

TITLE	Ruscombe Neighbourhood Development Plan – Regulation 16 Consultation and Future Examination
FOR CONSIDERATION BY	The Executive on Thursday, 27 January 2022
WARD	Remenham, Wargrave and Ruscombe;
LEAD OFFICER	Director, Place and Growth - Steve Moore
LEAD MEMBER	Executive Member for Planning and Enforcement - Wayne Smith

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

This report seeks to continue to support Ruscombe Parish Council 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 Ruscombe Neighbourhood Plan (Appendix 1a and 1b of the report); and
- 2) agrees to appoint an examiner to independently examine the Ruscombe Neighbourhood Plan, delegating the appointment and submission of the examination documentation to the Director of Place and Growth in consultation with the Lead Member for Planning and Enforcement.

EXECUTIVE SUMMARY

Ruscombe Parish Council has produced a draft Neighbourhood Plan (***due to the size of this document it is not included in the agenda. A copy can be found on the website or made available on request through Democratic Services***) that will sit alongside the Council's planning policies 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 and transport. The Plan does not include any site allocations for development but does propose to allocate some areas of land as Local Green Space.

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. The consultation is proposed to take place from Tuesday 8th February – Friday 25th March 2022.

At the current stage, the Council is not required to reach a formal view on whether the draft Plan meets the basic conditions¹, but must be satisfied that the proper legal process has been carried out. Officers have been engaged with the Parish Council throughout the preparation of the draft Plan. Some issues raised by Officers have been addressed, and any remaining issues will be for the examiner to determine through the examination process. To raise these matters the Council will need to submit formal representations to the proposed draft Plan consultation. The Council's comments do not fall within the scope of this Executive decision but will be agreed in consultation with the Executive Member for Planning and Enforcement 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 any supporting evidence which is likely to be challenged by individuals/organisations and may increase risks through the examination process. Examples previously highlighted as areas of concern to the neighbourhood planning group include the Local Green Spaces assessment and justification.
- Identify areas where neighbourhood plan policy diverges from the emerging Local Plan Update including design code/guide implication on the indicative site capacities.
- 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 Ruscombe Parish. At this time, the Parish Council 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.

¹ 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 preparing planning policy, that will sit alongside the Council's planning policies, in helping shape how development is managed in their area. 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 Ruscombe Parish Council.

Ruscombe Neighbourhood Plan progress to date

Ruscombe Parish Council began work on producing a neighbourhood plan (hereafter referred to as the Plan) shortly after being designated a neighbourhood area in January 2018. The Parish Council undertook a consultation on their pre-submission version of the draft Plan (Regulation 14) in February to April 2021.

Working with the Council, the Parish Council considered the consultation responses and made some amendments. Subsequently, the draft Plan was formally submitted to the Council on 7 October 2021. The submission draft Plan contains policies on housing; the natural and historic environment; community facilities; business and commercial development; open space and transport. The draft Plan does not allocate land for development but does propose to allocate some areas of land in the neighbourhood area for designation as Local Green Space.

Analysis of Issues

Whilst the early stages in the preparation are led by the Parish Council, legislation governing neighbourhood plans requires the later stages to be managed by the Council as the local planning authority.

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 consultation)².

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

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 the draft Plan meets the basic conditions³, and other matters set out in the regulations⁴.

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. However, depending on the complexity of the plan, or where necessary, examiners may choose to 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 Council, 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 as to whether the draft Plan meets the basic conditions, but it must be satisfied that the proper legal process has been carried out. Officers have engaged with the Parish Council throughout the preparation of the draft Plan. Matters raised by Officers have, for the most part, 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 in consultation with the Executive Member for Planning and Enforcement 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 policy/guidance.
- Identifying any supporting evidence which is likely to be challenged by individuals/organisations and cause unnecessary risks through the examination process. Examples previously highlighted as areas of concern to the Parish Council include the Local Green Spaces assessment, as national policy sets a high bar and requires robust and proportionate evidence to justify the policy designation.
- Identify areas where neighbourhood plan policy diverges from the emerging Local Plan Update including design code/guide implication on the indicative site capacities.
- 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.

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

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

Consultation

It is recommended consultation indicatively be undertaken from Tuesday 8 February until Friday 25th March 2022, a minimum 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 Involvement⁵.

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 as to whether any hearings are required to consider aspects of the draft Plan and this is likely to be dependent on the complexity of the plan as informed by responses to the consultation. If hearings are required, this is likely to increase the time and cost of the examination process.

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 examiner's 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 holding the referendum. A referendum could take place in autumn 2022.

Should more than half of those voting do so in favour of using the Plan to guide planning decisions, 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 alongside the Council's local plans 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 on the draft Plan under Regulation 16 and the process to appoint an examiner to undertake 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.

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

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 to meet the basic conditions test through the examination process. This risk is considered to be low with Officers having been engaged with the Parish Council throughout the draft Plan's preparation. Issues raised by Officers have, for the most part, 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 in consultation with the Executive Member for Planning and Enforcement 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 faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	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)	Cost of examination is dependent on the amount of hours the Examiner requires and whether formal hearing sessions are required. Estimate of between £5,000 and £6,000, based on previous Shinfield Neighbourhood Plan and Arborfield and Barkham Neighbourhood Plan examinations.	Yes. £5,000-£6,000	Revenue
Following Financial Year (Year 3)	No additional cost expected with the projected expected to be completed	Not applicable	Not applicable

Other Financial Information

Whilst the examination process would start in the 2021/22 financial year, the costs are likely to fall within the following 2022/23 financial year.

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 council 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 in accordance with the Council’s latest Statement of Community Involvement. Further details are set out in main body of the report.

Public Sector Equality Duty

An Equalities Impact Screening Report Form is set out in Appendix 2 to the report.

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 Draft Ruscombe Neighbourhood Plan includes a range of policies which provide additional detail to complement policies in the Core Strategy (2010) and Managing Delivery Development (MDD) local plans. Specific policies include maximising opportunities for walking and cycling, protecting and enhancing existing green infrastructure assets and protecting existing open spaces (through Local Green Space designation).

List of Background Papers

Appendix 1a: Ruscombe Draft Neighbourhood Plan (***due to the size of this document it is not included in the agenda. A copy can be found on the website or made available on request through Democratic Services***)

Appendix 1b: Ruscombe Draft Neighbourhood Plan – Biodiversity and Green Infrastructure Report

Appendix 2: Equalities Impact Screening Report Form

Other relevant non-background papers are also available on request, for example:

- Basic Conditions Statement
- Consultation Statement

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