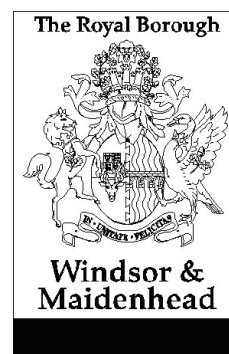


Report for: INFORMATION
Item Number: 5



Contains Confidential or Exempt Information	NO – Part I
Title	Windsor Planning Strategy
Responsible officer(s)	Richard Ellis, Strategic Director of Corporate Services Chris Hilton, Director of Development and Regeneration
Contact officer, job title and phone number	Sarah Ball. Team Manager (Strategy and Plans) 01628 796112
Member reporting	Cllr Wilson, Lead Member for Planning Cllr Bicknell, Lead Member for Windsor
For consideration by	Planning and Housing Overview and Scrutiny Panel / Cabinet
Date to be considered	Cabinet 30 July 2015
Implementation date if not called In	Immediately
Affected wards	Castle Without, Eton & Castle. Other parishes may also be affected (Old Windsor; Datchet;)
Keywords/Index	Neighbourhood planning; Borough Local Plan; Windsor; Link Railway

Report Summary
This paper sets out proposals for a strategic approach to the delivery of planning and regeneration in Windsor, together with options for testing public opinion about the Windsor Link Railway proposal.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect a difference
The recommendations provide residents with an understanding of the issues surrounding strategic planning in Windsor and the options for addressing them.	August 2015
The recommendations provide residents with a direct opportunity to influence the council's stance on whether or not it supports and facilitates the Windsor Link Railway proposal.	November 2015

1. Details of Recommendations

RECOMMENDATION: That Cabinet

- 1. Considers the options for providing a strategic planning context for Windsor and authorises development of an Area Action Plan for Windsor town centre following the successful making (adoption) of the two Neighbourhood Plans for Windsor.**
- 2. Notes the implications and costs of each of the consultation methods associated with seeking views on the Windsor Link Railway.**
- 3. Gives delegated authority to the Director of Development and Regeneration in consultation with the Lead Member for Planning to investigate further the potential of undertaking a local postal poll as indicated in Option 6 of this report.**

2. Reason for Recommendation(s) and Options Considered

- 2.1 This paper sets out proposals for a strategic approach to the delivery of planning and regeneration in Windsor. It sets out options which include the delivery of an Area Action Plan but also includes a focus on the neighbourhood plans that are currently in development. It then proposes a programme of activity which will enable conclusions to be drawn on the key issue of assessing public support for the Windsor Link Railway whilst also ensuring that residents' needs are properly understood and then acted upon in the best possible way.

Section A: Strategic Planning Strategy for Windsor

- 2.2 The council's aspiration of Realising Windsor's Potential requires us to enable Windsor to meet and exceed the expectations of its residents and visitors. In order to do this successfully, a strategic planning approach is required to coordinate activity.
- 2.3 Currently a number of proposals and initiatives are in progress or planned for Windsor. These are all individual projects; they do not form part of an overall vision or plan to tackle the issues that Windsor faces. Consequently, we do not have a clear framework against which to assess individual projects, which should be prioritised or indeed whether they are the right projects to deliver what residents want. Examples of current and future initiatives that require coordination and would benefit from a strategic plan include:
- King Edward Court Shopping Centre (Fenwick options)
 - Alma Road Redevelopment (Youth & Community Centre)
 - Windsor Link Railway
 - Peascod Quarter (neighbourhood plan development aspirations)
- 2.4 A strategic approach would identify, through a process of consultation, what key stakeholders and the public think are the big issues that need to be fixed in Windsor. It would then explore a number of alternatives for solving these issues and, through consultation, determine the best option. A statutory planning led approach (such as an Area Action Plan) would carry statutory weight and provide the greatest certainty to residents, landowners and developers that development in accordance with the plan would normally be approved.

Current and emerging policy

- 2.5 Current planning policy for Windsor is provided by the Local Plan, originally adopted in 1999. This will be superseded in time by the emerging Borough Local Plan (BLP), on which a Second Preferred Option consultation is planned for November 2015. The BLP is the document that will set the overarching planning strategy for the borough and the key strategic points for Windsor town centre.
- 2.6 Alongside the preparation of the BLP, neighbourhood plans are being prepared for Windsor. There are two forums working on neighbourhood plans: Central Windsor Business Neighbourhood Forum (known as Windsor 2030) which is responsible for the town centre area, and the Windsor Neighbourhood Forum whose area covers the rest of the town. Both Forums are preparing neighbourhood plans for their respective areas and the council is working closely with both groups to ensure that policies and aspirations are aligned with the emerging BLP.
- 2.7 Windsor 2030 has been established with the principal purpose of preparing a Business Neighbourhood Plan for Windsor Town Centre with the objectives of:
- promoting economic growth
 - providing Windsor visitors and users with a “five star” experience
 - recognising that Windsor’s heritage is a key asset for business
 - recognising also that Windsor is a key commercial centre in the Thames Valley; sustaining and building on that, in healthy competition with its neighbours.
- 2.8 The Windsor Neighbourhood Plan Forum has been established to promote and to improve the social, economic and environmental well-being of the area, by the production of a Windsor Neighbourhood Plan. The Area combines residential and business activity (e.g. retail, tourism and corporate business) and has a strong historic identity. These existing characteristics and the pressures for change need to be considered across all wards, in order to create a strategy to manage future growth in a way which enhances the role of the town, whilst maintaining the special character of the area and benefitting residents and businesses.
- 2.9 Once the BLP is adopted and the two neighbourhood plans are “made”, the documents will have equal legal status and will together set out the planning policy approach for their respective areas. In essence the BLP will deal with strategic matters at a borough level while neighbourhood plans will add more detail at a local level. In more complex areas such as Windsor town centre, which face a number of unique issues and challenges, it may be appropriate to add an intermediate tier of policy in the form of an Area Action Plan.

