
Cold Ash Neighbourhood Development Plan

Committee considering report:	Council
Date of Committee:	5 October 2023
Portfolio Member:	Councillor Tony Vickers
Date Portfolio Member agreed report:	12 September 2023
Report Author:	Laila Bassett
Forward Plan Ref:	C4433

1 Purpose of the Report

- 1.1 To seek approval for the submission of the Cold Ash Neighbourhood Development Plan (NDP) for independent examination.

2 Recommendation

- 2.1 To resolve that the Cold Ash NDP can be sent for independent examination under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>For the past few years, the Government has had a support programme in place to support the role of Local Planning Authorities (LPAs) in the neighbourhood planning process. The support programme has recently been extended to cover the period 2023/24 and LPAs can make the following claims:</p> <ul style="list-style-type: none">• £20,000 in areas where a plan has not previously been adopted. The claim can only be made once the LPA has issued a decision statement detailing their intention to send a plan to referendum. This would apply to the Cold Ash NDP.• £5,000 for the first five neighbourhood areas designated. West Berkshire no longer qualify for this support.• £10,000 for substantive modifications to a NDP which require examination but not referendum because the

	<p>nature of the plan remains unchanged. Once such a claim is made, further claims for the revisions of the NDP are restricted to every 5 years.</p> <ul style="list-style-type: none"> • £20,000 for a full review and replacement of an adopted NDP or more substantive modifications to a NDP which require examination and referendum. Once such a claim is made, further claims for the revisions of the NDP are restricted to every 5 years. <p>The cost to the council is largely through officer time, and in the organisation of the independent examination and referendum. It is estimated that approximately 80 - 90 hours of officer time is required to support a community develop a neighbourhood plan, at a cost of approximately £2,500. This is based on the time given to support the development of the Stratfield Mortimer NDP.</p> <p>Most NDP examinations are held by way of written representation, and the cost for this is expected to be £5,700. Should the independent examiner choose to conduct the examination through earing sessions, then the cost will be £8,000.</p> <p>The Council has, via a competitive tendering process, appointed Intelligent Plans and Examinations (IPe) to supply an examiner for the independent examination. IPe have quoted a fixed price for written representation examinations and a fixed price for formal hearings.</p> <p>On average referendums cost £5,000 per ballot box to deliver, plus the officer time associated with arranging the referendum.</p>
<p>Human Resource:</p>	<p>Not applicable</p>
<p>Legal:</p>	<p>An adopted NDP forms part of the development plan.</p> <p>The relevant legislation setting out the neighbourhood planning process is included in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended).</p> <p>Parish/Town Councils have the responsibility for leading the process; however local planning authorities have a significant role in assisting certain stages of the process and ensuring that certain criteria are met. The procedure comprises a number of stages which following submission to the Local Planning Authority become a statutory function who must undertake public consultation and examination. If the NDP is found to be satisfactory, a local referendum must take place (funded by the</p>

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	LPA) where more than 50% of those voting must agree to it, before the NDP is brought into legal force and becomes part of the development plan.			
Risk Management:	Not applicable			
Property:	Not applicable			
Policy:	National planning policy makes provision for the development of Neighbourhood Planning. An adopted plan forms part of the district's development plan.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		Neutral impact as neighbourhood plans applies to all
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		Neutral impact as neighbourhood plans applies to all
Environmental Impact:	✓			Neighbourhood plans, in particular NDPs, can include policies which seek to protect the environment.
Health Impact:		✓		Not applicable
ICT Impact:		✓		Not applicable

Digital Services Impact:		✓		Not applicable
Council Strategy Priorities:	✓			<p>Having a neighbourhood plan meets Priority 2 – Supporting everyone to reach their full potential – Enabling residents and communities to help themselves and others.</p> <p>In addition, when neighbourhood plans are adopted at Referendum they will also meet Priority 4 – Develop local infrastructure, including housing to support and grow the local economy and Priority 5 – Maintain a Green District by minimising the impact on the environment.</p>
Core Business:		✓		
Data Impact:		✓		
Consultation and Engagement:	<p>Bryan Lyttle, Planning Policy Manager</p> <p>Eric Owens, Service Director – Development & Regulation</p> <p>Katharine Makant, Service Lead – Planning & Economy</p> <p>Sharon Armour, Principal Lawyer – Planning & Governance</p> <p>Planning Advisory Group</p> <p>Corporate Board</p> <p>Operations Board</p>			

4 Executive Summary

4.1 The Cold Ash NDP has been prepared by Cold Ash Parish Council assisted by community volunteers. The purpose of the Cold NDP is to provide planning policies to guide development in the designated Cold Ash Neighbourhood Area. The Neighbourhood Area covers the Parish of Cold Ash.

