
Withdrawal of Local Plan Review

Committee considering report:	Extraordinary Council
Date of Committee:	19 December 2023
Portfolio Member:	Councillor Tony Vickers
Report Author:	Clare Lawrence
Forward Plan Ref:	C4478

1 Purpose of the Report

- 1.1 The purpose of this report is to approve the withdrawal of the West Berkshire Local Plan Review 2022-2039 (LPR) which was submitted to the Secretary of State on 31 March 2023.
- 1.2 The report outlines the current Administration's concerns about the strategic approach of the LPR in planning for new development in the District. These concerns were submitted by the Liberal Democrat Group (in opposition) through the Regulation 19 consultation. The report explains these concerns which cannot be addressed within the context of the current LPR and therefore, the need for the Council to develop a new local plan with an alternative spatial strategy to deliver new development.
- 1.3 The implications and risks associated with the withdrawal of the Local Plan Review in respect of appeals and unplanned development and the associated costs are addressed in the report. This also outlines the process and financial cost of delivering an alternative new local plan.

2 Recommendations

- 2.1 In view of the Administration's objections to the spatial strategy adopted by the LPR and other objections set out in its submission to the Regulation 19 consultation, it is recommended:
 - (a) To withdraw the submitted Local Plan Review 2022-2039; and
 - (b) To begin preparations for developing a new Local Plan for West Berkshire that reflects the aspirations of the Administration to plan positively for new development in the District.

3 Implications and Impact Assessment

Implication	Commentary
<p>Financial:</p>	<p>In 2023/24 there was an additional £300k one off revenue budget for cost of the examination, but as a result in the delay to the examination, these costs have not been fully realised in year. As part of the 2024/25 budget build, an investment bid of £250k is proposed (subject to approval) for the examination in 2024/25.</p> <p>The immediate costs associated with withdrawal of the LPR not progressing through to Examination will be £210k in 2023/24. Any unspent budget in 2023/24 will not be carried forward into 2024/25. If additional costs will be incurred in 2024/25 then the proposed investment bid will need to be increased accordingly.</p> <p>The cost of developing a new Local Plan is estimated at £1.6m spread over a number of years dependant on the timescale agreed for its preparation (as set out in 5.10 and excludes additional staffing costs). Some of these costs (£250k) to the Council will be offset by not progressing the current LPR through to the hearing stage of the Examination (some legal/ Inspectorate costs and venue costs)</p> <p>The local plan withdrawal is likely to lead to speculative planning applications and subsequent appeals resulting in significant additional expenditure. A major appeal is estimated to cost the Council approximately £250-300k to defend with the possibility of any award of costs against the authority as well although it is unclear the number of major appeals that will be submitted.</p> <p>The costs of starting the Plan afresh and defending planning appeals have been identified as risks in the draft budget for 2024/25. This will be kept under review, although the bulk of the expenditure is likely to occur in the 2025/26 financial year as planning applications progress through determination to appeal and a new evidence base is commissioned.</p> <p>The Council would need to ensure that vacant posts within the Planning Policy team are filled and in a difficult recruitment market, this may result in additional costs due to agency staff. Additional posts across the service may also be needed to resource the existing work programme, a new Local Plan and an anticipated increase in major planning applications and planning appeals. The cost to the Council of processing a single major appeal (based on Sandleford) which includes</p>

