

TITLE	Ruscombe Neighbourhood Plan
FOR CONSIDERATION BY	Council on 18 January 2024
WARD	Remenham, Wargrave and Ruscombe;
LEAD OFFICER	Director, Place and Growth - Giorgio Framalicco

OUTCOME / BENEFITS TO THE COMMUNITY

The Ruscombe Neighbourhood Plan is an important and visible local document to help shape how development is managed in Ruscombe Parish. If made (adopted), the Plan would become part of the starting point for considering planning applications.

Upon the making (adoption) of the Plan, Ruscombe Parish Council will also benefit from receipt of 25% of the revenues from the Community Infrastructure Levy arising from development that takes places in its area.

RECOMMENDATION

That Council agrees to:

- 1) Make (adopt) the Ruscombe 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;
- 2) Publish the Decision Statement pursuant to Regulation 19 of The Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”) in order to give effect to the above recommendation; and
- 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 Ruscombe Neighbourhood Plan and supporting documents.

SUMMARY OF REPORT

The Qualifying Body, which in this case is Ruscombe Parish Council (“the Parish Council”), has produced the 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; business and commercial development; open space; active travel and highways; and flooding. The Plan does not allocate new land 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 policy².

¹ <https://www.wokingham.gov.uk/sites/wokingham/files/2023-10/Ruscombe%20Neighbourhood%20Plan%20Referendum%20Version%20%28ACCESSIBLE%29.pdf>

² Paragraph 102 of the National Planning Policy Framework

The 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 / structures as Buildings of Traditional Local Character and area of green space as Local Green Space in the Plan.

A referendum on the Plan was held on 7 December 2023. Of those who voted, 96% voted 'yes' to the question of whether they wished for the Plan to be used to help determine planning applications within the parish of Ruscombe.

Under regulations governing neighbourhood plans, the council is required to 'make' (adopt) the Plan and bring it into legal force if more than half of those voting have voted in favour of making the Plan at referendum. This is required to be done within 8 weeks of the referendum.

Agreement from Council is needed to formally 'make' (adopt) the Plan. Once made, the Plan will form part of the statutory development plan for the borough and thereby form part of the starting point for the determination of planning applications and appeals in or affecting Ruscombe parish.

Upon the making (adoption) of the Plan, the Parish Council will benefit from receipt of 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place 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, to sit alongside those planning policies prepared by the council in local plans, and so help 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 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.

Ruscombe Parish Council (the Parish Council) took the decision to produce a neighbourhood plan in 2018 – the Ruscombe Neighbourhood Plan (the Plan). Since then, stages 1-7 have been completed. This report seeks approval from Council to bring the neighbourhood plan into force (Stage 8).

Ruscombe Neighbourhood Plan Referendum

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 December 2023. The referendum was held on a version of the Plan that incorporated the agreed modifications set out in the schedule of the Decision Statement.

A person was entitled to vote in the referendum if, on the 7 December 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 Ruscombe Neighbourhood Area, as recommended in the Examination report.

Referendum results

The following question was asked to those entitled to vote:

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

At the referendum a total of 250 ballots were cast. Of these:

- The number of votes in favour of a 'yes' was 239
- The number of votes in favour of a 'no' was 11
- No ballots were rejected
- The turnout was 29% percent of the registered electors

96% of those who voted, therefore voted in favour of the Plan. 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 a neighbourhood plan, the council must 'make' (adopt) the Plan through a resolution of Council. Based on the outcome of the referendum, it is therefore recommended that to Council agrees the plan be formally made.

As part of this process, regulations also require the council 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. A Decision Statement which accords with the recommendation to make the Plan 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 brought into legal force, the regulations require the council 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 Ruscombe neighbourhood area.

Copies of the Plan and supporting documents will be made available on the council’s website and at the offices at Shute End. Further details regarding how the Plan can be inspected is set out in Enclosure 1.

Analysis of Issues

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 2 February 2024³. 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. Officers have reviewed the Plan and have identify no concerns regarding compatibility.

Risks

As with the adoption of all planning policy documents, there exists the opportunity for third parties to seek to legally challenge the decision. This is considered to be low risk, given the positive engagement and consideration of the views of respondents that has taken place over a number of years in producing the Plan. No parties have raised issues to suggest they would have grounds to challenge the Plan.

Expected outcome

If Council agrees to make (adopt) the Plan, it will become part of the development plan and can be used to help determine planning applications in the area of Ruscombe parish.

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)	Estimated less than £1,000.	Yes.	Revenue

³ 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)

	Costs of making the plan relate to officer time and printing.	The full costs of examination, referendum and adoption are covered by a claim for government grant.	
Next Financial Year (2024/25)	Nil	Not applicable	Not applicable
Following Financial Year (2024/25)	Nil	Not applicable	Not applicable

Other financial information relevant to the Recommendation/Decision

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.

Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)

No implications for other council services have been identified at this time, however the Plan will influence how land and buildings might be used within the parish of Ruscombe, should that use require planning permission.

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 planning 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 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 Ruscombe Neighbourhood Plan: Referendum Version
Enclosure 1: Decision Statement Enclosure 2: Declaration of Result of Poll

Contact Ian Bellinger, Ian Church, Ben Davis	Service Delivery and Infrastructure
Telephone No Tel: 0118 974 6231, Tel: 07824521749,	Email ian.bellinger@wokingham.gov.uk , ian.church@wokingham.gov.uk , ben.davis@wokingham.gov.uk