

<b>TITLE</b>	<b>Finchampstead Neighbourhood Plan - Regulation 16 Consultation and Future Examination</b>
<b>FOR CONSIDERATION BY</b>	The Executive on Thursday, 29 September 2022
<b>WARD</b>	Finchampstead North; Finchampstead South; Wokingham Without;
<b>LEAD OFFICER</b>	Director, Place and Growth - Steve Moore
<b>LEAD MEMBER</b>	Executive Member for Planning and Local Plan - Lindsay Ferris

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

Finchampstead Parish Council has produced a draft Neighbourhood Plan which proposes a series of planning policies that will work alongside the council's local plans to manage development.

This report seeks approval to consult on the draft Plan and the authority to procure an independent examiner who will subsequently examine the draft Plan, which includes considering all the representations submitted during the consultation. Consultation and examination are requirements of the governing regulations.

## **RECOMMENDATION**

That the Executive:

- 1) approve a 6 week consultation on the draft Finchampstead Neighbourhood Development Plan; and
- 2) agrees to appoint an examiner to independently examine the draft Finchampstead Neighbourhood Development 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 Local Plan.

## **EXECUTIVE SUMMARY**

Finchampstead Parish Council has produced a draft Neighbourhood Development Plan (Appendix A) ***(due to the size of this document it is not included in the agenda but can be made available on request through Democratic Services)*** which, if progressed to being made (adopted), will sit alongside the Council's other adopted planning policies to help shape how development is managed in their area. The submission draft Plan contains a number of policies on issues including housing; settlement separation; the natural and historic environment; retail facilities; business and commercial development; transport; and design. The submission draft Plan proposes to allocate two sites for development comprising a total of 4 dwellings. It also proposes to allocate 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

submission 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 publication and consultation and to appoint an examiner to undertake the necessary examination. If approved, the consultation could take place from Monday 10 October to Monday 21 November 2022.

At the current stage, the council is not required to reach a formal view on whether the submission 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 council throughout its preparation. Several of the matters raised by officers have been addressed, with any remaining issues capable of being 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 recommended 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 draft policy diverges from the council's adopted Core Strategy and Managing Development Delivery local plans and supplementary guidance;
- Identifying where supporting evidence is considered by the council to be insufficient. Examples previously highlighted as areas of concern to the parish council include aspects of the Strategic Gaps and Green Wedges Topic Paper;
- Identifying areas where greater clarity would aid decision makers;
- General phraseology amendments of policy and supporting text to improve clarity and application of policy.

The costs of undertaking the consultation and examination can be met from the existing revenue budget, subject to recovery from government grant.

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

Upon adoption, the Finchampstead Neighbourhood Development Plan will form part of the statutory development plan alongside the council's local plans and be part of the starting point for the determination of planning applications and appeals in or affecting Finchampstead Parish. Once adopted, the parish council will also benefit from receipt of 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area thereafter. This reflects a 10% increase on the 15% available to parish councils where there is no neighbourhood development 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 development plan
- 3) Pre-submission publicity & consultation
- 4) Submission of a neighbourhood development plan to the local planning authority
- 5) Submission draft plan consultation
- 6) Independent examination
- 7) Referendum
- 8) Bringing the neighbourhood development plan into force

This report seeks approval to undertake stages 5 and 6 for the draft neighbourhood development plan produced by Finchampstead Parish Council.

### Finchampstead Neighbourhood Development Plan progress to date

Finchampstead Parishes began work on producing a neighbourhood development plan (hereafter referred to as the draft Plan) shortly after being designated a neighbourhood area by the Council in March 2019. The parish council undertook a consultation on their pre-submission draft Plan in February to March 2021.

Following a change of circumstances around the council's Local Plan Update, the parish council undertook a further focussed consultation between October and November 2021 to seek views on a number of sites supported for housing development within the parish.

With the draft Plan proposing to allocate sites for residential development, Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) have been undertaken to meet legislative requirements.

Working with council officers, the parish council has considered the consultation responses to its pre-submission consultations on the draft Plan, as well as the SEA and HRA processes, and has made a number of amendments. The parish council subsequently submitted the submission draft Plan to the council (Appendix A) ***(due to the size of this document it is not included in the agenda but can be made available on request through Democratic Services)***. Under the regulations governing neighbourhood plans, the council is now required to publish the submission draft Plan for consultation and arrange an independent examination.