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	<p>internal consultees, legal services, external consultees and a Barrister is estimated to be £250- 300k.</p>
<p>Human Resource:</p>	<p>The Planning Service is currently running a vacancy rate of 30%. Irrespective of the outcome of the decision to withdraw the LPR, recruitment to vacant posts will be necessary to resource the existing work programme, progress the Examination or prepare a new Local Plan. However, additional resourcing over and above the existing staffing structure may be required if the plan is withdrawn especially if the timescale for production of the new Local Plan is expediated.</p> <p>As the withdrawal of the LPR could result in additional speculative planning applications and appeals, the Development Management Team will need to be fully resourced in a difficult market to recruit planners. This may result in additional agency staffing costs to fully staff the team. There may also be a requirement for additional resource over establishment posts to deal with additional major applications and appeals.</p> <p>The production of a new local Plan will impact on the education, housing, transport policy, highways, environment and legal teams in the Council as they will need to be involved in the production of the new Local Plan and accompanying evidence base in addition to supporting the determination and likely activity associated with speculative planning applications.</p>
<p>Legal:</p>	<p>The Local Plan Review was submitted under Planning and Compulsory Purchase Act 2004 and Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations (as amended).</p> <p>Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Plans and alterations which together comprises the Development Plan are not the responsibility of the Executive (Schedule 3 (1)). Therefore, any decision to withdraw the LPR must be an action of Council (Reg 4 (4)).</p> <p>The Council has sought external legal advice to understand if the Administration’s concerns can be addressed in the current LPR but this has confirmed that this is not possible due to the LPR evidence base.</p> <p>The risks have been identified below in paragraph 4.2</p>

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Risk Management:	<p>There are significant risks associated with the proposal as set out in the report, including the likelihood that withdrawal of the Plan could result in the submission of multiple speculative planning applications for housing development across the district, with the cost of the appeals and the risk of approvals being granted on appeal in isolated or unconnected locations. There is also a risk that with the decision taken out of the Council's control, the quality and necessary infrastructure would be reduced.</p> <p>The Council's current requirement for housing is 513 homes per year. If a new plan is developed, there would be an increase of the amount of housing that would need to be planned for in the plan period of 15 year as the timescale of the plan would be extended due to period to produce a new plan. Therefore, greater numbers above the current LPR would need to be allocated.</p> <p>Delays are likely to undermine the Council's ability to demonstrate a 5-year housing land supply and will lead to further speculative planning applications and appeals.</p>			
Property:	The proposal has no property related issues.			
Policy:	The proposal relates to both national and local planning policy, including that set out in the recently enacted Levelling Up and Regeneration Act (LURA) and the National Planning Policy Framework (NPPF - revised version expected imminently).			
	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		The submitted LPR contains a number of policies outlining the approach to provision for Gypsies and Travellers (G&T). The loss of these policies may impact the Council's ability to support and manage G&T needs.

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<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		x		<p>The submitted LPR contains a number of policies outlining the approach to G&T. The loss of these policies may impact the Council's ability to support and manage G&T needs reverting back to Core Strategy 2012 G&T policies. However, the impact is reported as neutral as the Council will progress with a G&T Local Plan to ensure that sites are allocated and policies adopted to shape G&T development.</p>
<p>Environmental Impact:</p>			X	<p>The submitted LPR contains a number of policies to support the Council's environmental objectives in light of the declaration of a Climate Emergency. Removing these detailed policies would create a gap between of the Council Strategy and operational delivery. If the LPR is withdrawn, the policy position will revert to the existing development framework and (revised) NPPF. While this policy framework addresses environmental issues, they do not address these at a local level.</p>
<p>Health Impact:</p>			X	<p>The submitted LPR contains a number of policies to support public health and these will not carry any weight once the LPR is withdrawn and the policy position will revert to the existing development framework and (revised) NPPF. This could undermine the ability of the Council to positively plan for health and well-being at a local level.</p>
<p>ICT Impact:</p>		x		<p>New software for running the local plan consultations would need to be procured, as the existing system Objective licence expires in 2025 but this would be required irrespective of the LPR position.</p>
<p>Digital Services Impact:</p>		X		

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Council Strategy Priorities:	X			<p>The proposal supports Strategic Priority Area 4: Prosperous & Resilient West Berkshire.</p> <p>4.12. Local plan revised to make sure that major new housing developments come with suitable infrastructure and enhanced amenities to properly support them.</p>
Core Business:		X		
Data Impact:		X		
Consultation and Engagement:	<p>There has been extensive consultation with stakeholders and the community at the Regulation 18 and 19 stages of preparation of the Local Plan Review.</p> <p>In respect of this report, the following teams have been consulted:</p> <ul style="list-style-type: none"> • Finance • Legal 			

