



WOKINGHAM BOROUGH COUNCIL

A Meeting of an **INDIVIDUAL EXECUTIVE MEMBER DECISION** will be held in First Floor 14 - Civic Offices, Shute End, Wokingham RG40 1BN on **FRIDAY 2 AUGUST 2019 AT 12.30 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage'.

Susan Parsonage
Chief Executive
Published on 25 July 2019

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WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

For consideration by

Wayne Smith, Executive Member for Planning and Enforcement

Officers Present

James McCabe, Specialist Strategy & Commissioning Places

Callum Wernham, Democratic & Electoral Services Specialist

IMD NO.	WARD	SUBJECT	
IMD 2019/19	Arborfield; Barkham	WOKINGHAM BOROUGH COUNCIL RESPONSE TO ARBORFIELD AND BARKHAM DRAFT NEIGHBOURHOOD PLAN CONSULTATION	5 - 16

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Agenda Item IMD19

INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: 2019/19

TITLE	Wokingham Borough Council response to Arborfield and Barkham Draft Neighbourhood Plan Consultation
DECISION TO BE MADE BY	Executive Member for Planning and Enforcement - Wayne Smith
DATE, MEETING ROOM and TIME	2 August 2019 FF14 2 August 2019 - 12.30pm
WARD	Arborfield; Barkham;
DIRECTOR / KEY OFFICER	Deputy Chief Executive - Graham Ebers, Director of Locality and Customer Services - Sarah Hollamby

PURPOSE OF REPORT (Inc Strategic Outcomes)

To agree Wokingham Borough Council's formal response to the Arborfield and Barkham draft Neighbourhood Plan (Regulation 16) consultation.

RECOMMENDATION

The Executive Member for Planning and Enforcement agrees that Wokingham Borough Council submits the attached appendix as formal comments to the Arborfield and Barkham draft neighbourhood plan (Regulation 16) which:

- 1) Suggests minor modifications to policies IRS3: Protection and enhancement of the natural environment and green spaces; and IRS4: Protection and enhancement of the historic character of the area; and
- 2) Raises objections to the content of policies AD2: Prioritise housing for local needs; and AD3: New housing outside development limits. These policies are inconsistent with existing strategic local policy set out in the adopted Core Strategy (2010).

SUMMARY OF REPORT

Consultation on the Arborfield and Barkham Neighbourhood Plan started on 8 July until 19 August 2019. The submission draft Plan contains policies on housing; the natural and historic environment; community facilities; business and commercial development; open space; transport; and flooding. The draft Plan does not allocate land for development.

Wokingham Borough Council has provided support and has worked constructively with Arborfield and Barkham Parish councils during the preparation of the plan since 2014. Through these discussions officers have highlighted issues with the plan, many of which have been addressed in the final submission version which is currently being consulted

upon. Other issues have not been addressed by the Parish Councils, which form the basis for this consultation response.

This consultation provides the council, in the same way as any other stakeholder and consultee, with the opportunity to comment on the plan's content and any areas of concern regarding conformity with the basic conditions.

This report sets out the potential issues with the plan that the council has identified in order that the independent examiner fully considers those issues and appropriately addresses them through their consideration of the plan.

The council's primary concern is Policy AD2: Prioritise Housing for Local Need, conflicts with the council's affordable housing and housing mix policy which could impede the allocation of affordable housing to those with the greatest need. The second main concern is the Plan's approach in AD3: New Housing Outside Development Limits regarding the Thames Basin Heaths Special Protection Area is inconsistent with the council's strategy as set out in the development plan and agreed with Natural England.

Background

Arborfield & Newland and Barkham Parishes (hereafter referred to as ‘the qualifying body’) began work on producing a neighbourhood plan (hereafter referred to as the Plan) shortly after being designated a neighbourhood area by the council in August 2014. The qualifying body undertook a consultation on their pre-submission draft Plan from June to August 2018.

Working with the council, the qualifying body considered the consultation responses and made a number of amendments, and formally submitted the draft Plan¹ to the council in May 2019. The submission draft Plan contains policies on housing; the natural and historic environment; community facilities; business and commercial development; open space; transport; and flooding. The draft Plan does not allocate land for development.

Once a Neighbourhood Plan is submitted, it must be publicised by the council for a minimum regulatory six-week consultation and invite representations (known as the Regulation 16² consultation). On 27 June 2019 the council’s Executive approved that the plan could progress to formal consultation, that began on 8 July 2019, running until 19 August 2019. At this point, the council was not required to come to a formal view on whether or not the draft Plan meets the basic conditions³ (these are essentially that the plan must comply with national policy and local policy, be compatible with certain regulations, and must protect heritage and natural assets), but had to be satisfied that the proper legal process had been carried out.

