



Response to the Examiner's Questions

Policy TW2

The ambitions of the policy are clear.

However, part C reads as a combination of policy, a community action and a process matter. I am minded to recommend that it is simplified and that the associated details are repositioned into the supporting text.

Does the Parish Council have any observations on this proposition?

Policy TW2 Response:

The Parish Council agrees with the proposition.

Policy TW4

This policy takes a positive approach to the future of the village

Does the Parish Council have any specific observations on the Borough Council's comments about the way in which village boundary has been defined?

Policy TW4 Response:

The Parish Council agrees that the policy takes a positive approach to the future of the village. In responding to changes in the village centre, the boundaries that have been defined in Policy TW4 is different to those defined more than twelve years ago for the purposes of the application of strategic policy as it updates these boundaries to align it more closely with the latest version of the NPPF and the actual situation on the ground. The [Planning and Compulsory Purchase Act 2004](#) (Section 38(5)) and the [Planning Practice Guidance](#) (Paragraph: 044 Reference ID: 41-044-20190509) makes specific provision where there is conflict between a policy in a neighbourhood plan and a policy in a local plan. There ought therefore be no issue with the boundaries differing given that Policy TW4 is in general conformity (Paragraph: 074 Reference ID: 41-074-20140306) with the relevant strategic policies as set out in in the Basic Conditions Statement.

Policy TW5

The policy takes a positive approach to the regeneration of the village centre.

Is there an up-to-date position on the Regeneration Scheme beyond that already set out in paragraph 5.33 of the Plan?

How would part B of the policy operate if an approved and costed Regeneration Scheme was not in place?

Policy TW5 Response:

Twyford Parish Council have worked with consultants to develop a strategic plan for the implementation of policy TW5. Twyford Parish Council have met with Wokingham Borough Council, Twyford Together (local retail association) and believe there is broad support for the plan.

The Twyford Village Regeneration Scheme is therefore progressing well, however the Parish Council acknowledges the point raised by the examiner in relation to the operation of Clause B. To that end, the Parish Council would welcome the examiner's suggestion for a modification to wording in the supporting text to ensure that the opportunity to secure contributions towards traffic mitigation measures and public realm improvements in the Twyford Village Centre Regeneration Area is not lost and offers the following suggested modification to the supporting text at paragraph 5.33:

5.33 The Parish Council is actively pursuing options to realise the aim of the Twyford Village Centre Regeneration ~~Scheme Area~~ and has recently been successful in securing grant funding from the High Street Regeneration and Social Infrastructure Support Fund through the Neighbourhood Planning Programme, funded by the Department for Levelling Up, Housing and Communities to commission high level option testing that will enable a preferred option to deliver the aim of the Twyford Village ~~Centre Regeneration Scheme~~. A report ~~is anticipated by the end of July 2022~~ was received in January 2023. WBC is supportive of the approach and engagement with WBC on this matter is ongoing. In the meantime, the Neighbourhood Plan sets out a vision for the area and shows its extent on the Policies Maps. The policy requires that schemes do not harm the delivery of regeneration opportunities that deliver public realm improvements and traffic mitigation measures in ~~a~~ the Twyford Village Centre Regeneration ~~Scheme Area~~, but sustains and where possible, enhances it. The policy also seeks additional developer contributions for ~~a~~ the Twyford Village Regeneration ~~sScheme~~ where appropriate. In the event that the Twyford Village Regeneration Scheme has not yet been costed and approved by the relevant stakeholders, contributions to deliver public realm improvements and traffic mitigation measures in the Twyford Village Centre Regeneration Area will continue to be sought where appropriate.

Policy TW6

Does the Parish Council have any specific observations on the Borough Council's comments about the wording of the policy?

Policy TW6 Response:

The Parish Council considers that Policy TW6 is in general conformity (Paragraph: 074 Reference ID: 41-074-20140306) with the relevant strategic policies by reflecting the spirit and intention of Policy CP1 as set out in the Basic Conditions Statement. The Parish Council considers that there ought to be no flexibility in requiring applicants to demonstrate that schemes will not cause or contribute to worsening air quality.

