

Ruscombe Neighbourhood Development Plan 2019-2038

**A report to Wokingham Borough Council on
the Ruscombe Neighbourhood Development
Plan**

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Executive Summary

- 1 I was appointed by Wokingham Borough Council in July 2023 to carry out the independent examination of the Ruscombe Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 11 July 2023.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its character and appearance. It also proposes the designation of a series of Local Green Spaces.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Ruscombe Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
31 August 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Ruscombe Neighbourhood Development Plan 2019-2038 (the 'Plan').
- 1.2 The Plan has been submitted to Wokingham Borough Council (WBC) by Ruscombe Parish Council (RPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It has a clear focus on maintaining the character and appearance of the neighbourhood area and designating Local Green Spaces.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and a referendum has a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WBC, with the consent of RPC, to conduct the examination of the Plan and to prepare this report. I am independent of both WBC and RPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. I have 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of examining neighbourhood plans. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 I have considered the following documents during the examination:

- the submitted Plan (March 2023);
- the Basic Conditions Statement;
- the Consultation Statement
- the SEA/HRA Determination Statement;
- the representations made to the Plan;
- RPC's responses to the clarification note;
- WBC's response to the clarification note;
- the adopted Core Strategy (2010);
- the adopted Managing Development Delivery Local Plan (2014);
- the WBC Sustainable Design and Construction Supplementary Planning Document (and its Companion documents) (2010);
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance;
- the Planning Update Written Ministerial Statement (March 2015); and
- the First Homes Ministerial Statement (May 2021).

3.2 The Plan explains the circumstances whereby an earlier submitted Plan was withdrawn from examination. It also highlights the way in which the Plan was refined prior to its re-submission. For the avoidance of any doubt, the current examination of the Plan has taken place on the documents listed above and without any reference to the earlier submitted version of the Plan.

3.3 I visited the neighbourhood area on 11 July 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.4 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing. In coming to this conclusion, I took account of the comments made on the Plan, the level of detail in the Plan and its supporting documents.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012, RPC has prepared a Consultation Statement. It provides an update from the equivalent Statement included with the earlier submission package in 2021. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (February to April 2021). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices. It is a good example of a Consultation Statement.
- 4.3 Section 2 of the 2021 Statement sets out details of the comprehensive range of consultation events and activities that were carried out in relation to the initial stages of the Plan. I am satisfied that they were comprehensive and proportionate to the neighbourhood area.
- 4.4 The Statement also provides details of the way in which RPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.5 Appendix 11 of the Statement respectively provide details about the comments received during the consultation process from statutory bodies and the wider community at the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I am satisfied that RPC sought to engage with residents, statutory bodies and the development industry as the Plan has been prepared.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by WBC and ended on 26 June 2023. This exercise generated comments from the following organisations:
- Natural England
 - Transport for London
 - Wokingham Borough Council

- Thames Water
- British Horse Society
- NHS Buckinghamshire, Oxfordshire, and Berkshire Integrated Care
- Waverley Borough Council
- Surrey County Council

4.9 Representations were also received from some residents in the parish.

4.10 I have taken account of the various representations as part of the examination of the Plan. Where it is appropriate to do so, I make specific reference to the individual representations in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Ruscombe. Its population in 2011 was 1094 persons living in 479 houses. It was designated as a neighbourhood area on 25 January 2018. It is located between Reading to the west and Maidenhead to the east.
- 5.2 Ruscombe is an attractive village. Most of the built-up area is contained in the west of the parish adjacent to Twyford village. The Ruscombe Business Park is the main employment area and consists mainly of offices and light industrial uses. The Conservation Area is the historic core of the parish and is based around the 12th Century church of St James the Great and includes the village green. The remainder of the parish is in the Green Belt.
- 5.3 As the Plan comments, the village benefits from its proximity to the major business and retail areas of Reading and Maidenhead, is served by good public transport (buses to Wokingham, Reading, High Wycombe, and Henley), and has an ease of access to national road and rail networks. Both Heathrow airport (less than 25 minutes by car) and Paddington station (via Twyford Station less than 35 minutes by train at peak commuting times) are easily accessible.

