

<b>TITLE</b>	<b>Arborfield and Barkham Neighbourhood Plan</b>
<b>FOR CONSIDERATION BY</b>	The Executive on Thursday, 27 June 2019
<b>WARD</b>	Arborfield; Barkham;
<b>LEAD OFFICER</b>	Deputy Chief Executive - Graham Ebers, Director of Locality and Customer Services - Sarah Hollamby
<b>LEAD MEMBER</b>	Executive Member for Planning and Enforcement - Wayne Smith

## **PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)**

This report seeks to continue to support Arborfield and Barkham Parish Councils in their efforts to help shape how development is managed in their area. The approval of Executive is sought to consult on a draft Neighbourhood Plan in order to seek views on its content. Authority is also sought to procure an independent examiner, as required by legislation, who will subsequently examine the Plan, which includes considering all the representations submitted during the consultation.

## **RECOMMENDATION**

That the Executive:

- 1) approve a 6 week consultation on the draft Arborfield and Barkham Neighbourhood Plan; and
- 2) agrees to appoint an examiner to independently examine the Arborfield and Barkham Neighbourhood Plan, delegating the appointment and submission of the examination documentation to the Director of Corporate Services in consultation with the Lead Member for Business, Economic Development and Strategic Planning.

## **EXECUTIVE SUMMARY**

Arborfield & Newland and Barkham Parishes have produced a draft Neighbourhood Plan to help shape how development is managed in their area. The draft Plan contains a number of policies on housing; the natural and historic environment; community facilities; business and commercial development; open space; transport; and flooding. The Plan does not include any site allocations.

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must carry out a minimum six-week consultation on the draft Plan to invite comments from the public, statutory consultees, and interested parties and must arrange for an independent examination to take place. This report seeks approval to carry out the required consultation and to appoint an examiner to undertake the necessary examination.

At the current stage, the Council is not required to reach a formal view on whether the draft Plan meets the basic conditions<sup>1</sup>, but must be satisfied that the proper legal process has been carried out. Officers have been actively engaged with the Parish Councils throughout the preparation of the draft Plan. Matters raised by Officers have largely been addressed, with any remaining issues for the examiner to determine through the examination process. To raise these matters the Council will need to submit formal representations to the proposed consultation. The Council's comments do not fall within the scope of this Executive decision but will be agreed via the Individual Executive Member Decision process. The types of comments that the Council will wish to make are as follows:

- Identifying areas where neighbourhood plan policy diverges from the Council's adopted Core Strategy and Managing Development Delivery local plans and supplementary guidance;
- Identifying areas where greater clarity would aid decision takers;
- General phraseology amendments of policy and supporting text.

The costs of undertaking the consultation and examination can be met from the existing revenue budget.

For clarity, any post examination processes and programmes will be subject to a further decision of the Council's Executive and Full Council.

Once adopted, the Plan will form part of the statutory development plan for the borough and thereby carry significant weight in the determination of planning applications and appeals in or affecting Arborfield & Newland and Barkham Parishes. At this time, the parish councils will benefit from receipt of 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area. This reflects a 10% increase on the 15% available to parish councils where there is no neighbourhood plan in place.

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<sup>1</sup> As can be seen at: <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

## **BACKGROUND**

### Neighbourhood Planning

Neighbourhood planning was introduced through the Localism Act 2011 and is a means for local communities to take the lead on shaping how their area is developed. Communities can prepare Neighbourhood Development Plans (often referred to as Neighbourhood Plans) which set out specific planning policies to help shape and guide development in their area.

The broad 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

This report seeks approval to undertake stages 5 and 6 for a neighbourhood plan produced by Arborfield & Newland, and Barkham Parish Councils.

### Arborfield and Barkham Neighbourhood Plan progress to date

Arborfield & Newland and Barkham Parishes 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 Parish Councils undertook a consultation on their pre-submission draft Plan in June to August 2018.

Working with the Council, the Parish Councils considered the consultation responses and made a number of amendments, and have now formally submitted the draft Plan to the Council. 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.

### **Analysis of Issues**

Now that the draft Plan has been submitted, the Council must publicise it for a minimum regulatory six-week consultation and invite representations (known as the Regulation 16<sup>2</sup> consultation).

Concurrent with the consultation, the Council will need to appoint an examiner to undertake the following stage of independent examination of the draft Plan. The examiner's role will be to independently test whether or not the draft Plan meets the basic conditions<sup>3</sup>, and other matters set out in the regulations<sup>4</sup>.

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

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

<sup>4</sup> [paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#)

The examination will take place following the consultation, at which point the Council will send the draft Plan, supporting documents, and all representations received to the consultation, to the examiner. Examinations typically take place via written representations without the need for a public hearing. Where additional points of clarity are required, these can be sent to the examiner in writing and made publicly available by the Council. Where necessary however, examiners may hold hearing sessions to assist their consideration of specific issues.

