

TITLE	Wokingham Borough Local Development Framework –Submission Managing Development Delivery Development Plan Document (Local Plan)
FOR CONSIDERATION BY	Special Council Executive Committee on 29 November 2012
WARD	None Specific
STRATEGIC DIRECTOR	Heather Thwaites, Strategic Director of Development and Regeneration
LEAD MEMBER	Keith Baker, Executive Member for Highways and Planning

OUTCOME / BENEFITS TO THE COMMUNITY

Once adopted, the policies in the Managing Development Delivery Development Plan Document, in combination with the Core Strategy, will ensure the delivery of high quality, infrastructure rich development in defined locations to 2026.

RECOMMENDATION

Council is recommended to:

- 1) note that the Council's position is that only minor changes are needed to the Proposed Submission MDD DPD;
- 2) agree hat the Submission MDD DPD (incorporating the minor changes); the schedule of minor changes and other supporting information be submitted to the Secretary of State on 19 December 2012;
- 3) agree that the authority writes to the Inspector to formally request that the Inspector makes any modifications (under section 20(7) of the Planning and Compulsory Purchase Act (2004) (as amended)) as necessary to the Submitted MDD DPD following its examination to ensure it is legally compliant/sound.
- 4) Agree that the Core Strategy, MDD DPD, the 'saved' policies of the replacement Minerals Local Plan for Berkshire incorporating the alterations and the 'saved' policies of the Waste Local Plan for Berkshire are the Council's strategic planning policies.

SUMMARY OF REPORT

The report seeks agreement that the Submission MDD DPD (incorporating minor changes), the schedule of minor changes and other supporting information are submitted to the Secretary of State in December 2012. *(Please note that due to its size a copy of the MDD DPD is not included in the agenda but can be obtained from*

Democratic Services.) Once the documents are submitted, this is the start of the examination process and the Planning Inspector appointed by the Secretary of State will set the programme for examination, which will take place during 2013.

The Submission MDD DPD has been produced having regard to previous consultations. From 27 June 2012 to 22 August 2012, comments were invited on whether people considered that the Proposed Submission MDD DPD was 'legally compliant' and 'sound'.

The MDD DPD will form part of the Development Plan for the Borough until 2026 alongside the Core Strategy and replaces the remaining saved policies from the previous Wokingham District Local Plan. Neighbourhood Planning was introduced in the Localism Act 2011. Neighbourhood plans should be in general conformity with the strategic policies of the Local Plan. For Wokingham, this means the Core Strategy, the Managing Development Delivery Development Plan Document, the 'saved' policies of the replacement Minerals Local Plan for Berkshire incorporating the alterations and the 'saved' policies of the Waste Local Plan for Berkshire.

The Submission MDD DPD:

- i. Identifies the sites to be allocated (outside of the Strategic Development Locations identified in the Core Strategy) for residential development to meet the Borough's housing requirement to 2026 and to ensure a 5 year housing land supply;
- ii. Sets a development limit around the towns and villages and within Strategic Development Locations;
- iii. Defines boundaries for other designations, including Local centres;
- iv. Sets settlement separations around and within Strategic Development Locations;
- v. Includes strategic planning policies to be applied to development proposals that come forward. These include policies on various issues including internal space standards for housing; parking standards; character and heritage; green infrastructure and landscape; retail; employment, and transport.

Background

The Managing Development Delivery Development Plan Document (MDD DPD) is one of a number of planning policy documents that make up the Development Plan for the Borough. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The other Development Plan Document produced by Wokingham Borough Council (WBC) is the Core Strategy, adopted on 29 January 2010. The MDD DPD is the Council's second Development Plan Document. The MDD DPD must be consistent with the Core Strategy. Both the Core Strategy and the MDD DPD set out the strategic planning policies to guide development in the Borough until 2026, including the housing target.

