
Motion to Council - Selection of Development Sites for New Local Plan

Committee considering report:	Council
Date of Committee:	09 January 2020
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	01 December 2019
Report Author:	Bryan Lyttle
Forward Plan Ref:	C3842

1. Purpose of the Report

1.1 At the September meeting of Council the following motion was submitted:

“This council notes that sites to be allocated for development in past local plan documents have been selected by a task group meeting in private and, although the local plan documents were approved for submission and adoption by full Council, it proved not possible to change which sites were included. The decisions on which sites should be included in the local plan documents were therefore effectively taken behind closed doors.

Council therefore resolves that, in the interests of transparency and democracy, development sites to be included in the submitted new Local Plan should be selected in public. Local members, parish councils, the public and site promoters should have speaking rights similar to those at planning committees”.

1.2 The Chairman informed the Council that the Motion would not be debated at the meeting. In accordance with Procedure Rule 4.9.8, it would be referred to the Planning Advisory Group for consideration and a response would be brought back to Council.

1.3 The Planning Advisory Group considered the attached report (appendix C) at its meeting in November 2019.

1.4 At this meeting it was clarified that the request related to the final stage of the process prior to the Submission Draft Local Plan going to Council for approval and submission to the Secretary of State, not the start of the process which has seen over 260 sites put forward for consideration.

1.5 The main legislation setting out the process for the preparation of Local Plans is found in Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended) and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This regulatory framework includes a formal public consultation. Therefore, it is considered that the options available are:

- A) to follow this process; or

- B) to deviate from it and undertake additional consultation at an additional cost to the council.

2. Recommendation

2.1 For the reasons set out in this report the motion to Council is not supported.

3. Implications

3.1 **Financial:** If the motion was supported the production of the local plan would be delayed and additional unbudgeted costs incurred.

3.2 **Policy:** Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended) and The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), legislate for the preparation of a local plan.

3.3 **Personnel:** Not Applicable

3.4 **Legal:**

3.5 **Risk Management:**

3.6 **Property:**

3.7 **Other:**

4. Other options considered

4.1 None

Executive Summary

5. Introduction / Background

5.1 At the September meeting of Council the following motion was submitted:

“This council notes that sites to be allocated for development in past local plan documents have been selected by a task group meeting in private and, although the local plan documents were approved for submission and adoption by full Council, it proved not possible to change which sites were included. The decisions on which sites should be included in the local plan documents were therefore effectively taken behind closed doors.

Council therefore resolves that, in the interests of transparency and democracy, development sites to be included in the submitted new Local Plan should be selected in public. Local members, parish councils, the public and site promoters should have speaking rights similar to those at planning committees”.

5.2 The Chairman informed the Council that the Motion would not be debated at the meeting. In accordance with Procedure Rule 4.9.8, it would be referred to the Planning Advisory Group for consideration and a response would be brought back to Council.

5.3 The Planning Advisory Group considered the attached report (appendix C) at its meeting in November 2019.

5.4 At this meeting it was clarified that the request related to the final stage of the process prior to the Submission Draft Local Plan going to Council for approval and not the start of the process which has seen over 260 sites put forward for consideration.

6. Proposals

6.1 Members were informed that the Town and Country Planning (Local Planning) (England) Regulations 2012 covers everything from preparation of a local plan, to publication, submission and Independent examination.

6.2 Part of this process includes the publication of a “Statement of Consultation”. The statement produced for the Housing Site Allocations Development Plan Document in 2016 shows that at the first consultation 8,484 comments were received from 4,488 consultees and the second stage consultation received 3,017 comments from 616 consultees. All of which was before the plan was submitted to the Examination in Public in front of an independent Planning Inspector.

6.3 This cannot be considered a “behind closed doors process”.

6.4 The Independent Planning Inspector during the hearings held a session for each of the four spatial planning areas on “Consideration of Alternative Sites for Housing” during which Parish Councils and members of the public as well as developers were invited to participate. Members will recall that following the examination the Inspector took none of the sites proposed by the Council out of the final plan and

also he did not include any additional sites proposed by site promoters and developers.

- 6.5 The report also noted the ability of local communities to undertake Neighbourhood Planning, which has increased to eight communities. It should be remembered that neighbourhood planning allows communities (parishes) to develop a shared vision for their neighbourhood and shape development and growth in their local area.

7. Conclusions

- 7.1 Given the level of community involvement demonstrated in the Statement of Consultation for the HSA DPD, it was felt that the process is very clear, well documented, transparent and democratic and could not be classed as being “behind closed doors”.
- 7.2 It was proposed and agreed by PAG that the regulations would continue to be followed and consultation on the emerging local plan as appropriate as set out in the statement of community involvement (SCI).

8. Recommendation

- 8.1 For the reasons set out in this report the motion to Council is not supported.

9. Appendices

- 9.1 Appendix A – Data Protection Impact Assessment
- 9.2 Appendix B – Equalities Impact Assessment
- 9.3 Appendix C – Supporting Information

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Place
Service:	Development and Planning
Team:	Planning Policy
Lead Officer:	Bryan Lyttle
Title of Project/System:	Motion to Council on additional consultation
Date of Assessment:	10/12/201

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</p>	<input type="checkbox"/>	X
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	X
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	X
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	X
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	X
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	X
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	X

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	
Summary of relevant legislation:	Town and Country Planning (Local Planning) (England) Regulations 2012 National Planning Policy Framework 2012 (as amended) Planning Practice Guidance (as amended)
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Bryan Lyttle
Date of assessment:	10/12/2019

Is this a:		Is this:	
Policy	Yes	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes/No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	
Objectives:	
Outcomes:	
Benefits:	

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age		

Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments relating to the item:		
All groups are equally impacted as the policy does not discriminate since it applies to the provision of all new housing.		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: All groups are equally impacted as the policy does not discriminate since it applies to the provision of all new housing.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Bryan Lyttle

Date: 10/12/2019

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.