

Report title	Making of Englefield Green Village Neighbourhood Plan
Report author	Stephanie Broadley – Principal Planning Policy Officer
Department	Planning
Exempt?	No
Exemption type	Not applicable
Reasons for exemption	Not applicable

Purpose of report:
To resolve

Synopsis of report:

On 13th December 2023 a local referendum was held on the Englefield Green Village Neighbourhood Plan. The Plan and supporting information can be viewed at www.runnymede.gov.uk/planning-policy/neighbourhood-planning/4. The Plan was successful at the referendum with 88.46% of those who voted being in favour of the Plan being used to decide planning applications in the Neighbourhood Area.

Under Section 38(3A) of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan comes into force as part of the statutory Development Plan once it has been approved by referendum. The Plan must still be made by the local planning authority within 8 weeks of the referendum.

This report seeks approval to formally ‘make’ (i.e. adopt) the Englefield Green Village Neighbourhood Plan as part of the Council’s statutory Development Plan, alongside the Runnymede 2030 Local Plan, Policy NRM6 of the South East Plan, the Thorpe Neighbourhood Plan, and Surrey County Council Minerals and Waste Plans.

Recommendation(s):

That the Planning Committee resolves to ‘MAKE’ (adopt) the Englefield Green Village Neighbourhood Plan.

1. Context and background of report

- 1.1. Neighbourhood Plans are statutory planning documents, which establish general planning policies for the development and use of land in a designated neighbourhood area. Neighbourhood planning was introduced under the Localism Act 2011 and gives new rights and powers to help local communities shape new development in their local area. Once prepared, these plans are subject to public consultation, independent examination and a referendum.
- 1.2. The Englefield Green Village Neighbourhood Forum and Neighbourhood Area were formally designated by the Council’s Planning Committee on 13 November 2019. The

Neighbourhood Area is shown on Map 1 on page 9 of the Neighbourhood Plan attached at Appendix 1 ('the Plan'), and with minor exceptions, covers most of the electoral wards of Englefield Green East and Englefield Green West.

- 1.3. The Plan was prepared with the involvement of the local community and was subject to a formal 'pre-submission' public consultation ('Regulation 14 consultation') from 12 September – 23 October 2022. After amending the Plan in response to consultation responses, the Forum submitted the draft Plan to the Council in February 2023, in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.4. After confirming that the Plan and its supporting documents complied with all relevant statutory requirements, the Council publicised the Plan from 28 February – 11 April 2023 for public consultation (known as the 'Regulation 16 consultation'). The Council then sent all the Plan proposals and responses received through the consultation to an independent examiner (Mr Derek Stebbing BA(Hons) DipEP MRTPI), in accordance with the Regulations.
- 1.5. The purpose of the examination was to determine if the Plan had met a series of 'Basic Conditions' and other legislative requirements. The conditions include that the Plan must contribute to the achievement of sustainable development, and that the policies of the Plan must be in general conformity with the strategic policies of the adopted Runnymede 2030 Local Plan.
- 1.6. On 4 September 2023, the examination closed upon receiving the Examiner's Report. The report concluded that, subject to a series of recommended modifications being made, the Englefield Green Village Neighbourhood Plan met all the necessary legal requirements and Basic Conditions and should proceed to referendum. The recommended modifications were informed by the content of representations received during both the Regulation 14 and Regulation 16 consultations, including representations from the Council.
- 1.7. After carefully considering each of the recommended modifications and reasons for them and undertaking its own Basic Conditions and legal compliance check, the Council agreed with the examiner that the Plan met all the requirements. A Decision Statement to this effect was published on 18 September 2023 (in accordance with Regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended)). This was issued under the Council's Scheme of Delegation by the Corporate Head of Planning, Economy and Built Environment in consultation with the Leader of the Council, Deputy Leader and Chair of the Planning Committee. The Decision Statement confirmed the Council's decision to take the Plan to referendum stage.
- 1.8. The Plan was modified to incorporate the Examiner's recommendations, and some minor modifications were made, with the agreement of the Forum, to update some of the references. The Plan was subject to a referendum on 13 December 2023.

2. Report and, where applicable, options considered and recommended

- 2.1 The purpose of this report is to inform the Committee of the outcome of the referendum and to set out reasons for the recommendation to 'make' (i.e. adopt) the Englefield Green Village Neighbourhood Plan.
- 2.2 Voters who are eligible to vote in Local Elections within the Neighbourhood Area were eligible to vote in the referendum. The referendum question was "*Do you want*

Runnymede Borough Council to use the Englefield Green Village Neighbourhood Plan to help it decide planning applications in the neighbourhood area?" The result of the referendum was as follows:

	Votes Recorded	Percentage
Number cast in favour of a YES	690	88.46%
Number cast in favour of a NO	90	11.5%
Number of rejected ballot papers	4	

