



## **WOKINGHAM BOROUGH COUNCIL**

A Meeting of an **INDIVIDUAL EXECUTIVE MEMBER DECISION** will be held in First Floor 11 - Civic Offices, Shute End, Wokingham RG40 1BN on **WEDNESDAY 23 AUGUST 2017 AT 9.00 AM**

A handwritten signature in black ink that reads 'Graham Ebers'.

Graham Ebers  
Interim Chief Executive  
Published on 15 August 2017

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## **WOKINGHAM BOROUGH COUNCIL**

### **Our Vision**

A great place to live, an even better place to do business

### **Our Priorities**

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

### **The Underpinning Principles**

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

For consideration by

David Lee, Executive Member for Strategic Highways and Planning

**Officers Present**

Heather Read, Growth & Delivery Specialist

Arabella Yandle, Democratic and Electoral Services Specialist

IMD NO.	WARD	SUBJECT	
1. IMD 2017/26	None Specific	<b>WOKINGHAM BOROUGH COUNCIL RESPONSE TO THE BRAY PARISH NEIGHBOURHOOD PLAN SUBMISSION VERSION</b> To provide a response to Bray Parish Council on the consultation on the Bray Parish Neighbourhood Plan Submission Version	<b>5 - 12</b>

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# Agenda Item IMD26

## INDIVIDUAL EXECUTIVE MEMBER DECISION REFERENCE IMD: 2017/26

<b>TITLE</b>	Wokingham Borough Council response to the Bray Parish Neighbourhood Plan Submission Version
<b>DECISION TO BE MADE BY</b>	Executive Member for Strategic Planning and Highways, Councillor David Lee
<b>DATE AND TIME</b>	23 August 2017 – 9am
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Interim Director of Environment, Josie Wragg/Director of Corporate Services, Graham Ebers

### OUTCOME / BENEFITS TO THE COMMUNITY

Through submitting this representation on the Bray Parish Neighbourhood Plan, Wokingham Borough Council is seeking to ensure that possible negative impacts upon residents of and businesses within Wokingham Borough are minimised and that any positive benefits are maximised.

### RECOMMENDATION

The Executive Member for Strategic Planning and Highways agrees that Wokingham Borough:

- 1) Raise an objection to Policy BNP-GG1 (Bray Green Gap) and Map 3 of the Bray Parish Neighbourhood Plan, as it is inconsistent with strategic Policy HO1 of RBWM's emerging Borough Local Plan. The non-delivery of the proposed housing allocation HA11 would impact upon the delivery of housing within RBWM and across the wider Housing Market Area, and
- 2) Welcomes being kept informed on the development of the Neighbourhood Plan as it is progressed.

### SUMMARY OF REPORT

Bray Parish Council is located within the Royal Borough of Windsor and Maidenhead (RBWM). Bray Parish Council are consulting on their Neighbourhood Plan (2016-2030) submission version from Friday 7<sup>th</sup> July to Friday 1st September. The consultation is under Regulation 16 of Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended).

The Plan aims to manage the development coming forward in the neighbourhood area to better reflect the wishes of the community in the area and to take greater account of what makes the area special to the community. It sets out a number of objectives for the area and planning policies to guide future development and to help determine planning applications in the area.

This report outlines Wokingham Borough Council's response to the Bray Parish Neighbourhood Plan. WBC raise an objection to Policy BNP-GG1 (Bray Green Gap) and Map 3 of the Bray Parish Neighbourhood Plan as it is inconsistent with strategic Policy HO1 of RBWM's emerging Borough Local Plan. The non-delivery of the proposed housing allocation HA11 would impact upon the delivery of housing within RBWM and across the wider Housing Market Area.

### **Background:**

Bray Parish Council are consulting on their Neighbourhood Plan (2016-2030) Submission version from Friday 7<sup>th</sup> July to Friday 1st September. The consultation is under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

It is the role of the Independent Examiner to consider whether the Plan meets several "Basic Conditions". These are that in making the Neighbourhood Development Plan it must:

- be appropriate to do so, having regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area; and
- not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.

Regulations also require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.

