

<b>TITLE</b>	<b>Shinfield Neighbourhood Plan</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 September 2016
<b>WARD</b>	Shinfield North and Shinfield South
<b>DIRECTOR</b>	Heather Thwaites, Director of Environment
<b>LEAD MEMBER</b>	Mark Ashwell, Executive Member Planning and Regeneration

## **OUTCOME / BENEFITS TO THE COMMUNITY**

To continue to support Shinfield Parish Council in their neighbourhood planning efforts.

## **RECOMMENDATION**

It is recommended that the following are agreed by the Executive:

- 1) that the report of the Independent Examination into the Shinfield Neighbourhood Plan published on 22 July 2016 is accepted by the Council and that the modifications recommended by the Independent Examiner be made to the plan prior to a local referendum being held;
- 2) that the referendum version of the Shinfield Neighbourhood Plan, as modified in accordance with the recommendations following Independent Examination, meets the basic conditions and complies with the provisions of Paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011). A statement to that effect will be published on the Council's website as well as the 'Referendum Version' of the Plan; and
- 3) that a local referendum be organised and conducted on 8 December 2016 in the Shinfield Parish Neighbourhood area. This will allow all eligible persons that are registered on the electoral roll, to vote on whether the Shinfield Neighbourhood Plan should be used by Wokingham Borough Council to help it determine planning applications (as well as other applications such as Listed Building Consent) in the Neighbourhood Area.

## **SUMMARY OF REPORT**

The Shinfield Neighbourhood Plan once adopted will be part of the Development Plan for the Borough and therefore carry significant weight in the determination of planning applications in or affecting Shinfield Parish. The plan contains policies on housing, transport and access, the natural environment, community and recreation, and business and commercial development.

At a meeting of the Council's Executive on 31 March 2016) it was agreed that the Submission Neighbourhood Plan (the draft plan) accorded with the neighbourhood planning regulations which require general conformity with the strategic policies in the Development Plan ([Paragraph 8 \(1\) \(a\) \(2\) of Schedule 4B to the Town and Country Planning Act 1990 \(inserted by the Localism Act 2011\)](#)). The Council's Executive agreed

that the Submission Neighbourhood Plan should proceed to a 6 week consultation period and that the Council should appoint an Examiner to undertake an examination of the plan.

Accordingly, Wokingham Borough Council arranged a 6 week public consultation on the Submission Neighbourhood Plan from 4 April 2016 to 16 May 2016, following which an Independent Examiner was appointed.

The Examiner suggested a number of changes for increased clarity and in response to representations received on the Submission Neighbourhood Plan. Shinfield Parish Council has accepted the recommended changes.

It is considered that the plan, with the Examiner's suggested changes, still meets the Basic Conditions, and it is therefore recommended that the modified Neighbourhood Plan, referred to as the 'Referendum Version', should proceed to referendum in the Shinfield Parish area which the Plan covers.

## **Background**

### **Neighbourhood Planning**

The Localism Act 2011 and associated regulations introduced neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area through the production of Neighbourhood Development Plans. Local authorities have a legal duty to support and advise those communities undertaking neighbourhood planning. The key stages in producing a neighbourhood plan are:

- 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) Independent examination
- 6) Referendum
- 7) Bringing the neighbourhood plan into force

Stages 1-5 have been completed to date.

The Local Planning Authority has responsibility for:

- 1) Designating the neighbourhood plan area that has been suggested by a Town/Parish Council or a Neighbourhood Plan Forum;
- 2) Assisting the Parish Council with production of the Neighbourhood Plan answering questions, attending meetings and helping to develop the policies.
- 3) Checking that proper procedures have been followed and that the Basic Conditions have been met in the preparation of the plan.
- 4) Publicising the plan at both pre-submission and submission stage.
- 5) Arranging for an independent examination of the submission stage version of the Neighbourhood Plan.
- 6) Making any necessary alterations to the plan based on the Examiner's comments
- 7) Organising the public referendum, subject to the plan meeting legal requirements.
- 8) Adopting the Neighbourhood Plan following a successful referendum.
- 9) Using the Neighbourhood Plan as part of the Development Plan when determining planning applications.

### **Shinfield Parish Neighbourhood Plan**

Shinfield Parish began work on producing a neighbourhood plan shortly after being designated a neighbourhood area by the Council in November 2012. The Parish Council undertook a six week consultation on their pre-submission draft plan in July 2015. The consultation was extended to 30 September 2015. The Parish Council considered the consultation responses and, working with the Borough Council, amended the plan.