4.2 The NDP contains a series of Development Management policies which cover the following themes:

- Spatial strategy
- Character, design and heritage

- Environment and landscape
- Getting around the Parish
- Community and social
- Commercial and local employment.

- 4.3 The NDP does not include any allocations for residential or employment development.
- 4.4 Cold Ash Parish Council undertook a consultation on a draft version of the plan (known as the Regulation 14 pre-submission version) between 1 March and 19 April 2023. In total 67 representations were received including one from West Berkshire District Council (WBDC). Details of the comments received and any subsequent changes made to the Plan by Cold Ash Parish Council prior to its submission to WBDC, are set out within the Consultation Statement included at Appendix D.
- 4.5 The NDP was submitted to WBDC on 20 June 2023, and upon submission WBDC took on responsibility for taking the NDP forward. If a NDP is to progress beyond the submission stage, a set of submission requirements as defined in legislation must be met. A legal compliance check was undertaken (see Appendix F) which confirmed that the submission requirements have been met.
- 4.6 In line with legislation, the submitted Plan must be publicised for a 6-week period. This took place between 21 July until Friday 1 September 2023. 12 representations were received and these are included in Appendix G. In addition, WBDC has also provided a response, and this is included in Appendix H.
- 4.7 Following the close of the 6-week publicity period, the NDP must undergo independent examination. The submitted NDP, its accompanying documents, and any representations received must be passed on to an appointed examiner. The examiner will consider if the NDP meets a set of tests known as Basic Conditions, with or without modifications. A report will be issued at the end of the examination by the independent examiner.
- 4.8 Council is now asked to agree that the Hermitage NDP can progress to independent examination. The NDP has been assessed by WBDC to meet the submission requirements as set out in legislation, and there are no reasons why it should not now progress to independent examination.

5 Supporting information

Introduction

- 5.1 The 2011 Localism Act has encouraged communities and local people to come together and shape the future of their local areas through neighbourhood plans.
- 5.2 West Berkshire is predominantly parished and the legislation requires that they are developed by Parish and Town Councils assisted by community volunteers. However, we have several parishes that are so small they do not meet the threshold and have a Parish Forum meaning they must set up a Neighbourhood Forum to develop such plans, provided they meet the requirements of the legislation. Plans must be in general conformity with national planning policies and the strategic policies contained within Local Plans.

- 5.3 Neighbourhood plans must be subject to consultation, independent examination and a referendum. If successful at referendum they form part of the statutory development plan for West Berkshire. In other words, they are used to determine the outcome of planning applications.
- 5.4 There are three different types of neighbourhood plans:
- **Neighbourhood Development Plans (NDPs):** a planning document that contains planning policies. Site allocations can also be included.
 - **Neighbourhood Development Orders (NDOs):** grant planning permission for specific types of development in a particular area; and
 - **Community Right to Build Orders (CRtBOs):** grant planning permission for small-scale community-led developments.

Background

- 5.5 Cold Ash Parish Council, as the qualifying body, successfully applied for the designation of the Cold Ash Neighbourhood Area on 19 March 2018 under the Neighbourhood Planning Regulations. Since the designation of the Neighbourhood Area, Cold Ash Parish Council alongside its residents, have been working together to create a plan and they produced a draft of this (known as the Regulation 14 pre-submission version) in March 2023 which they consulted on. Details of the comments received and how they were taken into consideration is set out in Appendix D Consultation Statement.
- 5.6 The NDP contains 16 Development Management policies that have been grouped around the following themes:
- Spatial strategy
 - Character, design and heritage
 - Environment and landscape
 - Getting around the Parish
 - Community and social
 - Commercial and local employment.
- 5.7 Whilst NDPs can include site allocations, the Cold Ash NDP does not contain any.
- 5.8 Cold Ash Parish Council submitted the NDP (see Appendix C) to WBDC on 20 June 2023. Accompanying the NDP was the Consultation Statement and the Basic Conditions Statement (Appendix E). After submission, responsibility for taking the plan forward lies with the LPA.
- 5.9 The first task upon submission is for the LPA to check that the submission requirements set out in Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and Schedule 4b of the Town and Country Planning Act 1990 (as inserted into Schedule 10 of the Localism Act 2011) have been met. The Legal Compliance Check of the Cold Ash NDP (see Appendix F) confirms that the submission requirements have been complied with.
- 5.10 If the submission requirements have been met, then Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires plans to be publicised for a 6-week period as soon as possible after submission. The Cold Ash

NDP was publicised and comments were invited from the public and stakeholders between 21 July and 1 September 2023. 12 representations were received, and a summary of these is included within Appendix G.

