

TITLE	Twyford Neighbourhood Plan
FOR CONSIDERATION BY	Council on Thursday, 20 July 2023
WARD	Twyford; Hurst
LEAD OFFICER	Director of Place and Growth - Giorgio Framaliccio
LEAD MEMBER	Executive Member for Planning and Local Plan - Lindsay Ferris

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

The approval of Council is sought to agree to the Twyford Neighbourhood Plan being 'made' (adopted) in accordance with the clear wishes of residents expressed through the referendum result. This step is required by the regulations following a successful referendum result where more than 50% of those who voted, support the plan.

RECOMMENDATION

That Council:

- 1) Make (adopt) the Twyford Neighbourhood Plan so that it forms part of the statutory Development Plan, pursuant to Section 38A(4) of The Planning and Compulsory Purchase Act 2004; and
- 2) Publishes a Decision Statement pursuant to Regulation 19 of The Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations") in order to give effect to the above recommendation.
- 3) Delegates to the Director of Place & Growth, in consultation with the Executive Member for Planning and Local Plan, and in agreement with the Qualifying Body, to make any spelling, grammatical, typographical or factual corrections to the plan and supporting documents.

EXECUTIVE SUMMARY

The Qualifying Body, which in this case is Twyford Parish Council ("the Parish Council"), has produced the 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, contains a number of policies on issues including housing; climate change mitigation, the natural, built and historic environment; community facilities; retail centres and active travel and highways. The Plan does not allocate new land for development.

The 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.

A referendum on the Plan was held on 6 July 2023. Of those who voted, 88.5% voted yes to the question of whether they wished for the plan to be used to help determine planning applications within the parish of Twyford.

Under Regulations governing neighbourhood plans, the Council is required to 'make' (adopt) the Plan and bring it into legal force if more than half of those voting have voted in favour of making the Plan at referendum. This is required to be done within 8 weeks of the referendum.

In accordance with the Executive decision of 20 April 2023, a resolution of Council is 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.

Upon the making (adoption) of the Plan, 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 its area. This is a significant uplift 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 key 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 1-7 have been completed. This report seeks approval from Council to bring the neighbourhood plan into force (Stage 8).

Twyford Neighbourhood Plan Referendum

In accordance with paragraph 14(2) of Schedule 4B of the Town and Country Planning Act 1990, the Council made arrangements to hold a referendum on the making of the Plan on Thursday 6 July 2023. The referendum was held on a version of the Plan that incorporated the agreed modifications set out in the schedule of the Decision Statement.

A person was entitled to vote in The Twyford Neighbourhood Plan referendum if, on the 6 July 2023:

- a) he or she was entitled to vote in a local government election in the referendum area; and
- b) his or her qualifying address for the election was in the referendum area.

The referendum area was the designated Twyford Neighbourhood Area, as recommended in the Examination report.

Referendum results

The following question was asked to those entitled to vote in the referendum:

"Do you want Wokingham Borough Council to use the Neighbourhood Plan for Twyford parish to help it decide planning applications in the neighbourhood area?"

At the referendum a total of 1,496 ballots were cast. Of these:

- The number of votes in favour of a 'yes' was 1,324

- The number of votes in favour of a 'no' was 169
- 3 ballots were rejected
- The turnout was 29% percent of the registered electors

88.5% of those who voted, therefore voted in favour of the Plan. A copy of the Declaration of the Result of Poll is set out in Enclosure 2 of this report.

Next steps

Where more than half of those voting in the referendum do so in favour of using the Plan, the Council must 'make' (adopt) the Plan through a resolution of Council. Based on the outcome of the referendum, it is therefore recommended to Council that the plan be formally made.

As part of this process, the Regulations also require the Council to publish a statement setting out the decision, the reasons for making that decision, and details of where and when the decision statement may be inspected. This Decision Statement is appended to this report in Enclosure 1. The Decision Statement also confirms that the Council does not consider that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights.

Once the Plan has been brought into legal force, the Regulations also require the Council to publish the Plan and details of where it may be inspected. This must be made publicly available and advertised so that it is brought to the attention of people who live, work or carry on business in the Twyford neighbourhood area.

Copies of the Plan and supporting documents will be made available on the Council's website and at the Council's offices at Shute End. Further details regarding how the Plan can be inspected is set out in Enclosure 1.

BUSINESS CASE

Need for the decision

As a result of the referendum outcome, the Council has a legal obligation to 'make' (adopt) the Plan. This needs to be acted upon by 1 September 2023¹. The recommendation of this report facilitates the Council in carrying out its legal duties.

Alternative options

There are no alternative options to be considered given the Regulatory requirements and the result of the referendum.

The Council can only choose to not make the Plan where it believes the Plan would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights. No such breach or incompatibility exists.

¹ Being the last day of the period of 8 weeks beginning with the day immediately following that on which the applicable referendum was held in accordance with section 18A of the Neighbourhood Plan (General) Regulations (as amended)

Risks

As with all development plan documents, there exists the opportunity for third parties to seek to legally challenge the decision to make (adopt) the Plan. This is considered to be low risk, given the positive engagement and consideration of the views of respondents that has taken place over a number of years in producing the Plan. No parties have raised issues to suggest they would have grounds to challenge the Plan.

Expected outcome

If Council agrees to make (adopt) the Plan, it will become part of the development plan and can be used to help determine planning applications in the area of Twyford parish.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (2023/24)	Estimated less than £20,000	Yes	Not applicable
Next Financial Year (2024/25)	Nil	Not applicable	Not applicable
Following Financial Year (2024/25)	Nil	Not applicable	Not applicable

Other Financial Information

Upon arranging a referendum for the Plan, the Council was eligible to apply and subsequently claim grant funding from government up to £20,000 to cover the full costs of the referendum.

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 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 in future CIL funds for the parish is a 10% loss of future CIL funds for the council. The exact amount is currently unknown but is thought to be minimal. CIL spend is generally undertaken in conjunction with the Parish meaning the financial impact on the authority is forecast to be small.

Stakeholder Considerations and Consultation

The recommendation of this report is guided by the outcome of a referendum held on 6 July 2023.

Public Sector Equality Duty

An 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 the 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 planning 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 green infrastructure assets and sustainable design and construction.

Reasons for considering the report in Part 2

Not applicable

List of Background Papers

[National Planning Policy Framework](#)
[Planning Practice Guidance: Neighbourhood Planning](#)
[Twyford Neighbourhood Plan: Referendum Version](#)

Enclosure 1: Decision Statement
Enclosure 2: Declaration of Result of Poll
Enclosure 3: Equalities Impact Assessment

A copy of the Twyford Neighbourhood Plan Referendum Version is available on the [council's website](#).

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