

## **West Berkshire District Council officer proposed recommendation for the Stratfield Mortimer Neighbourhood Development Plan**

### **1. Background to Neighbourhood Development Plans**

- 1.1. Neighbourhood Development Plans (NDPs) enable local communities to decide the future shape of the places where they live. Prepared by Parish/Town Councils or a neighbourhood forum in unparished areas, they allocate land for development and establish general planning policies for development and the use of land in a neighbourhood area.
- 1.2. Draft NDPs must undergo consultation and independent examination. The independent examiner will recommend whether or not the NDP can proceed to the referendum stage, or if modifications should be made to the NDP before it proceeds to referendum.
- 1.3. If the NDP proceeds to referendum, and more than 50% of those voting in the referendum vote 'yes', then the NDP is brought into legal force and becomes part of the development plan whereby it is used to determine planning applications and guide planning decisions within the neighbourhood area.
- 1.4. It should be noted that only a draft neighbourhood plan that meets each of a set of basic conditions can be put to referendum and made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. The basic conditions are:
  - a) Having regard to national policies and advice contained in guidance issued by the Secretary of State.
  - b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses.
  - c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area.
  - d) The making of the neighbourhood plan contributes to the achievement of sustainable development.
  - e) The plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
  - f) The making of the plan does not breach, and is otherwise compatible with, EU regulations.
  - g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the neighbourhood plan.

### **2. Background to the Stratfield Mortimer NDP**

- 2.1. Stratfield Mortimer Parish Council has prepared a NDP for Stratfield Mortimer Parish, and the NDP includes one housing site allocation for 110 dwellings on land to the south of St. John's Church of England School, Victoria Road.
- 2.2. The NDP was subject to independent examination between May and October 2016. The examiner recommended in his report dated 25 October 2016 (see Appendix A) that the plan did not proceed to referendum due to a lack of landscape evidence on the impact that the proposed housing site allocation would have.

- 2.3. Within the summary of main findings in his report, the examiner commented at paragraphs 1 and 2 that:

*“Whilst the draft NDP is in general conformity with the strategic policies of the development plan, I find that potential landscape and visual impacts have not been considered properly when promoting The Site (the land to the south of St John’s Infants School) for development. Having regard to national policy, which gives importance to environmental as well as to economic and social considerations, I am not satisfied that the making of the NDP is appropriate nor that it would as a whole contribute to the achievement of sustainable development. My recommendation must therefore be that the proposal to make the NDP be refused.*

*But for this issue of site selection (which is, however, a central part of the draft NDP), I would have recommended that the draft Plan be submitted to referendum with modifications (set out below). I also find that the legislative requirements have otherwise been met.”*

- 2.4. In respect of how the Stratfield Mortimer NDP met the basic conditions (which are set out in paragraph 1.4 above), the examiner concluded that the NDP did not meet the following two conditions:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State.
- The making of the neighbourhood plan contributes to the achievement of sustainable development.

- 2.5. Despite this, the examiner did however set out in his report minor modifications (see Appendix B) to the NDP that he would have made had he recommended the NDP proceed to referendum.

### **3. Legal context**

- 3.1. The relevant legislation which governs the process for making neighbourhood plans can be found in Schedule 4b of the Town and Country Planning Act 1990. Paragraph 13 enables local planning authorities to propose to make a decision which differs from that recommended by the examiner as a result of new evidence.

- 3.2. Stratfield Mortimer Parish Council requested under Regulation 17A (4) and (5)(1) of the Neighbourhood Planning (General) Regulations 2012 (as amended) that West Berkshire District Council delay in making a decision on the Examiners report so that it could consider it in more detail.

- 3.3. Subsequently, the Stratfield Mortimer Neighbourhood Plan Steering Group informed West Berkshire District Council they wished to commission detailed landscape work to overcome the Examiners concerns.

### **4. New evidence**

- 4.1 Kirkham Landscape Planning was commissioned in January 2017 by West Berkshire District Council on behalf of Stratfield Mortimer Parish Council to undertake an independent landscape capacity assessment of five potential housing sites in Stratfield Mortimer (see Appendix C).

