

# **Arborfield and Barkham Neighbourhood Plan**

## **Submission Version 2019 – 2036**

**Report of Examination      October 2019**

**Undertaken for Wokingham Borough Council, with the support of Arborfield and Newland Parish Council and Barkham Parish Council, on the submission version of the plan.**



**Independent Examiner:**

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## Summary

- I have undertaken the examination of the Arborfield and Barkham Neighbourhood Plan during September and October 2019 and detail the results of that examination in this report.
- The Steering Group and Qualifying Body have undertaken extensive consultation on this Plan, and it complies with legislative requirements. The Plan does not allocate sites, but the neighbourhood area includes a new Garden Village of 3,500 homes, half of which will be within the neighbourhood area. Policies are concerned with design issues, protecting the countryside setting of villages and settlements, promoting sustainable transport and designating areas of public open space. The development plan includes the Wokingham Core Strategy and a more recent Managing Development Delivery Local Plan adopted in 2014. There is a comprehensive strategic policy framework.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

### **Abbreviations used in the text of this report:**

The Arborfield and Barkham Neighbourhood Plan is referred to as 'the Plan' or 'ABNP'.

The Arborfield and Newland Parish Council and Barkham Parish Council are referred to as the 'Qualifying Body', and the parish councils are abbreviated to 'Arborfield PC' and 'Barkham PC'.

Wokingham Borough Council is abbreviated to 'Wokingham BC' or Local Planning Authority 'LPA'.

The National Planning Policy Framework is abbreviated to 'NPPF'.

The National Planning Practice Guidance is abbreviated to 'NPPG'.

The Wokingham BC Core Strategy 2010 is abbreviated to 'Core Strategy'

The Wokingham BC Managing Development Delivery Local Plan 2014 is abbreviated to 'MDD2014'.

Regulations 14 and 16 are abbreviated to 'Reg14' and 'Reg16' respectively.

A Habitat Special Protection Area is abbreviated to 'SPA'.

# 1. Introduction and Background

## 1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF para 29) states that:

“neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can ... help to deliver sustainable development”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in the defined neighbourhood area of ‘Arborfield and Barkham’ that is the Arborfield and Newland Parish Council and Barkham Parish Council. Drawing up the Neighbourhood Plan was undertaken by a Steering Group working to the Parish Councils.

## 1.2 Independent Examination

1.2.1 Once the Qualifying Body had prepared their neighbourhood plan and consulted on it, they submitted it to Wokingham BC. After publicising the plan with a further opportunity for comment, Wokingham BC were required to appoint an Independent Examiner, with the agreement of the Qualifying Body, the Parish Councils, to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to the neighbourhood area and Wokingham BC, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Arborfield and Barkham Neighbourhood Plan (ABNP) complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on 1<sup>st</sup> August 2014 by Wokingham BC. The plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2019 – 2036 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Arborfield and Barkham to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

## 1.3 Planning Policy Context

1.3.1 The Development Plan for the neighbourhood area, not including documents relating to excluded mineral and waste development, is the Wokingham BC Core Strategy 2010 ('Core Strategy') and the Managing Development Delivery Local Plan 2014 ('MDD2014'), together with saved Policy NRM6 from the revoked South East Regional Plan. The latter deals with protection of the Thames Basin Heaths SPA so is relevant for this neighbourhood area and is a strategic policy. The Core Strategy policies are all strategic, and most of the policies of the MDD2014. The LPA advises the following policies in the MDD2014 are not strategic: CC06; TB02; TB06; TB12; TB18-20; and TB26.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented. The NPPF has been revised recently, and as the ABNP was submitted in May 2019, it is the revised 2019 version of the NPPF that applies to the ABNP.

1.3.3 During my examination of the ABNP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2019
- National Planning Practice Guidance 2014 and as updated
- Natural England SANG Guidance
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the Arborfield and Barkham Neighbourhood Plan (ABNP) and Annexes
- The Basic Conditions Statement submitted with the ABNP
- The Consultation Statement submitted with the ABNP
- The SEA and HRA Determination Statement for the ABNP April 2019
- Wokingham BC Core Strategy 2010 and saved policy NRM6 from SE Regional Plan
- Wokingham BC MDD Local Plan Adopted Feb 2014
- Thames Basin Heaths SPA Delivery Framework – Joint Strategic Partnership Board 2009
- Wokingham BC Assessment Form for SPA Protection requirements – current.
- Representations received during the publicity period (reg16 consultation)

## 2. Plan Preparation and Consultation

### 2.1 Pre-submission Process and Consultation

2.1.1 Barkham and Arborfield are parishes in the borough of Wokingham. A strategic new Garden Village of 3,500 homes is under construction on the site of the former Arborfield Garrison and adjacent land, about a half of the new homes will be within the neighbourhood area. Wokingham town centre is about 3.5 miles east of Arborfield Cross, and 2 miles to the north the M4 bounds the suburbs of Reading. It is an area of considerable development pressure. The River Loddon, a tributary of the Thames, is on the western boundary of the neighbourhood area and the area is within the impact zone for the Thames Basin Heaths SPA. Within the Parishes, the countryside is agricultural and wooded, well-served with public rights of way.