Development Plan Context

- 5.4 The Core Strategy was adopted in January 2010. It sets out the basis for future development in the Borough up to 2026. Policy CP9 comments that the scale of development proposals in the Borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. It advises that development proposals (in addition to the strategic development locations in Policies CP18-21) within development limits will be acceptable in a series of locations including the modest development locations. Ruscombe is one of the modest development locations.
- 5.5 The Core Strategy is underpinned by the Managing Development Delivery Local Plan (MDD). It was adopted in February 2014 and includes a series of development management policies and allocates sites for residential development. Policy SAL02 allocates land at London Road, Ruscombe for the delivery of around 15 dwellings (site RU103).
- 5.6 The following other policies in the MDD Local Plan are particularly relevant to the submitted Plan:
- Policy CC03 Green Infrastructure, Trees, and Landscaping
 - Policy CC04 Sustainable Design and Construction
 - Policy CC09 Development and Flood Risk
 - Policy TB05 Housing Mix
 - Policy TB24 Designated Heritage Assets
 - Policy TB26 Buildings of Traditional Local Character and Areas of Special Character

- 5.7 WBC is preparing a new Local Plan that will replace the existing Core Strategy and MDD Local Plan in due course. The new plan will cover an extended period. This was envisaged to be up to 2037/38 in the last stage of consultation but is now likely to be for a longer period. Consultation has taken place on an Issues and Options (2016), a draft Plan (2020) and a Revised Growth Strategy (2021). Based on the latest timetable (July 2023) it is anticipated that the Plan will be submitted in Spring 2024.
- 5.8 The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned previous and existing planning policy documents in the Borough. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 11 July 2023. I approached from the A4 (Bath Road/Hare Hatch) from the north. This allowed me to understand its connection with the strategic highway network and its wider setting in the landscape.
- 5.10 I looked initially at the area around St James the Great Church. I saw the beautifully maintained grounds of the Church itself, and the way in which it was complemented by the green area to its immediate west. I saw the two commemorative trees – one for Queen Elizabeth’s Diamond Jubilee and one to celebrate her life.
- 5.11 I took the opportunity to walk to the east along Southbury Lane. I saw the importance of the group of buildings to the east of the Church. I walked over the railway bridge and saw the significance of the surrounding countryside and Green Belt.
- 5.12 I then walked along Ruscombe Lane to the west. I saw the importance of the Business Park to the south of the road and the significance of the Royal Oak public house and the associated Burattas Restaurant to the north.
- 5.13 I then looked at a selection of the various residential areas as described in the Design Code. This part of the visit highlighted the very distinctive characteristics of the parish.
- 5.14 I then took the opportunity to look at the series of proposed Local Green Spaces around London Road and Pennfields.
- 5.15 I then walked to Twyford Railway station. This helped me to understand the relationship between the parish and the station and the issues raised in the Plan about informal parking of cars in nearby residential streets by station users.
- 5.16 I left the neighbourhood area along the B3024 heading towards Maidenhead. This provided me with another indication of the way in which it connected with the strategic road network and with other settlements in the surrounding area. It also highlighted the wider significance of the Green Belt.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have 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 in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 6.3 I assess the Plan against the basic conditions under these matters below:
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Ruscombe Neighbourhood Plan:
- a plan led system – in this case the relationship between the neighbourhood plan and the adopted Core Strategy and the MDD local plans;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and relevant ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area with a focus on securing high quality design which responds to its distinctive character. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This matter is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Many of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan has regard to national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the way in which the submitted Plan contributes towards sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for employment development (Policy RU6) and for car parking (Policy RU11). In the social dimension, it includes policies on community facilities (Policies RU7) and on Local Green Spaces (Policy RU8). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy 2), the conservation area (Policy RU3), and buildings of local character (Policy RU5). RPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Wokingham Borough in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the

development plan. Subject to the recommended modification in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Planning (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons explaining why an environmental report is not required.
- 6.15 In order to comply with this requirement WBC undertook a screening exercise (January 2022) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

Habitat Regulations Assessment

- 6.16 The screening statement also included a separate section on the need for a Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives (either alone or in combination) and taking account of the precautionary principle. On this basis it concludes that Appropriate Assessment is not required.
- 6.17 The HRA report is both thorough and comprehensive. It takes appropriate account of the following protected sites:
- the Thames Basin Heath Special Protection Area (SPA);
 - the Chiltern Beechwoods Special Area of Conservation (SAC);
 - the Windsor Forest and Great Park SAC; and
 - the Thursley, Ash, Pirbright and Chobham SAC

It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of the basic conditions.

