

Agenda Item IMD5

INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: IMD 2022/05

TITLE	Wokingham Borough Council response to Ruscombe Draft Neighbourhood Plan Consultation
DECISION TO BE MADE BY	Executive Member for Planning and Enforcement - Wayne Smith
DATE, MEETING ROOM and TIME	23 March 2022 David Hicks 1 at 9.40am
WARD	Remenham, Wargrave and Ruscombe;
DIRECTOR / KEY OFFICER	Director, Place and Growth - Steve Moore

PURPOSE OF REPORT (Inc Strategic Outcomes)

To agree Wokingham Borough Council's formal response to the Ruscombe draft Neighbourhood Plan (Regulation 16) consultation.

RECOMMENDATION

That the Executive Member for Planning and Enforcement agrees that Wokingham Borough Council submits the comments contained in Enclosure 1 as this council's response to the Ruscombe Neighbourhood Plan: Submission Plan (October 2021)

SUMMARY OF REPORT

Neighbourhood development plans (commonly referred to as neighbourhood plans) allow communities to help shape how development is managed in their area and work alongside strategic planning policies set out in the council's local plans.

Neighbourhood plans can set out more detailed policies and can also choose to allocate sites for development, however neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹.

Ruscombe Parish Council has prepared a neighbourhood plan covering their parish. The parish council has consulted residents and other interested parties on the scope and content of the plan.

The parish council submitted the neighbourhood plan and supporting information to the council in October 2021. Executive agreed, on 27 January 2022, that the neighbourhood plan could progress to consultation². In line with the regulations governing the neighbourhood plan process, the council has publicised the plan for six

¹ National Planning Policy Framework (NPPF) (2021), paragraph 29

² Ruscombe Neighbourhood Development Plan – Regulation 16 Consultation and Future Examination, Examination Executive report, available at:

<https://wokingham.moderngov.co.uk/documents/s53191/Ruscombe%20Neighbourhood%20Plan.pdf>

weeks and invited representations on the plan's content. Consultation began on Tuesday 8th February 2022 and ends Friday 25th March 2022.

In the same way as any other stakeholder, the consultation provides the council the opportunity to consider the plan and submit representations. As set out in the recommendations to the Executive report, the council's comments would be agreed through the Individual Member Decision process, which is the purpose of this report.

The Ruscombe Neighborhood Plan contains policies on housing, the natural and historic environment, community facilities, business and commercial development, open space and transport. It does not include any proposed site allocations for development but does propose the designation of 10 areas as Local Green Space, which if accepted would protect them from inappropriate forms of development.

In line with best practice, officers have regularly engaged with the parish council during the plan making process. Matters raised by officers have generally been addressed, but there remain a few issues where it is recommended the council responds to the consultation, to bring them to the examiner's attention and consideration.

The primary focus of the recommended response is Policy RU2: Ruscombe Housing Design Code, which is not considered to meet the basic conditions as it would constrain development in a manner not supported by national policy or strategic policies in the Core Strategy and Managing Development Delivery local plan documents. The policy would also have significant implications on the indicative site capacities for two draft housing allocations in the emerging Local Plan Update.

Representations are also recommended regarding Policy RU5: Buildings of Traditional Local Character. Additional evidence is needed to justify the classification of fourteen buildings and structures as 'Buildings of Traditional Local Character,' (non-designated heritage assets). In particular, the information contained in Appendix B should include more reasoned justification by more closely following the criteria set out within the Council's Buildings of Traditional Local Character – Policy and Procedures.³

Further representations are also recommended in respect of the plan's evidence and methodology used to justify the inclusion of three areas of land for Local Green Space designation. It is recommended the remaining seven areas are supported, as these are consistent with the proposals contained in the council's Revised Growth Strategy consultation for the emerging Local Plan Update.

Finally, minor modifications are recommended to policies RU3, RU4, RU5, RU10 and RU11 to align with existing local and national policy and legislation.

The full recommended response is set out in Enclosure 1 to this report.

