

# Agenda Item IMD19

## INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: 2019/19

<b>TITLE</b>	Wokingham Borough Council response to Arborfield and Barkham Draft Neighbourhood Plan Consultation
<b>DECISION TO BE MADE BY</b>	Executive Member for Planning and Enforcement - Wayne Smith
<b>DATE, MEETING ROOM and TIME</b>	2 August 2019 FF14 2 August 2019 - 12.30pm
<b>WARD</b>	Arborfield; Barkham;
<b>DIRECTOR / KEY OFFICER</b>	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 Plan<sup>1</sup> 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 16<sup>2</sup> 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 conditions<sup>3</sup> (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 Involvement<sup>4</sup>. 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.

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

<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> 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

<b>Other financial information relevant to the Recommendation/Decision</b>
None

<b>Cross-Council Implications</b>
None envisaged

<b>SUMMARY OF CONSULTATION RESPONSES</b>	
<b>Director – Corporate Services</b>	No comments received
<b>Monitoring Officer</b>	No comments
<b>Leader of the Council</b>	No comments received

<b>Reasons for considering the report in Part 2</b>
N/A

<b>List of Background Papers</b>
Appendix 1 – WBC response form

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