2.1.2 A Steering Group, made up of Parish Councillors and volunteers led work on the Plan, and met regularly. They organised several public events at key stages in the development of the Plan, and from 2016 a website was developed and used to publicise their work and progress. Monitoring of the website showed 250 visits to it in one week during the Reg14 Consultation.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. Publicity was effected via a website, email updates, social media, the Parish Newsletter and leaflets. Public drop-in events were held to explain and get feedback on topics. Two surveys were carried out and Focus Groups were convened to consider issues of Sustainability, Greenways and Transport. Other issues explored were 'Identities and Rural Setting' and 'Housing'.

2.1.4 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission ABNP ran from the 22<sup>nd</sup> June to the 3<sup>rd</sup> August 2018. The consultation was publicised in two local publications delivered to all residents and businesses in the neighbourhood area. Statutory consultees and other organisations were notified by email, and social media for the local area was also used for publicity of the consultation. A public exhibition with a sheet for comments was held early in the process, and the same sheet was available online for comments to be made electronically. The Plan and consultation documentation was available from the Neighbourhood Plan website from the 17<sup>th</sup> June 2018.

2.1.5 Representations were received from 124 residents, of whom a majority supported the Plan. An appendix details comments received, including from statutory consultees and landowner

representatives. One comment had been missed, as noted in para 2.2.1 below. The appendix also details the qualifying body's response to comments received, and several amendments have been made to the Plan as a result of comments made during the Reg14 consultation.

2.1.6 I am satisfied that due process has been followed during the consultation undertaken on the Plan. The Consultation Statement details all consultation activities, and the record of comments and objections received during the Reg14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.8 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to Wokingham BC, the LPA, in May 2019.

## **2.2 Regulation 16 Consultation Responses**

2.2.1 Wokingham BC undertook the Reg 16 consultation and publicity on the ABNP for six weeks, from the 8<sup>th</sup> July to the 19<sup>th</sup> August 2019. 68 named representations were received during this consultation, 44 from individuals, of which 28 were in support of the Plan. Three anonymous respondents objected to the plan via an online response. Nine organisations and statutory bodies had no specific comments to make on this Plan but often offered general guidance, five organisations offered support for the Plan. Other responses have been considered, and where they have raised issues that are pertinent to my consideration of whether the Plan meets the basic conditions, they are reported in sections 3 and 4 of this report below. One respondent identified that his response at Reg14 had not been listed in the Consultation Statement. The Qualifying Body has confirmed that it was received, and amendments made as a result of it. I can see this has happened in part, and am content that this is a recording oversight that can be corrected in a final version of the Consultation Statement.

2.2.2 I am specifically limited by legislation to correcting with recommended modifications the Plan's compliance with the Basic Conditions and other legal requirements. Comments in the Reg16 responses suggesting significant additions, such as new sites, are not something this examination is authorised to consider. I have allowed one exception to this: an area of Public Open Space owned by the Qualifying Body that was missed from the list identified in the Plan. I accept that in this case

the owner of the land, the Arborfield and Newland Parish Council, would have been fully aware of the Plan and effectively consulted on it. They asked for the inclusion during the Reg16 consultation, and it can therefore be inferred that its previous exclusion was an oversight.

2.2.3 Notification of minor corrections needed to the text are very useful, but again cannot be the subject of any modifications I recommend. The LPA will be aware however that it is authorised to correct minor errors that may have been missed so far [Town and Country Planning Act 1990 Schedule 4B section 12(6)]. There will also need to be minor corrections within the text and the justification for policies, to allow for the Plan to be consistent with modifications recommended to policies.

### 3. Compliance with the Basic Conditions Part 1

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the ABNP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations including the habitats basic condition (2017 as amended) and comply with human rights law.

3.2 The Plan's vision includes a commitment to a 'sustainable future', and the Basic Conditions Statement discusses how the Plan delivers the sustainability objectives of the NPPF, which uses the section headings of that document as objectives. The Basic Conditions Statement then goes on to consider how the policies of the Plan promote the social, economic and environmental goals of sustainable development. The Plan has been criticised during the Reg16 consultation as being too restrictive of sustainable development, and I have agreed with this assessment in regard to some policy wording. However with the modifications to policy recommended below, I accept that the Plan does contribute to sustainable development in line with the Basic Conditions.