Area Action Plan

- 2.10 An Area Action Plan (AAP) is a planning document that analyses and addresses planning issues for a particular area, taking a strategic overview and translating it into policies that deliver on the ground. Currently there is an Area Action Plan for Maidenhead town centre that promotes and guides appropriate development to deliver much-needed regeneration. A similar approach might be considered appropriate for Windsor town centre. In the case of Windsor, the

focus would be less on regeneration and more on addressing the complex visitor, business and heritage pressures in the town centre.

- 2.11 It is important to note that, at the time the Maidenhead Town Centre AAP was prepared, neighbourhood planning was in its infancy and an AAP was the only realistic mechanism available to set out a local interpretation of strategic policy. Now neighbourhood planning provides an alternative option and an AAP is no longer the only option. It is necessary to determine the more appropriate approach for any given location, given the characteristics of the area and the challenges to be addressed.
- 2.12 A neighbourhood plan for Windsor town centre is already being prepared by local people and should be allowed to proceed to fruition. Once made (adopted) the neighbourhood plan will address many of the issues facing the town. Following this, there is the potential to undertake further work, potentially in the form of an AAP.
- 2.13 By following on from the neighbourhood plan, an AAP could build on the work already undertaken and avoid duplication. It could develop some of the projects and aspirations in the neighbourhood plan and place them in a more strategic context. An AAP could enable development aspirations in the neighbourhood plan to be more successfully delivered. It should be noted that an AAP will generally take some time to produce, possibly in the region of three years.
- 2.14 The Windsor Link Railway proposal falls within the boundary of the Windsor 2030 area, close to the boundary between the two Forum areas. Following on from the neighbourhood plans, then, there are options for investigating further the potential of the Windsor Link Railway proposals. If they are found to be of merit then they could be supported by planning policies in either or both of:
- the neighbourhood plan for Windsor town centre (led by Windsor 2030)
 - an Area Action Plan for Windsor town centre (led by the Council).
- 2.15 Both approaches would benefit from the BLP setting out a policy that recognises their role in undertaking such a task. Windsor 2030 should have the opportunity to consider whether their plan can encompass a set of proposals of this scale and complexity. If they do not form part of that plan then the borough council could, and should, consider bringing them forward in an Area Action Plan for Windsor.

Section B: Windsor Link Railway and Consultation

Background to the Windsor Link Railway proposals

- 2.16 Current rail services to Windsor are fragmented. Services from Windsor & Eton Riverside to London Waterloo are operated by South West Trains, while the line from Windsor & Eton Central to Slough is a branch line operated by First Great Western. The links are not connected and through services are not possible, making interchange difficult. This particularly affects communities to the east of Windsor such as Datchet and Wraysbury.
- 2.17 The vision of Windsor Link Railway Ltd is to seek to place the Thames Valley at the centre of a new, better connected rail network west of London. It seeks rail links that will be better connected with the towns they serve and better

integrated with roads, for both bus and car users, and enhanced connections to Heathrow, Gatwick and any future airports. With WLR, it is claimed, the Thames Valley would have both good connections to London and better orbital connections, greatly improving the area as a region of economic growth and prosperity.

2.18 The Windsor Link Railway (phase 1) consists of a tunnel in Windsor to connect the two existing branch lines, to create a through line doubling the frequency of trains services from Windsor to both London Waterloo and Paddington. It should thus correct and improve the relatively disjointed train service that Windsor currently receives. The railway, however, is only part of the integrated scheme, the rest of the suggested positive impacts being: improving views of Windsor Castle, providing potentially 3,000 additional parking spaces, restoring and enlarging Alexandra Gardens, realigning roads to reduce congestion and improve the riverside and providing better integration with bus and taxi services. It should be noted that relatively few details of the effects of the scheme (e.g. possible construction impacts) are available at this time so it is difficult to obtain a balanced view of the scheme's positive and negative impacts.

2.19 Potential benefits from enhanced rail services could be felt not only in Windsor but also in nearby areas, particularly those settlements served by the current rail links. This could extend to the parishes of Datchet, Horton and Wraysbury on the railway line, and Old Windsor, Eton and Eton Wick near to the proposals.

2.20 The precise alignment of the link is not yet finalised and nor are preferred, detailed options for the other components and development areas. WLR therefore recognise that there are a number of constraints to be considered

- the need to preserve and ideally enhance the riverside environment in this sensitive location
- listed buildings
- geology
- design standards (e.g. the limitations of trains, minimum curvatures at speed, safety)
- properties and businesses
- utilities
- environmental (including air quality and flooding)
- interface with pedestrians, shops etc., and
- interchange with other forms of transport (buses and cars).

