

TO: THE EXECUTIVE
17 JULY 2018

**RESPONSE TO DRAFT BRACKNELL TOWN NEIGHBOURHOOD PLAN
(PRE-SUBMISSION CONSULTATION)
Director of Environment, Culture and Communities**

1 PURPOSE OF REPORT

- 1.1 On the 11 February 2014 Bracknell Town Council was designated as a qualifying body for the Bracknell Town Neighbourhood Area and is currently preparing its Neighbourhood Development Plan ("Neighbourhood Plan") for submission to the Council pursuant to The Neighbourhood Planning (General) Regulations (2012) (as amended) ("the Regulations"). In accordance with Regulation 14, Bracknell Town Council is required to undertake pre-submission consultation and publicity on its draft Neighbourhood Plan and send a copy of its proposals to the Local Planning Authority (Regulation 14(c)).
- 1.2 Bracknell Town Council has consulted Bracknell Forest Council, in its capacity as local planning authority, ("the Council") on its draft Neighbourhood Plan. The purpose of this report is to seek the Executive's agreement to delegate to the Leader approval of the Council's response to the consultation.

2 RECOMMENDATION

- 2.1 **That the Executive agrees that approval of the Council's response to Bracknell Town Council on their draft Neighbourhood Plan be delegated to the Leader.**

3 REASONS FOR RECOMMENDATION

- 3.1 The reason for this recommendation is:
- The Council has a statutory duty set out in paragraph 3(1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) ("the Act") to provide advice and assistance to qualifying bodies undertaking neighbourhood planning.
 - Approval of the Council's response to a Neighbourhood Development Plan is normally a decision for the Executive Member for Planning and Transport. However, where this is not possible (in this case due to the Executive Member being a Bracknell Town Councillor) the decision is delegated to the Executive.
 - Owing to the timescale for the consultation which is now likely to commence on 9th July and end in mid August, and there being no meeting of the Executive during August, it will not be possible to secure an Executive decision. It is therefore recommended that the decision is delegated to the Leader of the Council.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative option is for the Council not to respond to the pre-submission consultation. However, for the reasons set out at paragraphs 6.2, 6.5 and 6.6 below, officers consider a response should be provided at this stage, in the spirit of co-operation and broad compliance with its statutory duty.

5 BACKGROUND INFORMATION

- 5.1 Bracknell Town Council is the qualifying body for the purposes of neighbourhood planning in Bracknell Town, and applied for the designation of the Neighbourhood Area in October 2013. Following a six-week consultation on the proposal in November/ December 2013, this Council designated Bracknell Town as a Neighbourhood Area for the purposes of Neighbourhood Planning on 11 February 2014.
- 5.2 At the time of preparing this report Bracknell Town Council intended to formally notify the Council of the pre-submission consultation on their draft Neighbourhood Plan in early July 2018. The pre-submission consultation will run for a period of 6 weeks, ending in mid August 2018. The Council needs to submit its response during this consultation period. The pre-submission Neighbourhood Plan covers the plan period 2016-2036 and the following topic matters:
- Environment and Community (including proposed policies relating to community leisure provision, protection and maintenance of Local Green Spaces, tree Heritage, tree landscape character, trees as a visual amenity, allotments, cemetery space, watercourses and river corridors, air quality, arts centre: South Hill Park, co-location of community facilities, and, protection of community facilities) (14 policies);
 - Heritage (including proposed policies relating to protection of parkland features of Historic Parks and Gardens, protection of heritage assets, and, heritage assets, historical buildings and their settings) (3 policies);
 - Housing and Character (including proposed policies relating to matching housing supply to demand, housing mix, infill and backland development, houses in multiple occupation, driveways and hardstandings on front gardens, managing the streetscape, private gardens: green space biodiversity corridors, home fire sprinkler systems, buildings: energy efficiency and generation, buildings: local character, and, buildings: good quality design) (11 policies);
 - Economy and employment (including proposed policies relating to Employment and enterprise, micro and small businesses, neighbourhood shopping centres, Bracknell and Wokingham college and Bracknell Open Learning Centre, Town centre future development sites, and, broadband) (6 policies); and
 - Transport and Infrastructure (including proposed policies relating to cycleways, cycleways and footways, cycle racks, garage block areas, school drop-off and pick-up areas, buses, public toilets in Bracknell Town Centre, and, roads and transport) (8 policies).
- 5.3 Bracknell Town Council is undertaking this consultation in accordance with Regulation 14 of the Regulations. Regulation 14(a)(iv) requires that the qualifying body must publicise the draft proposal for a minimum of 6 weeks. Regulation 14(c) requires that the respective qualifying body sends a copy of the proposal to the local planning authority.