From 27 June to 22 August 2012, people were invited to comment on whether they considered the Proposed Submission MDD DPD was 'legally compliant' and 'sound'. 102 individuals/organisations (who made approximately 1,400 representations) responded as part of this stage of the process, which is covered by Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (*the '2012 Regulations'*). The full representations (comments) are available to view at the planning counter and copies of them will be sent to the Secretary of State when the MDD DPD is submitted.

Officers have considered all of the responses and identified the main issues raised.

Main Issues Raised

Comments were received on most aspects of the MDD DPD. Due to the number of paragraphs/policies in the MDD DPD, this Report considers issues very broadly. Appendix 1 of this Report provides brief details of main issues raised. The Summary of Main Issues, which is a background paper to this report, provides further details of the main issues raised.

Housing

- The housing target set by the Core Strategy is not appropriate (too low) as it does not reflect the need within the Borough.
- There isn't a 5 year housing land supply and Council is a persistent under deliverer so should be an additional 20%, i.e. more sites should be allocated.
- Should be more housing reserve sites to reflect the approach set out in the Core Strategy for 500 in reserve
- Issues on whether proposals would be viable having regard to the requirements of internal space standards, Code level 4, lifetime homes standard and other requirements in the MDD DPD
- Comments around suitability and deliverability of individual sites; alternative sites suggested for housing

Development Limits/Settlement Separation

- MDD DPD should not set development limits in the Strategic Development Locations based on Supplementary Planning Documents; mixed views about what type of land use should be included. Settlement separation is resurrecting gaps policy

Sustainable design and construction

- Requirements will affect viability. Need additional guidance on wind turbines

Open Space

- Standards not justified. Provision of on-site open space not achievable. Impacts on viability; should have identified sites for burial grounds.

Other Issues

- Generally it is developers who consider that policies too onerous/not flexible with other respondents considering policies are not strong enough
- Criticism that trying to elevate Planning Advice Note into policy and hasn't been consulted on as well as elevating Supplementary Planning Documents into policy

Minor changes to be made

The Council considers that only minor changes are needed to be made, prior to submitting the MDD DPD to the Secretary of State for consideration. At this stage of the plan making process, any changes other than minor changes, will require the Council to reconsult. The schedule of minor changes, which is a background paper, highlights those minor changes that will be made to the MDD DPD. These changes include correcting typographical errors and factual changes.

Next steps

It is intended that the Plan will be formally submitted to the Secretary of State during December 2012. From that point onwards, the examination process and timing of hearing sessions will be guided and determined by the Inspector appointed to conduct the examination process.

It should be noted that the Localism Act introduced changes to the examination process. The Inspector will no longer produce a report, which is binding on the Authority. Instead, the Inspector will produce a report, which makes recommendation in relation to its adoption. For example, that the Plan as it is should be adopted; that it should be adopted with modifications or alternatively, that the Plan should not be adopted.

Procedure

Risks to progress

The main risk to progressing the MDD DPD is that once the documents are submitted to the Secretary of State, it is the Planning Inspector who decides whether the MDD DPD can proceed to be examined, the timetable for progress to examination and what matters they wish to explore at the examination.

The current Shinfield West appeal (APP/X0360/A/12/2179141/NWF) could have implications for the MDD DPD

Costs

The costs of producing this document at this stage were anticipated and will be paid for through the budget set aside for this stage within the Land Use and Transport Team.

Legal compliance

In producing the Submission MDD DPD, the authority assessed whether the document was compatible with the legal requirements associated with plans of the authority and concluded that it is was legally compliant. This included the Town and Country Planning (Local Development) (England) Regulations 2012; the Environmental Assessment of Plans and Programmes Regulations 2004; the Conservation of Habitats and Species Regulations 2010; the Human Rights Act; compliance with Directives of the European Commission and subsequent UK Regulations and ensuring that no segment of the Borough's community is unfairly penalised through the eventual implementation of the MDD DPD.

