



# Department for Levelling Up, Housing & Communities

**Lee Rowley MP**

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19 December 2023

Dear Cllr Dillon

I am writing to you over concerns that West Berkshire Council ('the Council') may withdraw the emerging local plan ('the plan') from examination. The recently published agenda for the extraordinary Council meeting on 19 December indicates that withdrawal of the local plan is being considered.

The Government is clear that local plans are at the heart of the planning system, and it is essential that up-to-date plans are in place and are kept up to date. Section 19 (1) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act) requires that each local planning authority must identify the strategic priorities for the development and use of land in the authority's area, and policies to address those priorities must be set out in the local planning authority's development plan documents such as the local plan.

The last West Berkshire Local Plan was adopted in 2012, withdrawing the plan at this advanced stage of preparation will extend the period in which the Council has had no up-to-date local plan in place and risks it having no up to date plan in place in the current system.

Given the Council's proposed intention to withdraw the plan, consideration has been given to the possible next steps that can be taken in connection with the failure to have an up-to-date plan in place, including intervention by the Secretary of State.

The Secretary of State has powers to intervene under section 27 of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act'), if he thinks that a local planning authority is failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of their local plan. It is considered that withdrawing the plan from examination would be a clear failure by the Council of the statutory test set out in section 27(1) of the 2004 Act.

I have also considered the Local Plan intervention criteria in the 2017 White Paper "Fixing our broken housing market", to assist me in determining priority and whether intervention should take place. The applicable criteria are:

- The least progress in plan-making has been made: More than 80% of English Councils have adopted a local plan since West Berkshire (March 2012). If the Council withdraws the plan, it would be left with one of the oldest local plans in the country.
- Policies in plans have not been kept up to date: The Council committed to updating the plan some time ago with the first consultation taking place in 2018. The Adopted local plan is now over 10 years old, and it is reasonable to assume, given the commitment to update the plan several years ago, policies in the plan will not be up to date.
- There was higher housing pressure: I note in recent years the Council has performed well against the Housing Delivery Test. Whilst affordability in West Berkshire is still worse than in two thirds of the country, I cannot conclude that there is higher housing pressure, but for the reasons set out in the remainder of this letter I consider intervention is justified.
- Intervention would have the greatest impact in accelerating Local Plan production: Considering the average time taken to prepare a local plan is seven years and we are approaching the phased introduction of a new planning system, withdrawing the plan at this stage could only lead to significant further delay whilst a new plan is prepared. Intervening would therefore accelerate plan production given the current plan is submitted and at examination.
- The wider planning context in the area; the potential impact on neighbourhood planning: There are 9 designated neighbourhood planning areas in West Berkshire. Delays caused by withdrawing the plan could significantly slow down neighbourhood plan progress and could also disincentivise other communities from coming forward to start the process.

Having considered West Berkshire's performance against the intervention policy criteria and the statutory test set out in section 27(1) of the 2004 Act, I am satisfied that intervention action is justified.

**Accordingly, the Secretary of State is exercising his powers under section 27 of the 2004 Act and directs the Council as follows:**

1. **Per section 27(2)(b): Not to take any step to withdraw the plan from examination and report monthly (from the date of this letter) to my officials on the progress with the examination.** In accordance with section 27(8) of the 2004 Act, the Secretary of State's reason for making this direction is to avoid the unnecessary additional delay to having an up-to-date plan in place and additional expense that withdrawing the plan and preparing a new plan would cause.
2. **Per section 27(4)(b): On conclusion of the examination, to publish the Planning Inspector's recommendations and reasons.**
3. **Per section 27(5)(b): On conclusion of the examination, to consider adopting the plan, including any main modifications recommended by the Planning Inspector deemed necessary to make the plan sound.** In accordance with section 27(8) of the 2004 Act, the Secretary of State's reason for making this direction is to give the people of West Berkshire the best chance of having a sound local plan adopted in the near future, protecting the area in which they live from speculative development.

**The above directions:**

1. **do not prevent the Council from deciding to continue progressing the plan through examination; and**
2. **will remain in force until withdrawn by the Secretary of State.**

Should a significant delay occur to progressing the examination, or should you fail to comply with the directions in this letter, I will consider taking further intervention action to ensure that an up-to-date local plan is in place.

Notwithstanding this direction, I would like to take the opportunity to ask you to set out by 12 January 2024 any exceptional circumstances that should be taken into account when the Secretary of State considers the next steps to take in relation to the Direction and the emerging plan. To be clear, this neither alters nor removes the direction set out in this letter.

In the meantime, officials in the department will continue to engage with your officers.

Yours ever,

A handwritten signature in blue ink, appearing to read 'Lee', is centered below the text 'Yours ever,'.

**LEE ROWLEY MP**

Minister of State for Housing, Planning and Building Safety