

Slough Borough Council

Report To:	Corporate Improvement Scrutiny Committee
Date:	31 st March 2026
Subject:	Slough Local Plan
Lead Member:	Cllr Paul Kelly, Lead Member for Planning, Parking, Highways and Transport
Chief Officer:	Daniel Ray & Pippa Hopkins
Contact Officer:	Amy O'Brien (Scrutiny and Governance Officer)
Ward(s):	All
Exempt:	No
Appendices	Appendix 1 – Summary of key acts and secondary legislation

1. Summary

- 1.1. The purpose of this report is to inform Members of what a Local Plan is and the regulatory and legal framework that it is produced within. The report then sets out the changes to national policy that are taking place, those within the Borough, and the next steps for the Local Planning Authority for a new Local Plan. A progress report will then return in 12 months to enable the Committee to scrutinise the progress that has taken place.

2. Recommendations

- 2.1. That the Corporate Improvement Scrutiny Committee:
 - 2.1.1. Note the report and awareness of what a Local Plan is and its purpose
 - 2.1.2. To agree that a progress report should return to CISC in 12 months time to review the progress and direction in relation to a new Local Plan for Slough.

3. Report

3.1. Introduction

- 3.1.1. Slough Borough Council is preparing a new Local Plan, which will guide how the borough develops over the next 20 years through a spatial vision and strategic policies to guide what new development goes where, and support our existing business and resident communities to live well within the Borough. It will also work in partnership with the Corporate Strategy. Slough is also pro-growth and works closely with our business and residential communities.
- 3.1.2. The Government has an ambition to transform Planning to support its manifesto to deliver economic growth including the third runway at Heathrow, and 1.5 million homes. They are progressing at pace with rules to promote development through

for example the Planning and Infrastructure Act, The National Planning Policy Framework, and other guidance on how to develop new plans, all of these are evolving at present and will result in a change in the way Planning happens in Slough. This means work on the plan is progressing, but the next stages can be reported in a year.

- 3.1.3. The below background sets out the Statutory Framework of a local plan/development plan to give Members an understanding of the Local Plan's role and function, and the current context for the Slough Local Plan the team are working within.

3.2. Background

What is the Statutory Framework?

- 3.2.1. The preparation of a Local Plan is a statutory duty placed on local planning authorities under a hierarchy of Primary Acts of Parliament that are then implemented through secondary legislation called Regulations.
- 3.2.2. The latest regulations were published on the 2nd March 2026 and propose amendments to the **Planning and Compulsory Purchase Act 2004** (PCPA 2004), that were introduced in the **Levelling-up and Regeneration Act 2023** (LURA 2023). The guidance on them will explain the outline for the new local plan process that has been released to date:
- A 30-month local plan process providing a clear end-to-end framework for creating and adopting local plans
 - A three-gateway system with clear checkpoints at Gateway 1 (scope and strategic priorities), Gateway 2 (draft plan), and Gateway 3 (readiness for examination)
 - Digital-first requirements with standardized data formats and user-friendly digital tools
- 3.2.3. Slough will need to submit its notice of intention to commence local plan preparation by December by 31st December 2026 and to publish a Gateway 1 self-assessment by 31st April 2027. These will be resource intensive.
- 3.2.4. National policy is also set out in the National Planning Policy Framework (NPPF), which is a material consideration and central to plan formation and examination. This is also midway through a major reorganization, along with a suite of national Acts and Regulations for planning policies, guidance and commitments to deliver growth that includes Spatial Development Strategies and an Airport National Policy Statement. The combination of these has potential to require major changes to the content of Local Plans. Draft guidance indicates their main role will be setting out specific issues for growth in Slough in implementing national standards and expectations.
- 3.2.5. The Government recognizes planning is complex so produces supporting guidance, such as the Planning Practice Guidance to support the NPPF, and a Plain English guide to the Planning system up to 2015. Most recently it has produced the Create and Update Local Plan guidance, that explains what information MHCG will be releasing to explain the new plan system.

