

<b>TITLE</b>	<b>Finchampstead Neighbourhood Plan</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 June 2023
<b>WARD</b>	Finchampstead North; Finchampstead South; Wokingham Without;
<b>LEAD OFFICER</b>	Director, Place and Growth - Giorgio Framaliccio
<b>LEAD MEMBER</b>	Executive Member for Planning and Local Plan - Lindsay Ferris

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

The report considers the findings of the examination of the submission Finchampstead Neighbourhood Plan, prepared by Finchampstead Parish Council and volunteers, and the modifications recommended by the independent Examiner. If those modifications are accepted, approval for the plan to progress to a public vote at referendum is sought. If one or more recommendations are not accepted, the reasoning must be subject to 6-week period of consultation.

The Finchampstead Neighbourhood Plan 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 Finchampstead Neighbourhood Plan (as set out in Enclosure 1) and for the modified plan to proceed to referendum;
- 2) Agrees that the Finchampstead Neighbourhood Plan, as modified in accordance with the recommendations of the 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 this 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 Finchampstead Neighbourhood Plan, the Decision Statement, and other supporting documents prior to the referendum;
- 5) Agrees the referendum be organised and conducted in the Finchampstead neighbourhood area.

## **EXECUTIVE SUMMARY**

Finchampstead Parish Council (“the Parish Council”) has produced a draft Neighbourhood Plan (“the Plan”) to help shape how development is managed in their area. The Plan, which is available on the Wokingham Borough Council’s (“the Council”) website<sup>1</sup>, 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.

In accordance with the regulations governing neighbourhood planning, the Council carried out a six-week consultation on the submission version of the draft Plan between 12 October and 23 November 2022 to invite comments. A total of 51 responses were received from various stakeholders.

An independent examiner was appointed in consultation with the Parish Council to test whether the Plan met the basic conditions and other requirements of legislation, and to recommend whether the Plan could proceed to referendum. The report of the Examiner was received in May 2023.

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 majority of modifications are minor amendments to policy wording. However, the Examiner has recommended the deletion of the two proposed housing allocations (totalling 4 dwellings) and the deletion of two proposed areas of separation.

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 7 September 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 Finchampstead 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

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<sup>1</sup> <https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=631590>

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 2019. 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 Examiner, and if acceptable, seeks approval for the Plan to proceed to referendum (stage 7).

### Finchampstead Neighbourhood Plan Examination

The submission version of the Plan was published for consultation between 12 October and 23 November 2022. The Plan is available on the Council's website<sup>2</sup>. 51 representations were received during the consultation period.

An independent examiner was appointed in consultation with the Parish Council to review whether the submission version of the Plan met the basic conditions and other required legislation and to recommend whether the Plan should proceed to referendum. The basic conditions include:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan.
- The making of plan contributes to the achievement of sustainable development.
- The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area.

The Examiner's report was received on 2 May 2023 (see Enclosure 1)

### **Analysis of Issues**

The 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.

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<sup>2</sup> <https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=631590>

- That the Plan, as modified, should proceed to referendum based on the neighbourhood area.
- Deletion of the two proposed housing site allocations, comprising a total of four dwellings at 'Land rear of 6-8, The Village', and 'Broughton Farm, Heath Ride' concluding the allocations not to be justified on the basis of the submitted evidence.
- Deletion of proposed policy AHD1 'Development outside of development limits', concluding that its focus is more limited in scope than local and national policy and that elements of the policy should be repositioned into policy AHD2 to provide a single and clear policy on where development will and will not be supported. It was also recommended that detailed elements relating to Thames Basin Heaths Special Protection Area mitigation be repositioned to policy IRS5 which addresses biodiversity matters.
- Deletion of proposed policy AHD3 'Green space and landscaping', concluding that the policy sets out a process rather than being a land use policy.
- Deletion of proposed policy AHD5 'Affordable Housing', concluding that this unnecessarily repeats existing local policy requirements.
- Deletion of proposed policy AHD7 'Caravan and mobile home site', concluding that it relates solely to matters that are controlled under separate legislation
- Modifications to proposed policy GS1 'Key gaps between settlements' to delete the two identified Areas of Separation. The Examiner concluded that these areas are strategic in nature owing to the uncertainty of the emerging LPU and their impact on a future development strategy, and that the policy wording and identification of the areas is imprecise and does not have sufficient clarity. The Examiner concluded that the proposed 'Green Wedge' and 'Green Gap' are appropriately justified and therefore retained.
- Modifications to IRS1 'Protection and enhancement of local green spaces' to delete four of the proposed Local Green Spaces (LGS), concluding that these represent extensive tracts of land contrary to national policy and guidance relating to LGS. The 10 other local green spaces were considered to be justified.