Electorate: 6416	Ballot papers issued: 784	Turnout: 12.21%
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- 2.3 Therefore, 88.46% of those who voted were in favour of the Plan being used to determine planning applications in the Englefield Green Village Neighbourhood Area. The Planning and Compulsory Purchase Act 2004, as amended by the Neighbourhood Planning Act 2017, sets out that a Neighbourhood Plan forms part of the Development Plan for the area and carries full weight in planning decisions as soon as it has been approved at a referendum. Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (s38(6) of the Planning and Compulsory Purchase Act 2004).
- 2.4 There are now very limited options available to the Council. By virtue of the legislative framework, the Council must now make the Plan (attached at Appendix 1) as soon as reasonably practicable after the referendum is held and, in any event, by the last day of the period of 8 weeks starting from the day after the referendum (i.e. by 8 February 2024). However, the Council does not need to make a Neighbourhood Plan if it considers that making it would breach, or otherwise be incompatible with, any EU¹ or human rights obligations. The other exception to the 8-week timeline is where a legal challenge has been raised in relation to the conduct of the referendum – a claim must be filed within 6 weeks beginning on the day that the results are published.
- 2.5 Officers agree with the Examiner’s view that the Plan, as modified, meets all of the Basic Conditions, including EU and human rights obligations, and therefore recommends that the Plan should be made in order to meet the requirements of the Act and the Regulations, and to support the wishes of the Englefield Green Village community. The Council risks legal challenge if it does not follow the due process set out by the Act and the Regulations; and could open the Council up to intervention by the Secretary of State to force the Plan to be made.
- 2.6 Over and above the recommendations of the Examiner, officers have identified some minor modifications, as set out in Appendix 2 to this report. These changes have the agreement of the Forum and include:
- Updating a number of references to the Englefield Green Conservation Area and its revised boundary. These changes are a result of the adoption of the updated Conservation Area Appraisal and Management Plan, which includes a revised Conservation Area boundary, on 1 December 2023.
 - A number of minor (non-material) modifications to the Plan which do not materially affect the policies in the Plan. Planning Practice Guidance makes it clear that these may include correcting errors, such as a reference to a supporting document, and do not require examination or a referendum.

¹ Following the UK’s departure from the EU, compliance with relevant EU obligations remains a requirement of both UK legislation and the neighbourhood planning ‘Basic Conditions’.

2.7 The Plan attached at Appendix 1 incorporates these modifications – this is the Plan which Officers recommend is made.

3. Policy framework implications

3.1 Having succeeded at referendum, the Englefield Green Village Neighbourhood Plan now forms part of the Development Plan for Runnymede. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Making (adopting) the Plan formalises this for the Council.

3.3 The Plan contains 23 policies which address the following: New Development; Character of the Rural Setting; Historic Environment; Natural Environment; Community Facilities; Employment and Services; Infrastructure Provision; Traffic and Transport; and Royal Holloway University of London. These policies, alongside those of the Runnymede 2030 Local Plan, Policy NRM6 of the South East Plan, Thorpe Neighbourhood Plan and Surrey County Council Minerals and Waste Plans, will now collectively contribute to the achievement of sustainable patterns of development in Runnymede.

3.2 Policy I1 of the Englefield Green Village Neighbourhood Plan seeks to use developer contributions, including via the Community Infrastructure Levy (CIL), to deliver new or improved infrastructure that is necessary to mitigate the impacts of new development in the Neighbourhood Area. Local priorities for infrastructure improvements within the Neighbourhood Area are identified in the Plan. In accordance with CIL Regulations, the making of a neighbourhood plan for a neighbourhood area has the effect of increasing the neighbourhood share of CIL funds from 15% to 25% (uncapped). In the case of Englefield Green Village, which has no parish council, the funds would stay with the Council to be spent in consultation with the local community. The neighbourhood portion of CIL must be spent to “support the development of the area”, but can be used to fund a wider range of projects than the strategic CIL funds held by the Council, which must be spent on infrastructure.

4 Resource implications/Value for Money

4.1 Neighbourhood planning legislation imposes a number of obligations on local authorities. This includes taking decisions at key stages in the neighbourhood planning process within the time limits that apply, and providing advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a Neighbourhood Plan or Order as required by paragraph 3 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

4.2 All costs are met from existing budgets and where applicable, offset by grant funding from the Department for Levelling Up, Housing & Communities (DLUHC). This grant supports the roll-out of neighbourhood plans. A claim for £20,000 grant funding was made shortly after the Decision Statement was issued to cover the costs of the Englefield Green Village Neighbourhood Plan referendum, and officers await to hear the outcome of this claim.

4.3 Whilst Development Management officers will now have more material to consider during decision-making for planning applications in the Englefield Green Neighbourhood Area, the making of the Plan is not expected to have any significant resource implications.

