

<b>TITLE</b>	<b>Twyford Neighbourhood Plan</b>
<b>FOR CONSIDERATION BY</b>	The Executive on Thursday, 20 April 2023
<b>WARD</b>	Twyford; Hurst
<b>LEAD OFFICER</b>	Director, Place and Growth - Simon Dale
<b>LEAD MEMBER</b>	Leader of the Council and Executive Member for Business and Economic Development – Clive Jones

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

The report considers the findings of the examination of the submission Twyford Neighbourhood Plan, the modifications recommended by the Independent Examiner and if those modifications are accepted, seeks approval for the plan to progress to a public vote at referendum.

The Twyford Neighbourhood Plan, prepared by Twyford Parish Council, if made (adopted) will become part of the development plan and be used alongside the Wokingham Borough Council's local plans to guide decisions on planning applications.

## **RECOMMENDATION**

That the Executive

- 1) Accepts the modifications recommended by the Independent Examination into the Twyford Neighbourhood Plan (as set out in Enclosure 1) and for the modified plan to proceed to referendum;
- 2) Agrees that the Twyford Neighbourhood Plan, as modified in accordance with the recommendations of the Independent Examiner, 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);
- 3) Agrees to publish the 'Decision Statement' as set out at Enclosure 2 of the report;
- 4) Authorises the Director of Place and Growth, in consultation with the Executive Member for Planning and Local Plan, to agree minor factual and consequential modifications necessary to the Twyford Neighbourhood Plan, the Decision Statement, and other supporting documents prior to the referendum;
- 5) Agrees the referendum be organised and conducted in the Twyford neighbourhood area.

## **EXECUTIVE SUMMARY**

Twyford Parish Council ("the Parish Council") has produced a draft Twyford Neighbourhood Plan ("the Plan") to help shape how development is managed in its area. The Plan, which is available on the council's website<sup>1</sup>, contains a number of policies on

<sup>1</sup> <https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=631602>

issues including housing (including First Homes); climate change mitigation; the natural, built and historic environment; community facilities; retail centres and active travel and highways. The submission draft Plan does not allocate land for development.

The submission draft Plan is supported by two key pieces of technical evidence, a Housing Needs Assessment and a Design Guidelines and Codes report. The Housing Needs Assessment provides local evidence to support the policies regarding future development of housing in Twyford Parish. The Design Guidelines and Codes report identifies the key features of Twyford Parish and sets some guiding principles to ensure any future development proposals respond to and contribute to the local character and distinctiveness of the area.

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), Wokingham Borough Council (“the Council”) carried out a six-week consultation on the draft Plan between 12 October and 23 November 2022 and invited comments on the plan’s content. A total of 22 responses were received.

In accordance with the Executive decision of 29 September 2022, an Independent Examiner was appointed to review whether the Plan, to test whether the Plan met the basic conditions as required by legislation and to recommend whether the Plan could proceed to referendum. The report of the Independent Examiner was received in March 2023 (see Enclosure 1).

The Independent Examiner concludes that, subject to inclusion of a number of recommended modifications, the Plan meets the basic conditions set out in the legislation and can proceed to referendum. The Examiner 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 Independent Examiner’s recommendations. In collaboration with the Parish Council, it is recommended that the Independent Examiner’s recommended modifications are accepted in full and that the modified Plan should proceed to referendum. Each of the recommended modifications is set out in a draft Decision Statement (see Enclosure 2)

It is anticipated that the referendum would take place on an agreed date between 22 June 2023 and 11 July 2023 and, if 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 Twyford 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.

## **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 local planning policy, to sit alongside the Council's planning policies, helping to shape how new development is managed in their area. Communities prepare Neighbourhood Development Plans (often referred to as Neighbourhood Plans) to set out specific planning policies which 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

The Parish Council took the decision to produce a neighbourhood plan in 2018. Since then, stages 1-6 have been completed. This report considers the findings of the examination into the submission draft Plan, the modifications recommended by the Independent Examiner, and if acceptable, seeks approval for the Plan to proceed to referendum.

### Twyford Neighbourhood Plan Examination

The submission version of the Plan was published for consultation between 12 October and 23 November 2022. The submission plan is available on the council's website<sup>2</sup>. 22 representations were received during the consultation period.

An Independent Examiner was appointed to review whether the Plan met the basic conditions as required by legislation and to recommend whether the Plan should proceed to referendum. The Independent Examiner's report (Enclosure 1) was received on 20 March 2023.

### **Analysis of Issues**

The Independent Examiner's key recommendations are:

- The Plan meets the relevant legal requirements and basic conditions subject to acceptance of the recommended modifications set out in their report.
- Deletion of proposed Policy TW9 'Carbon Sequestration', concluding that the principle of requiring carbon sequestration from all new developments is a strategic matter which should be considered through the local plan process, rather than a neighbourhood plan. The Independent Examiner also noted that the implications of the policy on development viability had not been appropriately evidenced.