6 BRACKNELL FOREST COUNCIL'S RESPONSE

Context

- 6.1 The Council has a statutory duty set out in the paragraph 3 of Schedule 4B of the Act to provide advice and assistance to qualifying bodies undertaking neighbourhood planning.

- 6.2 It is considered that providing comments and suggested amendments on the pre-submission consultation forms part of this duty. Responding with detailed comments to this consultation provides Bracknell Town Council with the opportunity to address any concerns from the Council and to amend the Neighbourhood Plan accordingly. It is hoped that the comments made will assist in the preparation of a robust Neighbourhood Plan for submission, subsequent consultation and Examination.

Internal Consultation

- 6.3 Comments will be sought from officers in those service areas where proposed policies relate to their area of work and expertise. The service areas include Parks and Countryside, Planning, Highways and Transport, Housing, Children Young People and Learning, and Economic Development. In addition to seeking written comments, the internal consultation will involve a workshop with other officers to discuss the draft Bracknell Town Neighbourhood Plan.

The Response

- 6.4 The Bracknell Town Neighbourhood Plan will form part of the Development Plan once it is 'made'. Therefore it is important that the Council provides comments on the wording in the Neighbourhood Plan to ensure policies are clear and unambiguous, enabling a decision maker to apply policies consistently and with confidence when determining planning applications.
- 6.5 The Council does not have a legal obligation to consider or assess the content of Neighbourhood Plans in relation to the 'basic conditions' (as set out in Schedule 4B, paragraph 8(2) of the Act) until after the Examination. However, National Planning Policy Guidance states that a local planning authority should provide constructive comments on an emerging plan. It also states that if it is considered that a draft neighbourhood plan falls short of meeting one or more of the 'basic conditions', such concerns should be discussed with the qualifying body so that these can be considered before the draft neighbourhood plan is formally submitted.
- 6.6 Therefore, compliance with the 'basic conditions' will be borne in mind in preparing the Council's response. In particular, officers looked at whether the pre-submission Neighbourhood Plan appears to be on track with regard to national policies and advice, and if it is in general conformity with strategic policies contained in the Development Plan. At the Examination stage, the independent examiner will test whether or not the Neighbourhood Plan meets the 'basic conditions', amongst other matters.
- 6.7 Bracknell Town Council has not yet commenced its pre-submission consultation. As noted above, the timescale for responding to the consultation means it will not be possible for the Council's to be considered at a meeting of the Executive. For this reason the response will need to be agreed by the Leader. An internal consultation with different service areas will be held; Policy Officers will then carefully consider the content of the draft Bracknell Town Neighbourhood Plan and draft a formal response.

Next Stages

- 6.8 Alongside the pre-submission consultation, the Town Council has requested an updated Strategic Environmental Assessment (SEA) Screening Opinion following substantial changes to the content of the Plan since its last assessment in September 2016. This 5-week consultation with three main statutory consultees is being undertaken by the Council. The outcome of this consultation will determine whether or not the draft Neighbourhood Plan will need to be accompanied by a SEA when it is submitted.