³ Wokingham Borough Council - Appendix 2: Criteria and Procedure for Considering a Nomination for Listing as a Building of Traditional Local Character, available at:
<https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=439061>

Background

Neighbourhood development plans, more common referred to simply as neighbourhood plans, allow communities to help shape how development is managed in their area. Neighbourhood plans work alongside strategic planning policy set out in the council's local plans. They can set out more detailed policies for their area. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies⁴.

Where a community wants to take up the opportunities offered by neighbourhood plan, legislation enables two types of organisations to lead it:

- a parish or town council; or
- a neighbourhood forum.

Ruscombe Neighbourhood Plan

Ruscombe Parish Council has prepared a neighbourhood plan covering their parish. The parish council has worked with other members of the community who are interested or affected by the plan.

The parish council has consulted residents and other interested parties on the scope and content of the neighbourhood plan. Consultation methods and community engagement activities used when preparing the plan include (but were not limited to) a survey questionnaire to residents, public meetings, leaflet distribution to all households and businesses in Ruscombe parish, social media campaign and dedicated page on the Ruscombe Parish Council website. Further information is contained in the Consultation Statement supporting the submitted Ruscombe Neighbourhood Plan.⁵

Having prepared its neighbourhood plan, the parish submitted the Plan with supporting information to the council in October 2021. Under the regulations governing the preparation of neighbourhood plans, the council is required to publicise the plan for a minimum of 6 weeks and invite representations to be made. On 27 January 2021, Executive agreed that the neighbourhood plan could progress to consultation. Consultation began on Tuesday 8 February 2022 and ends Friday 25 March 2022.

The consultation provides the council, with the opportunity to make representation on the neighbourhood plan's content, including supporting or objecting to any specific policies or proposals. As set out in the recommendations to the 27 January 2022 Executive report, any comments are to be agreed through the Individual Executive Member Decision process, which is the purpose of this report.

In responding to the consultation, the council can ensure the independent examiner fully considers those issues that may have implications when making decisions on planning applications. These issues can then be appropriately addressed by an appointed examiner through the examination process.

⁴ National Planning Policy Framework (NPPF) (2021), paragraph 29

⁵ Ruscombe Neighbourhood Plan – Consultation Statement (October 2021), available at: <https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=614722>

Business Case (including Analysis of Issues)

Neighbourhood plans are required to be in general conformity with the strategic planning policies contained within the Local Plan. Officers have regularly engaged with the parish council in accordance with the council's legal duty to assist bodies preparing neighbourhood plans and in accordance with the council's adopted Statement of Community Involvement. Matters raised by officers through this engagement have largely been addressed and reflected in the neighbourhood plan, but there remain a few issues where it is recommended the council responds to the consultation to bring them to the examiner's attention and consideration.

The neighbourhood plan contains policies on housing, the natural and historic environment, community facilities, business and commercial development, open space and transport. It does not include any proposed site allocations for development but does propose the designation of 10 areas as Local Green Space which would protect them from inappropriate forms of development.

The full recommended response is set out in Enclosure 1 to this report. The following is a summary of the recommended response to the key issues.

