

TITLE	Finchampstead Neighbourhood Plan
FOR CONSIDERATION BY	The Council on Thursday, 21 September 2023
WARD	Finchampstead North; Finchampstead South; Wokingham Without
LEAD OFFICER	Director of Place and Growth - Giorgio Framaliccio
LEAD MEMBER	Executive Member for Planning and Local Plan - Lindsay Ferris

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The approval of Council is sought to make (adopt) the Finchampstead Neighbourhood Plan in accordance with the outcome of the referendum held on 7 September 2023.

Adoption is required by the regulations following the successful result of the referendum where more than 50% of those who voted, supported the use of the plan.

RECOMMENDATION

That Council:

- 1) Make (adopt) the Finchampstead Neighbourhood Plan so that it forms part of the statutory Development Plan, pursuant to Section 38A(4) of The Planning and Compulsory Purchase Act 2004; and
- 2) Publish a Decision Statement (the form and content of which is set out at Enclosure 1) pursuant to Regulation 19 of The Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”) in order to give effect to the above recommendation.
- 3) Delegates to the Director of Place & Growth, in consultation with the Executive Member for Planning and Local Plan and in agreement with the Qualifying Body, to make any spelling, grammatical, typographical or factual corrections to the plan and supporting documents.

EXECUTIVE SUMMARY

The Qualifying Body, which in this case is Finchampstead Parish Council (“the Parish Council), has produced the Finchampstead Neighbourhood Plan (“the Plan”) to help shape how development is managed in its area. The preparation of the Plan has been informed by consultations and independent examination.

Following examination, a referendum on whether the Plan should be used to determine planning applications was held on Thursday 7 September 2023. Of those who voted, 89.6% voted yes to the question of whether they wished for the plan to be used to help determine planning applications within the Finchampstead Parish.

Under the regulations governing neighbourhood plans, the Council is required to 'make' (adopt) the Plan and bring it into legal force where more than 50% of people voting in the referendum support the use of the Plan. This is required to be done within 8 weeks of the referendum. In accordance with the Executive decision of 29 June 2023, a resolution of Council is needed to formally 'make' (adopt) the Plan. Once made, the Plan will form part of the statutory development plan so forming the starting point for the determination of planning applications and appeals in or affecting Finchampstead parish alongside local plans.

Making the Plan will result in the Parish Council receiving 25% of the revenues from the Community Infrastructure Levy arising from the development in its area. This is a significant uplift on the 15% available to parish councils where there is no neighbourhood plan in place.

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 that will sit alongside planning policies in local plans, to shape how new development is managed.

The key 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.

The Parish Council took the decision to produce a neighbourhood plan – the Finchampstead Neighbourhood Plan (the Plan) – in 2019. Since then, stages 1-7 have been completed. This report seeks approval to bring the neighbourhood plan into force (Stage 8).

Finchampstead Neighbourhood Plan Referendum

An Independent Examination was completed in May 2023 and the Council's Executive agreed on 29 June 2023 that the Examiner's recommended modifications be made to the plan. In accordance with paragraph 14(2) of Schedule 4B of the Town and Country Planning Act 1990, the Council made arrangements to hold a referendum on the making of the Plan on Thursday 7 September 2023.

A person was entitled to vote in The Finchampstead Neighbourhood Plan referendum if, on the 7 September 2023:

- a) he or she was entitled to vote in a local government election in the referendum area; and
- b) his or her qualifying address for the election was in the referendum area.

The referendum area was the designated Finchampstead Neighbourhood Area.

Referendum results

The following question was asked to those entitled to vote:

"Do you want Wokingham Borough Council to use the Neighbourhood Plan for Finchampstead parish to help it decide planning applications in the neighbourhood area?"

At the referendum a total of 2,604 ballots were cast. Of these:

- The number of votes in favour of a 'yes' was 2,333.
- The number of votes in favour of a 'no' was 263.

- 8 ballots were rejected.
- The turnout was 25.95% of the registered electors.