Any representations made in response to this Neighbourhood Plan consultation will be reviewed by the Examiner. The Examiner must then make one of the following recommendations in relation to the Plan proceeding to a Referendum:

- a) that it should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that, once modified to meet all relevant legal requirements, it should proceed to Referendum; or
- c) that it should not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

### **Analysis of Issues**

It should be noted at the outset that the adopted Royal Borough of Windsor and Maidenhead (RBWM) Local Plan was originally adopted in 1999 with amendments adopted in 2003. RBWM are currently consulting on a submission version of a new Borough Local Plan.

The government's Planning Practice Guide: Neighborhood Planning confirms that a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted local plan if it is to meet the basic condition. It continues to advise that although a draft neighbourhood plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy that is contained in the last document to become part of the development plan.

A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development (as outlined in paragraph 16 of the National Planning Policy Framework).

### *Strategic Housing Need*

As set out above, RBWM are currently consulting on their Borough Local Plan (2013-2033) Submission version. The consultation runs from Friday 30<sup>th</sup> June to Friday 25<sup>th</sup> August. RBWM intend to submit the Local Plan to the Inspectorate in October 2017.

Given the progressed stage of RBWM's Borough Local Plan, the strategic policies contained within this emerging Development Plan should be given due weight and consideration in regard to the emerging Bray Neighbourhood Plan. While the legal requirement is for the policies within the Neighbourhood Plan to be in general conformity with the strategic policies of the adopted RBWM Local Plan, regard should also be had to the emerging Borough Local Plan.

As part of RBWM's Local Plan process, the Berkshire (including South Bucks) Strategic Housing Market Assessment (SHMA) has identified a level of objectively assessed need (OAN) for the East Berkshire Housing Market Area as 2,015 dwellings per annum. RBWM contribution to this overall figure is 712 dwellings per annum, or 14,240 new dwellings over the plan period from 1st April 2013 to 1st April 2033.

RBWM lies entirely within the extent of the Metropolitan Green Belt, with only the towns of Maidenhead, Windsor and Ascot, and a number of smaller settlements (including Sunningdale, Sunninghill, Datchet and Cookham), being excluded from it. The limited supply of suitable brownfield sites available within the Borough means that not all of the Borough's growth can be accommodated within settlement locations excluded from Green Belt land.

A series of studies (including an Edge of Settlement Study undertaken by the RBWM in 2016), identified and assessed parcels of land within Green Belt around the Borough's towns and settlements in relation to the purposes of the Green Belt as set out in the NPPF. RBWM propose to release some areas of Green Belt land in order to meet development needs arising from their administrative area as they are satisfied that the exceptional circumstances required for limited release of the Green Belt can be demonstrated. The majority of the Green Belt release is to be concentrated around the strategic growth location of Maidenhead, with smaller Green Belt releases occurring around the edges of Windsor, Ascot, Datchet, Cookham, Sunningdale and Sunninghill.

Policy HO 1 (p.53) of RBWM's Local Plan submission version confirms that RBWM intend to make provision for at least 14,240 dwellings over the plan period, which would meet the contribution assessed to arise from RBWM to the OAN of the wider housing market. Emerging Policy HO 1 is considered to be a strategic housing policy.