The Parish Council does consider that there are some refinements proposed by Wokingham Borough Council (WBC) which are acceptable. In that regard only, the Parish Council would welcome WBC's recommendation of a modification to wording, and invites the examiner's suggestion for a modification to wording at Clause B, as follows:

B. Development proposals, where applicable, will be required to demonstrate at least Air Quality Neutral standard during both construction and operation to avoid causing or contributing to worsening air quality in the Twyford Crossroads Air Quality Management Area. Development proposals that would result in a significant increase in air pollution within or adjacent to the Twyford Crossroads Air Quality Management Area will only be justified in exceptional circumstances. This should be demonstrated through an air quality assessment, and if necessary, proposed mitigation measures. Developments proposals requiring a Travel Plan or Transport Assessment will also be required to submit an air quality assessment.

Policy TW8

I can see that the supporting text sets out the context to the policy and highlights development plan experience elsewhere.

Nevertheless, has the Parish Council assessed the extent that the policy is in general conformity with the strategic policies in the development plan? As the Borough Council comment, might the policy have potential implications for site capacities. In addition, could some higher density development be acceptable within some parts of the neighbourhood area? In addition, removing the opportunity for higher densities in appropriate areas may make less effective or efficient use of land and would reduce the quantum and variety of housing types to be able to respond to local needs.

In this context there any other specific local evidence to support the policy beyond that included in the supporting text?

Has the policy been tested for any potential effects on commercial viability?

Policy TW8 Response:

There is currently no strategic policy provision on canopy cover specifically. The Parish Council considers that Policy TW8 is in general conformity (Paragraph: 074 Reference ID: 41-074-20140306

) with the relevant strategic policies by reflecting their spirit and intention as set out in the Basic Conditions Statement. Policy CC03 recognises the importance of trees and specifically seeks in its clauses 2. d) and 2. e) to protect and retain existing trees, hedges and other landscape features and requires landscaping to be an integral part of the scheme. The Parish Council considers that Policy TW8 provides a quantifiable way in which to achieve such requirements.

Paragraph 5.50 of the Twyford Neighbourhood Plan (TNP) confirms that Twyford has ≤20-25% of canopy cover, which is below the Borough average. The Parish Council has made reference to being inspired by the approach adopted in other locations including Wycombe District Council, however it has become clear that an important research document, and its relevance to Twyford, has not been made clear in the TNP. The research document is available [online](#). On pages 28 and 29 it demonstrates a series of development layout scenarios between 29 dwellings per hectare and 34 dwellings per hectare with a higher canopy cover of between 25.6% and 35.2%. The Twyford Design Code specifically recognises that density within the Parish is quite low, apart from the village centre. It is therefore not unreasonable to rely on the density parameters set out in the research report in considering the impact of the policy on density and site capacities in Twyford. The evidence shows that it need not be necessary to compromise on the ability to build at a particular density. This has also been recognised by the Planning Inspectorate in its final report of the examination of the [Wycombe District Council Local Plan](#), see paragraph 122 copied below:

“A number of representors have expressed concern that Policy DM34 (3) would have an adverse impact on the delivery of new housing, employment and retail sites. In many cases these concerns are based on the belief that to achieve the objectives of the policy, it would be necessary for trees to be planted on 25% or more of the developable area of a site. This is not the case, and the additional evidence presented during the Examination demonstrates that the provision of trees with the capacity to create 25% canopy cover could be achieved without requiring tree planting on a quarter of the developable area of a site or adversely affect its development capacity....”

The Parish Council also considers that the policy is flexible enough to respond to individual characteristics of a development or site by including the use of other green infrastructure as a means of achieving similar benefits to trees. There are also many non-development areas that can be utilised to help achieve this aim and the Parish Council need to recognise their role to bring this to fruition.

It is therefore not clear how the policy prevents the opportunity for higher density development in appropriate areas. The Parish Council would welcome a further opportunity to respond to the matter, once clarified, if this continues to be the position upon which a recommendation is reached.

Policy TW10

The approach taken on this matter is both comprehensive and ambitious. As the Plan acknowledges the policy context for encouraging higher energy efficiency standards at a local plan or neighbourhood plan scale is complex.

Does the Parish Council have any comments on the Borough Council’s representation on this matter? In addition, to what extent has the Parish Council assessed this policy against the Written Ministerial Statement of March 2015?

*In any event, Parts C, D and E of the policy read as supporting text (to Parts A and B) rather than as policies. Please could the Parish Council explain the basis on which it crafted these parts of policy?
Has the policy been tested for any potential effects on commercial viability?*

Policy TW10 Response:

The Parish Council recognises that the approach is comprehensive and ambitious and addresses WBC's representation and the examiner's questions on this matter below.