2.21 The project would act as a catalyst locally for a range of other developments, both to facilitate the delivery of the link and to capitalise on opportunities it would raise. These include:

- changes to the road network in the area
- changes to car and coach parking in the area
- new developments for retail, business, hotel and leisure uses, and
- new residential development.

Site description and lead planning considerations

2.22 The proposals would affect the northern edge of the town, adjacent to the River Thames. This is also the edge of the town centre and a 'fringe' to the core town centre that takes in a range of uses including car and coach parking, public open space (Alexandra Gardens), residential and commercial premises, and the

bridge across to Eton. There are significant changes in ground level, rising from the banks of the river to the higher ground of the core town centre and the Castle. This is also an area of great historical sensitivity, for its archaeology, for the various Listed Buildings and their settings and for views of and the setting to the Castle. Most of the area lies within the Windsor Town Centre Conservation Area.

2.23 The principal planning considerations are the impacts on:

- the vitality of the town as a tourist destination
- the vitality of the town as a retail and service centre
- the vitality of the town as an employment centre
- the historic environment and the River Thames
- movement in the town, particularly road traffic, and
- flood risk.

Moving Forward

2.24 At the Cabinet meeting in February 2015, members agreed to amend Preferred Policy Option INF2 of the Borough Local Plan Preferred Options Consultation document to provide support for the linking of the two rail lines in Windsor provided that it can be demonstrated there would be no substantial harm to any heritage asset and that the proposals are otherwise in accordance with the Borough Local Plan.

2.25 As indicated earlier in this report, there are also a range of other issues on which it has yet to be demonstrated the link railway and associated developments would not result in unacceptable harm and these must be dealt with. Subject to these matters being addressed, more detailed proposals can be brought forward as part of the Central Windsor Neighbourhood Plan for Business or if required as part of proposals for an Area Action Plan by the council, and either may require the production of a development brief in the form of a Supplementary Planning Document, to provide further detailed guidance on the delivery of the WLR proposals.

Discussion

2.26 The key issue is what level of support the development plan should offer the WLR having regard to:

- the strength of the business case
- the level of public benefit, and
- the certainty with which the various other impacts are known and understood.

2.27 The projected improvements in access to Windsor for visitors could both reduce the number choosing to come by road and increase the overall number of visitors. It could therefore make a potentially significant, positive contribution to the vitality of the town as a tourist destination, as a retail and service centre and as a centre for business and commercial activity. The improvements it offers in the local rail network will also have benefits for other parts of the Borough and other positive impacts further beyond.

2.28 The change in the level of rail service offered and the other potential associated developments may impact significantly on movement networks in this part of the town centre, and more widely across the town. Some of these impacts will be

positive, and others negative. The significance of the short term impacts during the construction phase need to be better understood. Long term impacts on movement by car, on public transport and on pedestrian movement also need to be better understood. The projected improvement in public transport has the potential to make a significant positive contribution to reducing the number of journeys that would otherwise need to be undertaken by road, affecting the town, the Borough and beyond.

- 2.29 The area is one of great historical sensitivity. Substantial harm to or loss of designated assets should be exceptional and should not be permitted unless it can be demonstrated to be necessary to achieve substantial public benefits that outweigh that harm or loss. Less than substantial harm must also be weighed against the public benefits (see National Planning Policy Framework paragraphs 132-134). A detailed assessment of the impact on historic assets is therefore required.
- 2.30 Elements of the WLR and associated developments are in areas at risk of flooding and detailed assessment of the implications is required.
- 2.31 Having regard to the above, the potential for significant positive outcomes from the WLR make this a project which the council could support, provided that the potential negative impacts can be either avoided or mitigated to a level that is outweighed by the benefits. The information currently available is not sufficient to allow that judgement to be made at this time. Accordingly, neither a policy allocation nor a land safeguarding policy would be justified in the BLP. Equally, it would not be appropriate to oppose the scheme.
- 2.32 It is considered that the significance of the potential positive outcomes are such that the BLP should encourage the continued investigation of the merits of the scheme and if that finds in its favour then a supportive planning policy framework should be provided.
- 2.33 It is also important the proposals for WLR and its associated developments are not prepared in isolation and are instead brought forward within the context of a clear vision for the future of Windsor.

Seeking Residents' Views

- 2.34 In order to decide whether to commit to supporting the Windsor Link Railway project, and to facilitate future work, the council needs to ascertain whether residents, businesses and other stakeholders are in favour of the scheme and identify any concerns they may have. This will give a clear steer about whether the council should continue to support and facilitate the project.
- 2.35 The council's current position as stated in the emerging BLP is to support the proposal to link the two lines in Windsor, provided it can be demonstrated there would be no substantial harm to heritage assets. An assessment of stakeholder views would either verify this approach, or provide justification for amending it.
- 2.36 It is clearly important that the council comes to a firm view about whether it would support the scheme in principle as a potential regeneration partner. Delivery of elements of the scheme would require the use of council land and council powers, so it is necessary to determine whether there is in-principle support for use of these assets and powers.

Consultation Already Undertaken

2.37 In considering which is the most appropriate consultation method to use, it is important to understand what consultation has already been undertaken in relation to the Windsor Link Railway and what response rate these consultations had (see table below).