Policy	Comment summary
Policy RU1: Development Limit for Ruscombe	Suggested amendments to policy wording to improve clarity for decision takers and to provide local detail for guiding and managing development in the neighbourhood area (parish of Ruscombe).
Policy RU2: Ruscombe Housing Design Code	The policy does not meet the basic conditions as key design principles such as encouraging larger plot sizes or lower densities would constrain development in a manner that is not supported by national policy or strategic policies in the Core Strategy and Managing Development Delivery local plans. Further, the design guide/code promotes high-quality design and development which are core principles of the development plan, in particular Policy CP3 (General Principles of Development) of the Core Strategy (2010). The policy would also have significant implications on the indicative site capacities for two draft housing allocations in the emerging Local Plan and would therefore not contribute to achievement of sustainable development.
Policy RU3: Enhancing Ruscombe Conservation Area	Minor suggested wording to policy to align with existing local policy in the development plan, national policy and legislation.
Policy RU4: Community Engagement in Planning	The policy is not considered to constitute a land-use planning policy, relating to engagement, and would be standard practice in the planning application process. Policy should either be incorporated as additional criteria in Policy RU1, moved to the supporting text or removed from the plan.
Policy RU5: Buildings of Traditional Local Character	Concerns expressed regarding the evidence and methodology used to justify and classify fourteen buildings / structures as 'Buildings of Traditional Local Character'. In particular, Appendix B provides insufficient justification for the buildings / structures identified. The evidence should follow more closely the criteria set out in the Council's 'Criteria and Procedure for Considering a Nomination for Listing as a Building of Traditional Local Character'. ⁶ Suggested amendments to policy wording to align with national policy.
Policy RU7: Community Facilities	Minor suggested wording to supporting text for greater clarity to assist decision takers.
Policy RU8: Local Green Spaces	Concerns expressed to the evidence and methodology used to justify the inclusion of some areas of land for Local Green Space designation. In particular, the Ruscombe Draft Neighbourhood Plan proposes three additional areas for Local Green Space designation which have not been taken forward for consideration in the current Revised Growth Strategy: Local Plan Update consultation document ⁷ . Further information is contained in the Local Green Spaces Topic Paper (November 2021), which supports the Revised Growth Strategy consultation ⁸ . Notwithstanding, the Council supports the remaining seven areas proposed for designation in the Ruscombe Neighbourhood Plan.

RU10: Managing Traffic	Minor amendments suggested to also refer to financial contributions towards improving non car related modes of travel, including walking and cycling.
RU11: Car Parking	Minor amendments suggested to ensure clarity, and consistency with the relevant council parking policies, including the Highways Design Guide (2019).

Next Steps

Once the consultation has closed, all representations and associated documents will be sent to an appointed examiner who will consider the plan.

There is no prescribed timeframe in which examination should take place. The examiner will decide whether the examination takes place in the form of a public hearing, or written representations, and will be guided by any relevant Covid-19 measures and published guidance in place at that time.

Where considered necessary, the examiner will recommend amendments required for the plan to satisfy the basic conditions and will conclude whether or not the plan can proceed to a referendum.

Following receipt of the examiner's recommendations, the council will come to a formal view on whether the plan meets the basic conditions and, if so, will be responsible for arranging and undertaking the referendum.

Based in experience elsewhere, a referendum could take place in Ruscombe Parish in autumn 2022. If more than half the votes cast support the plan, the council must adopt it through a resolution of Council. At this point it would become part of the statutory development plan, and so carry significant weight when making decisions on planning applications and appeals.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

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

⁶ Wokingham Borough Council - Appendix 2: Criteria and Procedure for Considering a Nomination for Listing as a Building of Traditional Local Character, available at:

<https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=439061>

⁷ Wokingham Borough Council Revised Growth Strategy: Local Plan Update (Nov 2021 – Jan 2022)

⁸ Wokingham Borough Council Local Green Space Topic Paper (November 2021), available at:

<https://www.wokingham.gov.uk/planning-policy/planning-policy-information/revision-growth-strategy-consultation/?categoryesct191f252ff-550d-4cfa-a838-92ef2cb5f83c=10784>

Following Financial Year (Year 3)	Nil	n/a	n/a
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Other financial information relevant to the Recommendation/Decision
No financial implications arise as a result of this consultation exercise. However, the council is required to facilitate and fund both the examination and referendum processes. Whilst costs are initially incurred, government grant may be applied for retrospectively that will compensate for the expenditure.

Cross-Council Implications
No cross-council implications arise as a result of this consultation exercise. However, if the plan progresses to referendum, the council would be required to arrange the referendum. This would be led by Electoral Services.

Public Sector Equality Duty
An Equalities Impact Screening Report was produced and published as an enclosure to the report for Executive on 27 January 2022.

SUMMARY OF CONSULTATION RESPONSES	
Director – Corporate Services	No comments received
Monitoring Officer	Responded to confirm no comments.
Leader of the Council	No comments received

List of Background Papers
Enclosure 1: WBC Response

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