3.2.6. A short summary of key acts and examples of secondary legislation is set out in Appendix 1.

What is the Legal status of a Local Plan?

3.2.7. Under section 38(6) of the Planning and Compulsory Purchase Act 2004 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.2.8. The Local Plan forms part of the statutory development plan once adopted. It therefore has primacy in decision-making, subject to policy weight and national policy considerations.

3.2.9. The Plan needs to be up to date to have most weight, and as Slough's is more than 5 years old it is considered out of date. This means although it has status, the influence (or 'weight') it has in decisions and at Appeals is reduced, and the NPPF has more influence.

What is the Council's Duty to Prepare and Maintain an Up-to-Date Plan?

3.2.10. Section 15 of the PCPA 2004 requires local planning authorities to prepare local development documents. Section 19 requires that the plan must contribute to the achievement of sustainable development. The authority must have regard to national policy. Consultation with members of the public, developers, businesses, neighbouring authorities and statutory consultees (e.g. Thames Water, National Grid, Historic England etc.) must be undertaken in accordance with regulation.

3.2.11. It is important to note that the plan must be kept under review and the Council has a duty to update/produce a new plan regularly. Failure to maintain an up-to-date plan also exposes the authority to an increased risk of costs awards at Appeal. Some research suggests only 29% of LPAs have an up-to-date plan, with about 14% out of date. In the absence of an up-to-date plan other national policies are used.

Examination of the Local Plan and Tests of Soundness

3.2.12. Under section 20 of the PCPA 2004, Local Plans are subject to independent examination by a Planning Inspector appointed by the Secretary of State. This is a time and resource intensive part of the process. The system may change to speed up the process as the Government wants this to be completed within 6 months, but the principles will remain substantially the same. If these tests are not met, the plan cannot be adopted unless minor or major modifications rectify the defects.

The Inspector assesses:

A. Legal Compliance

- Proper consultation
- Sustainability Appraisal (moving to Environmental Outcomes Reports)
- Habitats Regulations Assessment (where required)
- Compliance with the Duty to Cooperate (or under the new regulations Duty to Collaborate)
- Procedural conformity with regulations

B. Soundness (NPPF tests)

The plan must be:

- Positively prepared
- Justified
- Effective
- Consistent with national policy

The Council must allocate sites to meet its Housing Requirement (5 year housing land supply)

- 3.2.13. Housing delivery is a big priority for the Government. The Council gives planning permission but planning applications and building of homes is completed by Developers and delivery is subject to market and commercial conditions (such as the cost of materials and construction, and the need to make profit).
- 3.2.14. The government uses the planning system to drive its national housing target of 1.5 million new homes over the current parliament (2024–2029) by making local authorities more accountable for delivery through a system of measures:
- A standard methodology which uses a formula based on local housing stock and affordability to set a minimum annual housing need figure for each LPA.
 - Requiring councils show they have 5 years' worth of sites to do this (this is called the "five year housing land supply")
 - Where an authority cannot do this, applying a rule in the NPPF called the Tilted Balance. This makes it harder for the case officer to refuse speculative planning applications (this is also called the "presumption in favour of sustainable development"). This process also makes it easier for Developers to challenge refusals to get approvals through the appeals process.
- 3.2.15. The Annual Monitoring Report (AMR) published in 2025 primarily covers the preceding 2024/2025 year. The Standard Method housing need figure for the 2025/26 year for Slough was 810 net dwellings a year (AMR para 2.3.2); and the 10-year annual average net completions figure is 558 (SBC AMR p 2.5.5.). As of Aril 1st 2025 we had 2.5 years of supply rather than 5 years.