- 4.2 Of the five sites considered, four of these were considered by the examiner in his October 2016 report:
- (i) MOR001: land at Kiln Lane (also known as Monkey Puzzle Field)
  - (ii) MOR005: land adjoining West End Road
  - (iii) MOR006: land to the south of St John's C of E School, Victoria Road (*the housing site allocated in the NDP*)
  - (iv) MOR008: land at north east corner of Spring Lane
- 4.3. A fifth site, MOR009 (land north of Windmill Road and west of Brewery Common) was considered following a request through the preparation of the NDP to amend the settlement boundary in this area.
- 4.4. The report concluded that only sites MOR005, part of MOR006 and MOR009 are considered further as potential housing sites.
- 4.5. At a Full Council meeting of Stratfield Mortimer Parish Council on 9 February 2017, the following two motions were moved and agreed:
- (i) The Parish Council recommends that the West Berkshire District Council rejects the Examiners recommendation as set out in his report dated 25 October 2016 and formally agrees that the Stratfield Mortimer Neighbourhood Development Plan proceeds to referendum following the analysis of the further evidence submitted by the Stratfield Mortimer Neighbourhood Planning Group.
  - (ii) The Parish Council requests that West Berkshire Council make a decision regarding the Examiner's Report into the Stratfield Mortimer Neighbourhood Development Plan by 10 May 2017 (in accordance with Reg 17A (4) and (5)(a) of the Neighbourhood Planning Regulations (General) 2012 (as amended) to allow time for full consideration of the recommendations and issues raised in the report.
- 4.6. On advising West Berkshire Council of this, they also submitted a document entitled 'NDP – possible ways forward following the landscape study' (see Appendix D). This document discusses three possible options, and identifies the option to be recommended as a way forward for West Berkshire District Council to take.

## **5. West Berkshire District Council officer considerations of the way forward for the Stratfield Mortimer NDP**

### *Landscape Capacity Assessment*

- 5.1. The Landscape Capacity Assessment provides the environmental evidence which the examiner considered was missing. The full consideration of the environment means that the three dimensions of sustainable development as set out within national planning policy (the National Planning Policy Framework, NPPF) – economic, environmental and social – have been considered in the allocation of a housing site.
- 5.2. The undertaking of the Landscape Capacity Assessment means that policy CS19 of the West Berkshire Core Strategy Development Plan Document is accorded with. This policy seeks to conserve and enhance the natural and historic environment, including landscape, consistently with paragraph 156 of the NPPF. The policy

requires that proposals for development should be informed by and respond to, amongst others, the distinctive landscape character areas and key characteristics identified in relevant landscape character assessments.

- 5.3. Furthermore, the vision of the NDP sets out that the best landscape features of the parish will be retained.
- 5.4. In light of the above, it is therefore considered that the basic conditions which the examiner originally concluded had not been met – ‘the making of the plan to contribute to sustainable development’ and ‘having regard to national policies and advice contained in guidance issued by the Secretary of State’ have now been met.

#### *Views of the local community*

- 5.5. National Planning Policy (paragraph 184 of the NPPF) identifies that neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The importance of neighbourhood planning is also reinforced in the Government’s recent Housing White Paper ‘Fixing out broken housing market’ (7 February 2017) which states at 1.41 that “*New development affects us all...that’s why we want communities to have a more direct say over development in their area...*”
- 5.6. It was the preference of the community that only one site was allocated within the village.
- 5.7. The local community raised concerns about the capacity of the village schools and doctor’s surgery being unable to cope with an increase to the population. Discussions that Stratfield Mortimer Parish Council had with the village school, WBDC, the doctor’s surgery and the local health authority led to the conclusion that allocating land for a new enlarged infant school and new larger doctor’s surgery would help to overcome the strong community concern. Only two sites would have been able to accommodate housing, a doctor’s surgery and infant school. The allocated site was one of two sites large enough to accommodate this, and the landowner was willing to set aside land for a possible new school and doctor’s surgery. The allocated site was the preference of the local community. The examiner’s report states that the landowner and proposed developer of The Site confirmed that in principle a development of about 60 units would be viable even with the provision of affordable housing and land set aside for the school and surgery.