4 Executive Summary

- 4.1 In light of the change in Administration in May 2023, two months after the Local Plan Review (LPR) was submitted for examination, this report seeks Council agreement to withdraw the plan which is scheduled for Examination in 2024. The Administration’s objection to the strategic spatial approach in the submitted Plan is set out in the report together with the other objections submitted by the current Administration during the Regulation 19 public consultation which ran from 20 January 2023 to 3 March 2023. These objections form the basis for withdrawal of the plan (Appendix B).
- 4.2 The report sets out the background, to the preparation and submission of the LPR to the Planning Inspectorate for Examination. It also sets out that the Council has sought to address the Administration’s concerns including seeking external legal advice but this has not been possible in the context of the current LPR due to the evidence base. The Administration’s position following the local elections in May 2023 is that whilst it is supportive of new development and a great number of the wider policies in the Plan, it considers that the spatial approach to concentrate a significant amount of development in a single large allocation in Thatcham and two sites in Theale will have a negative impact on the towns and wider District, and that the level of infrastructure provision associated with this does not support its current objectives. The report goes on to set out the implications and risks associated with the withdrawal of the Plan as follows:

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- New legislation (LURA) has resulted in a cut-off date 30 June 2025 for plans prepared under the existing planning system so a new local plan must be developed under the new system post 2025. Details of which are still to be made public, and this timescale cannot be met for the preparation of a new local plan in the context of the existing system.
- A new plan could cost the Council £1.6M and under the new legislation take up to 30 months to prepare. However, this will be partly offset by £250k as a result of not progressing with the Examination of the LPR.
- Implications of 2-year delay increases the need for an extra 1026 homes (over the extra two years) in a new local plan. Together with the removal of a large allocated site, this will require a different strategic approach with wider parts of the district impacted by new development and potentially a new evidence base to support the proposals.
- Planning appeals relating to sites allocated in the local plan are highly likely which would be more difficult to defend given the evidence base.
- In addition to staff in the Planning service, significant numbers of officers across the Council would be impacted by a rise in the number of planning appeals requiring to be defended: education, housing, transport, highways, environment and legal teams.
- Planning applications and appeals are highly likely to be submitted relating to unallocated sites which could be considered more favourable if the plan does not progress.
- Removal of a plan led system and the lack of policies in an up-to-date plan undermines the ability of the Council to manage development positively to secure quality development and infrastructure delivery.
- Undermining the 5 Year Housing Land Supply resulting in the potential for further speculative applications and appeals.
- Lack of 5 years protection afforded by an up-to-date local plan against speculative applications in unsuitable locations.
- Cost of appeals approximately £300k per major appeal (not including any award of costs against the authority).
- The Secretary of State for Levelling Up, Housing and Communities (DLUHC) may intervene in the decision to withdraw the plan.

4.3 The Administration has a stated objective to take all available steps to change the flawed local plan submitted to the Planning Inspectorate. However, in the context of the Regulation 18 and 19 consultation and evidence base developed to support the plan, external legal advice has confirmed that it is not possible to change the plan to meet the aspirations of the Administration.

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- 4.4 The current Administration is not against new development and recognises the benefits of this to drive the local economy and prosperity of the District. However, it considers that development should be based on a different strategic spatial strategy. This would mean less of a focus on large site allocations adjacent to existing settlement boundaries and more focus on re-use of brownfield land within existing settlements and a more flexible approach to development in other areas including the countryside. Such a change would require significant additional consultation and revisions to the submitted evidence base. For example, a redistribution of development would require further additional traffic and air quality monitoring to be undertaken as the receptors, impacts and mitigations will be different. Therefore, the withdrawal of the LPR and development of a new plan that is in line with the Administration's aspirations is recommended.