Many of the concerns raised indicates a misunderstanding of the policy's intent and operation. The level of testing recommended by WBC would only be necessary if the policy set an energy efficiency standard. The policy does not set an energy efficiency standard. Applicants can continue to choose to bring forward schemes of any standard within existing standards, including schemes which are capable of achieving the Future Homes Standard and/or Future Buildings Standards (or any equivalent standard). This is because Clause B of Policy TW10 recognises that it may not be feasible for all schemes to meet a space heating demand of less than 15KWh/m²/year and paragraph 5.65 of its supporting text places no greater onus on applicants other than to acknowledge that in the application.

The policy does however, incentivise the Passivhaus, or any other equivalent standard which will deliver a space heating demand of less than 15KWh/m²/year. It does so in the first instance in Clause B of Policy TW10 by recognising that there may be occasions where choosing to deliver to a higher energy efficiency standard may lead to circumstances where trade-offs need to be made between this objective and local design policy. It therefore provides some degree of flexibility in meeting the Twyford Design Guidelines and Code but only where schemes choose the Passivhaus, or equivalent standard. The flexibility provided in the policy will not apply to schemes which have not chosen the Passivhaus, or equivalent standard.

The second incentive is Clause C which operates where the developer cannot or chooses not to use the Passivhaus, or equivalent standard. Paragraph 7 of Appendix A in the TNP highlights the widely accepted performance gap. A performance gap is where the actual energy use of a building, as built, does not match the predicted heating energy demand. It is not considered unreasonable to require evidence that demonstrates a building is performing as expected, particularly when also considering the cost of living crisis and vulnerability to fuel poverty. WBC's existing requirement of predicted energy demand does not address the performance gap issue. The Parish Council is aware that the question of a perceived burden or issues surrounding viability is a changing landscape and there are now a number of local planning authorities, as well as the recently made [Ivers Neighbourhood Plan](#) in Buckinghamshire, which are operating policies which require post-occupancy evaluation. Clause C is therefore critical to the operation of the policy. Clause D seeks to ensure that the lifetime consequence of new buildings' carbon impact on the environment has been understood and responded to as explained in paragraph 5.69 of Policy TW10. The Parish Council is aware that Whole Lifecycle Carbon Assessments are now commonplace in planning policies for major development proposals and is seeking to replicate the approach in the parish, and in due course, in its representations to the Borough Council for consideration in its Local Plan Update. Clause E seeks to ensure that compliance with Policy TW10 is demonstrated as part of a planning application.

Finally, as the policy does not set an energy efficiency standard the Written Ministerial Statement of March 2015 is not considered relevant, however, in any event, it should be noted that the legislative framework has moved on since the publication of the Written Ministerial Statement of March 2015, which the government has confirmed, as set out in paragraph 11 of Appendix A to the TNP. This was also most recently recognised by the Planning Inspectorate in its final report of the examination of the [Bath and North East Somerset Local Plan Partial Update](#), see paragraph 84 copied below:

“84. The WMS 2015 has clearly been overtaken by events and does not reflect Part L of the Building Regulations, the Future Homes Standard, or the legally binding commitment to bring all greenhouse gas emissions to net zero by 2050.”

To that end, the Parish Council accepts that there has been an error in Clause A of Policy TW10 using ‘must’ rather than ‘should’ and therefore raise no objection to the Borough Council’s recommended amendments in that regard; as well as replacing the term ‘Energy Statement’ with ‘Sustainability Statement’ in Clause E, but maintains that the Clauses C, D and E should remain as part of the policy as submitted. The Parish Council also accepts that amendments may be required to aid clarity as set out below.

The Parish Council would therefore welcome the examiner’s suggestion for a modification to wording for Clauses A, D and E and offers the following suggested modifications:

At Clause A in the policy:

A. All development ~~must~~ should be ‘zero carbon ready’ by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.

At Clause D in the policy:

D. ~~All planning applications for major~~ Major development proposals are also required to be accompanied by a Whole Life-Cycle Carbon ~~Emission~~ Assessment, using a recognised methodology, to demonstrate actions taken to reduce embodied carbon resulting from the construction and use of the building over its ~~entire~~ lifetime.

At Clause E in the policy:

E. ~~An~~ Sustainability Statement (or Energy Statement) will be submitted to demonstrate compliance with the policy (except for householder applications). The statement will include a passive design capacity assessment prepared at the earliest stage of site layout design to demonstrate how opportunities to reduce the energy use intensity (EUI) of buildings over the plan period have been maximised in accordance with the Energy Hierarchy. Designers shall evaluate the operational energy use using realistic information on the intended use, occupancy and operation of the building to minimise any performance gap.