3.3 A screening opinion has been issued in April 2019 by Wokingham BC which considers whether Strategic Environmental Assessment (SEA) and/or Habitat Regulations Assessment (HRA) are required for the Submission Version of the ABNP. These environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with. The Screening opinion states in its Conclusion (page 15) that:

- SEA is not required as the plan in its current form is not likely to have significant environmental impacts.
- An Appropriate Assessment under the Habitats Regulations 2017 is not required because The Plan is unlikely to have a significant effect upon Special Areas of Conservation or Special Protection Areas.

3.4 The ABNP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated. An Equalities Impact Assessment has been undertaken for the Policies of the Plan to check that there are no unacceptable potential impacts on groups with protected characteristics.

## 4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the ABNP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is primarily the NPPF and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The presentation and layout of the Plan is good with policies clearly distinguished. A separate projects section at the end of the Plan is separated as required from the main document. Evidence studies for the Plan are comprehensive and often offer sound support for the Plan. A hyperlink in the Plan gives access to the evidence documents and they are clearly listed at the bottom of the Contents page. Maps are similarly linked in electronically but, as noted in Modifications 1 and 3, in some instances for clarity of Policy I am recommending that maps are reproduced within the Plan.

4.4 **POLICY IRS1: PRESERVATION OF SEPARATION OF SETTLEMENTS** The policy refers to development boundaries, the details of which were determined in the adopted MDD2014 – although that document refers to 'development limits', and for consistency that term should be used in the ABNP as well. It is not immediately clear in this Plan where they are, in fact they relate to Barkham Hill and Arborfield Cross. Within the Neighbourhood Area, land not included within these two settlements is defined as countryside, and covered by policy CP11 in the Core Strategy. Para 4.5 of the Plan refers to seven separate settlements, most of these being settlements without development boundaries, but covered by (washed over with) the countryside designation in the development plan. I recommend for the clarity of policy required in the development plan (NPPF

para 16) the policy should reference the development limits being set in the MDD2014, use the term 'limits' not 'boundaries', and be shown on a map included in the text of the ABNP.

4.4.1 Policy CP11 of the Core Strategy, and the key spatial issues (summary and para 2.68) specifically refers to the need to protect the separate identity of settlements on land designated countryside and outside Development Limits. The development guidelines for the strategic site of the Arborfield Garrison refer to the need to avoid coalescence with neighbouring village (Core Strategy para A7.5) and I accept that the intent of Policy IRS1 to avoid settlement coalescence and maintain separation is in general conformity with strategic policy in the development plan. Objections to development boundaries at Reg16 are not for me to consider in this examination. They are defined in the adopted development plan, and the ABNP has accepted them unaltered.

4.4.2 Policy IRS1 has been objected to in submissions received during the Reg16 consultation on several grounds. It is suggested that the Plan in order to comply with the Basic Conditions needs to have regard to the emerging Local Plan and its housing allocation in order that it is not overridden by the emerging Local Plan. It is further implied that the Plan needs to meet an agreed housing figure in order not to prevent sustainable development. Neither of these assertions are correct. A neighbourhood plan does not have to allocate housing, the qualifying body is free to choose which topics it wishes its plan to engage with (ID 41-040-20160211). The ABNP has chosen not to allocate housing, although the Neighbourhood Area will be accommodating a significant proportion of the Arborfield Garrison new Garden Village – a strategic housing allocation.

4.4.3 Policy IRS1 has also been objected to at Reg16 for being a duplication of policy in the development plan, and being too restrictive. I consider that Policy IRS1 is introducing a new emphasis on character and visual separation and perceived coalescence of existing settlements. Village Design Statements provide evidence for what this character is. However I agree that the policy as worded is too restrictive and is contrary to the Basic Conditions with the general presumption against all development outside of the development limits. Core Strategy Policy CP11 has exceptions to the general presumption against development, and as currently worded Policy IRS1 would indicate this strategic policy is over-ridden, contrary to the Basic Conditions.

4.4.4 In order that Policy IRS1 is clear, does not restrict sustainable development, and is in general conformity with strategic policy in the development plan I recommend it is amended as shown in Modification 1 in order that it complies with the Basic Conditions.

**Modification 1: Policy IRS1 to be altered as follows:**

*"In order to protect the separation of settlements, development ~~outside development boundaries~~ ~~will generally not be acceptable.~~ Development proposals outside of ~~the development boundaries~~ **limits designated in the Managing Development Delivery Local Plan 2014** will be required to comply with Policy CP11 of the Core Strategy and:*

- a) Preserve the character and appearance of the countryside; and*
- b) Not lead to the physical, visual or perceived coalescence of existing settlements."*

A map showing the development limits from the MDD2014 to be inserted into the text of the Arborfield and Barkham Neighbourhood Plan and text to use the term 'development limits'.