5 Supporting Information

Introduction and Background

- 5.1 The West Berkshire Local Plan Review 2022-2039 (LPR) sets out the Council's vision, objectives, and spatial planning strategy for West Berkshire up to 2039. It also includes strategic policies which set out the overarching principles for development, non-strategic site allocations, and development management policies to provide more detail on specific issues. The focus is to concentrate new development in existing built-up locations and allocated sites. Outside of these locations, development is not supported in principle unless there are exceptional circumstances to protect the landscape quality of the district.
- 5.2 The LPR was submitted to the Secretary of State for Levelling Up, Housing and Communities on 31 March 2023. Prior to that, the Administration (in opposition) had made representations objecting to the Plan and requesting changes. During the local elections held in May 2023, the Administration spoke to many in the local community who did not support the spatial approach of the LPR. This along with similar views expressed by those town and parish councils most impacted by the approach, informed its commitment to take all available steps to change the local plan. This position is set against the Administration remaining committed to many of the detailed policies of the Plan covering design, the environment and economic matters.
- 5.3 The extent and detail of the Administration's objections are set out in the Regulation 19 Submission (Appendix B). In light of these objections, the Administration is of the view that it is unable to support the current LPR and is not committed to the delivery of the plan going forward. A summary of the Administration's position and changes being sought within the submitted LPR in relation to the spatial strategy (Policies SP1; DM1; SP12; SP17; SP20; SP21) are set out below: -
- Reduced focus on large scale residential allocations in greenfield locations adjacent to existing settlements, specifically in North East Thatcham;
 - Better provision of infrastructure to support new housing development in North East Thatcham, specifically for secondary education, highways and primary health care;
 - More focus on re-use of brownfield land within existing settlements to reduce the demand to use greenfield locations;
 - A more flexible approach to development within flood zones;

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- A more flexible approach to development in the countryside to meet the needs of rural businesses and communities ('Viable Villages' approach);
 - Re-purposing underused/ utilised brownfield locations such as Newbury Showground for employment purposes to minimise the impact and/or regenerate existing employment areas.
- 5.4 The Secretary of State appointed an independent Planning Inspector to examine the Plan and consider the objections raised. Following the local elections in May 2023, the Council responded to the Inspector's Preliminary and Supplementary questions but requested time to allow the Administration to review its position on the Local Plan Review. This resulted in the provisional timescale for the examination hearings being rescheduled, expected in late Spring/ Summer 2024.
- 5.5 During this period Council officers have worked to look at options to address the objections raised by the Administration to the LPR. This has included work to review the sites submitted through the Call for Sites process to understand if alternative sites could be allocated to enable the North East Thatcham allocation to be reduced. However, in line with the spatial strategy developed through the Regulation 18 and 19 stages of the plan, it has been concluded that this approach could not be supported by the evidence base submitted to the Inspector. The Council has also worked to develop the detail of the infrastructure that could be delivered to support the North East Thatcham allocation, but it is considered that this would not overcome the objections set out in the Administration's response to the Regulation 19 consultation.
- 5.6 The Inspector recently published the Matters, Issues and Questions which will form the basis for the examination with deadlines for the submission of statements by the Council and objectors. Further information about the examination may be found on the [examination website](#).

Proposal

- 5.7 The proposal is to withdraw the West Berkshire Local Plan Review 2022-2039 which was submitted to the Secretary of State on 31 March 2023. This proposal is in line with the Administration's objections to the plan which were put forward when in Opposition as set out in their Regulation 19 representations (attached as Appendix B). The withdrawal of the Local Plan Review will in turn lead to the withdrawal of its associated evidence base. However, parts of this will remain relevant as background information both, for development management purposes and future planning policy.
- 5.8 Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2012 allows for the LPR to be withdrawn provided that as soon as is reasonably practical, a statement of the fact is published on its website, the relevant consultation bodies are informed and all documents relating to the Plan except the statement are no longer made available.
- 5.9 The proposal is also to begin preparing for the development of a new Local Plan for West Berkshire. The Council is supportive of many of the policies in the LPR and of new development but the Administration considers that the current LPR allocations will have an unacceptable impact on certain parts of the District due to the high concentration of development allocated and the lack of infrastructure provision. It wishes to plan for new development to meet its aspirations to serve the needs of the District to drive prosperity.

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5.10 It is recognised that the timing is unfortunate as the process and procedures of the new local plan system remain to be defined by Central Government. In order to progress a local development plan it is necessary to produce a draft, have evidence to support what is proposed, undertake a meaningful consultation and have the proposal independently examined at a public examination. It is proposed to begin preparing the evidence base to reflect the Administration's ambitions for a new spatial strategy set in a new local plan, in anticipation of the new regulations being clarified during 2024/25.

