

**To: EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT**  
**8 April 2022**

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**RESPONSE TO DRAFT WINKFIELD NEIGHBOURHOOD PLAN**  
**(PRE-SUBMISSION CONSULTATION)**

**Director of Place, Planning & Regeneration**

**1 Purpose of Report**

- 1.1 Winkfield Parish Council is preparing a Neighbourhood Development Plan for the area, which covers the whole Parish of Winkfield for submission to the Council pursuant to The Neighbourhood Planning (General) Regulations (2012) (as amended) ("the Regulations"). In accordance with Regulation 14, Winkfield Parish 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 Winkfield Parish Council has consulted Bracknell Forest Council ("the Council"), in its capacity as local planning authority, on its draft Neighbourhood Plan. The purpose of this report is to seek the agreement of the Executive Member for Planning and Transport to the Council's response to the consultation.

**2 Recommendation(s)**

- 2.1 **That the Executive Member for Planning and Transport approves the Council's response to Winkfield Parish Council on its draft Neighbourhood Plan as set out in Appendix A**

**3 Reasons for Recommendation**

- 3.1 The reason for this recommendation is that 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.

**4 Alternative Options Considered**

- 4.1 The alternative option is for the Council not to respond to the pre-submission consultation, but for reasons explained at paragraphs 5.5, 5.8, and 5.9 of the report, officers consider a response should be provided at this stage, in the spirit of co-operation and broad compliance with its statutory duty.

**5 Supporting Information**

- 5.1 Winkfield Parish Council is the qualifying body for the purposes of neighbourhood planning in Winkfield. It applied for the designation of the Neighbourhood Area in October 2015. Following a four-week consultation on the proposal in October/November 2015, the Council designated Winkfield Parish as a

Neighbourhood Area for the purposes of neighbourhood planning on 24 December 2015.

- 5.2 Winkfield Parish's consultation on their draft Neighbourhood Plan runs from 10 March to 29 April 2022. Winkfield Parish Council is undertaking this consultation in accordance with Regulation 14 of the Regulations. Regulation 14(a)(iv) requires the qualifying body to publicise the draft proposal for a minimum of 6 weeks. Regulation 14(c) requires the respective qualifying body to send a copy of the proposal to the local planning authority.

## **BRACKNELL FOREST COUNCIL'S RESPONSE**

- 5.3 The pre-submission Winkfield Neighbourhood Plan (WNP) contains 12 policies covering the following topic areas:

- Policy W1 - A Spatial Plan for the Parish
- Policy W2 - Promoting high quality design in the Character Areas
- Policy W3 - Design of Parking, Garaging, Ancillary Buildings and EV charging points
- Policy W4 - Housing type, size and choice
- Policy W5 - Rural Exception Sites and Entry-Level Exception Housing
- Policy W6 - Community Facilities
- Policy W7 - Employment and Retail
- Policy W8 - Biodiversity and Wildlife Corridors
- Policy W9 - Local Gaps
- Policy W10 - Dark Skies
- Policy W11 - Local Green Spaces
- Policy W12 - Pedestrian/Cycle Network
- Policy W13 - Martins Heron Station

### Context

- 5.4 The Council has a statutory duty set out in paragraph 3 of Schedule 4B of the Act to provide advice and assistance to qualifying bodies undertaking neighbourhood planning.
- 5.5 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 Winkfield Parish Council with the opportunity to address any concerns that the Council has 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

- 5.6 Comments have been sought from officers in the service areas where proposed policies relate to their area of work and expertise. These service areas include Parks and Countryside, Planning, Housing, Highways and Transport.

### Details of Response

- 5.7 The WNP will form part of the Development Plan once it is 'made.' Therefore, it is important that the Council provides comments on wording in the Neighbourhood Plan

that, if heeded, will ensure policies are clear and unambiguous. This will enable a decision maker to apply policies consistently and with confidence when determining planning applications.

- 5.8 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 Practice 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.
- 5.9 Therefore, compliance with the 'basic conditions' has been borne in mind in preparing the Council's response. In particular, officers have looked at whether the pre-submission Neighbourhood Plan appears to be on track with regard to national policies and advice, and whether 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.
- 5.10 The Council has carefully considered the content of the draft WNP and has identified the following main issues that are summarised below:
- Consider changing the plan period to correspond with the Pre-Submission Bracknell Forest Local Plan (BFLP) plan period of 2020-2037.
  - References to flood risk should include groundwater emergence to address flood risk from all sources.
  - Objective F should be amended to include Windsor Forest and Great Park Special Area of Conservation (SAC) and to refer to no significant negative effects.
  - The Spatial Strategy (Policy W1) is a mix of general approach and specific policies. Suggest the specific policy elements are moved into a new policy / added to existing policy.
  - The list of Green Belt villages in Policy W1 does not include Cheapside which is identified in the Pre-Submission BFLP as a Green Belt Village.
  - The design policy (W2) could be expanded to address design in building terms such as good quality materials, and how to assess proposals on the boundary of Character Areas.
  - Consideration should be given to the addition of supporting text to note how the in-principle support of development provided by Policies W5, W6 and W7 relates to wider considerations/constraints.
  - The housing mix policy (W4) requirement that at least 80% of the dwellings should be a mix of 1, 2 and 3-bedroom homes is not supported by evidence. Further justification/evidence is needed. In addition, the requirement for starter homes should be deleted as there is no legislation to implement them.
  - The exception sites/housing policy (W5) should be amended to require cumulative site size to be taken into account, to require developers to provide the housing needs assessment and to fund independent assessments of viability appraisals. It is also not clear what criterion D iii is seeking to achieve, which could be a basic condition matter. In addition, the rural exceptions policy requirement for the site to be adjacent to a settlement boundary is not a requirement of national policy. This needs to be justified in the context of Winkfield.
  - Employment and retail policy (W7) should be amended to support development in appropriate locations as it is not in general conformity with strategic policies in the

Development Plan or consistent with national policy and therefore does not meet the basic conditions.