Consultation undertaken by the Council	Consultation undertaken on behalf of Windsor Link Railway Limited
	WLR Residents Survey 2013: Residents were invited to participate by a post card delivered to 2,500 addresses between 16 March and 2 April 2013. The survey was also promoted via Facebook and local restaurants as well as the RBWM website. The online survey was open from 3 March to 9 April 2013. 325 responses were received in total of which 285 were completed. This included 26 hardcopy returns, where residents could return the postcard indicating their support.
	December 2013, the council received a petition from over 1,000 people in support of the scheme
	Central Windsor Neighbourhood Plan Consultation (March-April 2014): 37 respondents indicated that the WLR proposals were worth exploring further.
	Windsor Express Quick Poll (October 2014): Of 98 votes, 77 said 'yes', the Windsor Link Railway proposals would be a good thing.
Borough Local Plan Summer 2015 Consultation Event (specific question asked regarding WLR) (see para 2.16 below) (Survey Monkey). Consultation began on 30 June 2015.	

Methods of Consultation

2.38 A number of methods are available to survey the views of residents and other stakeholders:

- Borough Local Plan consultation
- Opinion poll
- Local polls ('referendums')

2.39 Six options are included in this report together with a number of issues which should be borne in mind when considering which option, or combination of options is best.

- *Do nothing as Windsor Link Railway is already included in the Borough Local Plan consultation*
- *Extension in Scope of the Borough Local Plan Consultation*
- *Telephone Opinion Poll*

- *Postal Opinion Poll*
- *Local Poll: Referendum (Polling Stations)*
- *Local Poll: Referendum (Postal)*

Option 1: Do nothing as Windsor Link Railway is already included in the Borough Local Plan consultation

2.40 As suggested above, a package of public consultation is being undertaken during summer 2015 on policy matters that will feed into preparation of a Second Preferred Options Borough Local Plan. The opportunity has been taken, in consultation with the Lead Member for Planning, to include a question about people’s views on the Windsor Link Railway proposal. This will gather evidence about whether or not residents, businesses or other stakeholders are supportive of the project. The survey is now live and is intended to remain open until later this summer, probably closing at the end of August 2015. The specific question being asked is:

The linking of the two railway lines in Windsor could deliver significant improvements in public transport links. Currently, the lines to Windsor & Eton Central and Windsor & Eton Riverside stations are run independently, with through services not possible and interchange difficult. The Windsor Link Railway proposal is for a new tunnel under the town centre, creating one Windsor station serving both networks on one continuous railway line.

It is proposed to include support in the Borough Local Plan for the linking of the two lines in Windsor, provided it can be demonstrated there would be no substantial harm to heritage assets. To find out whether residents are in favour of the scheme and identify any concerns you may have, we are now asking about your views on the proposal.

What do you think about the proposal to link the two railway lines in Windsor?

- **Strongly support**
- **Support**
- **Support but have concerns**
- **Object**
- **Strongly object**
- **Neutral**

2.41 The Council has also received verbal confirmation from the Windsor Link Railway Limited that it is pleased that the Council has included such a question in the BLP Summer 2015 Consultation Event.

Option 1: Do nothing as Windsor Link Railway is already included in the Borough Local Plan consultation

Cost: Contained within existing budgets

Timeframe: Immediate

Pros	Cons
<ul style="list-style-type: none"> • Wide geographical coverage (can extend outside the borough). 	<ul style="list-style-type: none"> • Will only capture the opinions of people responding to the consultation. • Question being asked before the scheme promoters have made

Option 2: Extension in Scope of the Borough Local Plan Consultation

2.42 Building on the work of the Borough Local Plan Consultation, a postal questionnaire survey could be sent out to residents and businesses in a selected area (e.g. Windsor or a wider area), asking the identical question (for consistency) to that posed in the Borough Local Plan consultation.

Option 2: Extension in Scope of the Borough Local Plan Consultation

Cost: Modest printing, delivery and advertising costs: £16K plus external consultancy support (£20K) for conducting the survey and survey analysis. Total £36K.

Timeframe: External consultancy support would be required to deliver this option in September given the work programme of the Planning Policy Team.

Pros

- Targeted geographical coverage.
- Hopefully generating a higher turnout rate than will be achieved for the BLP alone

Cons

- Will exclude visitors to Windsor who live outside the Borough (although they will have the chance to comment through the Borough Local Plan)
- Additional costs and resource implications regarding survey analysis.

Option 3: Telephone Opinion Poll

2.43 A telephone opinion poll could be commissioned to give a sample of stakeholders' views. Care would need to be taken to ensure that it covered a geographical area that was properly representative of the impacts of the Windsor Link Railway proposal. This is because the opinions of residents and other stakeholders will vary depending on where they live. For instance, a resident of Wraysbury might experience only positive effects from the scheme (e.g. more frequent train services and new journey opportunities) whereas a Windsor resident could also experience some disruption from construction works so might be less likely to support the proposal.

2.44 It would be important to ensure that sufficient people were polled to ensure a statistically representative sample. Clearly, to have a 100% accurate survey would require 100% of the population of the area to be polled. It is more common to use a 95% confidence level, which means that one can be confident that in 19 out of 20 instances the actual population behaviour would be within the confidence interval range. In approximate terms, if the sample population was 50,000 and 2,300 responses were received, then one would have a 95% confidence level and a 2% margin of error (this is the "plus or minus" figure often reported in opinion poll results).