Human Rights Act 1998

The Human Rights Act 1998 was relevant to the Proposed Submission MDD DPD as it allocates sites for a variety of uses as a key part of the approach to delivering development within the Borough. With regard to considering impacts under the Human Rights Act, it is noted that residents that may be affected by proposals have already had an opportunity to make comments on the suitability of sites (under Regulation 19/20 of the 2012 Regulations). All representations (comments) made at this stage will be submitted to the Secretary of State who will appoint an independent Planning Inspector to carry out a public examination. In addition, if and when a planning application is submitted for the development on any allocated site, a further assessment of the issues arising under the Human Rights Act can be made.

The minor changes proposed following consultation do not affect the view that the MDD is legal compliant with these requirements.

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 (Year 1)	Budgeted £250k for public examination, which may straddle the 2013/14 financial year depending on the timetable that the Planning Inspectorate decides	Yes	Revenue
Next Financial Year (Year 2)		Yes	Revenue
Following Financial Year (Year 3)			

Other financial information relevant to the Recommendation/Decision

The budget is based on what we know at this point of time. Further issues, including any arising from new legislation, could have financial implications.

Cross-Council Implications

Will allocate sites for development and policies against which all planning applications will be assessed.

List of Background Papers - These and the maps referred to in the Submission MDD DPD are available to view as hard copies at the Council Offices at Shute End, Wokingham

1. Summary of Main Issues (Nov 2012)
2. Copies of representations made (June to Aug 2012)
3. Schedule of Minor Changes (Nov 2012)
4. Submission Managing Development Delivery Development Plan Document (incorporating minor changes) (Nov 2012)
5. Report relating to the Proposed Submission MDD considered at Executive on 21 June 2012

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Appendix 1: Summary of main issues

Chapter 1: Introduction

- Too much weight given to Supplementary Planning Documents rather than policies
- Planning Advice Note elevated to policy
- Comments re the relationship of neighbourhood plan with the MDD DPD
- Include the model sustainable development policy as drafted by the Planning Inspectorate
- Comments about the objectives, including that they should be consistent with Core Strategy
- Wording of paragraph 12 about providing or contributing to necessary infrastructure is not in line with National Planning Policy Framework or the Community Infrastructure Levy (CIL) Regulations.
- Queries whether Comments on Draft Options MDD DPD have been taken into account

Chapter 2: Cross cutting policies

CC01: Development Limits

- Policies not positively prepared, particularly in regard to sustainable development. MDD DPD should not set development limits in the Strategic Development Locations based on Supplementary Planning Documents; mixed views about what type of land use should be included. Various site specific issues about what should be within development limits

CC02: Settlement Separation Areas

- Resurrecting gaps policy, which is not consistent with the NPPF, South East Plan or Core Strategy. Conflicts with NPPF as not a criteria based policy

CC03: Green infrastructure, trees and landscaping

- Policy unnecessary; should recognise cross-boundary nature of green infrastructure; various site/location specific comments

CC04: Sustainable design and construction

- Contrary to South East Plan; will affect viability; Code (for Sustainable Homes) may change/not justified/flexible. Mixed views re water consumption targets; need to recognise importance of groundwater quality

CC05: Renewable energy and decentralised energy networks

- Viability concerns; query re relationship with SE Plan; Clarity needed re 10% target; Need additional policy/guidance on wind turbines/windfarms; biomass could impact on flora and fauna

CC06: Noise

- Reproduces Planning Policy Guidance Note 24 noise, which is no longer in place. Policy not flexible. Should have measures to address noise from other uses and also from the development of sites.

