

<b>TITLE</b>	<b>Arborfield and Barkham Neighbourhood Plan</b>
<b>FOR CONSIDERATION BY</b>	The Executive on Thursday, 28 November 2019
<b>WARD</b>	Arborfield; Barkham;
<b>LEAD OFFICER</b>	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 accept the changes recommended by the Independent Examiner and to progress the plan to a public vote through a referendum.

## **RECOMMENDATION**

That the Executive:

- 1) accepts the report of the Independent Examination into the Arborfield and Barkham Neighbourhood Plan and that the modifications recommended by the Independent Examiner are made to the plan prior to a local referendum being held; and
- 2) agrees that the referendum version of the Arborfield and Barkham 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) agrees that a local referendum be organised and conducted on 6 February 2020 in the Arborfield and Barkham Neighbourhood area. This will allow all eligible persons that are registered on the electoral roll within the two parishes, to vote on whether the Arborfield and Barkham Neighbourhood Plan should be used by Wokingham Borough Council to help it determine planning applications in the Neighbourhood Area.

## **EXECUTIVE SUMMARY**

Arborfield and Newland and Barkham Parishes have produced a draft Neighbourhood Plan to help shape how development is managed in their area. The 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 carried out a six-week consultation on the draft Plan between 8 July and 19 August 2019 to invite comments on the plan's content. A total of 68 responses were received from various stakeholders. In accordance with the Executive decision of 26 June 2019, following this consultation the council appointed an Independent Examiner in September 2019, and shared with them all relevant documents – which included the full set of representations received on the draft plan – in order for them to carry out the necessary examination.

The Council received the Examination Report in October 2019. The Examiner concludes that, subject to making a number of recommended modifications, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum. It also concludes that the boundary for the purposes of the referendum on the Plan should be the boundary of the designated Neighbourhood Area for the Plan.

Process dictates that the Council must now formally decide what action to take based on the Examiner's recommendations. The council, in collaboration with the Arborfield and Barkham Neighbourhood Plan steering group, has considered the Examiner's recommendations. It is considered that, subject to the proposed modifications being made in full, the Plan does meet the basic conditions set out in legislation and it is recommended that the modified plan proceed to referendum.

If the referendum is successful, Full Council approval will be needed to formally 'make' (adopt) the plan. Once made, 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.

## **BACKGROUND**

### Neighbourhood Planning

Under the Localism Act 2011 and associated regulations, communities may produce Neighbourhood Development Plans (often referred to as Neighbourhood Plans) to help manage development.

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

Arborfield and Barkham Parish councils took the decision to produce a neighbourhood plan in 2014. Since then, stages 1-6 have been completed. This report seeks approval to undertake stage 7.

### Arborfield and Barkham Neighbourhood Plan Examination

Following the decision of Executive on 27 June a 6 week consultation, organised by the council, was carried out between 8 July and 19 August on the submission version of the Arborfield and Barkham Neighbourhood Plan (hereafter referred to as the Plan). All of the comments submitted to the council during the consultation period, as well as all the plan documents, were sent to an Independent Examiner for their consideration.

The appointment of an examiner was made by the council, with the involvement and endorsement of Arborfield and Barkham Parish councils, from a shortlist provided by the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). The Examination took place in September and early October 2019 through written representations. The examiner made an unaccompanied site visit to Arborfield and Barkham to familiarise herself with the area and visit relevant sites and areas affected by the Plan's policies.

The final report of this examination was received on 10 October 2019. The report considers whether the plan meets the 'basic conditions', which are that the Plan 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.

## Analysis of Issues

In their report the Examiner confirms that the plan meets legal requirements and, that subject to a number of recommended modifications, the Plan meets the 'basic conditions' and may proceed to referendum. Further details are set out below.

68 named representations were received during the consultation on the submission version of the Plan<sup>1</sup>, 44 from individuals, of which 28 were in support of the Plan. Three anonymous respondents objected to the plan via an online response. Nine organisations and statutory bodies had no specific comments to make on this Plan but often offered general guidance, five organisations offered support for the Plan. Other responses raised objections to the plan and where these were pertinent to the consideration of whether the plan meets the Basic Conditions, they are addressed in the Examination Report.