**4.5 POLICY IRS2: RECOGNISE, RESPECT AND PRESERVE IDENTITY AND RURAL SETTING OF SETTLEMENTS**

The Policy sets out in bullet 1 a series of criteria for development to meet in order that the rural setting and identity of settlements is preserved. The policy has been criticised as a brake on innovation and change, although I do not accept that it directly does this. Innovative design can be respectful of context, and the promotion of innovation in the NPPF will also be applicable (NPPF para 131). As for Policy IRS1, there is strategic policy in the development plan that supports the aims of the policy.

4.5.1 The last criteria and specifically the views identified have been criticised as often having little merit. I spent some time visiting the identified 'important views', of which there are rather more than would be expected if exceptional views only had been selected. I found the quality of views variable and often not seeming to conform to a selection process based on visual merit. It is not my role to undertake an alternative landscape and views analysis, but I do need to consider if this evidence base is robust enough to support a policy protection of particular views and complies with the NPPG in regard to the evidence base being 'adequate' (ID 41-041-20140306).

4.5.2 The evidence base for Policy IRS2 is Annex V. This document describes in detail the landscape types in the neighbourhood area, using data from a landscape study undertaken by the LPA in 2004. Annex VI also has relevant evidence. The views were selected from local resident suggestions, and were requested to be based on several criteria which included 'emphasising the importance of maintaining settlement separation'. This criteria in particular is not relevant for selecting 'important

views'; a view is primarily a visual experience. The process of selecting views in Annex V is not an adequate evidence base for protecting the selected views in a policy. It lacks the necessary visual appraisal, and the resulting work is uneven and includes too many 'views' that lack the necessary middle and far distance panoramas to be considered a true view. Although an evidence base for 'outstanding views' is incomplete and lacking, I am recommending that this phrase be added to Policy IRS2 to substitute for criteria f). Supporting text in the document could usefully be amended to include a definition of an 'outstanding view' on the following lines: "presenting an exceptional panorama of the landscape and including middle and distant features". The relevance can be part of the assessment of any future development proposal. Finally, although it is not a Basic Conditions issue, complaints in Reg16 comments are correct: bullet 2 on page 6 of Annex V is incorrectly implying that Green Belt status indicates high landscape quality, and this should be corrected.

4.5.3 There is a varied landscape in the neighbourhood area, and it is well evidenced. There are significant views to be had from certain vantage points, but in order to comply with the Basic Conditions, the policy cannot directly refer to the evidence of Annex V. Bullet 2 needs greater clarity as to the Village Design Statements referred to, as required by the NPPG and NPPF (para 16). In order that Policy IRS2 complies with the Basic Conditions, I recommend that it is amended as shown in Modification 2.

**Modification 2:** Policy IRS2 to be altered to read as follows:

*"1. Development proposals must recognise, respect and preserve the identity and rural setting of settlements, with regard to:*

- a) Scale and form of the development;*
- b) Density of the development;*
- c) Materials used in the development to reflect local character;*
- d) Tree and hedgerow planting that reinforces and reflects local biodiversity in the parishes **and***
- e) The distinctive character of the varied landscapes of the area **and outstanding views.***
- ~~*f) Landscape and Important Views identified (refer Annex V)*~~

*2. Applications should demonstrate how the design of new development complies with the guidance set out in the ~~most recently adopted~~ Village Design Statements **for Arborfield and Barkham (Annexes I and II) or any document adopted by the LPA that updates them. (refer Annexes I and II).**"*

**4.6 POLICY IRS3: PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT AND GREEN SPACES** The phrase ‘Green Spaces’ in the policy has sometimes been taken to mean ‘Local Green Space’ as defined by the NPPF (paras 99- 100) in Reg16 comments. However the LPA and Qualifying Body have confirmed this is not correct and the Plan is not looking to designate Local Green Spaces. The policy does designate ‘Public Open Space’, and I have required further details on these sites, along with confirmation that they have public access of right, which has been provided. I also accept that the inadvertent omission of a site owned by the Qualifying Body should be included. This detail needs to be incorporated into the policy for clarity as required in the NPPF and NPPG (ID 41-041-20140306). The policy is currently worded so that no development is possible on these sites. This excludes potential enhancement of the space, and is beyond the protection of open space from development set out in the NPPF (para 97), where some exceptions are listed. Policy TB08 in the MDD2014 makes reference to the earlier version of this policy in the NPPF2012, and for reasons of accuracy and to not unduly restrict sustainable development and comply with the Basic Conditions I recommend the first sentence of point 2 is amended as shown in Modification 3 below.

4.6.1 Policy IRS3 at point 1 is protecting the natural environment and green spaces, but given the strengthened requirement for net gain in Biodiversity in the revised NPPF (para 170), the policy should be amended to reflect this increased protection in order to comply with the Basic Conditions. The policy will have local relevance, as the revised NPPF has introduced the requirement to increase biodiversity after the development plan for Wokingham was adopted. I agree that the extra phrase proposed at Reg16 for criteria c) of point 1 in the policy will improve clarity, and in order that the Plan complies with the Basic Conditions with regard to clarity, it should be included.