- Biodiversity policy (W8) should be amended to include a percentage for biodiversity net gain.
- Dark skies policy (W10) could be expanded to define areas where the policy applies.
- Martins Heron Station policy (W12) seeks to encourage access to and from Martins Heron station for pedestrians and cyclists. However, one of the proposed measures to achieve this includes “the provision of additional car parking spaces” which seems contrary to the aim of the policy.
- An area of the settlement on Policies Map Inset 2 is unclear and needs amending.
- Consider including a monitoring framework setting out details of what will be monitored and indicators.
- It is confirmed that a full Appropriate Assessment and Strategic Environmental Assessment (SEA) are required.
- The SEA Environmental Report (2020) accompanying the Winkfield Neighbourhood Plan requires updating to reflect the current version of the Plan and confirmation should also be provided that the SEA Environmental Report provided fulfils the scope set out in the Sustainability Appraisal Scoping Report (2016).
- The SEA concludes that the Winkfield Neighbourhood Plan is likely to have a positive effect in relation to the majority of SEA objectives, but it is not clear how this conclusion has been reached.

- 5.11 The Council's full response to the pre-submission consultation on the WNP is set out in Appendix A attached and includes comments on the Strategic Environmental Assessment (SEA) of which was originally prepared in respect of an earlier unpublished version of the neighbourhood plan. This includes a covering letter that highlights the main issues together with an associated schedule which deals with these points in greater depth, and which covers other editorial/presentational points.

#### Next Stages

- 5.12 Following the close of the pre-submission consultation, the next stage is for Winkfield Parish Council to consider 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 to hold a referendum on the WNP. If the referendum is successful, the Council will be required to 'make' the WNP and bring it into legal force. The WNP will then form part of the Bracknell Forest Development Plan and would be used in the determination of planning applications relating to land within Winkfield Parish.

## **6 Consultation and Other Considerations**

### Legal Advice

- 6.1 The report seeks the approval of the Executive Member of Planning and Transport for the Council's formal response to the draft Winkfield Neighbourhood Plan

submitted by Winkfield Parish Council, detailed comments being set out in Appendix A.

- 6.2 Neighbourhood planning is a legal process which the Council has a statutory duty to facilitate and administer. The Act, Regulations and the Local Government (Functions and Responsibilities Act) England Regulations 2010 are silent as to the appropriate decision making process. The Bracknell Forest Council Constitution is also silent as to the mode or reservation of such decisions.
- 6.3 Broadly speaking, key decisions include the designation of Neighbourhood Areas, qualifying bodies, the making of Neighbourhood Development Plans, Neighbourhood Development Orders and the holding of referendums.
- 6.4 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.
- 6.5 The Regulations are directed at the Council as Local Planning Authority, although, most decisions are of an administrative nature and can 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 Director: Place, Planning & Regeneration.
- 6.6 In accordance with Part 2 Section 5 of the Bracknell Forest Council Constitution, paragraph 5.7, the Executive Member has authority to agree the recommendation in relation to his area of responsibility.
- 6.7 Further, the Executive Member will note that whilst applications in respect of Neighbourhood Development Plan (post designation of a qualifying body or Neighbourhood Area) are submitted to the Local Planning Authority, this process does not entail making new planning policy. Neighbourhood Development Plans must first and foremost be in general conformity with the strategic policies of the Development Plan, thus amounting to administrative decisions which do not require the exercise of substantive discretion. Therefore, the implementation of these administrative decision making processes in relation to neighbourhood planning falls within the Executive Member for Planning and Transport's individual decision making remit.

#### Financial Advice

- 6.2 There are no direct financial implications arising from this report.

#### Other Consultation Responses

- 6.3 The Council has been consulted by Winkfield Parish Council on its Neighbourhood Plan pre-submission consultation (Regulation 14 consultation).
- 8.2 Internal consultation has been undertaken with relevant service areas in compiling the response set out in Appendix A, as described in paragraph 5.6 above.

#### Equalities Impact Assessment

- 6.4 An Equalities Impact Assessment is not considered relevant as the policies do not prejudice any particular section of the community and the Council has not prepared the policies.

#### Strategic Risk Management Issues

- 6.5 There are no Strategic Risk Management issues arising from this report.

#### Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO<sub>2</sub>.
- 6.7 The reasons the Council believes that this will have no impact on emissions is that the recommendation is concerned with a response to a consultation organised by Winkfield Parish Council on its Neighbourhood Plan.

#### Health and Wellbeing Considerations

- 6.7 There are no health and wellbeing considerations arising from this report.

#### Background Papers

- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- Town and Country Planning Act 1990
- Winkfield Parish Neighbourhood Area Designation: <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/neighbourhood-planning/winkfield-neighbourhood-area>
- Winkfield Parish Council's draft Winkfield Neighbourhood Plan pre-submission consultation: <http://winkfieldnp.org/pre-submission/>

#### Appendices

A – Bracknell Forest Council's response on the pre-submission draft Winkfield Neighbourhood Plan

#### Contact for further information

Andrew Hunter (Director: Place, Planning & Regeneration)

Tel: 01344 351907

Email: [Andrew.Hunter@bracknell-forest.gov.uk](mailto:Andrew.Hunter@bracknell-forest.gov.uk)