD and the West Berkshire Minerals and Waste DPD

6.1 Alongside and in accordance with the preparation of the revised LDS, officers have been starting to develop the next Development Plan Documents (DPDs) that will form part of the West Berkshire Local Plan. At this stage the two principal documents being progressed are the Site Allocations and Delivery DPD (SAD DPD) and the West Berkshire Minerals and Waste DPD (WBMW DPD).

6.2 The Planning and Compulsory Purchase Act 2004 requires a Sustainability Appraisal (SA) and a Strategic Environmental Assessment (SEA) to be carried out for all DPDs. The requirements for both the SA and SEA can be carried out in one appraisal process. In order to avoid any confusion, for the purposes of this report the terms SA and SEA are interchangeable.

6.3 The purpose of the SA is to promote sustainable development through the integration of social, environmental and economic considerations in the preparation of new or revised DPDs. It is an iterative process and will therefore be developed alongside the development of the Site Allocations and Delivery DPD and the West Berkshire Minerals and Waste DPD.

6.4 The SA scoping report is the first stage of the SA process, covering:

- (1) Identification of other relevant policies, plans, programmes, and sustainability objectives that will influence the DPD
- (2) Collecting relevant social, environmental and economic baseline information
- (3) Identifying key sustainability issues for the SA / DPD to address
- (4) Developing the SA framework, consisting of the SA objectives
- (5) Producing a scoping report and consulting with statutory consultees.

6.5 Separate scoping reports have been produced for the Site Allocations and Delivery DPD and the West Berkshire Minerals and Waste DPD and they are outlined in Appendices B and C respectively (due to their size they are available in electronic format only). The SEA Directive requires the Council to seek the views of the three statutory environmental consultation bodies designated in the SEA Regulations (Environment Agency, Natural England, and English Heritage) on the scope and level of detail of the environmental information in the SA. Member approval is

therefore being sought to consult these bodies on the two Scoping Reports in accordance with these requirements.

- 6.6 Following the consultation period any comments will be incorporated into the scoping reports and these will be used to inform the next stage of the DPD process, the identification of issues and options.

7. Process of Council approval for consultation

- 7.1 The Scoping Reports are being presented to Full Council for approval on the advice of its own legal officers. The Council's Scheme of Delegation states that: "All consultations on Planning issues (with the exception of those deemed significant and requiring referral to the Executive/Select Committee) be delegated to the Head of Planning and Countryside in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson." (last bullet point of paragraph 3.14.9)
- 7.2 The delegated powers afforded to the Head of Planning and Countryside are limited though in that "matters deemed significant" need to be referred to the Executive. What would be considered significant is open to debate though and therefore, taking a precautionary approach, it is considered prudent to seek approval to finalise and consult on the Scoping Reports from Full Council.
- 7.3 At the same time and in order to ensure the timetable outlined in the LDS can be adhered to, it is also considered prudent to seek approval from Full Council for delegated authority to be given to the Head of Planning and Countryside (in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson) to carry out the Issues and Options consultation as part of the preparation of the West Berkshire Minerals and Waste DPD and the Site Allocations and Delivery DPD.

8. Equalities Impact Assessment Outcomes

- 8.1 This item is not relevant to equality.

9. Conclusion

- 9.1 It is recommended that the Council adopts the revised Local Development Scheme for the West Berkshire Local Plan and that delegated authority is given to the Head of Planning and Countryside (in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson) to approve subsequent variations to the LDS.
- 9.2 It is also recommended that the Council approves consultation on the Sustainability Appraisal / Strategic Environmental Assessment Scoping Reports for the West Berkshire Minerals and Waste Development Plan Document (DPD) and the Site Allocations and Delivery DPD in accordance with the requirements of the SEA Directive and that delegated authority is given to the Head of Planning and Countryside (in consultation with the Leader, appropriate Portfolio Holder and Opposition Spokesperson) to carry out the issues and Options consultation as part of the preparation of the West Berkshire Minerals and Waste DPD and the Site Allocations and Delivery DPD.

Appendices

Appendix A - West Berkshire Local Plan, Local Development Scheme (August 2013)).

Appendix B - Site Allocations and Delivery DPD Sustainability Assessment / Strategic Environmental Assessment Scoping Report (August 2013)

Appendix C - West Berkshire Minerals and Waste DPD Sustainability Assessment / Strategic Environmental Assessment Scoping Report (August 2013).

(due to their size the appendices will be issued in electronic format. A paper copy of each document has been placed in each of the Group rooms for reference and hard copies are available on request)

Consultees

Local Stakeholders: N/A

Officers Consulted: Bryan Lyttle, Paula Amorelli, Sharon Armour, Corporate Board

Trade Union: N/A