Table 2.8 below extracted from the AMR 24/25

2.8 Five-year Housing land supply calculation 2025

5 year housing land supply	Calculation
Annual average Local Housing Need	810
Local Housing Need x 5 years	4050
5 year need figure inclusive of 20% buffer	4860
Annual Local Housing Need inclusive of 20 % buffer (4860/5)	972
5 year identified supply	2442
Number of years supply (2442/972)	2.51

To strictly align with the definition, this figure currently excludes applications with outline permission or waiting for planning obligations to be signed or sites

allocated for development in the Local Plan without a clear expectation of completions within 5 years

3.2.16. More details of Slough's figures and how the Government uses planning to deliver permissions for housing is also explained the Annual Monitoring report (<https://www.slough.gov.uk/planning-policy/annual-monitoring-reports-and-infrastructure-funding-statement>) .

3.2.17. London, RBWM and Bucks (and many others) are in a similar position of not having a 5-year land supply.

3.2.18. What are the legal risks and vulnerabilities?

A Local Plan may be challenged in the High Court under section 113 of the 2004 Act within six weeks of adoption. Individual planning decisions may also be challenged via judicial review.

Grounds include:

- Procedural error
- Failure to comply with statutory requirements
- Irrationality
- Inadequate Sustainability Appraisal
- Failure under Habitats Regulations

3.2.19. Can the Secretary of State intervene?

The Secretary of State may Direct modifications, direct preparation of a plan or in exceptional circumstances take over plan-making. Intervention risk increases where authorities fail to progress plan preparation. This is unlikely in Slough at present as we are doing what we can to deliver homes and jobs.

3.2.20. What is the Role of Members in a Legal Context?

When acting in a plan-making capacity, members exercise a policy-setting function and must act within statutory powers, consider evidence objectively, and avoid predetermination.

When determining applications, members are bound by section 38(6). Decisions contrary to officer advice increase legal risk if not robustly reasoned.

3.2.21. Conclusion on the technical/legal background of the Local Plan

The Local Plan is a statutory development framework. It is legally required, evidence-led, subject to independent examination, and central to defending planning decisions.

Failure to maintain a sound and up-to-date Local Plan materially weakens the authority's legal and strategic position.

The process is governed by rules and regulations that are complex and are currently being updated by Government.

3.2.22. The Current Local Plan/Development Plan for Slough

This policy sets the framework for making decisions on individual planning applications. All planning applications – whether for a small extension to a building, or for a large development of multiple houses – must be approved or rejected in line with the policies in the development plan, unless any other strong planning reasons emerge.

The Local Development Plan for Slough is comprised of:

- The Core Strategy Development Plan Document
- Site Allocations Development Plan Document
- Local Plan Saved Policies
- The Minerals and Waste Local Plan Policies
- Proposals Map
- Supplementary residential extension guidelines (RESPD) provide information on what kinds of residential extensions are considered acceptable in Slough.

Work on a new Local Plan

3.2.23. In December 2025, the Council confirmed to the Ministry of Housing, Communities and Local Government (MHCLG) and the Planning Inspectorate (PINS) that the new Local Plan will be prepared under the new national planning system, rather than the older (legacy) system.

3.2.24. This system will change the evidence base we need to proportionate, digital-first data intended to support a streamlined 30-month plan-making process. The way this will happen and how is not set out yet.

3.2.25. The policy work we have done to date will be looked at again to be sure important policy priorities are carried forwards, and evidence remains compliant and valuable for this new system. This choice reflects:

- changes introduced by the Government's Planning and Infrastructure Act, the consultation on the new National Planning Policy Framework and the 2026 Regulations for new plans. This will change the content and context for the Plan and the way it is produced.
- the intention to consult on the Airport National Policy Statement for Heathrow that will be used to guide the Development Consent Order application that will set out how the scheme will be delivered.

3.2.26. The expansion proposals submitted by Heathrow Airport Limited to PINS include development in parts of Slough's Green Belt and new highway works in the east of the borough. Because of this the existing Regulation 18 Spatial Strategy (2020) now needs to be updated.

3.2.27. The Government have said they will consult on plans to guide expansion in July this year, and Heathrow Airport Limited (HAL) will consult on their plans after that. HAL are working with communities, and the Council at present so they can meet the Government's ambition to have the 3rd Runway operational in 2035.