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<sup>2</sup> <https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=631602>

- Deletion of proposed Policy TW13 'First Homes', concluding that whilst proposing a discount level of 50%, this was higher than the nationally prescribed minimum figure of 30%, but with limited detail of the mechanism for achieving a higher discount through the decision-making process. The Independent Examiner also noted there was no recent evidence provided on the impact of the proposed policy on development viability.
- Modifications to proposed Policy TW10 'Zero Carbon Buildings' which intended to deliver a step change in the energy performance of new developments. The Independent Examiner noted this as a complex topic area and concluded that the policy would stand contrary to government planning policy on plan-making and energy performance standards set out in a Written Ministerial Statement. The Independent Examiner also noted that the implications of the policy on development viability had not been tested in evidence.
- Modifications to Policy TW18 'Community Facilities to ensure that the policy fully aligns with the Managing Development Delivery (MDD) local plan, with regard to the evidence required to be provided by an applicant to demonstrate when an existing community facility may no longer be viable.

In addition to the above, the Independent Examiner also recommended modifications to other policies within the Plan, mostly to add further clarity and precision.

### Options and Next steps

The Council has the choice whether or not to accept each of the Independent Examiner's recommendations. Where recommendations are not accepted, legislation requires consultation to be undertaken on the reasons before proceeding. Guidance suggests that a new examination focused on the specific areas may be appropriate.

Officers have reviewed each of the Independent Examiner's recommendations and justification, and it is recommended that Executive accept the recommendations of the Examiner in full, to ensure the Plan would meet the basic conditions. Details of each of the recommendations is set out in the proposed Decision Statement, attached as Enclosure 2 to this report.

Acceptance of the recommendations in full would mean that no further consultation on the Plan is required and the Plan as modified, may proceed to a public vote through a referendum. A referendum version of the Plan and supporting documents would be prepared to enable this process. Whilst the Decision Statement includes details of factual and consequential changes necessary to the Plan, delegated authority is requested to allow further minor changes should this be necessary.

If the recommendation is accepted, it is anticipated that the referendum would take place on an agreed date between 22 June 2023 and 11 July 2023.

Should more than half of those voting do so in favour of using the Plan to guide future planning decisions, the Plan must be adopted through a resolution of Full Council. At this time, it will become part of the development plan.

## 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. This should be undertaken within a 5-week period of receiving the examiner's report, unless agreed otherwise with the Parish Council.

### Risks

The Independent Examiner has recommended modifications to ensure the plan meets the Basic Conditions. If these modifications are not implemented the Plan would be at risk of legal challenge on the basis it does not meet the legal requirements for Neighbourhood Plans.

There is a possibility that the community will reject the Plan through the referendum. 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 the Plan helps to mitigate this risk.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and 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 (2023/24)	£10,000 estimate	Yes. The Council being able to access government grant to cover costs once the date for a referendum is set.	Revenue
Next Financial Year (2023/24)	Nil	Not applicable	Not applicable
Following Financial Year (2024/25)	Nil	Not applicable	Not applicable

### **Other Financial Information**

The Council will be required to fund the cost of the referendum up front. However, once a referendum is successfully arranged, the Council will claim grant funding from government which will cover the full costs.

Once a neighbourhood plan is made (adopted), the parish council will benefit from receiving 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.

The 10% gain for the parish is a 10% loss for the council. The exact amount is currently unknown but is thought to be minimal. CIL spend is also generally undertaken in conjunction with the Parish meaning the financial impact on the authority is forecast to be small and possibly non-existent.

**Stakeholder Considerations and Consultation**  
N/A.

**Public Sector Equality Duty**  
Equalities Assessment Form is set out in Enclosure 3 to this report. In addition, it should be noted that the Independent Examiner was satisfied that the consultation and publicity undertaken meets regulatory requirements.

**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 Plan includes policies which provide additional detail to complement policies in the Core Strategy (2010) and Managing Development Delivery (MDD) (2014) local plans. Specific policies include maximising opportunities for walking and cycling, protecting and enhancing existing green infrastructure assets and sustainable design and construction.

**List of Background Papers**  
[National Planning Policy Framework](#)  
[Planning Practice Guidance: Neighbourhood Planning](#)  
[Twyford Neighbourhood Plan: submission plan](#)  
  
Enclosure 1: Twyford Neighbourhood Plan Examination Report  
Enclosure 2: Twyford Neighbourhood Plan Decision Statement  
Enclosure 3: Equalities Assessment

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