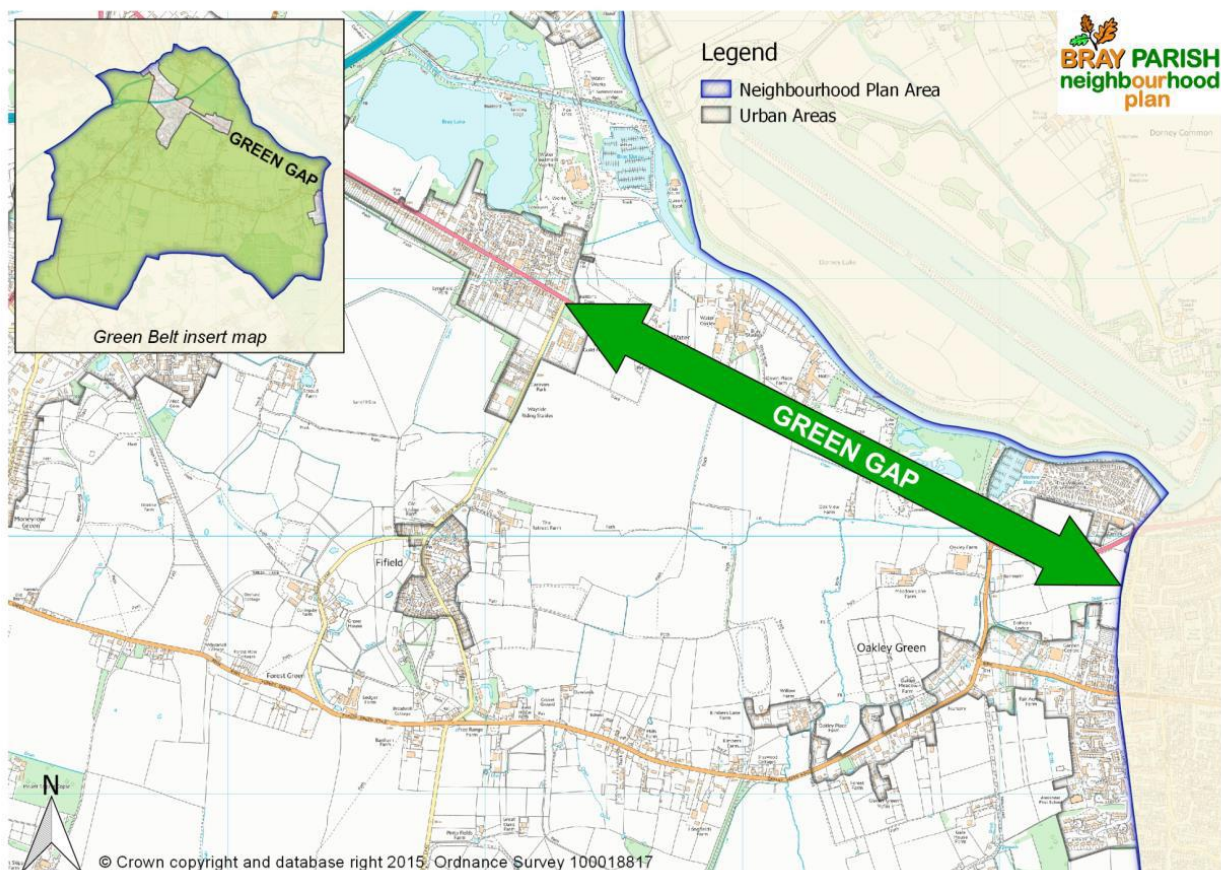
The policies of the Bray Parish Neighbourhood Plan should have regard to this emerging strategic policy.

### *Neighbourhood Plan Policy BNP-GG1: Bray Green Gap*

Policy BNP-GG1 of the Bray Parish Neighbourhood Plan relates to the Bray Green Gap. The Bray Green Gap is Green Belt land located between Windsor and Maidenhead. The Bray Green Gap is illustrated in Map 1 overleaf (Map 3 of the Neighbourhood Plan, page 15). On page 14 of the Neighbourhood Plan, it is stated that the Bray Green Gap is important in:

*'...maintaining the separate physical locations and identities of the towns of Windsor and Maidenhead and the rural identity of Bray Parish. The Bray Green Gap forms an important recreational, ecological and rural landscape corridor for residents of the Parish and an amenity for residents of the settlements either side.'*

*Bray Parish residents strongly wish to halt any further encroachment on the remaining Green Belt between the outskirts of Windsor and Maidenhead that would result in settlement coalescence and enhance the rural character of this landscape. For this reason, this Plan seeks to designate this land as a permanent Bray Green Gap'.*



*Map 1 – The Bray Green Gap (Map 3 of the Bray Parish Neighbourhood Plan)*

Policy BNP-GG1 of the Neighbourhood Plan states:

*'Proposals for any development within the Bray Green Gap, identified in MAP 3 above, must protect the landscape and environmental qualities of the Bray Green Gap and protect*