3.2.28. Progress to date

- Simplified Planning Zone 2024- 2034 adopted

- Call for Sites completed: May 2025
- Local Nature Recovery Strategy adopted: October 2025
- Updated Statement of Community Involvement adopted: November 2025

3.2.29. Evidence and research

Work is also continuing on the plan evidence base including:

- A government funded Joint Green Belt Review with RBWM, Bracknell and Wokingham
- A Housing and Economic Land Availability Assessment (HELAA)
- A joint project funded by Public Health to understand health infrastructure needs to support the development that support healthy lifestyles
- A government funded Digital data availability improvement project
- Engagement with London, Buckinghamshire and Berkshire on matters of cross boundary strategic importance such as Housing, Employment, Transport, Heathrow, Burnham Beeches SPA and the Colne Valley Regional Park.

3.2.29A. Role of Members as part of the production of a new Local Plan

Members of Slough Borough Council are essential in the production and formation of a new Local Plan. Members help to decide the overall direction of the Plan and help to create the vision, reflecting on key local priorities and community needs. Members need to assist in balancing growth with protection, or indeed evolution of local character.

Members help to bridge the gap between planners and the public, their role is to question evidence, challenge assumptions and ensure transparency and accountability.

Ultimately the final decision on the Local Plan is made at Full Council.

To ensure Members are involved in the development of the Local Plan, once a significant portion of the Evidence Base has been established and Officers know the scale of the requirements for Housing and Employment Needs etc. A Local Plan working group will be established so that these important questions can be raised, and direction sought for Officers to direct the Local Plan. It is anticipated that this will be formed towards the end of the year.

Summary of main findings / report [keep in cover report]

- 3.2.30. The Local Plan is part of a statutory and hierarchical process for making decisions about regeneration and Planning Applications to deliver homes, employment land and jobs. Slough's Local Plan will develop policies that rely on evidence to help plan for 20 years to get the right growth in the right areas.
- 3.2.31. Details of work to date and progress are provided on the Council website and reported to Planning Committee, or if required, approved at Cabinet. The commitment to engage the community will remain as set out in the adopted Statement of Community Involvement, and we will also follow the new statutory rules for engagement explained in Regulation and guidance as it is released.

- 3.2.32. The Council's plan is out of date and needs replacing under the new system, The new system is still being introduced, as part of a matrix of changes to Planning to deliver the Govt agenda for economic growth and 1.5 million homes.
- 3.2.33. The Slough planning team will report to Scrutiny in 12 months when most of the new guidance and Regulations should be published, and the implications for Slough of these and expansion proposals at Heathrow are more fixed and in the public domain.
- 3.2.34. The next part of the work is to review the new regulations and update what evidence they say we need. This will cover information such as heritage, flooding, parks, and jobs and employment land, as well as adapting to climate change and economy.
- 3.2.35. Detailed regulations about how to plan and deliver the infrastructure needed are still emerging, with plans set out in Infrastructure Delivery Strategies expected to outline how an authority intends to deliver the health and physical infrastructure required to support its growth. We need to do this by December 2026 as part of an update to the Planning Inspectorate in April 2027. Alongside the Local Plan, we will need Transport Modelling and a new Local Transport Plan to support the plan's spatial development strategy. A viability assessment is also needed to show the Plan can be delivered.
- 3.2.36. This work does not affect the ability of the council to continue to deliver housing, employment and other regeneration schemes. Development viability for developers remains a challenge, and whilst housing targets make the old Plan out of date, at present this does not make the Saved Policies out of date for decision making where they align with the NPPF. We continue to review updates to the NPPF and re-assess the Saved Policies to ensure they still can be relied upon.