Human Rights

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence

available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 The modifications focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended modifications to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and RPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It also includes a series of non- planning matters.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. I address the non-planning matters after the policies.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing modifications to the text of the Plan are set out in italic print.
- The initial section of the Plan (Sections 1-4)*
- 7.8 The initial parts of the Plan set the scene for the policies. They do so in a proportionate way. The Plan is presented in an effective fashion. It makes good use of well-selected maps. A very clear distinction is made between the policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction addresses the background to neighbourhood planning. It comments about how the Plan has been prepared and how it will be used. It defines the Plan period and the neighbourhood area (in Plan A). It also explains the SEA/HRA process. In the round it is a very effective introduction to a neighbourhood plan.
- 7.10 Section 2 provides a range of information about the neighbourhood area. Key elements of this analysis have underpinned the production of the Plan.
- 7.11 Section 3 comments about the planning policy context within which the Plan has been prepared. It addresses both national and local planning policies. It also comments about the conservation area in the neighbourhood area and the details of the emerging Local Plan insofar as it affects the parish.
- 7.12 Section 4 comments about the community's views on planning matters. It overlaps with the submitted Consultation Statement.

- 7.13 Section 5 sets out a comprehensive Vision for the Plan. The Vision is then underpinned by a structured series of objectives. The vision is as follows:

'To remain a busy and vibrant community with access to a wide range of facilities. Growth will be through sustainable infill and brown field developments of homes contained within the existing fabric of the village whilst protecting the Green Belt. The many significant historic buildings and landscape will be preserved for future generations. Design of new buildings will reflect the rural character of the village.'

The Vision and the Objectives are very distinctive to the neighbourhood area

- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy RU1: Development Limit for Ruscombe

- 7.15 This policy proposes a development limit for the parish. In general terms it then supports development within the development limit and proposes the strict control of development elsewhere. It also comments that development proposals between Ruscombe and Hare Hatch should conserve and enhance the open and tranquil landscape character and that proposals which would either individually or cumulatively result in unacceptable harm or detract from the separation between Ruscombe and Hare Hatch will not be supported.
- 7.16 In the round the policy establishes a spatial strategy for the neighbourhood area in seeking to ensure that new development comes forward in sustainable locations.
- 7.17 WBC comments that the policy brings little added value to the approach already taken in the adopted Core Strategy. Plainly there is a degree of overlap between the two policy approaches. However, the third part of the policy comments about the importance of the separation between Ruscombe and Hare Hatch. On the balance of the evidence, I am satisfied that the principle of the submitted policy meets the basic conditions. This is reinforced given that the policy sets the scene for the wider approach taken in the Plan. In addition, the policy reflects feedback from the local community.
- 7.18 Nevertheless, I recommend detailed modifications to the wording used in the first two parts of the policy so that they have the clarity required by the NPPF. This is particularly the case with the first part of the policy.
- 7.19 I have recommended that Policy RU4 is deleted and that its key principles are incorporated as supporting text in this policy. They are shown in the recommended modifications immediately after paragraph 7.20. The explanation for the deletion of Policy RU4 is addressed later in this report under that policy heading.
- 7.20 Otherwise, it meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the first two parts of the policy with:

‘The development limit for Ruscombe is shown on the Policies Map. Within this area proposals for development will be supported where they accord with the policies of the development plan.

The land outside the settlement boundary is within the Green Belt and considered to be part of the open countryside. New development outside the settlement boundary will be controlled in line with national Green Belt policies.’

