

TITLE	Ruscombe Neighbourhood Plan - Submission Consultation and Future Examination
FOR CONSIDERATION BY	The Executive on Thursday, 20 April 2023
WARD	Remenham, Wargrave and Ruscombe;
LEAD OFFICER	Director, Place and Growth - Simon Dale
LEAD MEMBER	Executive Member for Planning and Local Plan - Lindsay Ferris

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

This report seeks approval to consult on the updated draft Ruscombe Neighbourhood Plan submitted by Ruscombe Parish Council in March 2023, and to procure an independent examiner who will subsequently examine the updated draft Plan. The examination will consider all representations submitted during the proposed consultation. Consultation and examination are requirements of the regulations governing neighbourhood plan preparation.

The Ruscombe Neighbourhood Plan, prepared by Ruscombe Parish Council, if adopted in due course, will become part of the development plan and be used alongside the Wokingham Borough Council’s local plans to guide decisions on planning applications.

RECOMMENDATION

That the Executive.....

- 1) approves a 6-week consultation on the draft Ruscombe Neighbourhood Plan (Enclosure 1: Ruscombe Draft Neighbourhood Plan); and supporting information.
- 2) agrees to appoint an examiner to independently examine the draft Ruscombe Neighbourhood Plan, delegating the appointment and submission of the examination documentation to the Director of Place and Growth in consultation with the Lead Member for Planning and Local Plan.

EXECUTIVE SUMMARY

Ruscombe Parish Council (“the Parish Council”) has submitted an updated draft Ruscombe Neighbourhood Plan (“the Plan”) which if progressed to being adopted will sit alongside the Wokingham Borough Council’s (“the Council”) planning policies to help shape how development is managed in their area.

(Please note that due to the size of the draft updated Neighbourhood Plan this is not included in the printed agenda. A copy can be found on the website or made available on request through Democratic Services).

The submission of the updated draft Plan follows a number of consultations that were undertaken to support the plans’ preparation which culminated with the submission of a draft plan in October 2021. An examination process commenced thereafter. However, due to complications relating to the examination, the examination was not completed, and the Parish Council chose to withdraw the draft plan in February 2023.

The Parish Council has taken the opportunity to amend aspects of policy and supporting evidence in light of previous representations made on the 2021 draft plan. The updated draft Plan was submitted in March 2023.

The updated draft Plan contains policies on issues including housing; the natural and historic environment; community facilities; business and commercial development; open space and transport. The updated draft Plan does not include any site allocations for development but identifies some areas of land as Local Green Space. Local Green Space designation is a way for a community to identify and protect green areas that are of particular importance to them, but should only be used where the green space meets a specific set of criteria in national policy.¹

Now that an updated draft Plan has been submitted, the Council must publicise it for a minimum six-week consultation in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), and invite representations from the public, statutory consultees, and interested parties. The consultation is proposed to take place from May 2023, with the final dates still to be confirmed.

Concurrent with the consultation, the Council will need to appoint a new examiner to undertake examination of the Plan. The examiner's role will be to test whether the updated draft Plan meets the basic conditions and other matters set out in the regulations.

At this stage, the Council is not required to come to a formal view on whether the updated draft Plan meets the basic conditions², but is required to be satisfied that the proper legal process has been carried out. Officers have engaged with the Parish Council through the preparation of the original plan and the updated draft Plan and are content that all necessary processes have been followed. Any matters that the Council wishes to raise on the updated draft Plan will need to be via a formal representation to the submission consultation in due course. This falls outside the scope of this report and any representations are to be agreed via the Individual Executive Member Decision process.

The costs of undertaking the consultation and examination will be met from the Council's existing revenue budget, following which costs can be reclaimed from government grant.

For clarity, any post examination processes will be subject to a further decision of the Council's Executive and Full Council.

Once adopted, the Plan will form part of the statutory development plan for the borough and thereby carry significant weight in the determination of planning applications and appeals in Ruscombe Parish. When adopted, the Parish Council will benefit from receiving 25% of the revenues from the Community Infrastructure Levy arising from any development that takes place in their area. This reflects a 10% increase on the 15% available to parish councils where there is no neighbourhood plan in place.

¹ Paragraph 102 of the National Planning Policy Framework

² As can be seen at: <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

BACKGROUND

Neighbourhood Planning

Neighbourhood planning was introduced through the Localism Act 2011 and is a means for local communities to take the lead on preparing local planning policy, to sit alongside the Council's planning policies, helping to shape how new development is managed in their area. Communities prepare Neighbourhood Development Plans (often referred to as Neighbourhood Plans) to set out specific planning policies which help shape and guide development in their area.

The broad stages in producing a neighbourhood plan are as follows:

- 1) Designating a neighbourhood area
- 2) Preparing a draft neighbourhood plan
- 3) Pre-submission publicity & consultation
- 4) Submission of a neighbourhood plan to the local planning authority
- 5) Submission draft plan consultation
- 6) Independent examination
- 7) Referendum
- 8) Bringing the neighbourhood plan into force

This report seeks approval to undertake stages 5 and 6 for the draft neighbourhood plan produced by the Parish Council and submitted in March 2023 (Enclosure 1).

Ruscombe Neighbourhood Plan progress to date

The Parish Council began work on producing a neighbourhood plan (hereafter referred to as the draft Plan) in 2018. A number of consultations were undertaken, and a draft plan submitted in October 2021. The October 2021 draft plan was published for consultation, with the examination process commencing thereafter.