4. Implications

4.1. Financial implications

- 4.1.1. The department have been successful progressing work with grant funding in 2024-2026 and will continue to bid for grants to continue to progress the work within financial controls.
- 4.1.2. We have been awarded £50k for 26/27 towards publishing digital data sets needed for the new plan. We have also applied for funding for 26/27 and will hear in the middle of March if we have been successful. These funds are ringfenced for specific purposes, but we do not know if we will get funding or how much this will be. It is anticipated that relevant costs in year will be funded from grant income and existing staff.

4.2. Legal implications

- 4.2.1. Statutory Local Plans are mandatory, legally binding documents created by local planning authorities to guide development and land use, they should be valid for 15yrs after adoption and are required to be updated every 5 years.
- 4.2.2. The Council's Local Planning Authority function also operates with a degree of independence from the political arm of the Council, but Cabinet is required to

approve some parts of the process, such as approval to consult or adopt documents. Delegated powers are used for other functions such as engagement on adjoining Plans. The Plan also needs to be endorsed to some degree by some utility providers (e.g. Thames Water and SSE)) and not objected to by some statutory consultees such as the Environment Agency and the Department for transport. Some of these rules may change with the new local plan system.

- 4.2.3. The Council works with the Planning Inspectorate who act for the MHCLG as the government agency for Planning decisions. Progress is checked through undertaking gateway assessments, and an independent examination that lasts around 6 months. That process tests if plans are legally compliant and sound in line with national policy. This ensures planning frameworks that can effectively manage growth and development. Once a plan is submitted for examination the Planning Inspectorate often require minor or major changes before adoption.
- 4.2.4. The Adoption of the Plan is then taken to Cabinet for approval with an explanation of what it will replace, and if there are no challenges, it then becomes adopted as the Statutory Local Development Plan. There are rules for this process too that the Council has to follow, and Officers consult Legal as and when to confirm the work complies with regulations.

4.3. Equalities implications

- 4.3.1. The LPA takes equalities into consideration both in the policy formulation and the way the plan is produced. This is set out in the Statement of Community Involvement (SCI) that was adopted by Cabinet in November 2025.
- 4.3.2. The new plan system no longer requires an SCI but the Policy team will continue to apply it (<https://www.slough.gov.uk/planning/planning-permission/6>) . We will also consider the Councils Equality and inclusion strategy.

5. Conclusion

- 5.1. The intention is this report provides evidence needed to approve the recommendation, and that when progress on the new local plan is reported in 12 months, the board are briefed on the background of the document.

Appendix 1

A short summary of key acts and examples of secondary legislation

- **Town and Country Planning Act 1990 (TCPA 1990):** This explains that planning decisions must be made in accordance with the development plan, and what Development is, and that Developers may have to deal with impacts of a development that happen beyond the site.
- ***Planning and Compulsory Purchase Act 2004 (PCPA 2004):** The Act for the previous Local Plan system. It introduced the requirement for councils to make Local Development Documents and support sustainable development.
- **The Planning Act 2008** Introduced measures to speed up and simplify the approval process for large-scale "Nationally Significant Infrastructure Projects" (NSIPs) such as Heathrow, and to introduce legal tests for developer contributions to mitigate development.
- **Localism Act 2011** clarifies the rules on 'predetermination' to ensure that councillors came to council discussions - on, for example, planning applications - with an open mind.
- ***Levelling-up and Regeneration Act 2023 (LURA 2023):** The Act which is the foundation for the new local plan system, including simpler plans, and an updated National Planning policy framework to make decisions more rules based.
- **Two examples of regulations that implement planning acts**
 - Town and Country Planning (Local Planning) (England) Regulations 2012. These helped implement the Localism Act 2011, detailing requirements for Local plans under what is now called the Legacy Local Plan system, Slough began its Plan preparation in compliance with these. That included public participation on the Plan (Reg 18). These will be adapted or superseded by the 2026 Regulations that explain the system introduced in the "LURA 2023".
 - Community Infrastructure Levy Regulations – explains that a developer can only be asked to mitigate impacts of their development if they are reasonable, proportionate and directly related to the development being approved. Slough uses these when working with S106 contributions.