The ongoing consultation provides the council, in the same way as any other stakeholder and consultee, with the opportunity to provide comments on the plan’s content and any areas of concern regarding conformity with the basic conditions. As set out in the 27 June 2019 Executive report, any comments are to be agreed through the Individual Executive Decision process, which is the purpose of this report.

In responding to the consultation the council can ensure the independent examiner fully considers those issues that may have implications for decisions on planning applications. These issues can then be appropriately addressed by the examiner.

Business Case (including Analysis of Issues)

Neighbourhood plans are required to be in general conformity with the policies contained within the local plan. Officers have been actively engaged with the qualifying body throughout the preparation of the draft Plan to ensure it complies with the requirements. Support to the qualifying body has been offered in accordance with the council’s legal duty to assist bodies preparing neighbourhood plans and in accordance with the council’s adopted Statement of Community Involvement⁴. Matters raised by officers through these positive discussions have largely been addressed through the submission version of the plan, but there remain a few issues which the council wishes to bring to the examiner’s attention.

¹ The draft plan can be found on the council’s website: <https://www.wokingham.gov.uk/planning-policy/planning-policy-information/neighbourhood-planning/>

² Of the [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)

³ As can be seen at: <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

⁴ As can be seen at: <https://www.wokingham.gov.uk/planning-policy/planning-policy-information/local-plan-and-planning-policies/>

The Council's full comments are set out in the consultation response form attached as an appendix to this report. Below is a summary of the key issues.

<u>Policy</u>	<u>Comment summary</u>
IRS3 - Protection and enhancement of the natural environment and green spaces	Minor suggested wording for greater clarity to assist decision takers
IRS4 - Protection and enhancement of the historic character of the area	Minor suggested wording for greater clarity to assist decision takers.
AD2 – Prioritise housing for local needs	Does not meet the basic conditions as it does not comply with the strategic policies of the development plan. Specifically the policy does not recognise the varying needs of applicants on the housing register, and instead seeks to prioritise housing purely based on local connection measured only by living in the area. No consideration is given to those working in the area. The policy qualifies local connection as being a result of living within either parish for 10 continuous years, which is an onerous threshold that would exclude people wishing to return to the area to be with their family (for example people who have attended university). The policy could therefore impede the allocation of affordable housing to those with the greatest need, contrary to the council's approach There are other elements of this policy which are not appropriately supported by the Housing Need Analysis evidence which supports the plan. This includes a requirement for key worker housing without the supporting evidence to demonstrate a demonstrable need.
AD3 – New housing outside development limits	Does not meet the basic conditions as it does not comply with the strategic policies of the development plan. The policy seeks to treat developments within the 5 – 7km zone from the Thames Basin Heaths Special Protection Area (TBH SPA) the same as those within the 5km zone which is inconsistent with the borough's development plan strategy which is agreed with Natural England. It also seeks to introduce a more onerous Suitable Alternative Natural Greenspace (SANG) requirement on development sites of 0.4ha or larger, which would not be achievable in practice. Its approach is therefore inconsistent with Core Strategy policy and national guidance.

Next Steps

The council and qualifying body are currently in the process of agreeing the appointment of an examiner. Once the consultation has closed, all representations and documents associated with the plan will be sent to the appointed examiner. There is no

prescribed timeframe in which an independent examination should take place. The examiner will decide whether the examination takes place in the form of a public hearing, or written representations.

Following the examination process, the examiner will recommend any change required for the draft Plan to satisfy the basic conditions and whether it should proceed to a referendum. Following receipt of the report and the examiner's recommendations, the Council will come to a formal view on whether the plan meets the basic conditions and, if so, will be responsible for arranging and carrying out the referendum.

A referendum could take place in December 2019 following the annual canvas in November 2019. This would ensure as many people as possible are accurately registered to vote.

If more than half the votes cast support the Plan, the Council must adopt it through a resolution of Council. At this point it would become part of the statutory development plan, and so carry significant weight when deciding planning applications and appeals.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	Yes	n/a
Next Financial Year (Year 2)	Nil	Yes	n/a
Following Financial Year (Year 3)	Nil	Yes	n/a

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

None envisaged

SUMMARY OF CONSULTATION RESPONSES

Director – Corporate Services	No comments received
Monitoring Officer	No comments
Leader of the Council	No comments received

Reasons for considering the report in Part 2

N/A

List of Background Papers
Appendix 1 – WBC response form

Contact James McCabe	Service Place Commissioning
Telephone No Tel: 0118 908 8333	Email james.mccabe@wokingham.gov.uk