2.45 A telephone survey will continue until the required number of responses have been reached, and can target a specific number of responses from people with particular characteristics (age, sex, location etc.) in order to ensure a representative sample. The poll would be likely to produce results within a few weeks of being commissioned. The cost of undertaking the survey would vary

directly with the number of interviews required and their complexity i.e. the amount of background information that the telephone interviewer would be required to give the respondent.

Option 3: Telephone Opinion Poll

Cost: Dependant on sample size but likely to include circa £10K for commissioning a market research company to undertake the survey itself and present the results, plus a further circa £20K for external consultancy support to analyse the results e.g. determining whether there were different levels of support from different areas or different types of people. Total circa £30K.

Timeframe: External consultancy support would be required to deliver this option in September given the work programme of the Planning Policy Team.

Pros	Cons
<ul style="list-style-type: none"> • Greater flexibility to determine sample size which can range from residents only to residents and businesses. • A number of questions can be asked in an opinion poll as opposed to a 'yes/no' requirement of a local poll under the Local Government Act 1972. • • Ability to use the electoral register for the source of persons for opinion poll (if residents only) • Can target a representative sample of the population. 	<ul style="list-style-type: none"> • Doesn't reach all people (although note that once a certain confidence level is reached, this becomes largely immaterial – for instance, the required sample size does not change much once the target population exceeds 20,000). • Can be difficult to reach businesses as opposed to households. • Results from opinion polls are only as reliable as the sample size and response rate which can vary widely. • Business register would need to be created.

2.46 In relation to the Windsor Link Railway, three independent opinion polls have already been undertaken (by WLR itself (325 respondents), by the Windsor Neighbourhood Plan (37 respondents to the WLR question) and the Windsor Express (98 respondents). It could be argued that little may be gained from conducting another one, however much depends on the sample size. In addition it is worth noting that whilst a polling organisation such as IPSOS Mori is well-known, the polling industry is suffering from a crisis of confidence since the general election so many people may not accept the result.

Option 4: Postal Opinion Poll

2.47 A postal poll could be commissioned to give a sample of stakeholders' views. The same comments as expressed above would apply in terms of a representative geographical area for the survey. The main difference would be in the number of people to be polled. While a telephone poll will continue until sufficient responses have been received, a postal poll will require a significantly higher number of people to be contacted in order to ensure a desired number of responses are received. In addition, the group of people who respond to a postal poll will be self-selecting so it is more difficult to obtain a representative sample of the population by this manner.

2.48 This means that a telephone poll will always hit a specific target for responses but a postal poll could deliver more or fewer than the desired number of responses, and the results would be more or less reliable as a result. For instance, if it was assumed that a 20% response rate could realistically be achieved, then to deliver 2,000 responses would require 10,000 selected people to be polled. A 20% response rate is considered feasible given that the referendum for the Ascot, Sunninghill and Sunningdale Neighbourhood Plan in March 2014 (undertaken using polling stations) achieved a 23% turnout, while a postal survey of residents undertaken by Wycombe District Council in February 2014 (a longer and more complicated survey) achieved a response rate of 14.5%.

2.49 A postal poll would take longer to produce results than a telephone poll, as time has to be allowed for people to respond. The cost would vary with the number of interviews required and is likely to be higher than a telephone survey.

Option 4: Postal Opinion Poll

Cost: Dependant on sample size but likely to include circa £20K to include printing, delivery and advertising costs and commissioning a market research company to undertake the survey itself and present the results, plus a further circa £20K for external consultancy support to analyse the results e.g. determining whether there were different levels of support from different areas or different types of people. Total circa £40K.

Timeframe: External consultancy support would be required to deliver this option in September given the work programme of the Planning Policy Team.

Pros	Cons
<ul style="list-style-type: none"> • Greater flexibility to determine sample size which can range from residents only to residents and businesses. • A number of questions can be asked in an opinion poll as opposed to a 'yes/no' requirement of a local poll under the Local Government Act 1972. • Ability to use the electoral register for the source of persons for opinion poll 	<ul style="list-style-type: none"> • Doesn't reach all people (although note that once a certain confidence level is reached, this becomes largely immaterial). • Can be difficult to reach businesses as opposed to households. • Results from opinion polls are only as reliable as the sample size and response rate which can vary widely. • To achieve the same number of results as in a telephone poll, many more people would have to be surveyed. • Self-selecting group of respondents making the results less representative. • Business register would need to be created.

Option 5: Local Poll: Referendum (Polling Stations)

2.50 Under Section 116(1) of the Local Government Act 2003, a local authority may conduct a local poll to ascertain the views of those polled about (a) any matter relating to— (i) services provided in pursuance of the authority's functions, or (ii)

the authority's expenditure on such services, or (b) any other matter if it is one relating to the authority's power under section 2 of the Local Government Act 2000 (c.22) (authority's power to promote well-being of its area).

2.51 Under Section 116(2) of the Local Government Act 2003, the local authority concerned can decide (a) who is to be polled and (b) how the poll is to be conducted. However, Section 116(3) states in conducting a poll under this section, a local authority must have regard to any guidance issued by the appropriate person on facilitating participation in a poll under this section by such of those polled as are disabled people. Thus a poll could range from a postal vote to manned polling stations and postal votes, with varying costs associated with each. A poll or referendum is advisory and there is no obligation on a local authority to hold such a poll, nor any requirement to act in accordance with the result of such a poll. However, if there is a substantial majority and the results are well publicised, then it may be influential.