Financial Implications

5.11 The revenue cost of the examination has been budgeted for in 2023/2024, but as a result in delays in examination the cost has been included in the draft budget for 2024/25. The immediate costs associated with withdrawal of the LPR not progressing through to Examination will be approximately £20k in 2023//25. Any in year underspend of the Planning Policy Budget in 2023/24 (estimated at £200K) will help ease in-year budget pressures. The draft budget for 2024/25 has a provisional £250K associated with the examination.

5.12 The cost of developing a new Local Plan is estimated at approximately £1.6m which will be spread over several years, with significant additional expenditure needed to defend planning decisions at appeal (see below). Some of these costs to the Council (£250k) will be offset through not progressing the LPR (some legal costs and the venue cost of the Examination).

5.13 It is currently estimated that to produce a new local plan, the following costs would be incurred. However, some of the costs below will be incurred by the Council in progressing with the current LPR. These are set out in the financial section of the report above which states that £250k has been allocated in the draft budget for 2024/25 to progress through the examination stage of the LPR. Therefore, the net impact of the withdrawal of the LPR will be approximately £1,350m.

Evidence Base

Economic Growth	£250,000
Environment	£425,000
Housing	£95,000
Place	£300,000
Heritage/Conservation	£125,000

Examination

Legal	£150,000
Planning Inspectorate	£150,000
Administration	£65,000
Venue	£40,000

£1,600,000

- 5.14 The costs of starting the Plan afresh have been identified as risks in the draft budget for 2024/25 (£250K). However, the expenditure is likely to be significantly greater due to the need to start afresh with a Regulation 18 consultation in respect of a different strategic spatial approach and to develop a new evidence base to support this. The costs have been estimated using the current evidence base which underpins the LPR but this does not take into account the proposed standardised evidence base that has been suggested will be contained in the planning reforms. Details of this are yet to be defined by Central Government. Therefore, depending on the new process, the cost could reduce but there is uncertainty in this respect and inflation may offset any reduction. To deliver a new local plan at pace, additional staffing resources will be required. The resource needed to prepare and submit the existing LPR to the timetable required by the previous administration required 7 additional staff to cover existing vacancies, and temporary staff at a total cost of £171,570.
- 5.15 It is highly likely that planning applications will be submitted for allocated sites that are included in the LPR. Also, while developers may submit applications for unallocated LPR sites, it is more likely that they will submit these due to the lack of an up to date plan following the withdrawal of the LPR. The North East Thatcham Consortium has already indicated that a planning application for the area in the LPR will be submitted in mid 2024. Two other sites in Thatcham which are not allocated in the LPR are also expressing interest in progressing with their proposals. If these or similar applications on proposed allocated sites are refused by the Council, defending any subsequent appeal would cost in the region of £300k per major appeal (not including the potential for the award of costs against the Council for unreasonable behaviour). The Council would also need to ensure that there is adequate resource within the Development Management Service and across other teams in the Council to address major applications and appeals. The level of resource is dependent on the number of applications and appeals submitted and some costs may be recoverable through Planning Performance Agreements. However, there are existing vacancies across Planning that would need to be recruited to in addition to at least one extra officer in the Policy team at Principal level with an additional cost of £60k per annum plus on costs (total £80k+).
- 5.16 The costs defending planning appeals have been identified as risks in the draft budget for 2024/25 (£300K). The bulk of the expenditure is likely to occur in the 2025/26 financial year if planning applications are submitted for both LPR allocations and non-allocated sites and progress through determination to appeal.

Risks & Issues

- 5.17 As the approach of the Administration to plan positively for development will require an alternative spatial strategy, the withdrawal of the LPR is necessary. However, this does present significant risks to the Council. The first is 'planning by appeal'. Planning applications for sites proposed to be allocated in the Plan are highly likely to come forward as demonstrated by the North East Thatcham Consortia which has confirmed its intention to submit an application in mid 2024. Other developers have also confirmed that they are preparing to submit applications. As the current evidence base for the Local Plan Review supports these proposals in principle, it will be difficult for the Council to substantiate refusal against the principle of development. If allowed at appeal, the

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Council will have limited control over the development reducing the quality and infrastructure provision. This results from having no up to date with planning policies and reduced ability to negotiate the quality of proposals. There are 25 residential and 6 employment allocated sites in the submitted Local Plan and there are additional sites being promoted which were previously rejected for inclusion on environmental and other grounds as set out in the detailed Housing and Employment Land Availability Assessments (HELAA).