After paragraph 5.6 add the following additional paragraphs of supporting text:

‘Developers are encouraged to demonstrate early, proactive, and effective engagement with the community particularly about design issues. The NPPF also encourages ‘any applicants who are not already required to do so by law to engage with the local community...before submitting their applications.’ (Paragraph 40). The National Design Guide highlights the vital role that communities play in the design process of proposals. The intent is therefore to lead to a higher standard of local community engagement in the design process. The identity of Ruscombe and the importance of high-quality design was raised as important issues by the local community and it is therefore vital that their knowledge of how the area functions, their understanding of the essential features of local character, and their views on the merits of emerging proposals are given proper weight in the consideration of planning applications.

In relation to proposals for 10 or more dwellings, more than a 1000m² of new floor space, or where the site is greater than a hectare in size, applicants are encouraged to demonstrate in a Statement of Community Involvement how they have engaged in a meaningful way with local people and other stakeholders prior to submitting a planning application. Where appropriate, the Statement should describe how the knowledge and opinions of the local community have been sought, positively considered, and responded to in formulating the proposals set out in the separate Design and Access Statement. Where a proposal has not accommodated that knowledge or opinion, the Statement should explain the reasons for not doing so.

This approach is a direct response to the provisions of the NPPF (paragraphs 39 - 40 and 127 – 133). The Parish Council strongly supports the view expressed by government in the NPPF that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and by improving the design of new development through engagement with local communities. The Plan presents an opportunity for the Parish Council to correct an historic lack of encouragement to applicants to engage with the local community. The approach is also broadly in line with the spirit and intention of effective community engagement on design as set out in planning practice guidance.’

Policy RU2: Ruscombe Housing Design Code

- 7.21 This is an important policy in the Plan. It comments that development proposals in Ruscombe will be supported where they have full regard to the essential design considerations, the area typologies, and site-specific design briefs within which they
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are located, and general design principles set out in the Ruscombe Housing Design Code.

- 7.22 The Design Code (Appendix A) proposes essential design considerations such as plot design, dwelling design, boundary design, access/parking, and landscaping. It advises that the character of the different parts of the existing village is sufficiently strong as a context for new proposals that it justifies reasonably prescriptive guidance in these respects. This is set out through a combination of area typologies (as detailed in the Design Code Typologies), general principles and site-specific design briefs. For each character area and specific sites, the Code translates the principles from the Wokingham Borough Design Guide into specific requirements.
- 7.23 In the round the policy and the associated Code represent a good local response to Section 12 of the NPPF. Their key strength is the way in which collectively they seek to complement the more general design guidance applicable in the Borough
- 7.24 WBC raises a series of comments on the approach taken in the Plan in its representation. The key elements are as follows:

'...the design code guidance is too prescriptive to be applied to all new development proposals within the neighbourhood area, and it is not clear which points should be adhered to when assessing development proposals. We would also question whether the design code/guidance should apply to uses other than housing.'

Further concern is also expressed to the site-specific design requirements set out in Appendix A, which will have implications on the indicative site capacities for two proposed housing allocations (Land to the rear of 9- 17 Northbury Lane for 7 dwellings; Land between 39-53 New Road for 12 dwellings) in the emerging Local Plan Update. Encouraging larger plot sizes and lower densities as inferred to in Code R11 would constrain development in a manner not supported by national policy or emerging local strategic policy.'

- 7.25 I have considered these issues very carefully under the following headings:
- the extent to which the Design Code has regard to national policy and is in general conformity with the strategic policies in the development plan;
 - the specific wording of the policy; and
 - the specific wording of the Design Code.

I address these issues in turn below:

The relationship of the Design Code to national and local planning policy

- 7.26 The Code comments that it has been prepared to encourage high standards of design in that part of the village that is inset from the Green Belt to ensure that its essential character is conserved. This approach reflects that in paragraph 127 of the NPPF which comments that:

'Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's

defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.'

- 7.27 The Guide has also been prepared to take account of the strategic approach in the development plan. It sets out to complement the approach taken in the Borough's Design Guide Supplementary Planning Document (June 2012). Nevertheless, the submitted Guide has the potential to inhibit the density of redevelopment sites which will come forward in the Plan period together with any allocations which may be included in the emerging Local Plan. I recommend that this tension is remedied by way of modifications to the wording of the submitted Guide. This will bring the clarity required by the NPPF and allow WBC to implement the policy consistently in the Plan period.