Following these changes, a further 6 week consultation on the Submission Neighbourhood Plan took place between 4 April and 16 May 2016 which Wokingham Borough Council organised on behalf of the Parish Council as per Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This version of the Neighbourhood Plan, and all representations received through the consultation, were submitted to the Examiner who was appointed on 19<sup>th</sup> May 2016. This appointment was

made by Wokingham Borough Council, with the involvement and endorsement of Shinfield Parish Council, from a shortlist provided by the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). The Examination took place in June 2016 through written representations. The Examiner also undertook a conference call with Officers from Wokingham Borough Council and members of the Shinfield Parish Council on 9<sup>th</sup> June 2016 to seek extra clarity on particular issues. An unaccompanied site visit was also undertaken by the Examiner on 17<sup>th</sup> June 2016.

The Shinfield Parish Neighbourhood Plan contains a range of policies designed to address issues within Shinfield Parish. The plan contains background information and policies on housing, transport and access, the natural environment, community and recreation, and business and commercial development.

Wokingham Borough Council has worked proactively and positively with the Parish to get to this point. It is considered that the Plan is in general conformity with the strategic policies contained in Wokingham Borough's Development Plan and that the Plan has regard to national policies.

### **Analysis of Issues**

The Examination report considers all 12 Policies in relation to the relevant tests. It recommends specific modifications to draft policies and associated recommendations supporting modification to the supporting text in the Plan. The Examiner confirms that, subject to the implementation of these modifications, he is satisfied that the Neighbourhood Plan will meet the 'Basic Conditions' which are that it must:

- Be appropriate to make the plan, having regard to national policies and advice;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan; and
- Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.

The report of the Independent Examination considers issues raised during the publicity period in significant detail. It addresses all matters raised and presents coherent justification to support each of the conclusions reached by the Examiner. Having regard to the justification given by the Examiner for each of his recommended modifications, and the need to ensure that the plan meets the 'Basic Conditions', the Council must decide whether it agrees with the Examiner.

The Council may reach an alternative view about the recommended modifications and it may consider further changes to the Policies in the plan. However, such action should only be taken where the Council has clear and convincing evidence to support an alternative approach to that recommended by the Examiner. Any alternative or additional modifications that the Council may propose to the Plan can only be done to ensure the Plan meets the 'Basic Conditions'.

Subject to amendments being made to the Plan as recommended in his report, the Examiner confirmed that the Plan could proceed to referendum, and that the referendum area need not extend beyond the Shinfield Parish area. It is recommended that the Council agrees that the Plan may proceed to referendum and that the referendum area should not extend beyond the Parish area.

## Conclusion

The modifications are considered to be reasonable and ensure that the Plan meets the 'Basic Conditions'. Accordingly they will be included in a revised version of the Plan which should be published as the 'Referendum Version' of the Shinfield Neighbourhood Plan.

The Plan as modified, needs to be approved for publicity by the Council prior to a referendum being arranged and its decision to proceed with a modified Plan towards referendum must be published in a 'Basic Conditions Decision Statement' required through Regulation 18 of the Neighbourhood Planning (General) Regulations 2012. This statement must be publicised on the Council's website and in any way the Council considers will bring it to the attention of people living, working or carrying out a business in the Plan area. A draft 'Basic Conditions Decision Statement' is attached to this report for approval.

## Next Steps

New [regulations](#) on setting a referendum date will come into force on 1 October 2016. They require that a referendum must be held within 56 working days of the Local Planning Authority's decision that the plan should proceed to referendum. The 56 day requirement will apply to any referendums held after 1 October 2016. Subject to Executive granting approval on 29 September 2016 to proceed to referendum, the referendum would be required to take place by 16<sup>th</sup> December 2016.

It is intended that the referendum should be held on Thursday 8 December 2016. Wokingham Borough Council is responsible for arranging the referendum and work is underway to organise this and all necessary documentation associated with the publicising of the referendum.

A Project Group is being set up by Electoral Services, which will include representation from Shinfield Parish, to facilitate the organisation of the referendum.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £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	nil	nil
Next Financial Year (Year 2)	Circa £16,000 (Referendum)	Yes. After successful Examination the Council can apply for grant funding of	Revenue

		£20,000 to offset costs incurred.	
Following Financial Year (Year 3)	nil	nil	nil

**Other financial information relevant to the Recommendation/Decision**

None anticipated.

**Cross-Council Implications**

The Shinfield Parish Neighbourhood Plan, if adopted, will be used to determine planning applications within Shinfield Parish. Services across the Council have had input into the review of the draft plan to ensure that it is conformity with the Local Plan.

**List of Background Papers**

[Shinfield Parish Neighbourhood Plan – Referendum Version](#)  
[Examiner’s Report](#)  
[Draft ‘Basic Conditions Decision Statement’](#)

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<b>Date</b> 16 September 2016	<b>Version No.</b> 3