The submission draft Plan contains a number of policies on issues including housing; settlement separation; the natural and historic environment; retail facilities; business and commercial development; transport; and design. The draft Plan proposes to allocate two

sites for development comprising a total of 4 dwellings. It also proposes to allocate a number of areas of land as Local Green Space.

## Analysis of Issues

Whilst the early stages in the preparation of a neighbourhood plan are led by the parish council, the regulations governing neighbourhood plans requires the later stages to be managed by the council as the local planning authority.

Now that the submission draft Plan has been received, 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 independent examination. The examiner's role will be to independently test whether or not the submission draft Plan meets the basic conditions<sup>3</sup>, and other matters set out in regulations<sup>4</sup>.

The examination will take place following the consultation and typically take place via written representations without the need for a public hearing. Where additional points of clarity are required by the examiner, 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.

The approval of Executive is requested to publish the submission draft Plan for 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.

The council is not required at this time to come to a formal view on whether or not the submission 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 council throughout the various stages in the preparation of the draft Plan. Several of the matters raised by officers have been addressed, with any remaining capable of being considered by the examiner 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 in due course. 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 where supporting evidence is considered by the council to be insufficient. Examples previously highlighted as areas of concern to the parish council include aspects of the Strategic Gaps and Green Wedges Topic Paper;

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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 \(as amended\)](#)

- Identifying areas where greater clarity would aid decision makers;
- General phraseology amendments of policy and supporting text to improve clarity and application of policy

This report recommends that Executive approves the submission draft Plan for publication and consultation and the approval to appoint an examiner.

### Consultation

Subject to the approval of Executive consultation could be undertaken from Monday 10 October to Monday 21 November 2022. The submission draft Plan will be publicised and documents made available in accordance with the council's Statement of Community Involvement<sup>5</sup>.

### Future steps

Following the publication of the submission draft plan, 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.

Following the examination process, the examiner will make recommendations on any changes that are required in order for the submission draft Plan to satisfy the basic conditions and advise whether it should proceed to a referendum. Following receipt of the report, the council will need to consider the recommendations and decide what action to take. This includes coming to a formal view on whether the submission draft Plan meets the basic conditions and whether to accept or not the examiner's recommended modifications. If the council agrees the plan meets the basic conditions, it will be responsible for arranging and holding the referendum on whether the draft Plan should be made and used alongside the wider development plan as the starting point for determining planning applications and appeals.

Should more than half of those voting in a referendum do so in favour of making the draft Plan, a neighbourhood plan is required to be adopted. The plan would hold the same legal status as the council's local plans and so form part of the starting point for deciding planning applications and appeals within Finchampstead.

For clarity, any post examination processes and programmes will be subject to a further decision of the Executive and 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

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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/>

submission 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 submission draft Plan forward to being made (adoption).

Risks

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

With regard to future stages beyond the scope of this report, the main risk is whether the submission 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 council throughout its preparation. Issues raised by officers have largely been addressed through the drafting process. Outstanding issues can reasonably be addressed by the examiner through the examination process. To do this, the council will need to submit formal representations on the submission draft Plan in the same way as other stakeholders. 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 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)	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	Yes, due to cost recovery through grant funding from government.	Revenue

	Shinfield Neighbourhood Plan and Arborfield and Barkham Neighbourhood Plan examinations.		
Next Financial Year (Year 2)	No additional cost with the project expected to be completed.	Not applicable	Not applicable
Following Financial Year (Year 3)	No additional cost with the project expected to be completed.	Not applicable	Not applicable

### **Other Financial Information**

The council is required to fund the examination and referendum up front, however once the referendum is successfully arranged an application for grant funding of £20,000 can be submitted. In the short term, the recommendation of this report can be met from existing revenue budget.

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 as set out in main body of text.

### **Public Sector Equality Duty**

An Equalities Impact Screening Report Form is set out in Appendix B 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 submission Plan includes a range of policies which provide additional detail to complement policies in the Core Strategy (2010) and Managing Development Delivery (MDD) local plans. Specific policies include environmental standards for residential development, protecting and enhancing existing green infrastructure assets, and encouraging the use of sustainable transport modes.

### **Reasons for considering the report in Part 2**

Not applicable.

### **List of Background Papers**

Appendix A: Finchampstead Draft Neighbourhood Plan  
Appendix B: Equalities Impact Screening Report Form

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

- Basic Conditions Statement

- Consultation Statement
- Environmental Report
- Habitats Regulation Assessment

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