The detailed wording of the policy

- 7.28 As submitted, the policy takes a very matter of fact approach to the application of the Design Code. In this context, it does not directly identify that its primary purpose is to ensure the delivery of high quality and distinctive design (as the outcome of the development management process) rather than to ensure the mechanical application of the Design Code. I recommend that this tension is remedied by way of modifications to the wording of the submitted policy. This will bring the clarity required by the NPPF and allow WBC to implement the policy consistently in the Plan period.
- 7.29 The recommended modifications to the policy also introduce a proportionate approach. Whilst good design applies to all development proposals, the implications of the Code (and the potential for new development to generate harm to the character of the identified sub-areas) will be greater for larger developments. I also recommend a consequential modification to the detailed wording of the supporting text.

The specific wording of the Design Code

- 7.30 The submitted Design Code is both detailed and site-specific. On the one hand this is a positive matter and reflects very thorough work undertaken by the community and its professional advisers. On the other hand, the guidance is very prescriptive, and the typologies relate to very specific geographic areas. The significance of this matter is reinforced given that most development proposals which will arise during the Plan period will be of a minor/domestic nature.
- 7.31 In addition, the nature of the Design Code is such that it cannot reasonably anticipate the details of all development proposals which may come forward in the Plan period. Similarly, it does not acknowledge that there may be alternative ways of securing high quality design beyond the approach taken in the Code.
- 7.32 I recommend modifications to remedy these matters. This is not intended to undermine the integrity of the work undertaken. However, it simply acknowledges the issues raised in paragraph 7.30 and 7.31 above and that specific proposals may come forward in the emerging Local Plan with their own design solutions.

- 7.33 Otherwise the approach taken in the policy and the Code meet the basic conditions. In combination they will contribute to the delivery of the environmental dimension of sustainable development.

Replace the policy with:

‘As appropriate to their scale, nature, and location, development proposals in Ruscombe should deliver high quality design solutions which are distinctive to the site concerned.’

In addition, development proposals should respond positively to the essential design considerations, the area typologies and site-specific design briefs and general design principles set out in the Ruscombe Housing Design Code (Appendix A).’

In paragraph 5.9 delete: ‘It requires that development proposals demonstrate, where relevant to the nature and location of the proposal, that full regard has been paid to these principles.’

In the Code (Appendix A) replace the initial two paragraphs with:

‘The Design Code of Policy RU2 of the Plan has been prepared to encourage high standards of design in that part of the village that is inset from the Green Belt and to ensure that its essential character is conserved. It applies to all schemes for infill housing development and plot redevelopment. It has also been prepared to complement the existing approach taken in the Borough Council’s Design Guide Supplementary Planning Document (SPD). Policy RU3 applies to the Conservation Area and its setting, which lies entirely within the Green Belt.

The Code will be applied alongside development plan policies. It will be implemented through the determination of planning applications by the Borough Council. Over that period, it is possible that there will be changes in market conditions, in Government policy (especially in mitigating climate change) and in the planning system. The effectiveness and operation of the Code will be monitored by the Parish Council and future reviews of the Neighbourhood Plan may propose revisions where necessary.’

Under the ‘Code’ heading replace the text with:

‘The Code sets out essential design considerations such as plot design, dwelling design, boundary design, access/parking, and landscaping. The Parish Council considers that the character of the different parts of the existing village is sufficiently strong to act as a context for new proposals. This is set out through a combination of area typologies (see Design Code Typology Plan), general principles and site-specific design briefs.

For each character area and specific sites, the Code translates the principles from the Wokingham Borough Design Guide into specific requirements. For ease of reference, the Code matches the Character Area or Site-specific code to the Design SPD standard number.

Applicants preparing development proposals should be familiar with the Borough Council's Design Guide SPD and then relate the proposed development location to the correct part of the neighbourhood area. The Parish Council will use both the Design SPD and the Code to inform their judgment of proposals in making their representations to the Borough Council when it is consulted on planning applications.

