

TITLE	Ruscombe Neighbourhood Plan
FOR CONSIDERATION BY	The Executive on Thursday, 26 October 2023
WARD	Remenham, Wargrave and Ruscombe;
LEAD OFFICER	Director, Place and Growth - Giorgio Framaliccio
LEAD MEMBER	Executive Member for Planning and Local Plan - Lindsay Ferris

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The report considers the findings of the examination of the submission Ruscombe Neighbourhood Plan, the modifications recommended by the Independent Examiner and, if those modifications are accepted, seeks approval for the plan to progress to a public vote at referendum.

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

RECOMMENDATION

That the Executive:

- 1) Accepts the modifications recommended by the Independent Examination into the Ruscombe Neighbourhood Plan (as set out in Enclosure 1) and for the modified plan to proceed to referendum.
- 2) Agrees that the Ruscombe Neighbourhood Plan, as modified in accordance with the recommendations of the Independent Examiner, meets the basic conditions and complies with the provisions of Paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011).
- 3) Agrees to publish the 'Decision Statement' as set out at Enclosure 2.
- 4) Authorises the Director of Place and Growth, in consultation with the Executive Member for Planning and Local Plan, to agree minor factual and consequential modifications necessary to the Ruscombe Neighbourhood Plan, the Decision Statement, and other supporting documents prior to the referendum.

EXECUTIVE SUMMARY

Ruscombe Parish Council ("the Parish Council") has produced a draft Ruscombe Neighbourhood Plan ("the Plan") to help shape how development is managed in its area. The Plan, which is available on the Council's website¹, contains a number of policies on issues including housing; the natural, built and historic environment; community facilities; business and commercial development; open space; active travel and highways; and flooding. The submission draft Plan does not include any site allocations

¹ <https://www.wokingham.gov.uk/sites/wokingham/files/2023-07/Ruscombe%20NP%20Submission%20Plan%20%28March%202023%29.pdf>

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.²

The submission draft Plan is supported by technical evidence, including a Design Code and a Biodiversity and Green Infrastructure Report. An assessment is also provided to support the identification of Buildings of Traditional Local Character and Local Green Spaces in the Plan.

In accordance with the regulations governing neighbourhood planning, the Council carried out a six-week consultation on the submission draft Plan between 15 May and 26 June March 2023, and invited comments. A total of 11 responses were received from various stakeholders.

An Independent Examiner was appointed in consultation with the Parish Council to test whether the draft submission Plan met the basic conditions as required by legislation and to recommend whether the Plan could proceed to referendum. The report of the Independent Examiner was received in August 2023 (see Enclosure 1).

The Independent Examiner concludes that, subject to inclusion of a number of recommended modifications, the Plan meets the basic conditions set out in legislation and can proceed to referendum. The majority of modifications are minor in nature, with amendments to policy wording to aid clarity and precision for the decision maker. However, the Independent Examiner has recommended the deletion of three areas proposed for allocation as Local Green Space and the deletion of the policy regarding community engagement in planning, with its content incorporated into another policy.

The Independent Examiner recommended that the boundary for undertaking a referendum should be the boundary of the designated Neighbourhood Area.

Process dictates that the Council must now formally decide what action to take based on the Independent Examiner's recommendations. In collaboration with the Parish Council, it is recommended that the Independent Examiner's recommended modifications are accepted in full and that the Plan as modified should proceed to referendum. Each of the recommended modifications is set out in a draft Decision Statement (see Enclosure 2).

It is anticipated that the referendum would take place on 7 December, and if successful, Full Council approval will be needed to formally 'make' (adopt) the Plan.

Once made, 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 or affecting Ruscombe Parish. At this time, 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.

² Paragraph 102 of the National Planning Policy Framework

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

Ruscombe Parish Council took the decision to produce a neighbourhood plan (the Plan) in 2018. Since then, stages 1-6 have been completed. This report considers the findings of the examination into the submission draft Plan, the modifications recommended by the Independent Examiner, and if accepted, seeks approval to proceed to the referendum stage.

Ruscombe Neighbourhood Plan Examination

The submission draft Plan was published for consultation between 15 May and 26 June 2023. The submission draft Plan is available on the Council's website. 11 representations were received during the consultation period.

An Independent Examiner was appointed in consultation with the Parish Council to review whether the submission draft Plan met the basic conditions as required by legislation and to recommend whether it should proceed to referendum. The basic conditions include:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan.
- The making of the plan contributes to the achievement of sustainable development.
- The making of the plan is in general conformity with the strategic policies contained in the development plan for the area.

The Independent Examiner's report was received on 31 August 2023 (see Enclosure 1).