- 5.18 The second risk is significant delay in reaching a point at which a new Plan can be adopted. The current Local Plan (Core Strategy) was adopted in 2012 and, whilst a sibling document (Housing Sites Allocations) was adopted in 2017, the Core Strategy comes to an end in 2026. The withdrawal of the LPR and the time delay to prepare an alternative Plan will increase the need for housing to be allocated in any new Plan. For example, a further two-year delay will result in the need to plan for an additional 1,026 homes, i.e. there is a housing requirement of 513 houses per annum. This is on the basis that the local plan must have a lifespan of 15 years at the point when it is adopted and the longer it takes leading up to adoption the more development is required.
- 5.19 The Levelling Up and Regeneration Act (26th October 2023) proposes a new, streamlined plan-making process but there is currently no detail about how this will be achieved as the detailed regulations have yet to be published by Central Government. Furthermore, the revised National Planning Policy Framework has also not yet been published. The deadline for submitting a Plan under the current procedures is June 2025. It will not be possible for the Council to make this deadline, given that a new strategy will require significant changes to the evidence base (such as a new transport assessment) and various stages of formal and informal consultation (under the existing legislation it would require both a Regulation 18 and Regulation 19 consultation).
- 5.20 The new regulations suggest that local plans will take 30 months to produce, but without guidance on the proposed standardised evidence any new Local Plan may be delayed, further increasing the housing need, and risking the District's 5 Year housing land supply. This would increase the risk of speculative development and more 'planning by appeal' as inappropriate development is promoted. The 5-year protection from speculative development afforded by the new system for having an up-to-date local plan would not exist. Appeals would remove the Council's ability to control the location, quality of development and infrastructure provision secured through new development. A further delay due to the new system would also increase the Council's housing requirements to be accommodated in any new Local Plan.
- 5.21 The submitted Local Plan Review includes a number of policies designed to manage development proposals including mitigating the Climate Change Emergency and addressing public health requirements. These proposed policies will not carry any weight when determining planning applications once the LPR is withdrawn and the policy position will revert to the existing Local Plan and/ or national policy. However, this may be mitigated by the introduction of National Development Policies which are due to be published next year for consultation as part of revised national policy.
- 5.22 Section 27 of the Planning and Compulsory Purchase Act 2004 sets out the powers of the Secretary of State to intervene and require that the process including the examination goes ahead. This has happened most recently in September 2023 to Spelthorne Borough Council and in November 2023 to Erewash Borough Council, when

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the Secretary of State (SoS) intervened just before the Full Council meetings took place to prevent the Council's from withdrawing their Local Plans. External legal advice received by Spelthorne Borough Council has confirmed that the SoS has the power to intervene and to instruct that the local plan process progresses. Council officers have been contacted on several occasions by Department Levelling Up Housing and Communities (DLUHC) checking on progress with the Plan.

6 Other options considered

Do nothing and allow examination to proceed

- 6.1 This would mean the Council continues with the LPR as submitted. Responses to the Inspector's Matters, Issues and Questions would be submitted by the Council and objectors, the public hearings would take place, and the Inspector would consider any changes that might be needed to the Plan. Any main modifications to the submitted Plan would need to go out to formal public consultation and the Inspector would consider any representations on these before issuing his final report. If the Plan is found to be sound, it would need to be formally adopted by Full Council before coming into effect.
- 6.2 This option conflicts with the Administration's aspirations as set out in their Regulation 19 submission (Appendix B).

