

Report Title:	Designation of the Cookham Neighbourhood Area
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Coppinger, Lead Member for Planning and Maidenhead
Meeting and Date:	Cabinet - 25 June 2020
Responsible Officer(s):	Executive Director Place, Russell O'Keefe & Head of Planning, Adrien Waite
Wards affected:	Bisham and Cookham

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REPORT SUMMARY

This report recommends the designation of the Cookham Neighbourhood Area to cover the whole parish of Cookham. Residents in the parish will be able to prepare a Neighbourhood Plan for their area which will have statutory weight and form part of the Development Plan, upon which development management decisions will be based.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Approves the neighbourhood area designation for the parish of Cookham, with the boundaries shown in Appendix B, co-terminus with the Parish boundary.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Cookham Parish Council applied for designation of the whole of the parish area as a neighbourhood plan area in January this year.
- 2.2 Neighbourhood Plans are community-led frameworks which enable local people to draft policies for future development, specific to the area that they live and work in. Together with the strategic policies of the emerging Borough Local Plan, these policies will be used to determine future planning applications in the Royal Borough. Preparation of a neighbourhood plan is subject to a series of formal steps including examination and referendum.
- 2.3 The neighbourhood planning process is guided by the provisions of the Localism Act 2011, amended Town and Country Planning Act 1990 and Neighbourhood Planning (General) Regulations 2012. This gives local authorities the power to formally designate neighbourhood areas within their administrative area, in which neighbourhood plans can be prepared.
- 2.4 Following receipt of an application for a neighbourhood area, and a consultation period, the Council is required to designate the neighbourhood area. National Planning Practice guidance indicates that where a parish applies for the whole

of their parish to be designated, the local planning authority should agree designation of the whole area.

2.5 As also required, the Borough has published notification of the application for area designation and invited representations. The comments and representations received are summarised in Appendix A. Most representations received supported the designation as applied for. However, one representation on behalf of the owners of the Odney Club and managers of Winter Hill Golf Course, John Lewis Partnership (JLP), sought the omission of these two properties from the designation. The grounds given are that additional planning controls in a neighbourhood plan would adversely impact on the flexibility with which JLP can adapt and invest to respond to the business' changing requirements. Both sites lie within the green belt and are therefore subject to planning national policy restrictions.

2.6 It is considered that the boundaries of the proposed neighbourhood planning area are reasonable. Both sites mentioned in the representation are within the boundaries of the Parish area and separate from each other. To exclude these would effectively create two islands within the area of the neighbourhood plan. This would be contrary to the effective planning of the whole area. The reasons advanced by the representor are not considered to be of sufficient weight to outweigh the disadvantages of preventing the community from considering the comprehensive planning of their area.

2.7 Options

Table 1: Options arising from this report

Option	Comments
To designate the neighbourhood area This is the recommended option	The recommended option will enable local people to continue with preparation of a neighbourhood plan
To refuse designation of the neighbourhood area.	This option would prevent local people from preparing a neighbourhood plan for their area.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Designation of the Cookham Neighbourhood Area	Not designated	Designated June 2020			Designation June 2020
New Neighbourhood Plan produced	The plan makes no progress.	Draft Plan submitted to the council by spring 2023	Draft plan submitted to the council in 2022	Draft plan submitted to the council in 2021	Examination of the Neighbourhood Plan summer 2023

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 Earlier neighbourhood planning groups have been able to draw on a £20,000 grant from the Council towards the costs of plan preparation. These funds were initially provided through Government support for neighbourhood plans. However, this funding is no longer available to local authorities. Government does however provide support for neighbourhood planning groups through Locality. This support is available on application to Locality by the neighbourhood planning group and is both in the form of grant funding and technical support.
- 4.2 Officers from the policy team will be required to liaise with and advise the steering group, whilst they develop the plan. Under the current government grant funding regime the council will also be expected to forward fund the examination of the Neighbourhood Plan but upon setting a date for the referendum, RBWM will be able to apply for a grant of £20,000. This forward funding system has been in place for previous neighbourhood plans. This grant is expected to cover the cost of the examination and the referendum.
- 4.3 Community Infrastructure Levy (CIL) legislation states that a meaningful proportion of the Council's CIL income has to be devolved and spent at the local level. In accordance with CIL Regulations, once the neighbourhood plan is made part of the development plan, the parish will be entitled to 25% of CIL receipts within the parish, currently they can receive 15%. This apportionment is taken into account in the Borough's infrastructure planning.

Table 3: Financial Impact of report's recommendations

REVENUE COSTS	2020/21	2021/22	2022/23
Additional total	£0	£0	£20,000
Reduction	£0	£0	£20,000
Net Impact	£0	£0	£0

5. LEGAL IMPLICATIONS

- 5.1 Neighbourhood area applications are required to be made in accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 and applications are required to be publicised in compliance with Regulation 6 of those regulations. Section 61G of the Town and Country Planning Act 1990 sets out the requirements for determining applications for an area to be designated a neighbourhood area.
- 5.2 Neighbourhood Development Plans and Neighbourhood Development Orders are prepared in accordance with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012.
- 5.3 Amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 introduced by the Localism Act, allow for a third party to make a claim for a judicial review in certain circumstances. Such a claim can be made in the context of decisions made on a neighbourhood development

plan or neighbourhood development order, or in regards to the consideration of recommendations made by an examiner.