As with all design guidance, the standards and requirements should be regarded as setting the general guidance for development proposals. Nevertheless, there may well be circumstances where a proposal may depart from the guidance where such an approach can be justified. Given the built-up nature of the western part of the parish the scope for change in character is likely to remain very limited. Nevertheless, there may be scope for greater design innovation including on proposed redevelopment of sites in the Green Belt.

In all cases, development proposals should demonstrate that they have responded positively both to the Borough Council's Design SPD and to the Neighbourhood Plan's Design Code in a way that is appropriate to their scale, nature, and location.'

Policy RU3: Ruscombe Conservation Area

- 7.34 This policy comments about the conservation area. It advises that development proposals should preserve and, where possible, enhance the historic environment, particularly the special architectural and historic significance interest of the designated Area and its setting. The policy also advises that the features identified as positive characteristics of the Conservation Area and its immediate setting are defined in the Ruscombe Housing Design Code.
- 7.35 In its response to the clarification note RPC confirmed that the final part of the policy (on specific characteristics in the Conservation Area) is the added value to national and local planning policies. This is a very practical way in which a neighbourhood plan can highlight features which would not be included in a local plan produced by the local planning authority.
- 7.36 I recommend a technical modification to the wording of the policy so that it better relates to the wording used in national legislation. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace 'sustain' with 'conserve'

Policy RU4: Community Engagement in Planning

- 7.37 This policy seeks to highlight the importance of the community being engaged in the way in which development proposals come forward. It advises that applicants should demonstrate early, proactive, and effective engagement with the community particularly about design issues. In specific terms it comments that proposals for ten or more dwellings, more than a 1000m² of new floor space, or where the site is greater than a hectare in size, applicants should demonstrate in the Statement of Community Involvement how they have engaged in a meaningful way with residents and other stakeholders prior to submitting a planning application.

- 7.38 I sought clarification from RPC on the way in which it had developed the policy and the extent to which it is land use in nature. It commented as follows:

'The policy is a direct response to the provisions of NPPF (paragraphs 39 and 40 and 127 to 133). RPC strongly supports the view expressed by government in the NPPF that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and improving the design of new development through engagement with local communities. The Plan presents an opportunity for RPC to correct an historic lack of encouragement to applicants to engage with the local community. The policy approach is also broadly in line with the spirit and intention of effective community engagement on design as set out in planning practice guidance.'

- 7.39 I have considered this matter very carefully. The benefits of early and meaningful engagement by developers (with the local planning authority, the parish council and with local people) are widely acknowledged. However, on the balance of the evidence submitted, I have concluded that the issue is one of process (the engagement itself and the resulting Statement of Community Involvement) rather than a land use policy. In these circumstances I recommend the deletion of the policy.
- 7.40 Given the importance of the issue locally, I recommend that the approach taken in the policy is incorporated into the supporting text associated with Policy RU1 with appropriate modifications which draw attention to the importance of the issue.

Delete the policy

Delete paragraphs 5.12 to 5.14

Policy RU5: Buildings of Traditional Local Character

- 7.41 The policy identifies a series of buildings and structures, as Buildings of Traditional Local Character by way of their local architectural or historic interest. It comments that development proposals affecting non-designated heritage assets, including the Buildings of Traditional Local Character, will be supported where they can demonstrate that they retain and enhance the traditional, historical, local, and special significance of the building or structure and its setting. It also advises that in weighing applications that directly affect non-designated heritage assets, including Buildings of Traditional Local Character, a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.42 In its response to the clarification note RPC advised about its updated contact with the owners of the proposed buildings in March 2023. I am satisfied that this matter has been properly addressed.
- 7.43 I am also satisfied that the buildings have been appropriately selected. In addition, the policy approach has regard to national policy (as currently expressed in paragraph 203 of the NPPF). The policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy RU6: Employment

- 7.44 This policy seeks to safeguard the importance of the Ruscombe Business Park to the local economy. It comments that development proposals that will result in the loss of employment floor space at the Business Park will be resisted, unless it can be demonstrated that it is in accordance with other employment related policies of the development plan, or that there will be an increase in jobs as a result of the proposals enabling a higher employment density to be achieved.
- 7.45 I looked at the Business Park carefully during the visit. I saw that it was the principal source of employment in the parish. The policy takes a positive approach to this matter and has regard to national policy. I recommend detailed modifications to its wording to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the economic and the social dimensions of sustainable development.