Analysis of Issues

The Independent Examiner's key recommendations are:

- The submission draft Plan meets the relevant legal requirements and basic conditions, subject to acceptance of the recommended modifications set out in their report.
- That the submission draft Plan, as modified, should proceed to referendum based on the neighbourhood area.
- Deletion of three areas proposed for designation as Local Green Space (LGS), concluding there is insufficient justification that these areas represent more than incidental green or open spaces. The deleted areas are: iv (New Road Pond), vii (Crossroads Lane) and ix (London Road). The 7 other LGS were considered to be justified.
- Deletion of Policy RU4 'Community engagement in planning', as the issue is related to process rather than land-use planning. However, the importance of early and meaningful engagement is recognised by its incorporation in the supporting text to Policy RU1.
- Modifications to proposed Policy RU2 'Ruscombe Housing Design Code' to recognise that the primary purpose of the design code in its implementation is to ensure the delivery of high quality and distinctive design in development proposals, rather than the mechanical application of the code.
- Modifications are also proposed to the design code itself. The modifications recognise that high quality design could be secured in alternative ways to that set out in the code, and to ensure the density of redevelopment sites coming forward during the plan period is not inhibited.

In addition to the above, the Independent Examiner also recommended modifications to other policies within the submission draft Plan, mostly to add clarity and precision.

Options and Next steps

The Council has the choice of whether or not to accept each of the Independent Examiner's recommendations. Where recommendations are not accepted, legislation requires consultation to be undertaken on the reasons for doing so, and for any representations in response to be considered before proceeding. Guidance suggests that a new examination focused on the specific areas may be appropriate.

Officers have reviewed each of the Independent Examiner's recommendations and justification, and are of the opinion that the recommendations made by the Independent Examiner should be accepted in full. Accepting the recommendations ensures the basic conditions would be met. Details of each of the recommendations is set out in the proposed Decision Statement, attached as Enclosure 2.

Accepting the recommendations in full would mean that no further consultation is required and the draft submission Plan, as modified, may proceed to a public vote through a referendum. The referendum Plan and supporting documents would be prepared to enable this process. Whilst the Decision Statement includes details of factual and consequential changes necessary, delegated authority is requested to allow further minor changes, should this be necessary.

If the recommendations of the report are accepted, the referendum will likely take place on 7 December 2023.

Should more than half of those voting do so in favour of using the referendum Plan to guide future planning decisions, it must be adopted through a resolution of Full Council. At this time, the Plan would become part of the Development Plan.

BUSINESS CASE

Need for the decision

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must make changes to a neighborhood plan necessary for it to meet the basic conditions and must arrange for a referendum to take place. This should be undertaken within a 5-week period of receiving the examiner’s report, unless agreed otherwise with the relevant parish/town council.

Risks

The Independent Examiner has recommended modifications to ensure the Plan meets the basic conditions. If the Council agrees that these modifications are necessary but did not implement them, the Plan would be at risk of legal challenge on the basis it does not meet the legal requirements.

There is a possibility that the community will reject the Plan through the referendum. This is the democratic right of residents. The positive engagement and consideration of the views of respondents that has taken place over a number of years in producing the Plan helps to mitigate this risk.

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)	£10,000 (estimated cost for the referendum)	Yes. The full costs of examination, referendum and adoption can be covered by a claim for government grant.	Revenue
Next Financial Year (2024/25)	Nil	Not applicable	Not applicable
Following Financial Year (2025/26)	Nil	Not applicable	Not applicable

Other Financial Information

The Council is required to fund the cost of the referendum up front. Upon arranging the referendum for the Plan, the Council becomes eligible to submit a claim for grant

funding from the government of £20,000 for the costs of the examination, referendum and adoption. The grant will cover the full costs incurred.

Adopting the Plan will result in the Parish Council receiving 25% of the revenues from the Community Infrastructure Levy (CIL) 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 for the parish is future CIL revenue is a 10% loss for of future CIL receipts for the Council. The exact amount is unknown but is thought to be minimal. CIL spend is generally undertaken in conjunction with parish/town councils, meaning the financial impact on the Council is forecast to be small.

Legal Implications arising from the Recommendation(s)

None envisaged. The preparation of the Plan has been undertaken in accordance with the governing legislation, and found compliant in this respect by the Examiner.

Stakeholder Considerations and Consultation

Not applicable to the recommendations of this report. As noted above, the preparation of the Plan has involved consultation and examination.

Public Sector Equality Duty

A Stage 1 Equalities Impact Assessment has been undertaken. The assessment concluded the recommendations 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 Closed Session

Not applicable.

List of Background Papers

[National Planning Policy Framework](#)
[Planning Practice Guidance: Neighbourhood Planning](#)
[Ruscombe Neighbourhood Plan: Submission Plan](#)

Enclosure 1: Ruscombe Neighbourhood Plan Examination Report
Enclosure 2: Ruscombe Neighbourhood Plan Decision Statement

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