

<b>TITLE</b>	<b>Arborfield and Barkham Neighbourhood Plan</b>
<b>FOR CONSIDERATION BY</b>	The Executive on Wednesday 22 April 2020
<b>WARD</b>	Arborfield; Barkham;
<b>LEAD OFFICER</b>	Director, Place and Growth - Sarah Hollamby
<b>LEAD MEMBER</b>	Executive Member for Planning and Enforcement - Wayne Smith

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

The approval of Executive and Council is sought to agree to the Arborfield and Barkham Neighbourhood Plan being ‘made’ (adopted) in accordance with the clear wishes of residents expressed through the referendum result. This is a step required by the regulations given the successful result of the referendum.

**RECOMMENDATION**

That the Executive:

- 1) recommends to Council that the Arborfield and Barkham Neighbourhood Plan be “made” (be adopted) to form part of the statutory Development Plan pursuant to Section 38A(4) of The Planning and Compulsory Purchase Act 2004; and
- 2) that the form, content and publication of the Decision Statement (set out in supporting document Appendix A) be agreed pursuant to Regulation 19 of The Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”) in order to give effect to the above recommendation.

**EXECUTIVE SUMMARY**

Arborfield and Newland and Barkham Parishes have produced the Arborfield and Barkham 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.

A referendum on the Plan was held on 6 February 2020. Of those who voted, 94% voted yes to the question of whether they wished the plan to be used to help determine planning applications within the parishes of Arborfield & Newland and Barkham.

Under Regulations governing neighbourhood plans, the Council is required to ‘make’ (adopt) the Plan and bring it into legal force if more than half of those voting have voted in favour of making the Plan at referendum. This is require to be done within 8 weeks of the referendum.

A resolution of Council is needed to ‘make’ (adopt) the Plan. Once made, the Plan will formally 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.

Upon the making of the Plan, 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 (commonly 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 for their area in 2014. Since then, stages 1-7 have been completed. This report seeks approval to complete stage 8.

The Arborfield and Barkham Neighbourhood Plan (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.

### Arborfield and Barkham Neighbourhood Plan Referendum

In accordance with paragraph 14(2) of Schedule 4B of the Town and Country Planning Act the Council duly made arrangements to hold a referendum on the making of the Plan on Thursday 6 February 2020. The referendum was held on the Plan which incorporated the agreed modifications set out in the schedule of the Post Examination Decision Statement.

A person was entitled to vote in The Arborfield and Barkham Neighbourhood Plan referendum if on the 6 February 2020:

- a) he or she was entitled to vote in a local government election in the referendum area; and
- b) his or her qualifying address for the election was in the referendum area.

The referendum area was the designated Arborfield & Newland and Barkham Neighbourhood Area.

### Referendum results

The following question was asked to those entitled to vote in the referendum: "Do you want Wokingham Borough Council to use the Neighbourhood Plan for Arborfield & Newland and Barkham parishes to help it decide planning applications in the neighbourhood area?"

At the referendum a total of 1,236 ballots were cast. Of these:

- The number of votes in favour of a 'yes' was 1,164
- The number of votes in favour of a 'no' was 72
- 0 ballots were rejected
- The turnout was 24% percent of the registered electors

### Next steps

Should more than half of those voting in the referendum do so in favour of using the Plan, the council must make the Plan (adopt it) through a resolution of Council. It is therefore recommended to Executive and Council that the plan be formally made.

As part of this process, the Regulations also require the Council to publish a statement setting out the decision, the reasons for making that decision, and details of where and when the decision statement may be inspected. This Decision Statement is appended to this report in Appendix A, and sets out that the Council does not consider that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights.

Once the Plan has been brought into legal force, the Regulations require the Council to publish the Plan and details of where and when it may be inspected. This must be on the Council's website and advertised so that it is brought to the attention of people who live, work or carry on business in the Arborfield and Barkham Neighbourhood Area. A hard copy of the Plan will therefore be made available at the Council's Shute End offices. The Decision Statement will be likewise made available.

## **BUSINESS CASE**

### Need for the decision

As a result of the referendum outcome, the Council has a legal obligation to 'make' the Plan. This needs to be acted upon by 3 April 2020<sup>1</sup>. The recommendation of this report facilitates the Council in carrying out its legal duties.

### Alternative options

There are no alternative options to be considered given the Regulatory requirements and the result of the legislation.

The Council can only choose to not make the Plan where it believes the Plan would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights. No such breach or incompatibility exists.

### Risks

As with all development plan documents, there exists the opportunity for third parties to seek to legally challenge the decision to make the Plan. This is considered to be a low risk, given the positive engagement and consideration of the views of respondents that

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<sup>1</sup> Being the last day of the period of 8 weeks beginning with the day immediately following that on which the applicable referendum was held in accordance with section 18A of the Neighbourhood Plan (General) Regulations (as amended)

has taken place over a number of years in producing a plan. No parties have raised issues to suggest they would have grounds to challenge the Plan.

#### Expected outcome

The outcome of recommendation to Executive and Council is that the Plan be made to legally become part of the Development Plan to be used to determine planning applications in the area of Arborfield & Newland and Barkham parishes.

### **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	Revenue
Next Financial Year (Year 2)	Nil	Yes	Revenue
Following Financial Year (Year 3)	Nil	Yes	Revenue

#### **Other Financial Information**

Upon arranging a referendum for the Plan, the Council was eligible to apply for Government grant funding of £20,000 to cover the costs involved in undertaking the referendum. The earliest relevant window for making an application opened on 31 January 2020 and a claim has been submitted. It is expected that payment will be made in the Spring.

Once a neighbourhood plan is made, the parish councils will benefit from receipt of 25% of the revenues from the Community Infrastructure Levy arising from 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**

The recommendation of this report is guided by the outcome of the referendum held on 6 February 2020.

#### **Public Sector Equality Duty**

An Equalities Impact Screening Record Form is attached (see Appendix C).

***Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030***

The objectives and policies within the Plan are consistent with the Climate Emergency declared by the Council.

<b>List of Background Papers</b>
Appendix A: Decision Statement Appendix B: Notice of Poll Appendix C: Equalities Impact Assessment A copy of the 'Arborfield and Barkham Neighbourhood Plan Referendum Version' is available on request

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