planning for good

TWYFORD NEIGHBOURHOOD PLAN REGULATION 14 ANALYSIS: STATUTORY BODIES

1. Introduction

1.1 This note summarises the representations made by the statutory bodies on the Pre-Submission version of the Twyford Neighbourhood Plan (TNP) during its recent 'Regulation 14' consultation period. It concludes by recommending main modifications to the TNP so that it may be submitted to the local planning authority, Wokingham Borough Council (WBC), to arrange for its examination and referendum. This remains subject to the same analysis being undertaken for representations made by the local community.

2. Representations

- 2.1 Representations have been received from:
 - a. Surrey County Council (SCC)
 - b. WBC
 - c. Transport for London
 - d. Highways England
 - e. Network Rail
 - f. Great Western Railway
 - g. Historic England
 - h. Natural England
 - i. National Grid
 - i. Thames Water
 - k. Charvil Parish Council
 - I. Woodley Town Council
 - m. Waverley Borough Council
 - n. Boyers on behalf of Bridge House
 - o. Lichfields on behalf of Berkley
 - p. Boyer on behalf of Croudace
 - g. Turley on behalf of David Wilson Homes
- 2.2 Other statutory bodies were consulted but none have made representations. The representations from Surrey County Council, Transport for London, Highways England, Network Rail, and Great Western Railway Historic England, Natural England, the National Grid and Waverley Borough Council raised no specific issues on the TNP with Transport for London, Network Rail and Great Western Railway specifically welcoming the provisions of Policies TW1: Encouraging Sustainable Travel and TW3: Twyford Railway Station. Great Western Railway confirms its commitment in working with the Parish Council in realising opportunities for improvements to the accessibility and quality of the environment at Twyford Railway Station. Historic England and Natural England also directed Twyford Parish Council (TPC) to its standard advice for neighbourhood plans and/or development.

planning for good

3. Analysis

- 3.1 Nearly all of WBC's comments relate to those of modifications to the text, or maps, of the document, which are helpful and without changing the thrust of policies and these are recommended are accommodated, as well as Boyers on behalf of Bridge House, and Croudace, comments in relation to mapping amendments. The remainder of this note focuses only on comments of greater substance as all those of minor consequence can be addressed in finalising the document.
- 3.2 Boyers on behalf of Bridge House and Croudace has incorrectly identified that TBP Policies TW2, TW6, TW9, TW10, TW11, TW16 are strategic in nature. §20 of the National Planning Policy Framework (NPPF) defines the scope of strategic policy and §21 clarifies that strategic policies should be limited to those necessary to address strategic priorities. §28 of the NPPF defines the scope of non-strategic policies. It is considered that the TNP Policies sets out more "detailed policies for specific areas" including "the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies" (§28).
- 3.3 WBC confirms that at this stage is has only provided informal comments but has helpfully provided informal comments in relation to the basic conditions with regards to Policy TW10 (see later).
- 3.4 It is acknowledged that Planning Practice Guidance states that (§41-053) states that "it is only after the independent examination has taken place and after the examiner's report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan meets the basic conditions". However, once the TNP has been submitted to WBC for further consultation and the examination, the Parish Council has no further opportunity to modify the Neighbourhood Plan, other than through its withdrawal and resubmission.
- 3.5 Further, \$12(4) of the Town & Country Planning Act 1990 defines WBC as the decision maker in respect of determining if the basic conditions have been met in order to make the TNP, with modifications to the submitted TNP as necessary. But Planning Practice Guidance regards the task of arriving at a planning judgement to be shared by WBC, TPC and the examiner during the examination, in collectively considering if the basic conditions have been met (§41-070 and §41-074). In which case, it is vital that both TPC and the examiner are left in no doubt of the position of WBC.
- 3.6 **It is therefore recommended** that TPC invites WBC to make clear its position in respect of whether or not in its informal planning judgement each policy meets the basic conditions.
- 3.7 WBC suggest in its informal comments that the Twyford Eastern Relief Road scheme is not funded and seeks further clarification on this matter. The Twyford Eastern Relief Road has been an aspiration by WBC for over 20 years and a continued commitment to this project in the draft Local Plan demonstrates that

planning for good

there is no clear plan to address the issues that those who live, work, and play in Twyford parish has faced for many years. As a result of WBC's position on the Twyford Relief Road scheme, land interests have been promoting their own proposals to deliver a Twyford Eastern Relief Road scheme, as is evident from the comments received from Lichfields on behalf of Berkley.

- 3.8 Many of the TNP policies are therefore argued on the basis that no Twyford Eastern Relief Road will happen and other strategies to deal with root causes, not symptoms, are needed. This is partly why the TNP offered many of its policies to WBC to consider as a Borough-wide approach, as the TNP alone cannot solve these issues as its policies cannot apply to locations outside of its designated neighbourhood area. The Twyford Eastern Relief Road matter will need to be resolved prior to the TNP examination.
- 3.9 **It is therefore recommended** that TPC invites WBC to make clear its position on the Twyford Eastern Relief Road to allow TPC to respond appropriately in the submission version of the TNP.