4.6.2 The final point 3 of the policy has designated locally valued natural assets, but as the LPA points out, the policy does not state what the implications of the designation are. There is a protection of them required, but the NPPF (para 171) also requires that protection should distinguish between differing levels of designation, and local designations cannot be afforded the same protection as national and international designations. Modification 3 adds a phrase indicating an acceptable level of protection of these sites given the requirements of national planning policy.

4.6.3 I recommend that Policy IRS3 is amended as shown in Modification 3 in order that it complies with the Basic Conditions with regard to clarity of policy, compliance with national policy and the promotion of sustainable development. An amended Plan L is to be inserted into the text, showing Pounds Copse and not referring to any open space beyond the neighbourhood area.

**Modification 3: Policy IRS3 to be amended as follow:**

*“1. Development proposals should conserve and enhance the natural environment and green spaces of the area, specifically:*

a) *Ensure that there ~~is minimum~~ **no loss of biodiversity and normally where possible to** provide a net gain. Where there is likely to be a loss of biodiversity, **development will only acceptable if mitigation measures can should** be put in place to ensure there is no net loss of biodiversity, through the creation of like-for-like habitats.*

b) *Take any opportunities to protect, enhance and extend wildlife corridors between existing open spaces and habitats as a means of mitigating the impacts of development on biodiversity.*

c) *Conserve the environment for nocturnal species, through the avoidance of lighting and mitigating the impact of external lighting **likely to increase night time human presence.***

d) *Contain measures that will help to mitigate the impacts of, and **promote** adaption to, climate change.*

*2. Development on ~~designated~~ Public Open Spaces (see Map L) **should enhance the use of the site for public open space or be consistent with paragraph 97 of the National Planning Policy Framework if loss of the space is proposed. ~~will not be permitted.~~ The following sites are designated as Public Open Space and shown on Map L: ~~currently available for recreational purposes include:~~***

a) *Arborfield Park*

b) *Junipers Field*

c) ~~ALLSANGS~~ **Rooks Nest Wood**

d) **Hazelbrouck Meadows**

e) **Pounds Copse**

f) *The cricket and rugby pitches within the Arborfield Garrison Strategic Development Location*

*3. Locally valued natural assets have been identified within the plan as follows (see Map K) **and development proposals should conserve and where possible enhance them:***

a) *The Coombes woodland and adjacent areas*

b) *The Holt woodland*

c) *Rhododendron avenue along Bearwood Road”*

Map L is to be amended to show Public Open Space and included within the text of the Arborfield and Barkham Neighbourhood Plan (ABNP).

#### 4.7 POLICY IRS4: PROTECTION AND ENHANCEMENT OF THE HISTORIC CHARACTER OF THE AREA

It has been suggested in comments at Reg16 that the policy should only deal with local assets. Given that point 1 is not directly assuming equal protection for national and local designations, I am content that the policy lists all heritage assets. Point 2, as for Policy IRS3, requires for clarity and accuracy that the policy states what the implications of the designation are. The Chestnut Avenue designation at point 2a) also needs improvement for clarity. Detail about the old church being a scheduled monument is not required and could be confusing, and the inclusion of 'some early buildings at Hall Farm' is too vague to be listed in a policy.

4.7.1 The LPA has a local list, but this policy is correctly not directly adding to that, but setting up another category of local heritage – 'Locally valued heritage assets'. A formal Local List can only be added to by the LPA on the submission of appropriate evidence. Local assets cannot have the same protection as national designations, and the wording recommended in Modification 4 reflects this.

4.7.1 In order that Policy IRS4 complies with the Basic Conditions with regard to policy clarity, I recommend that it is amended as shown in Modification 4:

**Modification 4:** The first sentence of point 2 to be amended as follows:

*"2. Locally valued heritage assets have been identified in the plan as follows (see Map K) and development proposals should protect and enhance them where possible:*

*a) The historic chestnut avenue in Arborfield, linking The Old Rectory to the remains of the old church. ~~which is a scheduled monument, and some early buildings at Hall farm~~"*

4.8 POLICY TC1: RETENTION OF EXISTING VALUED COMMUNITY FACILITIES The policy does not indicate the actual community facilities covered, but the text does – although the list states it is not comprehensive. Insertion of further assets without consultation would not be appropriate, and is not a modification this examination can make. The clarity of Policy TC1 together with its justification is adequate, and the policy meets the Basic Conditions.