2.52 Local polls may be undertaken in one of two ways:

- Polling stations: This is the traditional approach as used in local and national elections. Those on the electoral register can vote in person or, if they have a postal vote, by post.
- Postal poll: This means that all people on the electoral register can only vote by post.

2.53 Local referendums have been held in local authorities to establish whether there is support for directly elected mayors. There are also for example referendums in Great Britain that have related to transport matters:

- The City of Edinburgh Council held a postal-ballot referendum in 2005 over whether voters supported the Council's proposed transport strategy. These plans included a congestion charge which would have required motorists to pay a fee to enter the city at certain times of the day. The turnout was 62%.
- In 2008, the Association of Greater Manchester Authorities decided to hold a referendum in Greater Manchester so that its electorate could express their approval or rejection of the proposals for a congestion charge. This was a postal vote.
- In 2013, Hillingdon Borough Council undertook a local poll in relation to the expansion of Heathrow. This was a postal but included internet voting approach across the borough (207,000 eligible voters) and cost approximately £100K including printing, postage, data management. The analysis of vote was carried out by an independent organisation under the auspices of the appointed Counting Officer. During the election period the on-line facility allowed live-feed of results. The turnout was nearly 40%.

Option 5: Local Poll: Referendum (Polling Stations)

Cost: Costs for undertaking a poll at polling stations would include all the costs of organising, setting up, staffing and taking down the polling stations, plus preparation of polling cards, voting forms etc., and updating the electoral register, alongside dealing with postal votes from those registered to vote in that way. Delivery would be through the Electoral Services team assisted by external consultancy support, and would have significant resource implications for them. Costs would also be dependant on whether businesses as well as residents were included and the geographical coverage of the local poll.

The referendum for the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (undertaken using polling stations) included £6K for printing and postage plus £60K in charges to Electoral Services.

Timeframe: External consultancy support would be required to deliver this option before December 2015 given the work programme of the Electoral Services Team.

Pros	Cons
<ul style="list-style-type: none"> • Theoretical full coverage – every adult registered to vote can have a say • Would generate a greater feeling of engagement amongst residents with nobody being able to claim that they weren't consulted within the sample area. 	<ul style="list-style-type: none"> • 15% of the electorate have elected to vote via postal vote. This would require a parallel process of voting at polling stations and by post. • Complication in relation to giving businesses a vote – new register of electors required but essential to demonstrate and deliver full engagement. • Difficult to justify where to draw the boundary of the referendum area. • Likely to be the most expensive option. • Questions are restricted to a yes/no vote on the selected subject

Option 6: Local Poll: Referendum (Postal)

2.54 Local polls may be undertaken in a traditional method through voting at polling stations (in the same manner as local and national elections) or entirely by postal voting.

2.55 Evidence from local polls conducted elsewhere (above) suggests that a postal vote is likely to be more appropriate in relation to WLR than the use of polling stations. The turnout is potentially higher and the cost likely to be lower, while still allowing for full coverage of the electorate.

Option 6: Local Poll: Referendum (Postal)

Cost: Costs for a postal vote would include printing of poll cards, printing of voting forms, postage and data management. Delivery of this option would be by an independent organisation, reporting to the Electoral Service Manager. Costs would also be dependant on whether businesses as well as residents were included and the geographical coverage of the local poll. As no polling station costs would be incurred, this option is likely to be lower cost than Option 5.

Timeframe: External consultancy support would be required to deliver this option before December 2015 given the work programme of the Electoral Services Team.

Pros	Cons
<ul style="list-style-type: none"> • Theoretical full coverage – every 	<ul style="list-style-type: none"> • Complication in relation to giving

<p>adult registered to vote can have a say</p> <ul style="list-style-type: none"> • Would generate a greater feeling of engagement amongst residents with nobody being able to claim that they weren't consulted within the sample area. 	<p>businesses a vote – new register of electors required but essential to demonstrate and deliver full engagement.</p> <ul style="list-style-type: none"> • Difficult to justify where to draw the boundary of the referendum area. • Questions are restricted to a yes/no vote on the selected subject
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Recommended Approach

2.56 All options would deliver a clear mandate to the council to either continue to support and facilitate the Windsor Link Railway, or to justify amending that approach.

2.57 Given that all approaches have advantages and disadvantages, the recommended way forward is for a local poll (postal) i.e. Option 6. Given the aspirations of Members to come to a clearer view in relation to WLR, it is recommended that external consultancy support is sought.