Policy TW7: Nature Recovery and Climate Change

- 3.10 Charvil Parish Council supported the approach of the policy but has suggested that the policy needs to be aligned with neighbouring parishes, raising concerns on aspirations at Loddon Nature Reserve in particular as well as traffic management ideas included in Section 6 of the TNP. The approach has also ignited interest from Woodley Town Council on collaboration between Twyford and Charvil Parish Councils and itself on improving specific routes. Boyers on behalf of Bridge House recommend modification to mapping and acknowledgment of extensive ecological survey work as part of the policy.
- 3.11 Green infrastructure knows no planning boundaries. The neighbourhood planning system, however, does and therefore the approach adopted in the TNP was based on an analysis of the existing and emerging planning policy context on this matter. However, the preparation of a neighbourhood plan can often lead to partnership working on projects both within and outside of the planning system remit which is one of the great success stories of neighbourhood planning.
- 3.12 It is recommended that the Parish Council notes Charvil Parish Council and Woodley Town Council's interest, as well as Charvil Parish Council's concerns, in taking forward the Nature Recovery and Climate Change Network Enhancements Project listed in Section 6. It is also recommended that the TNP accommodates Boyers on behalf of Bridge House's comments.

Policy TW10: Zero Carbon Buildings

3.13 WBC and Turley on behalf of David Wilson Homes raises concerns that the policy does not meet the basic conditions statement as it considers that the policy is seeking to introduce standards beyond national level, seeks additional evidence, and queries whether its provisions are within the gift of the TNP.

planning for good

- 3.14 In assessing the planning policy space on this matter, the TPC established that:
 - WBC's Managing Development Delivery Local Plan Policy CC04 was developed in February 2014 prior to Government committing the UK in law to 'net zero' by 2050 as per the Climate Change Act 2008 (as amended) and was therefore prepared under an outdated legal framework;
 - WBC's Managing Development Delivery Local Plan Policy CC04 will require new homes to be retrofitted at a later date, while in the shorter term increasing the risk of fuel poverty;
 - The Tyndall Centre for Climate Research Carbon Budget Tool confirms that for WBC to make its fair contribution to delivering the Paris Agreement's commitment, an immediate and rapid programme of decarbonisation is needed. At 2017 CO2 emission levels Wokingham Borough will exceed the recommended carbon budget available until 2050 in 7 years (by 2027);
 - If the Borough is to achieve the 2050 carbon target and its own commitment to be a 'carbon neutral' Borough by 2030, new homes built now need to be zero carbon ready.
- 3.15 It was therefore clear that the TNP needed to act to fill the policy space if it was to demonstrate that its policies contributed to the achievement of sustainable development, particularly ensuring that any new homes built now meet the needs of present and future generations, had full regard to the NPPF, and expressed the community's wishes within the confines of planning policy.
- 3.16 TPC also considers that the policy's approach is entirely consistent with the approach of the WBC Core Strategy as set out in its paragraph 4.6 and the WBC Managing Development Delivery Local Plan as set out in its paragraph 2.23. Specifically, Clause B of Policy TW10 does not set an energy efficiency standard. It recommends an approach to addressing 'fabric first' to avoid retrofitting "where feasible" (just as suggested in paragraph 2.23 of the WBC Managing Development Delivery Local Plan). If applicants choose not to follow Clause B because they say it's not feasible, then this triggers Clause C, post-occupancy evaluation.
- 3.17 The requirements of the policy are operational elsewhere in the country and central government has adopted the mandatory use of whole life carbon assessments for all public works projects and programmes.
- 3.18 It is of course accepted that a borough-wide approach is urgently required in relation to this matter and TPC hopes that WBC will take the opportunity offered through the preparation of the next iteration of the Local Plan to pursue radical measures for the Borough as proposed by TW10 for Twyford. It is therefore recommended that TPC invites WBC to provide any further comments it wishes to make in considering the information above.

Policy TW11: Water Infrastructure and Flood Risk

3.19 Thames Water specifically supports the policy offering suggested minor modifications to the text and **these are recommended are accommodated**. Charvil Parish Council also recommend some modifications on this policy, however site-

planning for good

specific flood risk assessments are required to assess the flood risk to and from a development site.

Policy TW13: First Homes

3.20 Boyers on behalf of Croudace challenges the viability of increasing the minimum discount and the evidence base supporting the policy. WBC also raise some comments on this matter specifically in relation to the emerging Local Plan evidence base. It is therefore recommended that the matter is discussed further with WBC.

4. Conclusions & Recommendations

- 4.1 The representations are generally supportive of the TNP. A meeting is intended to be held with WBC and **the following meeting structure is recommended:**
 - a. WBC's position on the Twyford Eastern Relief Road;
 - b. WBC's informal opinion on the TNP policies and the basic conditions;
 - c. WBC's emerging Local Plan First Homes evidence base;
 - d. WBC additional comments on TNP Policy TW10.
- 4.2 Once these matters have been raised with WBC, any further comments from WBC have been considered, and proposed modifications from this report are made, it is recommended that the TNP can proceed to the Regulation 15 submission stage without further consultations.