

# Agenda Item IMD16

## INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: IMD 2022/16

<b>TITLE</b>	Wokingham Borough Council Response to Twyford draft Neighbourhood Plan Consultation
<b>DECISION TO BE MADE BY</b>	Leader of the Council - Clive Jones
<b>DATE, MEETING ROOM and TIME</b>	16 November 2022 FF11 at 9am
<b>WARD</b>	Twyford;
<b>DIRECTOR / KEY OFFICER</b>	Director, Place and Growth - Steve Moore

### **PURPOSE OF REPORT (Inc Strategic Outcomes)**

To agree Wokingham Borough Council's formal response to the Twyford draft Neighbourhood Plan (Regulation 16) consultation.

### **RECOMMENDATION**

That the Leader of the Council agrees that Wokingham Borough Council submits the comments contained in Enclosure 1 as this Council's response to the Twyford Draft Neighbourhood Plan: Submission Plan (August 2022).

### **SUMMARY OF REPORT**

Neighbourhood development plans (commonly referred to as neighbourhood plans) allow communities to help shape how development is managed in their area and work alongside strategic planning policies set out in the council's local plans.

Neighbourhood plans can set out more detailed policies and can also choose to allocate sites for development, however neighbourhood plans should not promote less development than set out in the strategic policies for the area, nor undermine those strategic policies<sup>1</sup>.

Twyford Parish Council has prepared a neighbourhood plan covering the whole parish. The parish council has consulted residents and other interested parties on the scope and content of the plan.

The parish council submitted the neighbourhood plan and supporting information to the council in August 2022. Executive agreed, on 29<sup>th</sup> September 2022, that the neighbourhood plan could progress to consultation<sup>2</sup>. In line with the regulations governing the neighbourhood plan process, the council has publicised the plan for six weeks and invited representations on the plan's content. Consultation began on Wednesday 12<sup>th</sup> October 2022 and ends on Wednesday 23<sup>rd</sup> November 2022.

<sup>1</sup> National Planning Policy Framework (NPPF) (2021), paragraph 29

<sup>2</sup> Twyford Neighbourhood Development Plan – Regulation 16 Consultation and Future Examination, Examination Executive report, available at:

<https://wokingham.moderngov.co.uk/documents/s60187/Twyford%20Neighbourhood%20Plan.pdf>

In the same way as any other stakeholder, the consultation provides the council the opportunity to consider the plan and submit representations. As set out in the recommendations to the Executive report, the council's comments would be agreed through the Individual Executive Member Decision process, which is the purpose of this report.

The Twyford Neighbourhood Plan contains policies on housing (including First Homes), climate change mitigation, the built, natural and historic environment, community facilities, retail centres and active travel and highways. The submission plan does not include any site allocations for development.

In line with best practice, officers have regularly engaged with the parish council throughout the plan's preparation. Several of the matters raised by officers have been addressed through the submission plan but there remain a few issues to certain policy areas, where it is recommended the council responds to the consultation to bring them to the attention of the examiner through the examination process.

The primary focus of the recommended response is to Policy TW10: Zero Carbon Buildings which introduces standards and requirements for improvements to energy efficiency and carbon emissions reduction that beyond current national and local planning policy. The parish council's ambition is recognised and laudable, however the planning system requires evidence to demonstrate that policy requirements and standards do not impact on the deliverability of development.

No viability evidence has been provided to demonstrate that the policy requirements of the Twyford Neighbourhood Plan are deliverable and achievable in practice. Neither is this evidence available at present from the council's work on the new emerging Local Plan.

In addition, there is a risk of conflict with strategic policy in the emerging Local Plan Update, if subsequent evidence supports an alternative approach. In its current form, the policy is therefore considered not to meet the basic conditions, namely *(a) having regard to national policies and advice*, and *(c) being in general conformity with the strategic policies contained in the council's development plan*. Should the policy be retained, some amendments are suggested to the policy wording to reflect current best practice and national policy and guidance, in particular by encouraging development proposals (where feasible) to achieve the Future Homes Standards and/or Future Buildings Standards (or any equivalent standard). The full response is contained in Enclosure 1.

Representations are also recommended regarding Policy TW8 (Tree Canopy Cover), which is not considered to meet the basic conditions because, as currently proposed, it would constrain development, including opportunities for higher density development in appropriate areas in a manner not supported by national policy or strategic policies set out in the Core Strategy and Management Development Delivery local plan documents. Suggested amendments as set out in Enclosure 1 would help to provide a degree of flexibility in decision-making.

Finally, minor modifications are recommended to policies TW2, TW4, TW6, TW9, and TW18 to either align with existing local and national policy and legislation or provide further clarity for decision takers.