- 6.9 Following the close of the pre-submission consultation, Bracknell Town Council will need to consider the comments received and make any amendments it considers appropriate. Once the Neighbourhood Plan has been prepared, it must then be submitted to the local planning authority, checked for legal compliance and publicised for a minimum of six weeks (Regulation 16 consultation). It is then subject to examination by an independent examiner who will check that it meets the 'basic conditions' and then issue a report. The local planning authority must then consider the report and make a decision on whether the Plan meets the basic conditions and whether to hold a referendum on the Bracknell Town Neighbourhood Plan. If the referendum is successful (which requires a simple majority of those voting), the Bracknell Town Neighbourhood Plan will form part of the Bracknell Forest Development Plan and be used in the determination of planning applications relating to land in Bracknell Town.

Resource Implications

- 6.10 As indicated above, this Council, as local planning authority, has a statutory duty to provide advice and assistance and to carry out certain parts of the neighbourhood planning process, including holding and arranging the examination and the referendum.
- 6.11 The Council has already received £5,000 of Government grant funding following the designation of the Bracknell Town Neighbourhood Area. A further £20,000 will be available to claim once the Council has set a date for the referendum. The Council will need to fund the independent examination and the referendum. It should be noted that the size of the electorate in Bracknell Town means the estimated cost of the referendum is £100,000. The grant funding will therefore not fully cover the costs of the examination and referendum. Officers will investigate ways in which the cost of the referendum might be reduced but it is very unlikely to be achievable within the grant funding.
- 6.12 The work of supporting the preparation of the Bracknell Town Neighbourhood Plan has been carried out in accordance with the Service Level Agreement agreed between the Council and Bracknell Town Council. To date the work has been resourced from within existing budgets supplemented by the grant money from Government. As set out above, there will be future financial resource implications in arranging the Examination and referendum of the Neighbourhood Plan.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 7.1 The recommendation of the report seeks Executive's agreement for the Council's formal response to draft Bracknell Town Neighbourhood Plan submitted by Bracknell Town Council to be approved by the Leader.
- 7.2 Consideration has been given to the nature of and the appropriate level at which Neighbourhood Planning decisions can be made, whilst ensuring the process is fair and transparent.
- 7.3 The Regulations are directed at the Council as Local Planning Authority, although, most decisions are of an administrative nature and to be taken against a specific set of criteria (e.g. as to the characteristics of a qualifying body). Therefore, it is considered that most Neighbourhood Planning decisions can be taken either by the

Executive Member for Planning and Transport or the Chief Officer for Planning, Transport and Countryside.

- 7.4 Governance arrangements for the discharge of decisions in relation to facilitating the Neighbourhood Planning Process were approved by the Leader in September 2015. These entailed the Council's pre submission consultation response being delegated to the Executive Member for Planning and Transport. However since the Executive Member has been involved in the preparation of this Neighbourhood Plan, the approval of the Council's response is, in accordance with the arrangements, vested in the Executive.

Borough Treasurer

- 7.5 The financial implications are set out in the body of the report. There is no specific budget for the difference between the cost of the referendum and the amount that the Council can expect to receive as grant, which could be up to £85k. This will therefore need to be considered as a call against the Corporate Contingency.

Equalities Impact Assessment

- 7.6 This is not considered relevant at this stage, as the policies do not prejudice any particular section of the community and the Council has not prepared the policies.

8 CONSULTATION

- 8.1 The Council is to be consulted by Bracknell Town Council on its Neighbourhood Plan pre-submission (Regulation 14 consultation).
- 8.2 Internal consultation will be undertaken, as described in paragraph 6.3 above, with relevant service areas in compiling the response for which the Leader's approval will be sought.

Background Papers

- The Neighbourhood Planning (General) Regulations 2012 (as amended 2015, 2016, 2017 and 2018)
- Town and Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004
- Neighbourhood Planning Act 2017
- Bracknell Town Neighbourhood Area Designation:
<https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/neighbourhood-planning/bracknell-town-neighbourhood-area>
- Bracknell Town Council draft Bracknell Town Neighbourhood Plan pre-submission consultation: <insert weblink – to follow>

Appendices

- A – Bracknell Forest Council's response on the pre-submission draft Bracknell Town Neighbourhood Plan (to follow)

Contact for further information

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