2.58 If such an approach is accepted, there are a number of issues which need to be considered:

1. **Local poll 'question/s':** The Electoral Commission has produced guidance for producing referendum questions and it is useful to reflect that when considering the wording of any referendum style poll.
 - A referendum question should present the options clearly, simply and neutrally, so it is easy to understand and to the point.
 - It should be factual, describing options clearly and avoid assuming anything about voters' views.
 - It should be unambiguous, avoid encouraging voters to consider one response more favourably than another and it should avoid misleading voters or suggest a judgement or opinion either explicitly or implicitly.
 - It should be written in plain language, uses short sentences, be simple, direct and concise, avoiding jargon or technical terms.
2. **Annual canvas:** This is required to be completed by the end November 2015 to include updated IER (individual electronic register) electorate details. This is a statutory annual requirement under the duties of the Electoral Registration Officer. If it was decided that a local poll was to be resourced within the Electoral Services Team instead, then it is unlikely that any work associated with a local poll for Windsor Link Railway can be achieved before December 2015, after the annual register has been published.
3. **Size of Electorate:** Further advice should be sought on the extent to which the postal vote should be offered as there is no obvious way in which to define the area in relation to existing borough wards. Therefore a new sample area would need to be agreed based on either Windsor only wards or the wider area affected by the proposal, to include the parishes of Old Windsor, Datchet, Horton, Wraysbury, Eton and Eton Wick.

Information

2.59 In all cases, it will be necessary for stakeholders to have access to information about the Windsor Link Railway proposals in order to come to an informed decision. The council cannot be seen to act in an advocacy role for the scheme, as to do so would skew the results of the consultation and call into question the impartiality of the council. Hence the promoters of the scheme will need to take responsibility for preparing and disseminating information about the scheme, its likely benefits and costs. If this is not done then the results of any consultation should be treated with caution. Information that has been made to the Council to date, is summarised in Appendix 2, whilst Appendix 1 indicates the scope of the proposal and the area immediately affected by the proposed physical works.

Option	Comments
Section A: Strategic Planning Strategy for Windsor	
A1. Do not develop an Area Action Plan for Windsor town centre. Allow Windsor Link Railway proposals to be addressed in a neighbourhood plan for Windsor Town Centre.	This would be the appropriate option if either (i) the WLR proposals were not supported by the borough council, or (ii) there was support but the WLR could be adequately delivered through the neighbourhood plan with no external assistance required from the borough council. Not recommended
A2. Develop an Area Action Plan for Windsor town centre following the successful making (adoption) of the two Neighbourhood Plans for Windsor. Include proposals to facilitate Windsor Link Railway only if consultation suggests public support for the proposals.	This would be the appropriate option if the borough council wished to support the WLR and to provide more immediate and strategic planning assistance to facilitate its delivery. This is the recommended option
Section B: Windsor Link Railway and Consultation	
B1. Do nothing as Windsor Link Railway is already included in the Borough Local Plan consultation	No extra resource implications but unlikely to provide clear picture of public opinion on its own. Not recommended
B2. Extension in Scope of the Borough Local Plan Consultation	Extra resource implications, offers little enhanced benefit over Option 1. Not recommended
B3. Telephone Opinion Poll	Flexible delivery and easy to manage, but does not offer comprehensive coverage or deliver a clear mandate. Not recommended
B4. Postal Opinion Poll	Similar to Option 3 but higher cost. Not recommended
B5. Local Poll: Referendum (Polling Stations)	Provides full coverage and would provide the clearest mandate (same as Option 6) but highest cost and most complex option. Not recommended
B6. Local Poll: Referendum (Postal)	Provides the same advantages as Option 5 but simpler and lower cost. This is the recommended option

3. Key Implications TBC

Requires two sections – one for strategic policy and one for WLR survey

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by

4. Financial Details/Financial impact on the budget

4.1 There are currently no budget provisions for a questionnaire survey/opinion poll or local poll.

5. Legal Implications

- 5.1 Section 116 of the Local Government Act 2003 provides a specific power for principal local authorities to hold polls in order to ascertain views on any matter relating to: (1) their services, or (2) expenditure on those services, or (3) their power to promote well-being in their areas.
- 5.2 The extent of this express power is broadly drawn, allowing the local authority to hold a poll on any matter relating to the promotion of well-being of its area. The section also provides express freedom to a local authority in determining, for any poll it proposes to hold, who to poll and how the poll is to be conducted.
- 5.3 The Representation of the People Regulations 2001, regulation 107 (4)(aa) (as amended by Regulation 19(5)(b) Representation of the People (England and Wales) (Amendment) Regulations 2006/752 Part 1 Amendments to provisions in the 2001 Regulations) allows a local authority to use the full electoral register “for the purpose of a poll under section 116 (local polls) of the Local Government Act 2003”.
- 5.4 In publicising a poll the Council must have regard to the recommended code of practice on local authority publicity which provides guidance on the content, style, distribution and cost of local authority publicity.

6. Value for money

TBC

7. Sustainability Impact Appraisal

7.1 A sustainability appraisal is not required as part of any decision on how to consult on issues relating to the Windsor Link Railway.

8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
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9. Links to Strategic Objectives

Residents First

- Encourage Healthy People and Lifestyles
- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

Value for Money

- Invest in the future

Delivering Together

- Deliver Effective Services
- Strengthen Partnerships

10. Equalities, Human Rights and Community Cohesion

10.1 There are not considered to be any equality impacts relating to the recommendations of this report. However, the manner in which the proposed consultation is undertaken will need full EQIA.

10.2 Neighbourhood plans have to meet the Basic Conditions required by legislation. One of these conditions is that it must be compatible with human rights requirements. The Basic Condition statement needs to be submitted by the neighbourhood group and checked by officers. An Examiner will consider whether the neighbourhood plan meets the Basic Conditions.

11. Staffing/Workforce and Accommodation implications:

11.1 Options 5 and 6 are likely to have significant staffing and cost implications for Electoral Services and their input will be required if either of these options were to be selected.. Option 4 would also be likely to require a smaller scale of input from Electoral Services.