The full recommended response is set out in Enclosure 1 to this report.

## Background

Neighbourhood development plans, more commonly referred to as neighbourhood plans, allow communities to help shape how development is managed in their area. Neighbourhood plans work alongside strategic planning policy set out in the council's local plans. They can set out more detailed policies for their area. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies<sup>3</sup>.

Where a community wishes to take up the opportunities offered by a neighbourhood plan, legislation enables two types of organisations to lead it:

- a parish or town council; or
- a neighbourhood forum.

## Twyford Neighbourhood Plan

Twyford Parish Council has prepared a neighbourhood plan covering their parish. The parish council has worked with other members of the community who are interested or affected by the plan.

The parish council has consulted residents and other interested parties on the scope and content of the neighbourhood plan. Consultation methods and community engagement activities used when preparing the plan include (but were not limited to) a survey questionnaire to residents, public meetings, leaflet distribution to all households and businesses in Twyford parish, social media campaign and a dedicated page on the Twyford Parish Council website. Further information is contained in the Consultation Statement and Appendices supporting the submitted Twyford Neighbourhood Plan.<sup>4</sup>

Having prepared its neighbourhood plan, the parish council submitted the Plan and supporting documents to the council in August 2022. Under the regulations governing the preparation of neighbourhood plans, the council is required to publicise the plan for a minimum of six weeks and invite representations to be made. On 29 September 2022, Executive agreed that the neighbourhood plan could progress to consultation. Consultation began on Wednesday 12<sup>th</sup> October 2022 and ends on Wednesday 23<sup>rd</sup> November 2022.

The consultation provides the council with the opportunity to make representations on the neighbourhood plan's content, including supporting or objecting to any specific policies or proposals. As set out in the recommendations to the 29<sup>th</sup> September 2022 Executive report, any comments are to be agreed through the Individual Executive Member 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 when making decisions on planning

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<sup>3</sup> National Planning Policy Framework (NPPF) (2021), paragraph 29

<sup>4</sup> Twyford Neighbourhood Plan – Consultation Statement and Appendices (August 2022), available at: <https://www.wokingham.gov.uk/planning-policy/planning-policy-information/neighbourhood-planning/>

applications. These issues can then be appropriately addressed by an appointed examiner through the examination process.

### **Business Case (including Analysis of Issues)**

Neighbourhood plans are required to be in general conformity with the strategic planning policies contained within the Local Plan. Officers have regularly engaged with the parish council 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. Several of the matters raised by officers through this engagement have been addressed and reflected in the submitted neighbourhood plan, but there remain a few issues where it is recommended the council responds to the consultation to bring them to the attention and consideration of the examiner through the examination process.

The Twyford Neighbourhood Plan contains policies on housing (including First Homes), climate change mitigation, the built, natural and historic environment, community facilities, retail centres and active travel and highways. The submission plan does not include any site allocations for development.

As indicated in the report to Executive, the type of comments that the council would wish to make included identifying where supporting evidence to some policy areas is likely to be insufficient.

In particular, Policy TW10 (Zero Carbon Buildings) of the draft Plan introduces standards and requirements for improvements to energy efficiency and carbon emissions reduction that are set beyond current national and local planning policy. We would particularly point the qualifying body to the Written Ministerial Statement (WMS) (25 March 2015) which explains that *'qualifying bodies preparing neighbourhood plans should not set in their emerging neighbourhood plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings'* (our emphasis added), instead the WMS refers to these being contained in local plans.

No viability evidence has been provided to justify the policy approach and therefore demonstrate that the policy requirements of the Twyford Neighbourhood Plan are deliverable and achievable in practice. Neither is this evidence available at present from the council's work on the new emerging Local Plan. Useful guidance produced by Locality may be helpful in testing the viability of proposals in a neighbourhood plan.

The full recommended response is set out in Enclosure 1 to this report. The following is a summary of the recommended response to the key issues.