PART A: Contact Details	
Name:	James McCabe
Are you responding as a:	<input type="checkbox"/> Resident in Wokingham Borough <input type="checkbox"/> Resident outside the Borough <input checked="" type="checkbox"/> Local Authority <input type="checkbox"/> Statutory Body <input type="checkbox"/> Councillor / Clerk <input type="checkbox"/> Society / Community Group <input type="checkbox"/> Business / Agent <input type="checkbox"/> Landowner / Developer <input type="checkbox"/> Other interested party Please specify
Job title / role (if applicable):	Senior Planning Officer
Responding on behalf of:	
Organisation name (if applicable):	Wokingham Borough Council
Address:	Wokingham Borough Council Civic Offices Shute End Wokingham
Postcode:	RG40 1BN
Email address:	James.mccabe@wokingham.gov.uk
	If you would like to be notified of Wokingham Borough Council's decision whether to 'make' the Plan (to bring it into legal force), please tick the box below. Yes, please notify me <input type="checkbox"/>

PART B

Please use as many or as few comments boxes as you wish.

Comment 1

To which part of the Neighbourhood Plan does your representation relate?

Whole document?	Yes/No	Paragraph Number		Policy Reference:	IRS3
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Do you support, support with modifications, oppose, or wish to comment on this policy/paragraph? (Please tick one answer)

Support Support with modifications Oppose Wish to comment

Please give details of your reasons for support/opposition, or make other comments in the box below, including any specific changes you wish to see to the Plan. Please be as precise as possible.

The council fully supports the principle of this policy. The council supports the identification of 'locally valued natural assets'. However, there are no specific elements of the policy that guide the future use of the identified 'locally valued natural assets' so it is unclear how a decision taker is expected to take them into consideration. The following minor additions (in italics) would address these concerns:

3. *Proposals must conserve, and where possible enhance, Locally valued natural assets.* Locally valued natural assets have been identified within the plan as follows (see Map K):

- a) The Coombes woodland and adjacent areas
- b) The Holt woodland
- c) Rhododendron avenue along Bearwood Road

Comment 2

To which part of the Neighbourhood Plan does your representation relate?

Whole document?	Yes/No	Paragraph Number		Policy Reference:	IRS4
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Do you support, support with modifications, oppose, or wish to comment on this policy/paragraph? (Please tick one answer)

Support Support with modifications Oppose Wish to comment

Please give details of your reasons for support/opposition, or make other comments in the box below, including any specific changes you wish to see to the Plan. Please be as precise as possible.

The council fully supports the principle of this policy. The council supports the identification of 'locally valued heritage assets'. However, there are no specific elements of the policy that guide the future use of the identified 'locally valued heritage assets' so it is unclear how a decision taker would take these assets into consideration. The following minor additions would address these concerns:

1. Development proposals will need to demonstrate how they protect or enhance the historic and natural character of the area, specifically:
 - a) Arborfield Cross Conservation Area
 - b) Chamberlain's Farm Area of Special Character
 - c) The Barkham Street Area of Special Character
 - d) Designated heritage assets, The local historic environment, including *Listed buildings and their setting of Listed buildings, and* Scheduled Monuments
 - e) Locally valued *heritage assets (as listed below)* and *any other non-designated heritage asset that may be historically significant buildings identified through the decision making process.*

Comment 3

To which part of the Neighbourhood Plan does your representation relate?

Whole document?	Yes/No	Paragraph Number		Policy Reference:	AD2
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Do you support, support with modifications, oppose, or wish to comment on this policy/paragraph? (Please tick one answer)

Support Support with modifications Oppose Wish to comment

Please give details of your reasons for support/opposition, or make other comments in the box below, including any specific changes you wish to see to the Plan. Please be as precise as possible.

The Council's development plan approach to housing mix and affordable housing is set out in policy CP5 of the Core Strategy. Policy AD2 proposes additional detail to how allocations of affordable housing are managed by introducing a priority of occupation to people who live within the parishes and to key workers. Currently, the allocation of affordable housing to occupants is managed outside of the planning system by the council's housing allocations team. The council prioritises allocation to those who live in the borough as part of the Housing Register (for social rented properties) and for shared ownership properties the council also requests a local connection (either live or work in the borough) which is stipulated as part of the nominations agreement (see the council's [Allocations Policy](#)). In terms of housing register applicants, priority is then given to the banding the applicant falls into and whether their need is exceptional. The Council has thus far not implemented local connection eligibility criteria for its Housing Register - applicants from out of area are placed in Band 4, which is the lowest priority band, unless exceptional circumstances apply.

Policy AD2 does not recognise the varying needs of applicants on the housing register, instead seeking to prioritise housing purely based on local connection which is measured only by living in the area. No consideration is given to those working in the area. The policy could therefore impede the allocation of affordable housing to those with the greatest need, contrary to the council's approach. The council also does not consider that planning applications are the appropriate mechanism for managing allocations of affordable housing, which is a function of the council's local housing authority duties.