Addressing the matters raised during the consultation, the Examiner sets out in her report coherent justification for the amendments considered to be necessary for the plan to satisfy the 'basic conditions' (recommendations set out in full at Appendix B). The Examiner recommends that modifications be made to 11 of the 15 policies within the Plan. In most cases, this involves changes to wording for additional clarity which does not impact on the policy's overall intention. The more significant changes proposed are:

- Removal of reference in policy *IRS2: 'Recognise, respect and preserve identify and rural setting of settlements'* to the 30 'significant views' identified as it is considered these have not been appropriately evidenced for protection
- Strengthened requirement for net biodiversity gain in policy *IRS3: 'Protection and enhancement of the natural environment and green spaces'*
- Removal of the local connection criteria for affordable home occupancy from policy *AD2: 'Prioritise housing for local needs'*
- Deletion of policy *AD3 'New housing outside development limits'* due to lack of compliance with strategic approach to SANG and open space provision.

Having regard to the Examiner's justifications, and the need to ensure that the plan meets the 'basic conditions', the council must decide whether it agrees the proposed changes should be made.

### Next steps

The Examiners recommendations are not binding on the council, and should the council have an alternative view about the recommended modifications in the context of meeting the basic conditions, 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. Should this be the case, additional consultation would be required to seek views on any further changes.

Officers have engaged with representatives from the parish councils on the Examiner's findings. Having considered the recommendations and justification set out by the Examiner, it is recommended to Executive that the Examiner's recommendations are accepted in full.

---

<sup>1</sup> Regulation 16 of the [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)

The Plan, as modified, needs to be approved for publicity by the Council prior to a referendum being arranged. The Council's decision to proceed with a modified Plan towards referendum must be published in a 'Decision Statement'<sup>2</sup>. A draft 'Decision Statement' is attached to this report for approval (Appendix B).

### Referendum

It is recommended that the Council agrees that the Plan may proceed to referendum to be held on 6 February 2020 and that the referendum area should not extend beyond the Parish area. If agreed, a Project Group will be set up by Electoral Services, which will include representation from Arborfield and Barkham Parishes.

Should more than half of those voting do so in favour of the Plan, the Council must adopt it through a resolution of Council.

## **BUSINESS CASE**

### Need for the decision

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the council must make changes to the plan necessary for it to meet the basic conditions and must arrange for a referendum to take place. The recommendation of this report facilitates the council in carrying out its legal duties.

### Alternative options

The council could have considered additional changes to those recommended by the Examiner. However, it is not considered that there is sufficient justification for making alternative changes. Alternative modifications would need to be agreed the parish councils, who also have the option to withdraw the plan. Both Arborfield and Barkham Parishes accept the Examiner's recommendations.

### Risks

Progressing the plan to referendum will give the public the chance to decide whether or not the plan should be adopted. It is a potential risk that the public votes that the plan should not be adopted, i.e. less than 50% vote in favour of the plan being adopted. This is the democratic right of residents. The positive engagement and consideration of the views of respondents that has taken place over a number of years in producing a plan helps to mitigate the risk.

### Expected outcome

The outcome of recommendation to Executive is that a referendum is arranged which allows the residents of Arborfield and Barkham parishes to decide whether or not the Plan be adopted to be used to determine planning applications in their area.

---

<sup>2</sup> Required through Regulation 18 of the Neighbourhood Planning (General) Regulations 2012

## 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 referendum, based on the referendum for the Shinfield Neighbourhood Plan, is expected to be around £10-15k	Yes, covered within the Council's Budget. The Council will be able to claim back £20k from government once the date for a referendum is set.	Revenue
Next Financial Year (Year 2)	No additional cost	Yes	Revenue
Following Financial Year (Year 3)	No additional cost	Yes	Revenue

### Other Financial Information

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

N/A

### Public Sector Equality Duty

Equalities Assessment completed

### List of Background Papers

Appendix A: Examination Report  
 Appendix B: Draft Decision Statement  
 A copy of the 'Arborfield and Barkham Neighbourhood Plan Referendum Version' is available on request

<b>Contact</b> James McCabe	<b>Service Place</b> Commissioning
<b>Telephone</b> Tel: 0118 908 8333	<b>Email</b> james.mccabe@wokingham.gov.uk