Replace ‘will be resisted’ with ‘will not be supported’ and ‘it is in accordance’ with ‘they are in accordance’

Policy RU7: Community Facilities

- 7.46 The policy celebrates the importance of two community facilities. It comments that proposals that will lead to the unnecessary loss of the identified community facility will be resisted unless it can be clearly demonstrated that the use of the building and ancillary land is no longer viable or that the use can be satisfactorily relocated for the ongoing benefit of the local community. It also advises that proposals to improve the viability of an established community use of buildings and ancillary land by way of its extension or partial redevelopment will be supported, provided the design of the scheme and the resulting increase in use are appropriate, will not harm the amenities of adjoining residential properties, and will not undermine the viability of the primary community use.
- 7.47 I saw the importance of the two facilities during the visit. In this context the policy takes a very positive approach to this matter. It acknowledges that the viability of the facilities may alter in the Plan period or that opportunities for the relocation of the facilities may arise.
- 7.48 I recommend specific modifications to the wording of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

Replace ‘will be resisted’ with ‘will not be supported’

Policy RU8: Local Green Spaces

- 7.49 This policy proposes the designation of ten Local Green Spaces (LGS). Appendix C of the Plan assesses each of the proposed LGSs against the criteria for such designations in the NPPF. The proposed LGSs reflect the character and nature of the parish. In most cases they are modest in scale.

- 7.50 In its representation WBC comments that proposed LGS iv (New Road Pond), vii (Crossroads Lane) and ix (London Road) have insufficient justification. I looked at the three proposed LGSs carefully during the visit. On the balance of the evidence, including the details in Appendix C of the Plan and RPC's responses to the clarification note, I agree with WBC on this matter. In the case of the New Road Pond, I saw little to suggest that the area displayed a level of wildlife and biodiversity beyond that which is traditionally found in equivalent locations the countryside. In the case of Crossroads Lane, I saw the way in which the proposed LGSs provided a green context to the highway network. However, in my view this matter is not sufficiently important to justify their proposed designations as LGSs. In the case of the land at London Road, I saw the recently-planted trees in the centre of the proposed LGS. Otherwise, I saw that the proposed designation is an open grassed area within the context of the surrounding residential area. In this context, I am not satisfied that the combination of the newly-planted trees and the hedgerow along London Road is sufficiently important to justify the proposed LGS designation. My conclusions on the three proposed designations reflect the expectations in the NPPF and Planning Practice guidance that LGSs should be more than incidental green or open spaces. In these circumstances, I recommend that the three LGSs are deleted from the policy. I recommend consequential modifications to the Policies Map.
- 7.51 On the basis of all the information available to me, including my own observations, I am satisfied that the other seven proposed LGSs comply with the three tests in paragraph 102 of the NPPF. Proposed LGS vi Church Green is precisely the type of green space which the authors of the NPPF would have had in mind in preparing national policy.
- 7.52 In addition, I am satisfied that the proposed designation of the seven LGSs would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.
- 7.53 The policy itself follows the matter-of-fact approach in paragraph 103 of the NPPF. As such it meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

In the policy delete LGSs iv (New Road Pond), vii (Crossroads Lane) and ix (London Road)

On the Policies Map delete LGS iv (New Road), vii (Crossroads Lane) and ix (London Road)

Policy RU9: Green Infrastructure and Biodiversity

- 7.54 The policy identifies a Green Infrastructure Network for the purpose of promoting sustainable movement and ecological connectivity through the village and surrounding countryside and for mitigating climate change. It advises that the Network comprises a variety of open spaces, local green spaces, woodlands, trees, ponds, assets of biodiversity value, footpaths, bridleways, and cycleways. It then applies different policy approaches to developments which would affect the Network (either positively or negatively).
- 7.55 I saw the importance of the Network during the visit. In this context the policy takes a very positive approach to this matter.
- 7.56 I recommend a modification to the wording of the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and environmental dimensions of sustainable development.