Proposals

5.11 In line with Regulation 17 of the Neighbourhood Planning (General) Regulations 2012 (as amended), the Cold Ash NDP must now be subject to independent examination. The independent examination will consider whether the NDP meets a set of tests known as Basic Conditions. A NDP will meet the Basic Conditions if:

- it has regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- it contributes to the achievement of sustainable development;
- it is in general conformity with the strategic policies of the Local Plan; and
- it does not breach, and is otherwise compatible with EU obligations.

5.12 Regulation 32 of the of the Neighbourhood Planning (General) Regulations 2012 (as amended) also prescribes the following Basic Condition:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).

5.13 The NDP, its accompanying documents, in addition to the representations made during the 6-week publicity period will be passed on to the appointed examiner.

5.14 Following the independent examination, the examiner will issue a report. If the NDP meets the Basic Conditions, the examiner will recommend that the plan proceed to the referendum. However, the examiner may recommend that modifications need to be made to the plan so it meets the Basic Conditions before it can proceed to referendum.

5.15 The examiner's report however is not binding, and only LPAs can decide if a NDP can ultimately proceed to referendum. Following the receipt of the examiner's report, WBDC will need to determine if the NDP meets the Basic Conditions, is compatible with the Convention rights, complies with the definition of a NDP, and the provisions that can be made by a NDP. This determination will be set out in a Decision Statement.

5.16 The Decision Statement will need to be endorsed by Council. If the Decision Statement recommends that the NDP proceed to referendum, Council will also be asked to agree that the NDP be adopted immediately after the votes have been counted so that it becomes part of the development plan for West Berkshire.

6 Options for consideration

6.1 A do-nothing approach was considered and rejected because Regulation 17 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires that neighbourhood plans must be subject to independent examination.

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- 6.2 LPAs have a statutory duty to assist qualifying bodies preparing neighbourhood plans, and this includes taking responsibility for taking the NDP forward once it has been submitted.
- 6.3 WBDC have undertaken a legal compliance check of the Cold Ash NDP which confirms that the submission requirements as set out in legislation have been complied with. There is therefore no reason that the Cold Ash NDP should not progress to independent examination.

7 Conclusion

- 7.1 Cold Ash Parish Council submitted the Cold Ash NDP to WBDC on 20 June 2023, and WBDC now have responsibility for taking the NDP forward.
- 7.2 WBDC reviewed the submitted NDP and its accompanying documents, and concluded that the submission requirements, as defined in legislation, have been met.
- 7.3 In line with legislation, the submitted NDP was publicised for a 6-week period between 21 July until Friday 1 September 2023, and comments were sought. Now that the NDP has been publicised, it must undergo independent examination. The submitted NDP, its accompanying documents, and any representations received will be passed on to an appointed examiner.

8 Appendices

- 8.1 Appendix A – Equality Impact Assessment Stage 1
- 8.2 Appendix B – Data Protection Impact assessment – Stage 1
- 8.3 Appendix C – Cold Ash NDP
- 8.4 Appendix D – Cold Ash NDP Consultation Statement
- 8.5 Appendix E – Cold Ash NDP Basic Conditions Statement
- 8.6 Appendix F – Legal Compliance Check of the Cold Ash NDP
- 8.7 Appendix G – Summary of responses to the Regulation 16 publication consultation
- 8.8 Appendix H – WBDC comments on the submission Cold Ash NDP

Background Papers:

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees or Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: Chieveley and Cold Ash, Newbury Clay Hill (part), Thatcham West (part), Thatcham North West (part).