Policy TW13

Does the Parish Council wish to comment on the observations on this policy made by the development industry?

Is the evidence for the policy sufficiently robust and up-to-date?

Could this policy be more effectively combined with Policy TW14 to provide a more flexible, viability-led policy?

Policy TW13 Response:

The [Housing Needs Assessment](#) of April 2022 demonstrates that First Homes at a 30-40% discount will largely not be affordable in Twyford. The Parish Council is mindful of its obligations to the local community in seeking genuinely affordable housing but recognises the NPPF provisions on deliverability and flexibility. The Parish Council would therefore welcome the examiner's suggestion for a modification to policy wording and offers the following suggested modifications:

The Neighbourhood Plan establishes a starting point ~~the requirement~~ for First Homes provision in Twyford to be secured with at least 50% discount from full open market value, where viable.

Policy TW16

The Design Guidelines and Codes is an excellent document. It will provide a clear context for distinctive, high-quality design throughout the Plan period.

In the round the policy is an excellent local response to Section 12 of the NPPF.

Policies TW16 Response:

The Parish Council welcomes the examiner's positive feedback.

Policy TW17

This is another excellent policy. It takes a very positive approach towards the ongoing initiative to establish a community hub in Twyford. It directly relates to local circumstances with regards to community provision and the nature and location of the chosen site.

Policies TW17 Response:

The Parish Council welcomes the examiner's positive feedback.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan in addition to those specifically mentioned in this Note on a policy-by-policy basis?

Does it wish to respond to the specific comments made by:

- *David Wilson Homes;*
- *First West Homes Limited;*
- *Bridge House Care Village;*
- *Croudace Homes;*
- *Berkeley Strategic Land Limited; and*
- *British Horse Society?*

The representation from Wokingham Borough Council proposes several detailed refinements to the Plan and its policies. Some have been raised on a policy-by-policy basis in this note. It would be helpful if the Parish Council would indicate the extent to which it would be willing to incorporate the other comments into the Plan.

Examiners invitation to respond to Regulation 16 representations:

The Parish Council considers that in responding to the examiner's clarification note above, a number of the matters raised in the representations have been addressed. The Parish Council offers the following position in response to additional matters of substance raised:

David Wilson Homes and Berkeley Strategic Land Limited

The Parish Council as the Qualifying Body and WBC as the Local Planning Authority have engaged throughout the project. It is accepted that the TNP is coming forward ahead of a Borough-wide Local Plan Update and that the current position is uncertain. It is also agreed that the policies of the TNP need not prejudice or undermine future strategic spatial policy making at the Borough level in accordance with the advice set out in [Planning Practice Guidance](#) (Paragraph: 009 Reference ID: 41-009-20190509) which makes provision for Neighbourhood Plans to be brought forward ahead of an up-to-date Local Plan in cases such as these.

First West Homes Limited

See response to examiner's clarification note on Policy TW13.

Bridge House Care Village & Croudace Homes

As demonstrated in the Basic Conditions Statement the Parish Council considers that the TNP contains only non-strategic policy proposals or proposals that provide additional detail to complement the strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies as provided for by the NPPF.

British Horse Society

The Parish Council welcomes the expert opinion of the British Horse Society in terms of accommodating the needs of horse riders in the same way Twyford Cycling Together assisted in providing the evidence base to support Policy TW1 and highlighting opportunities for improvements where investment could be directed to. The Parish Council considers that it would

be inappropriate to revise the scope of the TNP and add additional policies at this late stage and it is unable to include policies which apply outside of the designated neighbourhood area. The Parish Council continues to work with adjoining parishes in its day-to-day business. The Parish Council would also welcome the examiner's suggestion for a modification to the TNP to recognise horse riders and their needs and offers the following suggested modifications:

At paragraph 5.4:

The policy seeks to encourage safe, accessible, convenient and enjoyable means of walking, ~~and~~ cycling, and horse riding in the parish.

At paragraph 5.9:

The Wokingham Public Rights of Way Improvement Plan also identifies a number of opportunities to address the inequality of the existing public rights of ways.

WBC

For ease of reference, the Parish Council has responded to WBC's detailed refinements to the TNP and its policies in the attached document.