In the third part of the policy replace ‘will be resisted’ with ‘will not be supported’

Policy RU10: Managing Traffic

- 7.57 This policy comments that development proposals will be supported, provided that, where appropriate to their location, they deliver or contribute towards measures to mitigate the impact on the highway network, such as through traffic calming measures and active travel improvements.
- 7.58 As submitted, the policy has the potential to deliver unintended consequences where a proposal otherwise conflicted with development plan policies but provided mitigation transport related measures. I recommend a modification to the format of the policy to remedy this matter. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘As appropriate to their scale, nature and location development proposals should deliver or contribute towards measures to mitigate the impact on the highway network, such as through traffic calming measures and active travel improvements.’

Policy RU11: Car Parking

- 7.59 This policy comments that development proposals must provide and retain appropriate levels of parking (including people with disabilities, visitors, and electric charging facilities) in accordance with adopted parking standards and having regard to the Borough’s Highways Design Guide. It also advises that all new parking should be provided off-street, unless an essential justification can be demonstrated.
- 7.60 WBC comments that the policy approach of reflecting the relevant Local Plan policy, in this case MDD Policy CC07, is welcomed. Further, it is acknowledged that the policy has been modified to ensure that development proposals provide and retain appropriate levels of parking in line with the Council’s adopted parking standards and

regard had to the Council's Highway Design Guide. WBC also comments that the policy also recognises the role of garages in providing car parking spaces subject to providing sufficient internal space and consideration of impacts on active frontages.

- 7.61 In the round I am satisfied that the general approach taken in the policy is appropriate and has regard to national policy. I recommend a modification to the wording used to in the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions.

In the first part of the policy replace 'must' with 'should'

Monitoring and Review of the Plan

- 7.62 Section 6 of the Plan helpfully comments on its implementation. However, the Plan only briefly addresses the potential for its review in due course (in paragraphs 3.9-3.12 in relation to the role expected to be played by the emerging Local Plan in addressing new housing growth in both the wider Borough and the parish).
- 7.63 In the same way that there is no need for a parish council to prepare a neighbourhood plan, there is no need for a parish council to review a made plan. However, in the circumstances presented in the timing of the promotion of the submitted Plan and the timetable for the emerging Local Plan I recommend that the matter is captured in the Plan in a more explicit way and which highlights the importance of the emerging Local Plan.

At the end of Section 6 add:

'Monitoring and Review

The Parish Council will monitor the effectiveness of the policies in the Plan through the development management process. Where necessary it will engage with the Borough Council to understand decisions made on planning applications or planning appeals. The success or otherwise of the policies will feed into the assessment of the need for a review of the Plan.

The Parish Council will also assess the need or otherwise for a full or a partial review of a made Plan throughout the Plan period. Such assessments will be made:

- *within two years of the making of the Plan;*
- *within six months of the adoption of the emerging Local Plan;*
- *if changes to national policy are so significant that they make the policies in the Plan ineffective or out of date; and*
- *at the end of the Plan period.'*

Other Non-Planning Matters

- 7.64 Section 6 of the Plan highlights two non-land use matters. They are issues which have naturally arisen during the plan-preparation stage. They are included in a separate part of the Plan as advised by national policy. The matters are:

- the purchase of a traffic speed indicator; and

- the introduction of parking restrictions on roads experiencing overflow parking from users of the nearby Twyford railway station.

7.65 I am satisfied that the two issues are appropriate to be included in the Plan and that they are distinctive to the parish.

Other matters - General

7.66 This report has recommended a series of modifications both to the policies and to the text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for WBC and RPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Specific

7.67 The representations from WBC raise a series of issues on a policy-by-policy basis. I have addressed them earlier in this report.

7.68 The representation also raises a series of more general issues. In some cases, whilst they would improve the Plan, they are not required to ensure that the Plan meets the basic conditions.

7.69 I recommend a specific modification to the Foreword of the Plan to correct the title of the Conservation Area

In the Foreword replace ‘St James’ Church Conservation Area’ with ‘Ruscombe Conservation Area’

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2038. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Ruscombe Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Wokingham Borough Council that subject to the incorporation of the modifications set out in this report the Ruscombe Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the designated neighbourhood area. In my view, that area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Wokingham Borough Council on 25 January 2018.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
31 August 2023

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