In addition to the above, the Examiner also recommended modifications to other policies within the Plan, mostly to add further clarity and precision. The Plan, as recommended to be modified, would still contain 21 policies to help guide development within the parish. For example, this includes a strong policy relating to the achievement of a minimum 10% biodiversity net gain in advance of this becoming a mandatory national requirement. The Plan also designates 8 areas of Local Green Space which the Examiner has concluded to be of demonstrable importance to the local community and which will be protected for their recreational use. Therefore, it is considered that the Plan, despite the Examiner's recommended modifications, contains many positive aspects which would add genuine value to the decision making process within the Parish.

### Options and Next steps

The Council has the choice whether or not to accept each of the Examiner's recommendations. Where recommendations are not accepted, legislation requires consultation to be undertaken on the reasons and for these to be considered 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.

In coming to this view, it is noted that Officers advise there is scope to disagree with the Examiner's conclusion regarding policy GS1 and the approach to areas of separation. Here the Examiner's principal concern was that the identified areas take on strategic importance in the absence of any certainty in the overall spatial strategy within the parish through the emerging LPU. The Examiner was also concerned that the areas did not have spatially defined boundaries which, in their view, would be insufficiently clear or precise to allow consistent application. Officers note that neighbourhood plan Examiners and Planning Inspectors have come to different views on the concept of identifying gaps. For example, the submission version of our Core Strategy included a number of defined gaps. The Inspector deleted this policy, with the adopted plan instead including a policy referring to locations where settlement separation must be considered. More recently, Inspectors examining the emerging Bracknell Local Plan have issued a post hearing letter which indicates they likewise propose the deletion of the defined gaps.

Officers and the Parish consider that the approach taken by the Plan to identify areas of settlement sensitivity within the submitted policy is consistent with the approach taken through local plan examinations, in particular with our own Core Strategy, and that the areas of separation would be fully implementable. Notwithstanding, recognising the significant work that has gone into progressing the plan to this point, as well as the Examiner's acknowledgement that this policy area can be revisited through a future review of the Plan, it is recommended that the Examiner's modifications are accepted.

Accepting 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 7 September 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 Examiner has recommended modifications to ensure the Plan meets the basic conditions. If the Council agrees that these modifications are necessary but did not implement them, the Plan would be at risk of legal challenge on the basis it does not meet the legal requirements.

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 (referendum)	Yes. The Council is able to access government grant to cover costs once the date for a referendum is set.	Revenue
Next Financial Year (2024/25)	Nil	Not applicable	Not applicable
Following Financial Year (2025/26)	Nil	Not applicable	Not applicable

### **Other Financial Information**

The Council will be required to fund the examination and referendum of a neighbourhood plan up front. However, once a referendum is successfully arranged the Council can obtain grant funding from government of £20,000 (per referendum) to assist in covering the costs. Based on costs experienced with other neighbourhood plans, the combined costs of the examination and referendum are unlikely to exceed £20,000.

Once a neighbourhood plan is made (adopted), the parish councils will benefit from receipt of 25% of the revenues from the Community Infrastructure Levy (CIL) 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 modest. CIL spend is also generally undertaken in conjunction with the Parish meaning the financial impact on the authority may be small

### **Legal implications**

None envisaged. The preparation of the Plan has been undertaken in accordance with the governing legislation, and found compliant in this respect by the Examiner.

**Stakeholder Considerations and Consultation**  
N/A

**Public Sector Equality Duty**  
Equalities Assessment Form is set out in Enclosure 4 to this report. In addition, it should be noted that the 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.

**Reasons for considering the report in Part 2**  
N/A

**List of Background Papers**  
[National Planning Policy Framework](#)  
[Planning Practice Guidance: Neighbourhood Planning](#)  
[Finchampstead Neighbourhood Plan: submission plan](#)  
Finchampstead Neighbourhood Plan Post Examination Tracked Change version – available on request ([policyandplans@wokingham.gov.uk](mailto:policyandplans@wokingham.gov.uk))  
  
Enclosure 1: Finchampstead Neighbourhood Plan Examination Report  
Enclosure 2: Finchampstead Neighbourhood Plan Decision Statement  
Enclosure 3: Equalities Assessment

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