7 Conclusion

- 7.1 The Local Plan Review was submitted for independent examination in March 2023, prior to local elections in May.
- 7.2 The Administration is not against new development and recognises the benefits of this to drive the local economy and prosperity of the District. It also sees merit in many of the current detailed design, environmental and economic policies. However, having listened to residents and town and parish councils impacted by the LPR, it considers that development should be based on a different strategic spatial strategy.
- 7.3 This would mean less of a focus on large site allocations adjacent to existing settlement boundaries and more focus on re-use of brownfield land within existing settlements and a more flexible approach to development in other areas including the countryside.
- 7.4 There are significant risks to the Council as set out in the report. However, in view of the Administration's stated objections to the LPR, the recommendation is to withdraw the Plan and begin work on a new one to align with the new local plan system.

8 Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Regulation 19 Submission on draft Local Plan Review

Background Papers:

Background papers may be viewed on the [examination website](#)

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All wards

Officer details:

Name: Clare Lawrence
Job Title: Executive Director Place

Document Control

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Author:	Katharine Makant		
Owning Service	Planning & Economy		

Change History

Version	Date	Description	Change ID
1.3	01/12/23	Changes from EO and JM	BL
1.4	01/12/23	Changes EO, JM, CL	BL

Appendix A

Equality Impact Assessment (EqIA) - Stage One

What is the proposed decision that you are asking the Executive to make:	To withdraw the West Berkshire Local Plan Review 2022-2039 (LPR) which was submitted to the Secretary of State on 31 March 2023; and to begin work on developing a new Local Plan for West Berkshire.
Summary of relevant legislation:	
Does the proposed decision conflict with any of the Council's priorities for improvement?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name of Budget Holder:	Katharine Makant (from 8/12/23)
Name of Service/Directorate:	Planning
Name of assessor:	Katharine Makant
Date of assessment:	04/12/23
Version and release date (if applicable):	

Is this a ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	New or proposed	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Strategy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Already exists and is being reviewed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is changing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Service	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To withdraw the West Berkshire Local Plan Review 2022-2039 (LPR) which was submitted to the Secretary of State on 31 March 2023
Objectives:	To begin work on developing a new Local Plan for West Berkshire.
Outcomes:	A new Local Plan

Benefits:	A Local Plan that reflects the aspirations of the administration and the residents of West Berkshire
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(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?

Group Affected	What might be the effect?	Information to support this
Age		
Disability	N/A	
Gender Reassignment	N/A	
Marriage and Civil Partnership	N/A	
Pregnancy and Maternity	N/A	
Race	<p>The West Berkshire Local Plan Review (sLPR) is supported by the EqIA Summary in January 2023. Table 1 summaries the positive impact that the LPR would bring to West Berkshire. The withdrawal of the sLPR would move these from positive to neutral with the possible exception of Race. Gypsies and Travellers are a protected characteristic and the withdrawal of RSA24, RSA25 and DM20. Without the positive allocation of new pitches the Council will not be able to demonstrate a five year land supply for this community.</p> <p>Furthermore, the detailed policy for this community will also be lost in relation to the determination of planning permissions. It is/was proposed to do a separate G & T Local Plan and the call for sites in relation to this document is currently</p>	<p>WBDC sLPR EqIA Jan 2023 WBDC LDS</p>

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	underway. It is not yet known if work on this LP needs to stop or can carry on independently from the sLPR,	
Religion or Belief	N/A	
Sex	N/A	
Sexual Orientation	N/A	
Further Comments:		
The decision potentially impacts a group with protected characteristics but only if work on the G & T Local Plan is halted because of the withdrawal of the sLPR. If the G & T LP continues then this risk will not be realised. Therefore, a Stage 2 EqIA is not required since the risk is mitigated by the commitment to continue work on the G & T Local Plan as set out in the Local Development Schedule.		

(3) Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The proposed decision potentially impacts a group with protected characteristics but only if work on the G & T Local Plan is halted because of the withdrawal of the sLPR. If the G & T LP continues then this risk will not be realised	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The proposed decision potentially impacts a group with protected characteristics but only if work on the G & T Local Plan is halted because of the withdrawal of the sLPR. If the G & T LP continues then this risk will not be realised	
(4) Identify next steps as appropriate:	
EqIA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqIA Stage Two:	
Timescale for EqIA Stage Two:	

Name: Katharine Makant

Date: 04/12/23