However, due to complications relating to the examination, the examination was not completed, and the Parish Council chose to withdraw the October 2021 draft plan in February 2023.

The Parish Council has since taken the opportunity to amend aspects of policy and supporting evidence in light of the previous representations. The updated draft Plan was submitted in March 2023.

Under the regulations governing neighbourhood development plans, the Council is required to publicise the updated draft Plan for consultation and arrange for independent examination.

The updated draft Plan contains policies on housing; the natural, built and historic environment; community facilities; business and commercial development; open space and transport. The updated draft Plan does not allocate land for development but proposes some areas of land in the neighbourhood area for designation as Local Green Space. Local Green Space designation is a way for a community to identify and protect green areas that are of particular importance to them but should only be used where the green space meets a specific set of criteria in national policy.³

³ Paragraph 102 of the National Planning Policy Framework

Analysis of Issues

Whilst the early stages in the preparation of a neighbourhood development plan are led by the Parish Council, the regulations governing neighbourhood planning requires the later stages to be managed by the Council as the local planning authority.

Now an updated draft Plan has been submitted, the Council must publicise it for a minimum six-week consultation and invite representations (known as the Regulation 16 consultation)⁴.

Concurrent with the consultation, the Council must appoint a new examiner to undertake the subsequent stage of independent examination. The examiner's role will be to test whether the updated draft Plan meets the basic conditions⁵, and other matters set out in the regulations⁶.

The examination will take place following the consultation and is typically undertaken via written representations without the need for a public hearing. Where additional points of clarity are required, the examiner may write to the related party requesting written answers. Should this occur, full details will be made available on the Council's website.

The approval of Executive is requested to publish the updated Plan for consultation and begin the process of appointing an examiner.

The Council is not required at this time to come to a formal view on whether or not the updated draft Plan meets the basic conditions but is required to be satisfied that the proper legal process has been carried out. Officers have actively engaged with the Parish Council during the preparation of the original and updated Plan. Officers are content that all necessary processes have been followed to date.

Consultation

Subject to the approval of Executive, consultation would be undertaken from May, with the final dates yet to be confirmed. The updated Plan will be publicised, and documents made available in accordance with the Council's Statement of Community Involvement⁷.

Next steps

Whilst the Council is required to manage consultation for the updated Plan, it is also a consultee to this process. Officers will review the updated Plan in due course and prepare recommended representations on behalf of the council. This falls outside the scope of this report and with any representations agreed via the Individual Executive Member Decision process.

For clarity, any post examination processes will be subject to further reports to Executive and Council.

⁴ Of the [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)

⁵ As can be seen at: <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

⁶ [paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#)

⁷ Which can be viewed on the Council's website: <http://www.wokingham.gov.uk/planning-policy/planning-policy-information/local-plan-and-planning-policies/>

BUSINESS CASE

Need for the decision

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must carry out a minimum six-week consultation on a submission draft neighbourhood plan to invite comments from the public, statutory consultees, and interested parties. It must also arrange for an independent examination to take place. The current recommendation facilitates the Council carrying out its legal duties.

Alternative options

There is no alternative option that meet the legal duties.

Risks

No risks are apparent to progressing the consultation on a submission draft neighbourhood plan and examination.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and 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 (2023/24)	£15,000 estimate	Yes, due to cost recovery through grant funding from government.	Revenue
Next Financial Year (2023/24)	Nil	Not applicable.	Not applicable
Following Financial Year (2024/25)	Nil	Not applicable.	Not applicable

Other Financial Information

The council is required to fund the costs of consultation and examination. In addition, the council is also expected to fund the cost of any referendum, a future stage in the neighbourhood plan process. Whilst the council is required to fund this up front, once a plan progresses to the referendum stage grant funding of £20,000 will be claimed from central Government, which is expected to cover costs in full and possibly provide a small surplus.

Once a neighbourhood plan is made (adopted), the parish council will benefit from receipt of 25% of the revenues from the Community Infrastructure Levy (CIL) arising from the development that takes place in their area. This reflects a 10% increase on the 15% available to parish councils where there is no neighbourhood plan in place.

The 10% gain for the parish is a 10% loss for the council. The exact amount is currently unknown but is thought to be minimal. CIL spend is also generally undertaken in conjunction with the Parish meaning the financial impact on the authority is forecast to be small and possibly non-existent.

Stakeholder Considerations and Consultation

Consultation to be carried out for minimum 6 weeks.

Public Sector Equality Duty

An Equalities Impact Screening Report Form is set out in Enclosure 2 to the report.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*

The submission Plan includes policies which provide additional detail to complement policies in the Core Strategy (2010) and Managing Delivery Development (MDD) local plans. Specific policies include maximising opportunities for walking and cycling, protecting and enhancing existing green infrastructure assets and protecting existing open spaces (through Local Green Space designation).

List of Background Papers

[National Planning Policy Framework](#)

[Planning Practice Guidance: Neighbourhood Planning](#)

Enclosure 1: Ruscombe Draft Neighbourhood Plan (***Due to the size of this document it is not included in the agenda but can be made available on request through Democratic Services***)

Enclosure 2: Equalities Impact Screening Report Form

Other papers are also available on request, for example:

- Basic Conditions Statement
- Consultation Statement

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