5. Legal implications

- 5.1 Section 38A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by the Localism Act 2011, states that a local planning authority must make a Neighbourhood Plan if more than half of those voting in the Neighbourhood Plan referendum vote are in favour of the Plan; and this must be done as soon as reasonably practicable after the referendum and in any event within 8 weeks of the day immediately following the referendum. This date is prescribed by the Neighbourhood Planning (General) Regulations 2012 (as amended). The Planning Committee meetings falls within this timeframe.
- 5.2 Under the Planning and Compulsory Purchase Act, a Neighbourhood Plan comes into force as part of the statutory Development Plan once it has been approved at referendum. There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan. Section 38A(6) sets out how the authority is not subject to this duty if it considers that making the Neighbourhood Plan would breach, or would otherwise be incompatible with, any EU or Convention rights (within the meaning of the Human Rights Act 1998). No other circumstances for refusing the making of Neighbourhood Plans is prescribed.
- 5.3 As the Examiner, as agreed by the Council in its Regulation 18(2) Decision Statement (18 September 2023), concluded that the Plan was compliant with EU and human rights obligations, officers recommend that the Committee resolves to make the Englefield Green Village Neighbourhood Plan to meet the requirements of the Act and the Regulations.

6. Equality implications

- 6.1 The Council has a Public Sector Duty under the Equality Act 2010 to have due regard to the need to:
- a) Eliminate unlawful discrimination, harassment or victimisation;
 - b) Advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it;
 - c) Foster good relations between those who share a relevant characteristic and persons who do not share those characteristics;
- in relation to the 9 'Protected Characteristics' stated within the Act.
- 6.2 The making (adoption) of the Englefield Green Village Neighbourhood Plan is not expected to have any adverse impact on people with protected characteristics under the Equality Act 2010. The draft Plan was subject to extensive informal and formal public consultation in order to involve as broad a range of people as possible from across the local community. At the Regulation 14 consultation stage, the Forum employed a selection of engagement techniques to publicise the Plan widely and encourage responses, including through displays and attendance at local community facilities.
- 6.3 Overall, the Neighbourhood Plan will bring positive benefits to the local community – its aims include supporting the delivery of suitable housing for people of all ages; protecting and enhancing local community facilities, services, and green and blue infrastructure; supporting local businesses; and improving traffic through well-designed new development.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 The Englefield Green Village Neighbourhood Plan includes a number of policies which will have a positive impact on the local environment. These include policies which support development that protects and enhances the existing character and heritage, that is designed well, and that incorporates/connects to walking and cycling infrastructure, for example.
- 7.2 Policy ND6 states that the design and standard of any new building should aim to meet a high level of sustainable design and construction and be optimised for energy-efficiency, targeting net zero operational carbon emissions. Policies NE1 and NE2 also identify opportunities to enhance the blue and green infrastructure network in the Neighbourhood Area and set out how biodiversity enhancements should be delivered. These policies will help incorporate climate and biodiversity resilience in new development.
- 7.2 A 'Basic Condition' is that neighbourhood plans must contribute to the achievement of sustainable development. The Plan, as modified, has been found to comply with this requirement so will have a positive impact on sustainability.

8. Rick implications

- 8.1 As explained at paragraph 2.5, while deciding not to make the Neighbourhood Plan is a potential alternative option, taking this option without strong justification as to why the Plan fails to comply with EU obligations and Convention rights could open the Council up to intervention by the Secretary of State to force the Plan to be made, or potential legal challenge.
- 8.2 Following the making of the Plan, there is a risk that legal challenges are made, but such challenges are considered to have a low chance of success as the Council has followed all the relevant statutory procedures during the preparation of the Plan. The examination was conducted in a robust manner by the appointed independent Examiner, who was also of the view that the necessary legal requirements had been met. The Examiner also sought to address concerns and issues raised by consultees by recommending several modifications to the Plan, which were subsequently agreed by the Council and incorporated into the Plan.

9. Other implications (where applicable)

- 9.1 None.

10. Timetable for Implementation

- 10.1 Not applicable. The Neighbourhood Plan already forms part of the Development Plan for Runnymede, and planning decisions must already be made in accordance with it. The making of the Plan seeks to formalise this process for the Council.
- 10.2 The Neighbourhood Planning Regulations state that as soon as possible after deciding to make a neighbourhood plan, the Council must publish the Neighbourhood Plan and a 'Decision Statement' about its decision to make the Plan, including where the Plan can be inspected; on its website and through any other manner considered likely to bring the decision to the attention of people who live, work or carry out business in the Neighbourhood Area. The Council must also notify any person who asked to be notified of the making of the Neighbourhood Plan, and where the Plan and the Decision Statement may be inspected. The proposed Decision Statement to be

published in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) is included at Appendix 3.

11. Background papers

- 11.1 The Examiner's Report and Decision Statement are available on the Englefield Green Village neighbourhood planning website at: www.runnymede.gov.uk/planning-policy/neighbourhood-planning/4.

12. Appendices

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| Appendix 1 | Englefield Green Village Neighbourhood Plan (Adoption Version, January 2024) |
| Appendix 2 | Schedule of minor changes to the Englefield Green Village Neighbourhood Plan |
| Appendix 3 | Proposed 'Regulation 19' Decision Statement |