- 5.4 To determine whether an environmental assessment of the effects of a neighbourhood plan is necessary, a screening will be carried out of the draft plan during its preparation. This will be in accordance with the Conservation of Habitats and Species Regulations 2010, and the Environmental Assessment of Plans and Programmes Regulations 2004.

6. RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Neighbourhood plans cannot be delivered without designating neighbourhood areas	High	Designate the neighbourhood area.	Low
Residents and businesses may later object that the Neighbourhood Area does not reflect the most appropriate area for drafting of planning policies.	Low	Undergo consultation on Neighbourhood area.	Low

7. POTENTIAL IMPACTS.

- 7.1 **Climate Change/ Sustainability:** The content of the neighbourhood plan will be determined in the first instance by the neighbourhood plan group. The final Neighbourhood Plan will be subject to independent examination which, amongst other issues, will make a recommendation based upon the contribution of the neighbourhood plan to delivering sustainable development. Another of the basic conditions which the plan will need to satisfy is that it is in general conformity with the strategic policies of the Local Plan - including policies regarding climate change. The examiner will make recommendations in regard to the content of the plan. The Council officers will discuss these with the Parish acting as the neighbourhood planning group with the goal of agreeing any necessary modifications to the plan. The Council will then have the decision whether to proceed to a referendum where the community will be given the chance to vote on acceptance of the neighbourhood plan.

- 7.2 Equalities: The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts on particular groups. In this instance, it is not considered that an Equality Impact Assessment is required at this time. The preparation of the neighbourhood plan is led by the neighbourhood planning group – in this case Cookham Parish Council. The impact of the resulting plan will be subject to assessment under the Equalities Act.
- 7.3 Data Protection/GDPR: No personal data is being processed in regard to the decision under consideration.

8. CONSULTATION

The application for designation of the whole parish of Cookham as Neighbourhood Area has involved placing the information on the council's web site. On the home page is a [link](#) to the current consultations, this has included the Cookham Neighbourhood Plan Area Designation.

- 8.1 The planning department has a database of people and businesses interested in the planning process as well as statutory bodies and other parish councils, this has been used to consult people mainly by email, but for those who do not have this by paper letter. The consultation took place between Thursday 27 February until midnight on Sunday 12 April 2020. There have been several responses which are summarised in Appendix A.
- 8.2 The consultation responses have raised no compelling issues which suggest that the designation should not take place, with the overwhelming proportion supporting the designation.

9. TIMETABLE FOR IMPLEMENTATION

Implementation date if not called in: Immediately

10. APPENDICES

- 10.1 This report is supported by 2 appendices:
- Appendix A Summary of Consultation Responses
 - Appendix B Proposed Neighbourhood Area Designation Plan

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by 3 background documents:
- National Planning Policy Framework (NPPF) - <https://www.gov.uk/government/publications/national-planning-policyframework--2>
 - Localism Act (2011) <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

- Neighbourhood Planning (General) Regulations (2012)
<http://www.legislation.gov.uk/ukxi/2012/637/schedule/1/made>
- National Planning Practice Guidance
<https://www.gov.uk/guidance/neighbourhood-planning--2>

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning and Maidenhead	2/6/20	
Duncan Sharkey	Managing Director	2/6/20	2/6/20
Russell O'Keefe	Director of Place	2/6/20	
Adele Taylor	Director of Resources/S151 Officer	2/6/20	5/6/20
Kevin McDaniel	Director of Children's Services	2/6/20	3/6/20
Hilary Hall	Director Adults, Commissioning and Health	2/6/20	3/6/20
Elaine Browne	Head of Law	2/6/20	5/6/20
Mary Severin	Monitoring Officer	2/6/20	4/6/20
Nikki Craig	Head of HR, Corporate Projects and IT	2/6/20	2/6/20
Louisa Dean	Communications	2/6/20	
Karen Shepherd	Head of Governance	2/6/20	3/6/20

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No	To Follow item?
Report Author: Phillipa Silcock, Consultant Policy Planner Neighbourhood Plans, Ext 6508		

Appendix A

Summary of responses to the consultation

Berkshire Gardens Trust	Support the principle of local input into planning matters. Particularly concerned with the Odney club and local woodlands and ancient common.	supporting
Sir William Perry (Cookham West ward councillor)	Important for future of Cookham that it has a NP. Parish boundaries are obvious and long established geographical are for the NP.	supporting
Highways England		No Comment
Mark Howard	Fully support	supporting
National Grid	Add NG to consultation base for the NP	No comment
Natural England	Provide sources of information for NP preparation	No comment
Sport England	Provide sources of information for NP preparation	No Comment
Mark McGovern	Wishes to be on consultation list	No Comment
Rt Hon Theresa May	Supports the preparation of NP as a means of engaging with the local community to identify and meet future needs	Supporting
Transport for London		No Comments
John Lewis and Partners	Odney Club and Winter Hill Golf Course should be excluded from the designated area in order to provide flexibility for future use of these sites by JLP.	Object to inclusion of Odney Club and Winter Hill Golf Club within the designated area.
Ian Wernham		supporting
Peter Roe (27/02/20)	Vital activity and support inclusion of the whole parish	supporting
Miriam Blaisey	Parish must have primary input to planning in the area	supporting
Kai Gait		supporting
Peter Roe (04/03/20)	Makes sense for the parish to be designated	supporting
Christine-Ann Jannetta	Fully support – believes that village design statement should be the main part	supporting

Appendix B

Proposed Neighbourhood Area Designation Plan