89.6% of those who voted, therefore voted in favour of the Plan being used to determine planning applications. A copy of the Declaration of the Result of Poll is set out in Enclosure 2 of this report.

Next steps

Where more than half of those voting in the referendum do so in favour of using the Plan to determine planning applications, the Council must 'make' (adopt) the Plan. The recommendation of this report is to achieve this.

Procedurally, the Council is required to publish a statement setting out the decision, the reasons for making that decision, and details of where and when the decision statement may be inspected. The recommended Decision Statement is appended to this report in Enclosure 1. The Decision Statement also confirms that the Council does not consider that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights.

Once the Plan has been made the Council is required to publish the Plan and details of where it may be inspected. This must be made publicly available and advertised so that it is brought to the attention of people who live, work or carry on business in the Finchampstead neighbourhood area.

Copies of the Plan and supporting documents will be made available on the Council's website and at the Council's offices at Shute End. Further details regarding how the Plan can be inspected is set out in the Decision Statement.

BUSINESS CASE

Need for the decision

As a result of the referendum outcome, the Council has a legal obligation to 'make' (adopt) the Plan. This needs to be acted upon by 3 November 2023¹. The recommendation of this report facilitates the Council in carrying out its legal duties.

Alternative options

There are no alternative options to be considered given the Regulatory requirements and the result of the referendum.

The Council can only choose to not make the Plan where it believes the Plan would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights. No such breach or incompatibility exists.

Risks

As with the adoption of a local plan, there exists the opportunity for third parties to seek to legally challenge the decision to make (adopt) a neighbourhood plan. This is

¹ Being the last day of the period of 8 weeks beginning with the day immediately following that on which the applicable referendum was held in accordance with section 18A of the Neighbourhood Plan (General) Regulations (as amended)

considered to be low risk, with the Plan having been independently examined and found to meet necessary requirements.

Expected outcome

If Council agrees to make (adopt) the Plan, it will become part of the development plan and form the starting point for determining planning applications, alongside local plans.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (2023/24)	Estimated less than £1,000. Costs of making the plan relate to officer time and printing.	Yes. The full costs of examination, referendum and adoption are covered by a claim for government grant.	Revenue.
Next Financial Year (2024/25)	Nil.	Not applicable.	Not applicable.
Following Financial Year (2024/25)	Nil.	Not applicable.	Not applicable.

Other Financial Information

Upon arranging the referendum for the Plan, the Council was eligible to apply and subsequently submitted a claim for grant funding from government of £20,000 for the costs of the examination and referendum stages. The grant will cover the full costs incurred.

Making the Plan will result in the Parish Council receiving 25% of the revenues from the Community Infrastructure Levy arising from the development in its area. This is a significant uplift on the 15% available to parish councils where there is no neighbourhood plan in place.

The 10% gain in future CIL funds for the parish is a 10% loss of future CIL funds for the Council. The exact amount is unknown. CIL spend is generally undertaken in conjunction with the Parish Council meaning the financial impact on the authority is forecast to be small.

Stakeholder Considerations and Consultation

The recommendation of this report is guided by the outcome of the referendum held on 7 September 2023.

Public Sector Equality Duty

A Stage 1 Equalities Impact Assessment has been undertaken to support the Plan. The assessment concluded the recommendation would have a neutral or no impact.

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 Plan includes policies which provide additional detail to complement policies in the Core Strategy (2010) and Managing Development Delivery (MDD) (2014) local plans. Specific policies include maximising opportunities for walking and cycling, protecting and enhancing existing green infrastructure assets and sustainable design and construction.

Reasons for considering the report in Part 2

Not applicable.

List of Background Papers

[National Planning Policy Framework](#)

[Planning Practice Guidance: Neighbourhood Planning](#)

[Finchampstead Neighbourhood Plan: Referendum Version](#)

Enclosure 1: Decision Statement

Enclosure 2: Declaration of Result of Poll

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