*its character and appearance. Applications for development within the Bray Green Gap will be evaluated using all of the following criteria:*

- *Development should protect the distinct and separate identities of existing settlements;*
- *Inappropriate development on Urban edge land will be strongly discouraged;*
- *Traditional boundary features such as hedgerows should be retained or restored where possible;*
- *Building, if appropriate, should be designed to minimise visual intrusion in the surrounding areas’.*

In the Borough Local Plan Submission Version, RBWM propose to remove an area of land from the Green Belt just to the west of the settlement of Windsor. This land is proposed to be an allocated Housing Development Site (site HA11: Land west of Windsor, North and South of A308) for 450 dwellings, education, recreation and community facilities as per emerging Policy HO1. RBWM’s Borough Local Plan Policies Map 3 depicts the extent of Housing Development Site HA11 (see Appendix 1 – Map 2 where WBC has highlighted the relevant housing site with a circle).

When comparing the extent of the Bray Green Gap depicted in Map 3, page 15 of the Neighbourhood Plan (Map 1) with the Borough Local Plan Policies Map 3 (Appendix 1 – Map 2) it is clear that the arrow denoting the Bray Green Gap extends into the RBWM’s proposed Housing Development Site HA11. Policy BNP-GG1 and accompanying Map 3 of the Neighbourhood Plan would therefore fail to conform to Strategic Housing Policy HO1 of the emerging Borough Local Plan.

RBWM propose to meet 100% of their allocated housing need in the Borough Local Plan Submission Version, however they are not proposing to deliver above their allocated housing need. RBWM are therefore reliant on all of the Housing Development Site allocations. Policy BNP-GG1 and accompanying Map 3 would compromise the ability of RBWM to utilise this proposed Housing Development Site and therefore the proposed level of housebuilding. As a result of this conflict, WBC must raise an objection to Policy BNP-GG1 and Map 3 of the Neighbourhood Plan given that it fails to have regard to strategic Policy HO1 of RBWM’s emerging development plan and would impact upon the delivery of housing within RBWM and across the wider Housing Market Area.

WBC must object to the Bray Neighbourhood Plan until such time as the inconsistency between the Bray Neighbourhood Plan and the RBWM Borough Local Plan is resolved. It is suggested that the arrow depicted in Map 3 of the Neighbourhood Plan (p.15) be re-drawn so that the entire Housing Development Site (HA11) is excluded from the Green Gap. Alternatively, the supporting text must clearly acknowledge the proposed housing allocation and the ongoing local plan process.

Notwithstanding the above, consideration should be given to the wording of Policy BNP-GG1, Map 3 and how they will be interpreted. Whilst the use of an arrow provides an illustration of where the Bray Green Gap is, neither Map 3 or Policy BNP-GG1 or the supporting text indicates the extent of land to which the policy is intended to apply. There is therefore a significant interpretational issue.

## **CONCLUSION**

WBC raise an objection to Policy BNP-GG1 (Bray Green Gap) and Map 3 of the Bray Parish Neighbourhood Plan as it is inconsistent with strategic Policy HO1 of RBWM’s emerging Borough Local Plan. The non-delivery of the proposed housing allocation HA11

would impact upon the delivery of housing within RBWM and across the wider Housing Market Area.

WBC welcome being kept informed on the development of the Neighbourhood Plan as it is progressed.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A	N/A	N/A
Next Financial Year (Year 2)	N/A	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

