

# **HURLEY AND THE WALTHAMS NEIGHBOURHOOD PLAN**

Hurley and the Walthams Neighbourhood Plan Examination,  
A Report to the Royal Borough of Windsor and Maidenhead

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

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**Contents:**

**1. Introduction**

**2. Basic Conditions and Development Plan Status**

**3. Background Documents and the Hurley and the Walthams Neighbourhood Area**

**4. Public Consultation**

**5. The Neighbourhood Plan: Introductory Section**

**6. The Neighbourhood Plan: Policies**

**7. The Neighbourhood Plan: Other Matters**

**8. Summary**

**9. Referendum**

## **1. Introduction**

### The Neighbourhood Plan

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.**

This Report provides the findings of the examination into the Hurley and the Walthams Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*

(Paragraph 183, National Planning Policy Framework)

The Hurley and the Walthams Neighbourhood Plan Group, made up of members of Hurley Parish Council, Shottesbrooke Parish Meeting, Waltham St Lawrence Parish Council and White Waltham Parish Council, was constituted in 2011 to prepare the Neighbourhood Plan.

As set out in Paragraph 1.2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Hurley Parish Council is the *qualifying body* responsible for the production of the Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by the Royal Borough of Windsor and Maidenhead. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Hurley and the Walthams Neighbourhood Area.

## Role of the Independent Examiner

I was appointed by the Royal Borough of Windsor and Maidenhead, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Hurley and the Walthams Neighbourhood Area to which the Plan relates.

## Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly specifies that the document covers the plan period:

*“2015 – 2030.”*

I also note that Paragraph 1.7 of the Neighbourhood Plan, on page 4, refers to:

*“...the next fifteen years”*

and that Paragraph 2.1, on page 12, introduces a vision of how the Neighbourhood Area:

*“...will appear in 2030.”*

Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to the Royal Borough of Windsor and Maidenhead that I was satisfied that the Hurley and the Walthams Neighbourhood Plan could be examined without the need for a Public Hearing.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>1</sup> following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>2</sup>

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>3</sup>

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);

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<sup>1</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

<sup>2</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

<sup>3</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that these three points have been met.

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.



## European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

## European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>4</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.

*“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”* (Planning Practice Guidance<sup>5</sup>).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

The Royal Borough of Windsor and Maidenhead provided a screening opinion in 2014. Taking into account the fact that the Neighbourhood Plan does not allocate sites for development, led the Royal Borough of Windsor and Maidenhead to the conclusion that it would not lead to significant environmental effects and that a Strategic Environmental Assessment was not necessary.

Each of the statutory consultees, Natural England, Historic England and the Environment Agency, were consulted on the Neighbourhood Plan. All of the statutory bodies concurred with the Royal Borough of Windsor and Maidenhead’s conclusion. In so doing, they stated:

*“...English Heritage agrees with your opinion that the Plan is not likely to have significant effects on the environment and that therefore an SEA Environmental Report is not required...”*

*“...we (Environment Agency) agree with your conclusion that a SEA is not currently required for the proposed neighbourhood plan.”*

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<sup>4</sup> Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

<sup>5</sup> Paragraph 027, *ibid*

*“Natural England agrees with the Council’s conclusion that no Strategic Environmental Assessment will be required.”*

In addition to all of the above, national guidance establishes that ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations is placed on the local planning authority,

*“The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.”* (Planning Practice Guidance<sup>6</sup>)

In undertaking the work that it has, the Royal Borough of Windsor and Maidenhead has considered the Neighbourhood Plan’s compatibility with EU obligations and has raised no concerns in this regard.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

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<sup>6</sup> Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

### **3. Background Documents and the Hurley and the Walthams Neighbourhood Area**

#### **Background Documents**

In undertaking this examination, I have considered various information in addition to the Hurley and the Walthams Neighbourhood Plan. This has included the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- The Saved Policies of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, Adopted in June 2003)
- Basic Conditions Statement
- Consultation Report

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Hurley and the Walthams Neighbourhood Area.

## Hurley and the Walthams Neighbourhood Area

A plan showing the boundary of the Hurley and the Walthams Neighbourhood Area is provided on page 3 of the Neighbourhood Plan. However, the Legend to map provided is confusing (and incorrect) as it refers to a “*Proposed*” Neighbourhood Area.

I recommend:

- **Plan A, Page 3, Legend, delete “Proposed”**

The Neighbourhood Area covers the Parishes of Hurley, Waltham St Lawrence, White Waltham and Shottesbrooke. The Royal Borough of Windsor and Maidenhead approved the designation of Hurley and the Walthams as a Neighbourhood Area on 21<sup>st</sup> March 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **4. Public Consultation**

### Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### Hurley and the Walthams Neighbourhood Plan Consultation

A Consultation Statement was submitted to the Royal Borough of Windsor and Maidenhead alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*<sup>7</sup>.

Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for Hurley and the Walthams, having regard to Paragraph 183 of the Framework.

The Neighbourhood Plan was produced by a Steering Group made up of representatives of the four member Parish Councils/Meeting, along with Village Association representatives and other residents with particular interests and areas of expertise.

During October and November 2012, eight launch events were held at various locations in the Neighbourhood Area. These promoted the emerging plan and provided opportunities to gather public views. The meetings were supported by displays and representatives of the Steering Group and various topic groups were on hand to answer questions and to provide further information. Attendees were invited to make use of maps and post-it notes, to identify areas of concern, and to complete questionnaires.

A total of 449 people attended the launch events and 1,121 topic questionnaires were completed.

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<sup>7</sup>Neighbourhood Planning (General) Regulations 2012.

A household survey was then undertaken. Further to testing, 2,500 surveys were delivered throughout the Neighbourhood Area. Surveys could be returned by freepost or via a Survey Monkey link. A total of 784 surveys were returned.

In October 2014, a professionally-led Vision Workshop helped plan-makers to focus the results of all of the research and consultation undertaken towards the creation of a vision, objectives and policies. This enabled the production of a draft plan.

Two public consultation meetings were then held in January 2016, to consider the results of the questionnaire and to enable further comments and discussion. Around 130 people attended the meetings. Views were considered and conclusions drawn fed into the production of the pre-submission draft plan. This was consulted on between December 2015 and March 2016.

The pre-submission draft plan was consulted on over a six week period during April, May and June 2016. Public consultation was supported by the delivery of postcards and letters to households and businesses in the Neighbourhood Area. All consultees were invited to attend consultation events, which were held on two separate days in different venues, in January 2016.

Evidence has been provided to demonstrate that the plan-making process was widely publicised. In addition to all of the above, a dedicated website was set up in 2011 and this provided access to Neighbourhood Plan information, including the minutes of meetings. Also, events were publicised in all Parish newsletters and the Maidenhead Advertiser.

Taken together, the information provided demonstrates that community engagement was encouraged throughout the plan-making process, that matters raised were duly considered and that the reporting process was transparent.

I am satisfied that the consultation process was robust.

## **5. The Neighbourhood Plan – Introductory Section**

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

The legislation behind Neighbourhood Planning underpins the power of communities to plan for themselves and it is important that it is interpreted clearly. Parts of the Foreword introduce forms of wording that do not fully reflect the legislation and I recommend:

- **Foreword, second paragraph, change last sentence to “...That is, Neighbourhood Plans *must have regard to national policy and advice, and be in general conformity with local strategic policy.*”**
- **Foreword, third paragraph, change last sentence to “*The Plan can be reviewed in the future, to take account of changing circumstances.*”**

Paragraph 1.1 has been overtaken by events and I recommend:

- **Paragraph 1.1, change to “...*have jointly prepared this Neighbourhood Plan...*”**

The last two sentences of Paragraph 1.2 comprise fairly sweeping statements that fail to properly summarise the Policies in the Neighbourhood Plan. As such, they detract from the clarity of the Neighbourhood Plan. I recommend:

- **Paragraph 1.2, delete “*In some cases...of the parishes.*”**

The basic conditions are misinterpreted in Paragraph 1.4. I recommend:

- **Paragraph 1.4, change bullet points to:**
  - “- *Does the Plan have regard to national policy and advice ?*
  - *Is the Plan in general conformity with the strategic policies of the local development plan ?*
  - *Does the plan contribute to the achievement of sustainable development ?*
  - *Does the plan meet European obligations and environmental requirements ?”*

Paragraph 1.6 has been overtaken by events. I recommend:

- **Delete Paragraph 1.6**

Whilst it is a basic condition that a Neighbourhood Plan must be in general conformity with strategic policies in the adopted development plan, I note that the Planning Policy Context section sets out that emerging District-wide planning policy has been considered as part of the plan-making process. This has regard to Planning Practice Guidance, which recognises that:

*“Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”* (Planning Practice Guidance 41-009-20160211)

However, whilst much of the text contained in the Planning Policy Context section is an important consideration, the detailed references to draft policies in an emerging plan comprise an unnecessary and potentially confusing inclusion. The draft Borough Local Plan is not at an advanced stage. It has yet to complete public consultation and consequently, the draft policies referenced on pages 8 and 9 of the Neighbourhood Plan are subject to change. I also note that part of this section misinterprets the basic conditions and this is addressed below.