CC07: Parking

- Mixed views but considered by some respondents to be too prescriptive/unclear and not flexible

CC08: Safeguarding alignments of the Strategic Transport Network & Road Infrastructure

- Queries re how will safeguard alignments: no evidence to support safeguarding land; concerns over inclusion of proposal for third Thames Bridge; Mixed views about safeguarding Eversley Bypass; modelling needed;

CC09: Development and Flood Risk

- Mixed views about whether flooding policies sufficiently robust

CC10: Sustainable drainage

- Mixed views about whether too prescriptive; should aim higher than nil detriment; may affect viability

Chapter 3: Topic based policies

TB01 – TB03: Green Belt policies – very few comments, including need to clarify green belt on policies map

TB04: Atomic Weapons Establishment

- Comments around redrafting policy to indicate how development would be permitted or rejected
- Should recognise that South of M4 SDL should already have been taken into account; Need for Wokingham Borough Council to be involved in cross boundary discussions to comply with duty to co-operate

Residential uses

- TB05: No national requirement to achieve lifetime homes standards, policy not justified and could affect viability. Need to adequately assess level of need for housing
- TB06: Mixed views on whether the policy re development of private residential gardens is too onerous/restrictive or weak
- TB07 Mixed views on whether internal space standards are justified/overly prescriptive. Concerns expressed about impact on viability.
- TB08: Revised open space, sport and recreational facilities standards are above/inconsistent with those in the Core Strategy. Provision of on-site open space not achievable in totality; impacts on viability; should have identified sites for burial grounds.
- TB09: Residential accommodation for vulnerable groups – no provision in plan to deliver needs; should mention residential care
- TB10: Traveller sites – Contents of further GTAA should be in the MDD. Policy inconsistent with other policies in the DPD.

Economy

- TB11: Core Employment Areas and Defined Bad Neighbour uses fails to set policy; need to identify suitable sites for small units; various site specific issues raised including expanding Green Park Core Employment Area
- TB12: Policy on Employment Skills Plan unclear and ineffective
- TB13: Science and Innovation Park boundary too tightly drawn
- TB14: Range of uses for Whiteknights Campus too narrowly defined

Retail

- TB15: Should have a policy about new community facilities; authority hasn't taken into account comments.
- TB16: Policy on development for town centre uses is ineffective and doesn't accord with the National Planning Policy Framework
- TB17: Not clear about level of evidence required re loss of A1 uses (Policy on local centres and neighbourhood and village shops)
- TB18: Garden centres and other small rural units outside development limits needs clarifying re application of retail impact test
- TB19: Outdoor advertising policy supported
- TB20: Service arrangements and deliveries for employment and retail uses should be strengthened/apply to other users but should not apply in certain locations, i.e. Core Employment Areas

Landscape, Nature Conservation and Trees

- TB21: Landscape will have changed since 2004 so policy too onerous; object to loss of designated Areas of Special Landscape Importance
- TB22: Sites of Urban Landscape Value not justified; specific comments about Bulmershe Site of Urban Landscape Value should be an area of settlement separation
- TB23: Biodiversity and development policy not positive; specific comments about boundaries of with Local Wildlife Site at Whiteknight's Campus

Heritage

- TB24: Mixed views on whether requirements are less or more onerous than the National Planning Policy Framework.
- TB25: Archaeology – should take account of more recent information available, i.e. made available through the planning application process, to make constraints more manageable.
- TB26: No need for separate policies for designated and non-designated heritage assets re Buildings of traditional local character and areas of special character policy; policy contrary to NPPF

Chapter 4: Site Allocations

SAL01-SAL03: Housing

- Housing target too low and doesn't reflect need in the Borough; The 10% flexibility allowance within the Core Strategy proves that the authority can achieve relevant targets and does not form part of any additional requirements of the NPPF; as the Council has persistently under delivered housing (since 1998, 2001 or 2006 until 2012), need to ensure have at least a 20% buffer on top of the 5 year supply; distribution of housing not effective; evidence doesn't support allocation of sites; Council hasn't taken into account views of people;
- Sites allocated in 2004, i.e. Hatch Farm Dairies, Winnersh should have been delivered but haven't so therefore should identify other sites; delivery issues with each of these sites.
- Authority should have identified sites for 1,000 dwellings required by Core Strategy; deliverability not assessed; too many sites allocated in major development locations; comments around suitability and deliverability of individual sites
- Should have at least 500 dwellings in reserve or even another contingency. Comments around suitability and deliverability

