

Council responds to Secretary of State's intervention on Local Plan

Letter expresses disappointment at the intervention and expands on reasons for proposed withdrawal.

Posted by: Communications team on 16 January 2024

West Berkshire Council has responded to an intervention from the Secretary of State which blocked withdrawal of the Local Plan Review.

Last month the Council had [published a proposal to withdraw the Local](#)

[Plan](#) ahead of it going to Examination In Public. Before councillors could vote, the Minister of State for Housing, Planning and Building Safety, Lee Rowley MP wrote to the Council instructing that the examination continues as planned.

A [letter has now been sent to Mr Rowley](#) expressing the council's disappointment at the government's intervention and expanding on the extraordinary circumstances that led to the proposal to withdraw the plan. It expresses dissatisfaction at the reasons given for why the government has intervened and sets out the extraordinary circumstances that should be taken into account.

The letter argues that the local plan review does not reflect the wishes of the local community and that the decision should be one for the Council at a local level, especially in the context of the change in political leadership of the Council in May 2023 when the new Liberal Democrat administration was given a clear mandate to review the plan and the sites within it.

In accordance with the directions given in the letter, councillors and officers from the planning department will continue with preparations for the public examination later this year.

Once a Local Plan Review is submitted, which in this case was done by the previous administration in March 2023 - before the May election which saw a change in control of



the Council - the Secretary of State appoints an Inspector to carry out an independent examination. The Inspector was appointed in May 2023, who then in the light of the change of Administration, allowed the Council six months to review its position regarding the submitted draft Plan.

This examination later this year will assess whether the submitted plan has been prepared in accordance with legal and procedural requirements.

Explaining about the Local Plan Review inspection process, [national guidance](#) states:

"The Inspector will consider the evidence provided by the Local Planning Authority [in this case West Berkshire Council] to support the plan and any representations which have been put forward by local people and other interested parties. In most cases the examination will include hearing sessions which are held in public.

"At the end of the examination the Inspector will send a report to the LPA recommending whether or not they can adopt the plan. In most cases the report will recommend some changes that are necessary to allow the plan to be adopted."

The dates of the examination in public are in the process of being agreed with the appointed Inspector and regular updates and associated documents can be found on the [Local Plan Examination Services website](#).

Following the Examination in Public, the Council must consider the inspector's comments and consider adopting the plan. The adopted Local Plan Review becomes the overarching set of planning policies for the district.

Council letter to Secretary of State

Dear Mr Rowley,

S.27 Planning and Compulsory Purchase Act 2004 intervention in the West Berkshire Council Local Plan Review

I write further to your letter dated 19 December 2023, which confirmed that the Secretary of State is exercising his powers, under section 27 of the Planning and Compulsory Purchase Act 2004, to direct West Berkshire Council not to take any steps to withdraw the Local Plan Review from examination. On receipt of your letter, although the Council discussed the Local Plan (at its Special Council meeting of 19 December 2023), the Council accepted your request, and did not determine to withdraw from the Local Plan inspection process.

I am disappointed that when making his decision the Secretary of State didn't consider the following:

- **The least progress in plan-making has been made:**

You have stated that more than 80% of English Councils have adopted a local plan since West Berkshire (March 2012). However, there are over 30 councils with plans the same age, or older, than West Berkshire's, which have experienced no intervention. In light of this, it is considered that the intervention in the West Berkshire local plan process is unfair.

- **Policies in plans have not been kept up to date:**

The importance of having an up-to-date plan is accepted and the Council remains committed to ensuring a local plan that can be supported by the whole community is prepared. However, in line with Central Government policy (which states that plans over 5 years old are out of date), approximately 150 plans in England are currently out of date. In this context, the Council considers that the Government's intervention is unreasonable.

- **There was higher housing pressure:**

As you note, the Council has performed well against the Housing Delivery Test and has done so every year since its introduction in 2018. The Council has a positive approach to development and recognises the contribution of new housing to the prosperity of the district, to meet the needs of its residents and businesses. The Council has adopted a proactive approach, working with the business and development industry to facilitate appropriate new housing development. Through the preparation of a new local plan, it would continue to adopt this approach to deliver the district's development needs.

- **Intervention would have the greatest impact in accelerating Local Plan production:**

The Council recognises that the preparation of a new local plan will result in some delay through to adoption. However, some of the strategic policies of the Local Plan Review, submitted for examination, do not reflect the current views of the local community. The Liberal Democrat administration won the election in May 2023 with a very large majority, after 18 years of the previous administration being in power. A core manifesto commitment of the new Administration was to 'fix the flawed local plan', which, in particular, and in the view of the new Administration, allows too much development on green spaces in Northeast Thatcham and Theale, without the necessary supporting infrastructure. I strongly believe that the commitment of the Council to reflect the views of the local community, outweighs the impact of the time delay in preparing a new plan. This will not undermine the delivery of housing in the right place and of the right quality, while a new plan is prepared. West Berkshire Council, has, to date had a track record of a proactive approach to meeting its Housing Delivery requirements.

- **The wider planning context in the area; the potential impact on neighbourhood planning:**

The Council is supportive of development that enables the whole district to thrive. However, the strategic approach and policies contained in the current Local Plan Review are too restrictive to enable rural towns and villages to remain prosperous. The Council

is actively working with the representatives of the designated neighbourhood planning areas in West Berkshire. However, within the context of the current Local Plan Review, these Neighbourhood Plans cannot be developed to meet the needs of local communities for homes, jobs and infrastructure. Through the preparation and adoption of a new local plan, the Council would support the preparation of neighbourhood plans to reflect the needs of the local community, rather than stifle development that would question the viability of the district.

In summary, the Council's circumstances arising from the local elections in May 2023 have clearly altered what residents want to see here in West Berkshire. The residents of West Berkshire elected this new Council on one of its core commitments, to challenge the current Local Plan Review.

The Local Plan Review places most of the development within two areas of the district, without addressing the negative impacts of this, especially in respect of traffic, air quality and the delivery of necessary local amenities needed such as schools, dentists, and NHS provision, including a viable GP Surgery. This would have an unfair and significant impact on both existing and new residents within these communities.

The new Council contends, therefore, that the distribution of development, is inequitable. All communities need homes and jobs in their local area, supported by good community infrastructure. The current Local Plan Review restricts development in parts of the district where homes are needed. If allowed to continue, this would result in these mainly rural areas becoming less affordable and with less local facilities. We want to work with communities both rural and urban to ensure we have homes of the right type, in the right places, so as to sustain the existing amenities in the former and upgrade or replace facilities in the latter. We want the overall strategy to be fair, sustainable, and with an equitable distribution.

However, I do acknowledge that withdrawing the Local Plan Review at this stage will cause undue further delay and expense through preparing a replacement plan. Therefore, although my colleagues and I strongly believe that this decision should be one for the Council to take in line with central government advice, promoting local decision making and engagement at a local level, especially in the context of the clear mandate from community, through the election in May 2023, the Administration have decided not to challenge intervention on this basis, but are disappointed that the Secretary of State did not offer a more nuanced position rather than a blanket ban on allowing the clear expression of local residents to be realised.

Yours sincerely,
Lee Dillon
Leader of the Council

Last modified: 31 January 2024

[Community Connect launches for Downland area in West Berkshire](#)

➤ **Next**

[Removal of mature trees on Stroud Green](#)