Policy	Comment summary
Policy TW1: Encouraging Sustainable Travel	Support for the proposed policy and approach to encouraging sustainable travel in Twyford parish.
Policy TW2: Sustainable Accessibility and Mobility	Support for the proposed policy and approach. The policy could helpfully refer to supporting sustainable deliveries, for example by encouraging and supporting opportunities for secure communal parcel drop areas in Twyford village centre to reduce the number of delivery vehicles on the local highway network.
Policy TW3: Twyford Railway Station	Support for the proposed policy and approach.
Policy TW4: A Thriving Village Centre	<p>Support for the proposed policy and approach to maintaining the viability and vitality of Twyford village centre. However, further consideration should be given to how it would operate in conjunction with the local plan policies for retail centres.</p> <p>Policy CP13 of the Core Strategy (2010) and Policy TB15 of the Managing Development Delivery (MDD) local plan identifies a village centre boundary for Twyford which is larger than the boundary for Twyford village centre proposed in Policy TW4 of the Twyford Neighbourhood Plan and therefore may cause confusion for a decision-maker when applying the policy in practice.</p>
Policy TW5: Village Centre Regeneration Area	Support for the proposed policy and approach.
Policy TW6: Improving Air Quality	Support for the proposed policy and approach. Suggested amendments to wording to provide a more flexible policy approach and improve clarity for the decision-maker.
Policy TW7: Nature Recovery and Climate Change	Support for the proposed policy and approach.
Policy TW8: Tree Canopy Cover	Concerns expressed regarding the evidence used to justify the policy requirements, (including achieving a minimum 25% canopy cover) and how the proposed approach is deliverable and achievable in practice, as per national planning policy and guidance. The policy could helpfully benefit in introducing a degree of flexibility in its implementation. For instance, the policy could set out certain circumstances where a lower canopy cover percentage may be more appropriate and justified, for example where a development proposal is situated in the village centre (where higher densities are encouraged) or the wider consideration of any landscape, townscape

	and ecological impacts would be adversely impacted by full implementation.
Policy TW9: Carbon Sequestration	Support for the proposed policy and approach but would query whether the reference in the policy to the 'Woodland Carbon Code' should instead refer to the 'UK Forest Standard'. It is noted by the council's Ecology Officer that the 'Woodland Carbon Code' is a means to measure the quantity of carbon sequestered by woodland, rather than set out a specific standard for creating woodland.
Policy TW10: Zero Carbon Buildings	<p>The ambition for the proposed policy approach is welcomed, however there is no clear justification provided for the specific policy requirements. In particular, the policy seeks to introduce standards and requirements for improvements to energy efficiency and carbon emissions reduction that are set beyond current national and local planning policy which, in its current form, is not considered to meet the basic conditions.</p> <p>Some amendments are therefore suggested to the policy wording to reflect national policy and guidance and current best practice.</p>
Policy TW11: Water Infrastructure and Flood Risk	Support for the proposed policy and approach.
Policy TW12: New Homes	Support for the proposed policy and approach, which is supported by locally specific evidence in the form of a Housing Needs Assessment.
Policy TW13: First Homes	Support for the proposed policy and approach but would question the appropriateness in relying on local plan viability evidence published in 2008 to justify a minimum 50% discount from full open market value.
Policy TW14: First Homes Exception Sites	Support for the proposed policy and approach.
Policy TW15: Design Codes	Support for the proposed policy and approach, which is supported by locally specific evidence in the form of Design Guidelines and Codes.
Policy TW16: Buildings of Traditional Local Character	Support for the proposed policy and approach.
Policy TW17: Twyford Community Hub (Old Polehampton School)	Support for the proposed policy and approach.
Policy TW18: Community Facilities	Support for the proposed policy and approach. Minor amendments are suggested to the policy wording regarding the evidence that may

	be required by applicants in order to demonstrate that the existing use is not viable.
Policy TW19: Early Years Provision	Support for the proposed policy and approach.

### Next Steps

Once the consultation has closed, all representations and associated documents will be sent to an appointed examiner who will consider the plan.

There is no prescribed timeframe in which an examination should take place. The examiner will decide whether the examination takes place in the form of a public hearing or written representations.

Where considered necessary, the examiner will recommend any amendments required for the plan to satisfy the basic conditions and will conclude whether or not the plan can proceed to a referendum.

Following receipt of 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 undertaking the referendum.

If more than half the votes cast support for 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 making decisions on planning applications and appeals.

### **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)	Nil	Yes	Revenue
Following Financial Year (Year 3)	Nil	n/a	n/a

### **Other financial information relevant to the Recommendation/Decision**

No financial implications arise as a result of this consultation exercise. However, the council is required to facilitate and fund both the examination and referendum processes. Whilst costs are initially incurred, government grant may be applied for retrospectively that will compensate for the expenditure.



<b>Cross-Council Implications</b>
No cross-council implications arise as a result of this consultation exercise. However, if the plan progresses to referendum, the Council would be required to arrange the referendum. This would be led by Electoral Services.

<b>Public Sector Equality Duty</b>
An Equalities Impact Screening Report was produced and published as an enclosure to the report for Executive on 29 September 2022.

<b>SUMMARY OF CONSULTATION RESPONSES</b>	
<b>Director – Resources and Assets</b>	No comments received.
<b>Monitoring Officer</b>	No comments received.
<b>Leader of the Council</b>	No comments received.

<b>List of Background Papers</b>
Enclosure 1: WBC Response

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