[Input from Regeneration Team]

12. Property and Assets

12.1 None.

13. Any other implications:

13.1 There are no other implications to note.

14. Consultation

14.1 The Planning and Housing Overview and Scrutiny Panel will consider the Cabinet report on 23 July 2015.

15. Timetable for implementation

TBC

16. Appendices

17. Background Information

- National Planning Policy Framework (2011)

18. Consultation

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council	16/07/15	16/07/15	
Christabel Shawcross	Interim Managing Director			
Richard Ellis	Strategic Director of Corporate Services			
Chris Hilton	Regeneration and Development Director			
	Head of Legal Services			
David Scott	Head of Education, Children's Services			
Chris Targowski	Cabinet Policy Manager			
Mark Lampard	Finance Partner			
Fee earner	SLS	10/7/15	10/7/15	2.21, 2.22, 5
Sarah Ball	Planning Policy Team Manager			

Report History

Decision type:	Urgency item?
For information	No

Full name of report author	Job title	Full contact no:
Sarah Ball	Team Manager – Strategy and Plans	01628 796112

Appendix 1: Windsor Link Railway – Land Affected



Appendix 2: Background information related to the Windsor Link Railway

The Proposal

- 1 The Windsor Link Railway proposes linking the two railway lines in the town of Windsor could deliver significant improvements in public transport, car parking and public realm. Currently, one rail line is operated by First Great Western and the other by South West Trains, with the former using Windsor Central Railway Station and the latter operator using Windsor Riverside Station. The proposal is to have one Windsor station serving both networks on one continuous railway line.
- 2 The Guide to Railway Investment Projects (GRIP) describes how Network Rail manages and controls projects that enhance or renew the national rail network. It covers the project process from inception through to the post-implementation realisation of benefits. Strategic processes for identifying, evaluating, filtering and prioritising investment needs, or the initial development of the outline business case for a project prior to its inception are dealt with elsewhere.
- 3 The GRIP Stage 2 report for the Windsor Link Railway is at Annex 1. GRIP stages 1 and 2 are the initial feasibility and development phases of the project in which the basic feasibility and value-for-money of a scheme are assessed.
- 4 The purpose of the GRIP 2 report is to establish whether a credible, deliverable and fundable scheme exists, at the level of a GRIP 2 assessment, with the following objectives:
 - To improve Windsor as an economic centre, serving residents, businesses and visitors
 - To provide a minimum of four trains per hour (4 tph) from London Waterloo to Slough via Windsor, reducing journey times, to both London Paddington and Waterloo as well as around the region
 - To provide additional parking
 - To improve flood protection
 - To improve air quality and traffic flow on roads in and around Windsor
 - To provide additional residential and commercial accommodation in keeping with the historic environment
 - To preserve and enhance the riverside area of Windsor, its heritage buildings and natural environment, including Alexandra Gardens, the Goswells, the Home Park and the iconic views of the castle
- 5 NB the above objectives are intended to be mutually supportive. That is, whilst better transport, additional parking or development might normally be seen as conflicting with protecting heritage and views, WLR's design goal is to achieve all. From the outset, WLR's mantra has been 'everyone wins'. That is, benefits to one section of the community should not be at the expense of another.

Windsor Link Railway Project History

- 8 The project was first proposed in 2009. There had been previous proposals to connect the two stations but these floundered on the difficulty of the listed buildings and the gradient between them. The breakthrough that is WLR was to link the lines rather than the stations, with a single new station, which solved these problems.
- 9 The scheme was promoted privately as an additional benefit, reducing the public debt (both national and local) necessary to bring forward infrastructure projects. If successful this will be the first time that private money had been used to enhance the core national rail network for over 100 years, before rail nationalisation. The model could make a significant contribution to improving services and reducing rail fares nationally.
- 10 In 2012 Network Rail assessed the scheme and concluded it was likely to have a positive business case, 'high value for money' according to the DfT WebTAG criteria. On the basis of this, whilst acknowledging that further work would be required, they agreed to grant the Windsor Link Railway Limited a 20-year exclusivity for the purpose of bringing forward the scheme.
- 11 In 2013 South West Trains, which together with Network Rail, forms a partnership for train operations in this region, formally supported phase 1 of the proposal.
- 12 In December 2013, the council received a petition from over 1,000 people in support of the scheme. This was supported by a survey showing that over 96% of people living in Windsor centre thought the scheme was important. WLR also consulted extensively with opposition parties and voluntary organisations such as the Chamber and the Windsor & Eton Society.
- 13 The full council, meeting February 2014, voted unanimously to welcome further proposals.
- 14 In February 2015, the cabinet approved changes to the preferred options policy, which is due for a second consultation in November 2015, to support the linking of the two railway lines in principle. This was based upon the recommendation of the Local Plan Working Group.
- 15 In October 2014, the Windsor Neighbourhood Plan included the WLR proposals, rail and other development and improvements to the riverside, in its 'vision' consultation. This was positively received by residents and the business community.
- 16 Responding to the council motion, Windsor Link Railway Limited, with advice from Turner & Townsend, conducted an open competition to select an investment partner. This process concluded early in 2015 with a number of investors, with the necessary credibility, skills and balance sheet to support the project, emerging.