**4.9 POLICY TC2: PROPERLY PLANNED AND DESIGNED NEW FACILITIES** Complies with the Basic Conditions.

**4.10 POLICY TC3: CONDITIONAL SUPPORT FOR BUSINESSES IN THE COUNTRYSIDE AND AGRICULTURE** Point 2 of Policy TC3 has been criticised as repetition of the NPPF para 170, and thus needing to be removed from the policy. The warning about repetition of policy in the NPPF [para 16 f)] actually refers to ‘avoiding unnecessary duplication of policies’. In this case I do not consider the reference to ‘best and most versatile agriculture land’ is unnecessary duplication. It is making it clear that it will be a factor in the assessment of any proposal in the neighbourhood area, along with a range of other considerations clearly stated in the policy, and the policy complies with the Basic Conditions. Although not a Basic Condition issue, the use of capitals for the whole phrase ‘Best and Most Versatile Agricultural Land’ in point 2 is not correct.

**4.11 POLICY AD1: NEW DEVELOPMENT WITHIN DEVELOPMENT LIMITS** The policy sets out requirements for development within development limits set in the MDD2014 and encourages pre-application consultation. Reg16 comment has included a view that it is not a legitimate land-use consideration to favour applications that have undertaken pre-application engagement with the community. The Qualifying Body have responded that this is a statement in the NPPF (para 128), which it is, in the context of design considerations. The NPPF (para 40) also states that pre-application consultation cannot be a requirement, and a policy that looks unfavourably on an application that has not engaged in pre-application consultation effectively does this. I do not consider the phrase from para 128 of the NPPF is properly transposed into a policy that refers to all aspects of a development proposal, particularly not in a role where it is being used as a penalty on development contrary to other policy in the NPPF.

4.11.1 The policy requirement that any application should have a Statement of Community Consultation is also contrary to the NPPF (para 40), in that it is requiring consultation on even the most minor of planning applications. In order that the policy meets the Basic Conditions and has due regard to national policy and guidance, I recommend it is amended as shown in Modification 5.

**Modification 5:** Point 2 of Policy AD1 is to be altered as follows:

*"2. Applicants should ~~those that can~~ demonstrate early, proactive and effective engagement with the community **particularly with regard to design issues and should be looked on more favourably than those which cannot.** Applicants are encouraged to:*

- a) Engage in early discussion with the local community and Wokingham Borough Council to clarify design expectations;*
- b) Incorporate, as appropriate, the views of the community in the design of proposals; and*
- c) Incorporate a Statement of Community Consultation ~~with into any~~ an application **where appropriate."***

**4.12 POLICY AD2: PRIORITISE HOUSING FOR LOCAL NEEDS** The first point of this policy is concerned with the mix of dwelling types in any development and is based on an appropriate evidence base and supported by strategic policy in the development plan. The second point and its criteria has been objected to by the LPA and other respondents at Reg16 on the grounds that the evidence provided does not support the requirements for key worker and local occupancy.

4.12.1 Wokingham BC's Housing Strategy 2015-18 has evidence on the unaffordability of local housing, which is well above the national average: £307,756 in June 2014. Annex XI of the ABNP [Housing Needs Analysis March 2019] gives an average price for a home in a postcode approximation to the neighbourhood area at the same time as about £375,000 – data here are not directly comparable. There is a significant need for affordable homes in the borough, around 2,500 people with some variation over time. The numbers seeking affordable housing currently living in the neighbourhood area, deduced from the LPA's same housing list is a total of 33. Annex XI Housing Needs Analysis March 2019 for the neighbourhood area gives the population of the neighbourhood area as 4.2% of the borough population, which would indicate that demand for affordable homes from people already resident in the neighbourhood area is about a third of the general demand in the borough as a whole. While this is likely to be due to the even higher housing costs of renting or buying in the neighbourhood area, there is not a significant demand for affordable housing within the neighbourhood area that could justify a local lettings policy. Additionally I find the criteria defining local occupancy of 'people who have lived continuously in the Plan Area for any ten year period' to be arbitrary and unsubstantiated, and not related to being in housing need. It does not

meet the requirement in government guidance for a policy to be supported by an adequate evidence base.

4.12.2 The unaffordability of local housing for people working in key service areas has certainly been demonstrated. There is no evidence of a shortage of teachers and medical staff locally provided, but requiring a wage of around £61,000 to purchase an average-priced home, or £43,000 to purchase a one bedroomed flat indicates significant difficulties for most key workers wishing to purchase (figures based on 2014 in WBC Housing Strategy). Rental levels are generally more affordable than purchase in the borough (same source), which suggests that the help key workers need is with intermediate housing for purchase rather than social rented housing – which would be allocated from the housing list.

4.12.3 There are local lettings policies in neighbourhood plans for affordable homes, and I find a case has been made for key workers wishing to purchase. This would address the need to cater for people working in the borough, something the LPA points out in their Reg16 is missing in the definition of a local connection proposed. However the policy is not backed by an evidence base or policy support in the Local Plan that allows the current level of compulsion in the wording of the policy. What is meant by 'local' is also not defined, contrary to the requirement for clarity in policy. In order that Policy AD2 has regard to government policy and guidance and complies with the Basic Conditions, I recommend it is amended as shown in Modification 6.