Executive approval is required to commence consultation, and begin the process of appointing an examiner. An examiner will be appointed using the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). This service allows for a shortlist of highly experienced examiners to be provided to the Council and Parish Councils who will then jointly decide who to appoint based on an assessment of their application and CV. All NPIERS examiners carry a standard daily fee.

At the current stage, the Council is not required to come to a formal view on whether or not the draft Plan meets the basic conditions, but must be satisfied that the proper legal process has been carried out. Officers have been actively engaged with the Parish Councils throughout the preparation of the draft Plan. Matters raised by Officers have largely been addressed, with any remaining issues for the examiner to determine through the examination process. To raise these matters the Council will need to submit formal representations to the proposed consultation. The Council's comments do not fall within the scope of this Executive decision but will be agreed via the Individual Executive Member Decision process. The types of comments that the Council will wish to make are as follows:

- Identifying areas where neighbourhood plan policy diverges from the Councils adopted Core Strategy and Managing Development Delivery local plans and supplementary guidance;
- Identifying areas where greater clarity would aid decision takers;
- General phraseology amendments of policy and supporting text.

This report recommends that Executive approve the draft Plan for consultation and the process of appointing an examiner.

### Consultation

It is recommended consultation indicatively be undertaken from Monday 8 July until Monday 19 August 2019, a period of 6 weeks in accordance with the Regulations. The consultation will be publicised and documents made available in accordance with the Council's Statement of Community Involvement<sup>5</sup>.

### Future steps

Following the end of the consultation, there is no prescribed timeframe in which an independent examination should take place. It will be at the examiner's discretion whether or not any hearings are required to consider aspects of the Draft Plan. If hearings are required, this is likely to increase the time and cost of the examination process.

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<sup>5</sup> Which can be viewed on the Council's website: <http://www.wokingham.gov.uk/planning-policy/planning-policy-information/local-plan-and-planning-policies/>

Following the examination process, the examiner will make recommendations on any changes that are required in order for the draft Plan to satisfy the basic conditions and whether it should proceed to the next stage of a referendum. Following receipt of the report, the Council will need to consider the recommendations made by the examiner and decide what action to take. At this stage, the Council will need to come to a formal view on whether the plan meets the basic conditions and, if it does, will be responsible for arranging and carrying out the referendum.

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

Should more than half of those voting do so in favour of 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.

For clarity, any post examination processes and programmes will be subject to a further decision of the Council's Executive and Full Council. As set out in this report, the current recommendations relate solely to carrying out consultation under Regulation 16 and process to appoint an examiner to then carry out the examination.

## **BUSINESS CASE**

### Need for the decision

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Council must carry out a minimum six-week consultation on the draft Plan to invite comments from the public, statutory consultees, and interested parties. It must also arrange for an independent examination to take place. The current recommendation facilitates the Council carrying out its legal duties.

### Alternative options

There is no alternative option that could be considered for taking the draft Plan forward to adoption.

### Risks

No risks are apparent to progressing the draft Plan to consultation and examination.

With regard to future stages beyond the scope of this report, the main risk is whether the draft Plan will be found through the examination process to meet the basic conditions. This risk is considered to be low with Officers having been actively engaged with the Parish Councils throughout the draft Plan's preparation. Issues raised by Officers have largely been addressed through the drafting process. Outstanding issues can be addressed by the examiner through the examination process. To do this, the Council will need to submit formal representations on the Draft Plan in response to the proposed consultation. The Council's comments will be agreed via the Individual Executive Member Decision process.

## Expected outcome

The outcome of recommendation to Executive is that a successful consultation is carried out in accordance with legal requirements and that the draft Plan proceeds to examination.

### **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)	Cost of examination is dependent on the amount of hours the Examiner requires and whether formal hearing sessions are required. Estimate of £6,000 based on previous Shinfield Neighbourhood Plan examination.	Yes covered within the existing Growth and Delivery Budget.	Revenue
Next Financial Year (Year 2)	No additional cost	Yes	Revenue
Following Financial Year (Year 3)	No additional cost	Yes	Revenue

#### **Other Financial Information**

Whilst actions relating to the recommendation of this report can be met by existing revenue budget, in due course Council will be required to hold a referendum on whether the Plan should be adopted. The Council will be required to fund the referendum up front. However, once a referendum is successfully arranged the Council can obtain grant funding from government of £20,000 to assist in covering the costs.

Once a neighbourhood plan is made (adopted), the parish councils will benefit from receipt of 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area. This reflects a 10% increase on the 15% available to parish councils where there is no neighbourhood plan in place.

#### **Stakeholder Considerations and Consultation**

Consultation to be carried out for minimum 6 weeks as set out in main body of text.

<b>List of Background Papers</b>
Appendix A: Arborfield and Barkham Draft Neighbourhood Plan

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