The Housing Needs Analysis does not set out a desired mix of bedroom size and neither evidence nor policy clearly define starter homes or specialist housing for older people which the Analysis finds there is a need for. Likewise, the Housing Need Analysis does not justify a need for key worker housing and nor does the plan contain any narrative on this need. While the council supports the principle of key worker accommodation, and

a definition of 'key worker' is offered within the plan, there needs to be proportionate evidence to justify such specific policy requirements.

The policy requires potential occupants to have lived in the parishes for 10 years, but this figure has not been evidenced and justified within the supporting 'Housing Need Analysis' and is an overly onerous criterion for planning applications. Furthermore, the 10 year period must be continuous, thereby excluding those who may wish to move back to the area to be close to family (for example young people who have attended university).

The plan as a whole contains a lot of context regarding the strategic development at Arborfield Garrison. This development will bring a number of smaller rented units into the local market which would help to address concerns about lack of affordable accommodation for young people set out in AD2. In addition, the Housing Needs Analysis also states in its conclusion that: "the requirement for social housing is low" (page 15), in which case the plan cannot justify such a specific policy requirement contained in AD2.

Comment 4

To which part of the Neighbourhood Plan does your representation relate?

Whole document?	Yes/No	Paragraph Number		Policy Reference:	AD3
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Do you support, support with modifications, oppose, or wish to comment on this policy/paragraph? (Please tick one answer)

Support Support with modifications Oppose Wish to comment

Please give details of your reasons for support/opposition, or make other comments in the box below, including any specific changes you wish to see to the Plan. Please be as precise as possible.

With regards to criterion 3 of policy AD3, SANG is required as mitigation for additional dwellings in proximity to the Thames Basin Heaths SPA (TBH SPA). It is required at a rate to adequately mitigate the adverse effects that might otherwise occur from additional visitor pressure on the TBH SPA.

The framework for mitigation for additional dwellings within a 5km linear mitigation zone of the TBH SPA has been assessed and approved by Natural England. This sets out the requirement for SANG, rate of provision and notional catchment for a SANG of a particular size. A deviation from this framework would also need to be assessed and agreed by Natural England as appropriate.

The framework was based on visitor survey evidence of use of the TBH SPA, the distance travelled to visit the TBH SPA, and the needs and expectations of those visitors. There is a recognition that, unmitigated, there remains a potential for development beyond the 5km linear mitigation zone to also have an adverse effect on the Thames Basin Heaths but, depending on size of the development and remoteness, the scale of this adverse effect will diminish. On this basis a 5km to 7km linear mitigation zone exists to identify the larger developments and consider, on a case by case basis, the requirement for mitigation.

Considering the bespoke requirement within the 5km to 7km linear mitigation zone could allow for an equal requirement for SANG to be identified. This would need to be based on a robust survey evidence that overcomes the findings of the previous surveys which showed that use of the TBH SPA for recreation diminishes the further away potential visitors reside. For criterion 3 of AD3 to hold weight, it needs to be supported by evidence to show such a mitigation requirement. No such evidence supports Policy AD3, which is therefore contrary to local plan policy and the council's agreed approach with Natural England.

The policy also introduces a requirement for SANG's on sites of 0.4ha or greater. As well as the framework for TBH SPA mitigation, Natural England have published guidance on SANG requirements – criteria of what SANGs should and should not contain with reference to what kind of experience is required to provide a viable alternative to visiting the SPA.

The framework sets the minimum SANG size at 2ha. This size of SANG would provide mitigation for approximately 104 average sized dwellings in the 400m to 5km linear mitigation zone. It is practical for smaller development parcels to pool their SANG creation requirement to meet the minimum size.

The guidance includes a minimum circular walk requirement of 2.3km. In practice this overriding requirement makes it impossible to provide a standalone SANG that is only 2ha in size, albeit 2ha might be appropriate within a suite of SANGs. There are other criteria in the guidance that also make it preferable to have a larger SANG compared to several smaller SANGs that are not connected to each other (that do not form a suite of SANGs).

When assessing the viability and effectiveness of a SANG it is clear that both its size and proximity to the development that is being mitigated are key considerations. Wokingham Borough Council is committed to seeking a sustainable transport approach that encourages SANGs to be created within walking distance of the developments they are mitigating but it must also consider the potential for a SANG to have a larger catchment, as set out in the approved framework, and to require a carpark to service this larger catchment, as set out in guidance. The 0.4ha threshold does not consider the specifics of a site's location and whether there are existing SANGs nearby which could mitigate the impacts of development. It would therefore be very difficult to achieve in practice, notwithstanding any inconsistencies in the council's established approach to TBH SPA mitigation.

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