#### *Requirements of the emerging Housing Site Allocations Development Plan Document*

- 5.8. The Landscape Capacity Assessment recommends that only part of the allocated site (MOR006, land to the south of St John’s C of E School, Victoria Road) is suitable for development; however it does not set out the number of dwellings that could be accommodated.
- 5.9. The Council’s emerging Housing Site Allocations Development Plan Document (DPD) identifies that 110 dwellings will be allocated in the Stratfield Mortimer NDP. The HSA DPD also identifies that the delivery of the Stratfield Mortimer NDP will be monitored by the Council to ensure that the housing requirement is met. The Council reserves the right to identify opportunities to address any shortfall through the DPD process if the NDP is not adopted within two years of the HSA DPD. The Council anticipate the adoption of a new Local Plan at the end of 2019. The NPPF advocates the plan-led system.

- 5.10. If 110 dwellings cannot be delivered on the site, it is worth noting that the examiner's report comments that the landowner and proposed developer of the allocated site have confirmed in principle that development of 60 units would be viable even with the provision of affordable housing and land set aside for the school and surgery.
- 5.11. On balance it is considered that the allocation of the site for up to 110 dwellings rather than 110 dwellings as is currently stated within the NDP is appropriate and justified. It is the proposed view of West Berkshire District Council officers that the Stratfield Mortimer NDP should proceed to referendum.
- 5.12. A track changes version of the Stratfield Mortimer NDP is included in Appendix E.

## **6. Consultation**

- 6.1. Because West Berkshire District Council officers are proposing to recommend a decision that is different to that of the examiner, a six week consultation must take place in line with 17A of the Neighbourhood Planning (General) Regulations 2012.
- 6.2. Representations are therefore being sought between **Friday 3 March and 5pm on Tuesday 18 April 2017** on the West Berkshire District Council officer proposed recommendation that the Stratfield Mortimer NDP progresses to referendum.
- 6.3. A representation form is available to download at [www.westberks.gov.uk/smndp](http://www.westberks.gov.uk/smndp), and this should be returned:
- By email to: [planningpolicy@westberks.gov.uk](mailto:planningpolicy@westberks.gov.uk).
  - By post to: Planning Policy Team, Planning and Countryside, West Berkshire Council, Market Street, Newbury, RG14 5LD.
- 6.4. Paper copies of the representation form are available in the following locations:
- West Berkshire District Council Offices, Market Street, Newbury, RG14 5LD between the hours of 8:30am and 5:00pm on Mondays to Thursdays and 8:30am and 4.30pm on Fridays.
  - Mortimer Library, 27 Victoria Road, Mortimer Common, Reading, RG7 3SH (during normal opening hours).
- 6.5. The appendices to this note are available to view online at [www.westberks.gov.uk/smndp](http://www.westberks.gov.uk/smndp). Hard copies of all of these documents are also available to view at West Berkshire District Council offices in Newbury and at Mortimer Library during normal opening hours.

## **7. Next steps**

- 7.1. West Berkshire District Council officers will consider the representations, and make a final decision. It should be noted that legislation (Paragraph 13(1) of Schedule 4b (2) of the Town and Country Planning Act 1990) does allow a local planning authority, if they consider it appropriate, to refer the NDP to independent examination rather than progress to referendum.

- 7.2. If officers decide that the Stratfield Mortimer NDP should progress to referendum, then Council will be asked to formally agree this at a meeting on Tuesday 9 May 2017.
- 7.3. If agreement is obtained, then a referendum will be arranged to take place in the summer of 2017. Only those living within Stratfield Mortimer Parish and who are registered to vote will be eligible to vote in the referendum.