Officer details:

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Job Title: Principal Planning Officer
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Appendix A

Equality Impact Assessment (EqIA) - Stage One

<p>What is the proposed decision that you are asking the Executive to make:</p>	<p>To resolve that the Cold Ash NDP can be sent for independent examination under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.</p>
<p>Summary of relevant legislation:</p>	<p>The relevant legislation setting out the neighbourhood planning process is included in the following:</p> <ul style="list-style-type: none"> • Localism Act 2011; • Neighbourhood Planning (General) Regulations 2012 (as amended) • Town and Country Planning Act 1990 (as amended) • Planning and Compulsory Purchase Act 2004 (as amended) <p>Conservation of Habitats and Species Regulations 2017</p>
<p>Does the proposed decision conflict with any of the Council's priorities for improvement?</p> <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy Maintain a green district • Ensure sustainable services through innovation and partnerships 	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Name of Budget Holder:</p>	<p>Bryan Lyttle</p>
<p>Name of Service/Directorate:</p>	<p>Development and Regulation / Place</p>
<p>Name of assessor:</p>	<p>Laila Bassett</p>
<p>Date of assessment:</p>	<p>22 August 2023</p>
<p>Version and release date (if applicable):</p>	

Is this a ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	New or proposed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Already exists and is being reviewed	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Function	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is changing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Service	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To help deliver the government’s policy for neighbourhood planning in the parish of Cold Ash.
Objectives:	To allow the community of Cold Ash to development planning policies to shape the future of their communities.
Outcomes:	Completion and adoption of a NDP for the parish of Cold Ash.
Benefits:	<p>If the Cold Ash NDP receives a successful ‘yes’ vote at referendum then it will hold the same weight as the Local Plan and form part of the development plan for West Berkshire.</p> <p>Cold Ash Parish Council will receive 25% of CIL receipts should the plan be successful at referendum.</p> <p>Delivery of government policy regarding neighbourhood planning.</p> <p>Give more control to the local community of Cold Ash to shape their community going forward.</p>

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?		
Group Affected	What might be the effect?	Information to support this
Age	Neighbourhood planning should have a positive impact on all groups. Communities are more aware of the specific groups and issues within their communities and therefore,	Neighbourhood Planning legislation, National Planning Policy Framework (NPPF), National Planning Practice Guidance
Disability		
Gender Reassignment		
Marriage and Civil Partnership		

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Pregnancy and Maternity	<p>can ensure that minority groups and those with protected characteristics are fully informed of the process and are invited to fully engage with the development of the neighbourhood plan.</p>
Race	
Religion or Belief	
Sex	
Sexual Orientation	<p>Neighbourhood Planning has the opportunity to fully engage all members of society ensuring that they all have a say in the future development of their community.</p> <p>Neighbourhood planning should have a positive impact on all groups.</p> <p>Communities are more aware of the specific groups and issues within their communities and therefore, can ensure that minority groups and those with protected characteristics are fully informed of the process and are invited to fully engage with the development of the neighbourhood plan.</p> <p>Neighbourhood Planning has the opportunity to fully engage all members of society ensuring that they all have a say in the future development of their community.</p> <p>Neighbourhood planning should have a positive impact on all groups.</p> <p>Communities are more aware of the specific groups and issues within their communities and therefore, can ensure that minority groups and those with</p>

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	<p>protected characteristics are fully informed of the process and are invited to fully engage with the development of the neighbourhood plan.</p> <p>Neighbourhood Planning has the opportunity to fully engage all members of society ensuring that they all have a say in the future development of their community.</p>	
Further Comments:		
None		

(3) Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Neighbourhood Planning allows communities to shape the future of their local area in land use planning terms.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Development of a neighbourhood plan should have a positive impact upon a local community as all members of the community are encouraged to engage with the process of developing the plan.	
(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name: Laila Bassett

Date: 22 August 2023

Appendix B

Data Protection Impact Assessment – Stage O

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Place
Service:	Development and Regulation
Team:	Planning Policy
Lead Officer:	Laila Bassett
Title of Project/System:	Cold Ash Neighbourhood Development Plan
Date of Assessment:	22 August 2023

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “ data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Yes	No
Will your project/system involve CCTV or monitoring of an area accessible to the public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using the data you collect to match or cross-reference against another existing set of data?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will you be using any novel, or technologically advanced systems or processes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>		

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Cold Ash NDP

See separate attachment

Cold Ash NDP Consultation Statement

See separate attachment

Cold Ash NDP Basic Conditions Statement

See separate attachment

Legal Compliance Check of the Cold Ash NDP

See separate attachment

Appendix G

Summary of responses received to the Regulation 16 publication consultation

See separate attachment

Appendix H

WBDC comments on the submission Cold Ash NDP

See separate attachment