- Alternative sites suggested for housing, which could be allocated in addition to or replacing one or more of those sites listed in policies SAL01-03

SAL04: Open space policy

- TB04: Not positively prepared as exceeds Core Strategy figures; various site specific issues

SAL05: SANG

- Policy not 'sound'; proposals should deliver both SANG and SAMM; affects delivery of housing; Community Infrastructure Levy/restriction on pooling of s106 agreements will affect implementation of this policy

SAL06: Allocated country parks

- Site specific comments to enable development at Ravenswood

Economy

- *SAL07*: Not 'sound'; site specific issues including recognising employment potential of Lambs Lane Business Park; not allocating land at Thames Value Park (Broken Brow) for employment/commercial development
- *SAL08*: Policy on allocated mixed use site not 'sound'; site specific issues including comments around Elmsfield, i.e. that planning application should not be determined before MDD examination

SAL09: Transport

- Site specific issues including should safeguard land at either junction 10 or 11 of the M4; Park and Ride site at Mere oak could affect Strategic Road network; modelling should be undertaken

Chapter 5: Monitoring Framework

- Various comments, including about open space requirements being in excess of Core Strategy targets; wording not consistent with National Planning Policy Framework or needs clarification

Appendices

- Most comments on the appendices are covered under the above headings. Site specific comments particularly with regard to the residential allocations about which sites are allocated; how housing supply has been calculated; assumptions about capacity of sites and phasing of sites.

Appendix 2: List of policies (taken from the Proposed Submission MDD DPD)

Managing Development Delivery DPD policies

Policy No.	Policy Name
CC01:	Development limits
CC02:	Settlement Separation Areas
CC03:	Green Infrastructure, Trees and Landscaping
CC04:	Sustainable Design and Construction
CC05:	Renewable energy and decentralised energy networks
CC06:	Noise
CC07:	Parking
CC08:	Safeguarding alignments of the Strategic Transport Network & Road Infrastructure
TB01:	Development within the Green Belt
TB02:	Development adjoining the Green Belt
TB03:	Major Existing Developed Site in the Green Belt (Star Brick and Tile Works)
TB04:	Development in vicinity of Atomic Weapons Establishment (AWE), Burghfield
TB05:	Housing Mix
TB06:	Development of Private Residential gardens
TB07:	Internal Space Standards
TB08:	Open Space, sport and recreational facilities standards for residential development.
TB09:	Residential accommodation for vulnerable groups.
TB10:	Traveller Sites
TB11:	Core Employment Areas and Defined Bad Neighbour Uses
TB12:	Employment Skills Plan
TB13:	Science and Innovation Park
TB14:	Whiteknights Campus
TB15:	Major Town, and Small Town/ District Centre development
TB16:	Sequential Test
TB17:	Local Centres and Neighbourhood and Village Shops
TB18:	Garden Centre and other retail units outside of Development Limits
TB19:	Outdoor Advertising
TB20:	Service Arrangements and Deliveries for Employment and Retail Use
TB21:	Landscape Areas
TB22:	Sites of Urban Landscape Value
TB23:	Biodiversity and Development
TB24:	Heritage Assets (Listed Buildings, Historic parks and Gardens, Scheduled Ancient Monuments and Conservation Areas)
TB25:	Archaeology
TB26:	Buildings of Traditional Local Character and Areas of Special Character
SAL01:	Allocated housing development site – Sites identified through Wokingham District Local Plan
SAL02:	Allocated housing development sites – Sites identified through MDD DPD
SAL03:	Allocated reserve housing sites
SAL04:	New public open space associated with residential development within and adjoining the Borough
SAL05:	Delivery of avoidance measures for Thames Basin Heaths Special Protection Area
SAL06:	Allocated Country Parks
SAL07:	Sites within Development Limits allocated for employment/commercial development
SAL08:	Allocated Mixed Use Sites
SAL09:	Transport site allocations