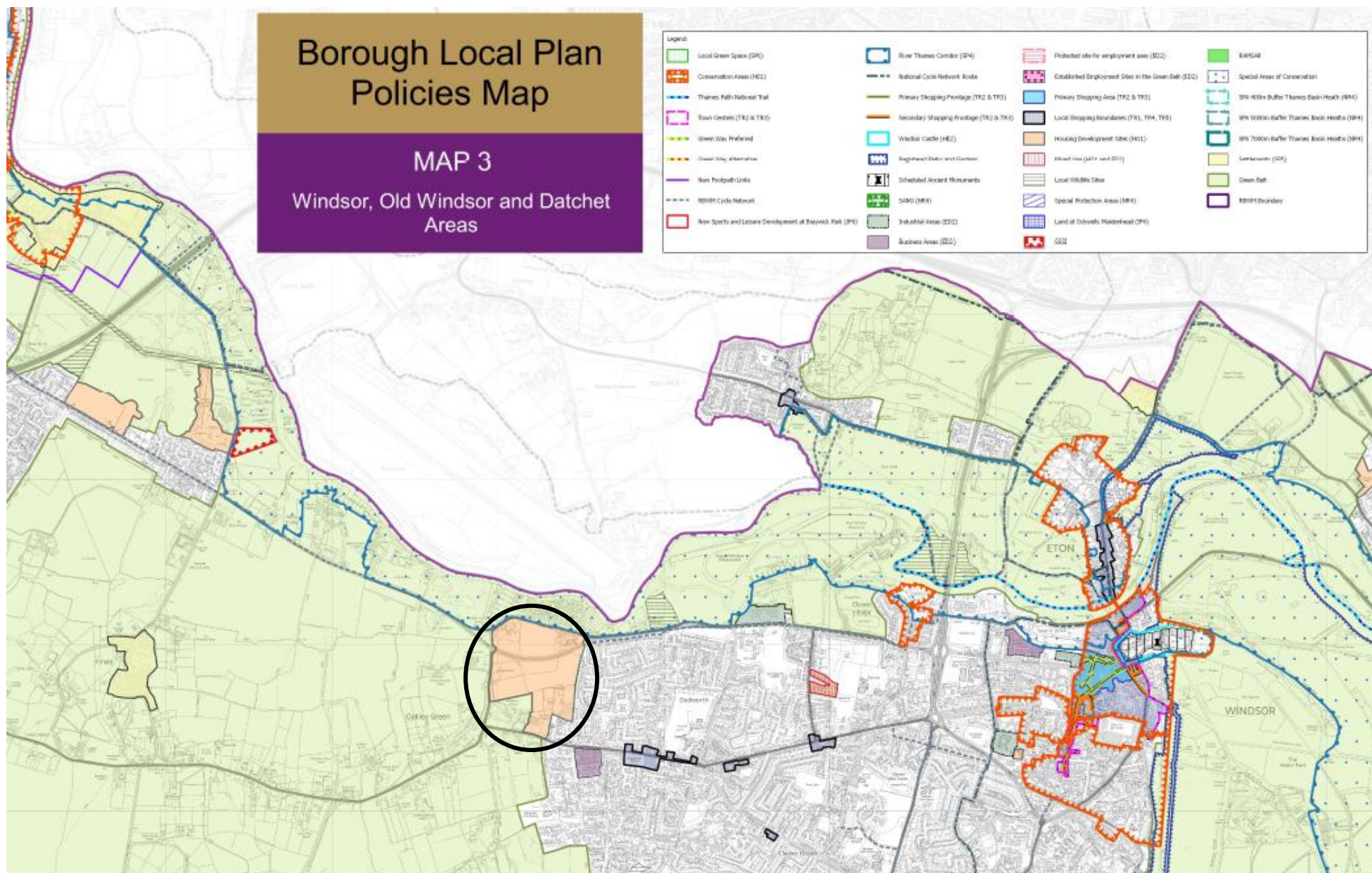
Other financial information relevant to the Recommendation/Decision
None anticipated

Cross-Council Implications
Decisions in RBWM, through the implementation of planning policies contained within the Bray Neighbourhood Plan, could affect how WBC resolve impacts on services such as transport, education, etc. within the borough.

SUMMARY OF CONSULTATION RESPONSES	
Director of Corporate Services	No Comment
Monitoring Officer	No Comment
Leader of the Council	No Comment

List of Background Papers
Information published relating to Bray Parish Neighbourhood Plan Submission version:
<ul style="list-style-type: none"> <li><a href="#">Bray Parish Neighbourhood Plan - Submission Plan 2016-2030</a></li> <li><a href="#">Bray Parish Neighbourhood Plan - Basic Conditions Statement</a></li> <li><a href="#">Bray Parish Neighbourhood Plan - Statement of Consultation</a></li> </ul>

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