**Modification 6:** The second bullet point of Policy AD2 to be amended as follows:

*"2. In all new housing developments providing affordable housing, ~~the purchase of occupancy of all~~ affordable homes ~~for sale~~ is encouraged to be ~~will be~~ prioritised for ~~households with a local connection with the Parishes of Arborfield and Barkham and for~~ key workers locally in the first instance, with the local connection proposed to be within the neighbourhood area firstly and then within the borough of Wokingham.*

~~a) 'Local connection' refers to people who have lived continuously in the Plan Area for any ten year period.~~

~~b) 'Key workers' refers to school teachers and medical staff employed locally."~~

**4.13 POLICY AD3: NEW HOUSING OUTSIDE DEVELOPMENT LIMITS** The policy is anticipating residential development outside current development limits occurring contrary to Policy CP11 of the Core Strategy, and criteria 1 adds nothing to policy CP11 of the Core Strategy. If the other criteria can be justified then the policy as a whole is adding local detail to the strategic policy. However if the other criteria are not complying with the Basic Conditions, then criteria 1 on its own is unnecessary repetition of policy and contrary to national policy (NPPF para 16).

4.13.1 The other criteria have been criticised in Reg16 comment as not being justified by evidence or complying with existing guidance from both Natural England and the LPA concerning when SANG (Suitable Alternative Natural Greenspace), or contributions towards creating SANG, will be required with regard to the local Thames Basin Heaths SPA (Special Protection Area). I propose therefore to consider each of the other criteria in Policy AD3 to assess whether or not the policy complies with the Basic Conditions and has anything to add to the existing Policy CP11.

4.13.2 I also need to assess the policy criteria 2-4 with regard to other policy in the development plan, including the saved policy on the SPA from the South East Regional Plan, Policy NRM6 which sets out a 5km mitigation zone, a 400m exclusion zone and other criteria for mitigation including adherence to guidance agreed with Natural England. Policy CP8 of the Core Strategy states that adequate measures for mitigation of any adverse impact on the SPA will be required, and the justification quotes from Natural England's guidance on what this will be. Policy SAL05 in the MDD2014 protects designated SANG allocations, and again references Natural England's guidance in support of the policy and approach to any changes to the SANG designations.

4.13.3 Criteria 2 is looking for provision of open space of 50% on any residential development outside development limits that is not an exception site or a replacement dwelling. This would apply to any new market housing however insignificant, resulting in very small areas of open space, that may not meet the definition of 'suitable natural greenspace' and would be contrary to the Framework guidance from the Joint Strategic Partnership Board which stipulates that a SANG should normally be at least 2ha in size. Criteria 2 is not responsive to individual site circumstances and is thus overly prescriptive and contrary to the requirements of positive planning (NPPF para 11). There is no mention of alternative financial contributions to fund more viable SANG provision from several sites, or consideration of the site distance from the SPA boundary. The absence of these alternatives is contrary to guidance used by the LPA and agreed with Natural England the statutory body charged with protecting the SPA. Justification for the requirement in the text is that 50% is the approximate

amount of SANG provided in the strategic Arborfield Green site and its Garden Village principles, and that these principles should be generally applied. There is no evidence provided as to why all residential development should provide actual open space however limited in size, and criteria 2 would seem to contradict criteria 4, where there is an indirect implication that sites smaller than 0.4ha could have SANG provision on a site away from the development. The criteria is contrary to the Basic Conditions in that it does not promote positive planning, is not in general conformity with strategic policy and related guidance in the development plan, is internally contradictory and therefore not clear with regard to other parts of the policy and does not have adequate evidence supporting it.

4.13.4 Criteria 3 states that development within the 7km zone of the Thames Basin Heaths SPA should be treated the same as development within the 5km zone, but offers no evidence for this requirement beyond reference to the neighbourhood area being 'a rural area with considerable biodiversity'. In the absence of any evidence, extending the requirements for mitigation without the responsiveness to individual site circumstances required in guidance agreed with Natural England is overly prescriptive and contrary to the requirements of positive planning (NPPF para 11) as well as not being supported by adequate evidence (NPPF para 31).

4.13.5 Criteria 4 requires that for development sites greater than 0.4ha the open space or SANG (Suitable Alternative Natural Greenspace) should be nearby. Criteria 4 is contrary to existing guidance on the provision of SANG, where a minimum size of 2ha is generally required. It is also not responsive to individual site circumstances and flexible regarding the nature, location and size of SANG that will be most effective in those circumstances. For smaller sites a contribution will normally be sought in order to jointly provide effective recreational mitigation, for a key purpose of a SANG is to attract recreational visits that may otherwise be made to the SPA with adverse impact on the SPA. Criteria 4 is contrary to the Basic Conditions due to being overly prescriptive and not in general conformity with strategic policy in the development plan and accompanying guidance agreed with Natural England.

**Modification 7:** I recommend that Policy AD3 is deleted in order that the ABNP meets the Basic Conditions with regard to having due regard to national policy on positive planning, policy clarity, non-repetition of policy and an adequate evidence base. Additionally Policy AD3 does not meet the Basic Condition requirement that it be in general conformity with the development plan.

**4.14 POLICY AD4: HIGH QUALITY DEVELOPMENT WITH GENEROUS OPEN SPACE, PROPERLY LANDSCAPED** The policy has been criticised as being too prescriptive, and restrictive of innovation. I do not accept that a requirement to ‘reflect rural character’ necessarily restricts innovation in design, and in any case the promotion of outstanding and innovative design in the NPPF (para 131) protects this aspect of potential future development. I do consider that criteria d) is too prescriptive however, and not a reasonable requirement of all homes of 3 or more bedrooms. It is not prescription tailored to circumstances, as required by the NPPF (para 126), and is therefore not complying with the Basic Conditions in that it does not have due regard to national policy. The evidence of 20% of the population being over 65 by 2036 is given as justification, but this is below the average prediction for the UK population of about 24% by 2038, and not therefore evidence that would support policy being this prescriptive for all new homes of 3 bedrooms or more.

4.14.1 Policy TB05 of the MDD2014 has a requirement that a proportion of all dwellings must be build to Lifetime Homes Standards, which will go some way to meeting this requirement with an acceptable level of prescription. I therefore consider the issue has already been addressed in existing development plan policy in a proportionate way. In order that Policy AD4 meets the Basic Conditions and has due regard to government policy I recommend it is amended as shown in Modification 8.

**Modification 8:** Criteria d) of Policy AD4 to be deleted. Policy to be renumbered as required.

**4.15 POLICY AD5: ADDRESS LOCAL FLOOD RISK MANAGEMENT** Criteria a) of the policy has been criticised for not being in conformity with the development plan, and on the grounds that it is unreasonable to require all details to be provided and considered at outline planning stage. The relevant policy in the development plan is Policy CC10 of the MDD2014, and while I consider that Policy AD5 is in general conformity with it, there is an issue of design and constructions details not being too prescriptive and all-encompassing. The NPPF (para 126) requires prescription to be tailored to circumstances, and so in order that Policy AD5 meets the Basic Conditions and has due regard to government policy, I recommend that it is amended as shown in Modification 9.

**Modification 9:** The first sentence of criteria a) of Policy AD5 to be amended as follows:

“a) ~~All elements~~ **The principles** of flood risk management, including SuDS are fully addressed at the outline planning stage and, ideally, in pre-application discussions.”

**4.16 POLICY GA1: MINIMISE ADDITIONAL TRAFFIC ON UNSUITABLE ROADS** The policy has been criticised in Reg16 comment for adding nothing to the NPPF and the phrase ‘unsuitable roads’ not having the clarity required of policy. Paragraph 108 of the NPPF does deal with the transport implications of development, and as the ABNP points out, Paragraph 102 emphasises the contribution streets and patterns of movement make to high quality places. Policy GA1 adds local detail in the reference to ‘frontage land-use’ and its sensitivity to traffic, and I am satisfied that it is not just repetition of existing planning policy. The phrase ‘unsuitable roads’ does however need greater clarity in order that Policy GA1 had paid due regard to government policy (NPPF para 16). I recommend that in order that Policy GA1 meets the Basic Conditions, it is modified as shown in Modification 10.

**Modification 10:** Criteria 2 of Policy GA1 to be amended as follows:

***“2. Proposals should recognise and respond as appropriate to the fact that there are many narrow country lanes with no footway in the neighbourhood area, already under pressure from current traffic levels.”***

**4.17 POLICY GA2: IMPLEMENT LOCAL NETWORK OF GREEN ROUTES FOR NON-MOTORISED USERS**  
Complies with the Basic Conditions.

**4.18 POLICY GA3: PUBLIC TRANSPORT IMPROVEMENTS WITH LONG TERM VIABILITY** The policy is supporting improvements to public transport, which is a land-use issue. Criteria 2 however is dealing with highway design, which is not a land-use issue, and therefore cannot form part of this policy. Government guidance in the NPPG requires neighbourhood plans to deal with land-use issues (ID 41 004-20190509) and in order that Policy GA3 meets the Basic Conditions and pays due regard to government guidance I recommend that it is amended as shown in Modification 11.

**Modification 11:** Criteria 2 of Policy GS3 to be deleted.

## 5. The Referendum Boundary

5.1 The Arborfield and Barkham Neighbourhood Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Arborfield and Barkham Neighbourhood Plan 2019 – 2036 shall be the boundary of the designated Neighbourhood Area for the Plan.