I recommend:

- **Paragraph 1.28, change to “*The National Planning Policy Framework (NPPF) and Planning Practice Guidance set out national planning policy and advice. These documents...the country.*”**
- **Delete Paragraph 1.31 and all bullet points on pages 8 and 9.**

Paragraph 1.39 has been overtaken by events. I recommend:

- **Paragraph 1.39, change to “*...submission documentation shows that the policies contribute to...*”**



## **6. The Neighbourhood Plan – Neighbourhood Plan Policies**

Paragraph 3.5 of the Neighbourhood Plan could result in confusion as it might be interpreted as the Framework and Borough-wide Local Plan not “*being used*” to determine applications in the Neighbourhood Area. If made, the Neighbourhood Plan simply forms part of the development plan. Planning applications must be determined in accordance with the development plan unless material considerations indicated otherwise.

I recommend:

- **Paragraph 3.5, delete second sentence “For all other...to be used.”**

Paragraph 3.6 states that the “*Policies Map*” is at the end of the document. This is not the case. There are a series of “*Policies Maps*,” but these are only provided in an Appendix to the Neighbourhood Plan. Given that the Policies of the Neighbourhood Plan refer to the Policies Maps, it is important that these are contained within the Neighbourhood Plan.

I recommend:

- **Paragraph 3.6, change to “The Policies Maps are contained at the end of the Neighbourhood Plan. Where a policy...then it is shown on the main Policies Map and/or an inset map.”**
- **Move Policies Maps from Appendices to main body of the Neighbourhood Plan, immediately after the Policies**

## Environment

### **Policy Env 1: Sustainable Development**

The first sentence of Policy Env 1 provides support for any form of development, subject to “adhering” to the “principles” set out. This could result in unwitting support for unforeseen forms of development – for example, the development of a nuclear power station could meet the four criteria set out in Policy Env 1 and might therefore be supported.

Further to the above, in the context of criterion i) it is not clear what “account should be taken of” means in practice. There is no explanation in the supporting text. Consequently, criterion i) as set out, does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

The second criterion of Policy Env 1 requires all development to reduce energy use through low carbon, renewable or zero carbon technologies. This is an onerous requirement that goes well beyond the requirements of national or local planning policy. No evidence has been provided to justify such a departure and there is nothing to demonstrate that, in every case, it would be viable, or even possible, for a development to reduce energy use. Consequently, this part of the Policy fails to have regard to Paragraph 173 of the Framework, which requires that:

*“Plans should be deliverable. Therefore, the...scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”*

The third criterion places a requirement upon all development to enhance ecological corridors and landscape features. No indication is provided of what such enhancement should comprise, where, on what basis and who this will be determined by. Again, this comprises an onerous requirement without justification.

The final criterion places a requirement upon all development to promote good health and a good quality of life through effective management of noise. This would place a significant burden upon applicants for minor development, for example a residential extension, or a new shop sign, without justification and is contrary to Paragraph 193 of the Framework, which limits requests for supporting information to that which:

*“...is relevant, necessary and material to the application in question.”*

Further to the above, much of the supporting text to Policy Env 1 is worded as though it comprises a Policy, which it does not.

National and local policy requires development to respond to local character (Paragraph 58) and promotes biodiversity (Paragraph 109). In Chapter 10, “*Meeting the challenge of climate change, flooding and coastal change,*” the Framework promotes the delivery of renewable and low carbon energy and associated infrastructure; and in Paragraph 58, it establishes that development should not undermine quality of life.

To some considerable degree, Policy Env 1 has regard to these aspects of national policy.

Taking all of the above into account, I recommend:

- **Policy Env 1, change to: “*Development proposals should: i) respect the intrinsic character and beauty of the countryside and Parishes and the need to support thriving rural communities; ii) maintain and where practicable and appropriate, enhance biodiversity; and iii) not give rise to harmful disturbance from noise. The use of renewable and low-carbon or zero carbon technologies to reduce energy use will be supported.*”**
- **Delete Paragraphs 3.7 and 3.8**

## Policy Env 2 – Climate Change, Flood and Water Management

As with Policy Env 1, the opening line of Policy Env 2 may have unintended consequences and I address this in the recommendations below.

With reference to Policy Env 2 criterion i), no indication is provided of when it might be appropriate for development to incorporate the various requirements set out and on what basis this will be assessed, or who by. Consequently, this part of the Policy does not provide a decision maker with a clear indication of how to react to a development proposal.

The Policy then goes on to set out an approach to managing flood risk without regard to the Framework, which requires development to be directed away from areas at highest risk of flooding and in doing so requires:

*“...a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property...”* (Paragraph 100).

The Policy also introduces reliance upon a practice note not under the control of the Neighbourhood Plan.

The final part of Policy Env 2 effectively supports development *“that will likely exacerbate existing drainage issues elsewhere”* subject to an undefined *“appropriate payment towards”* flood management. No justification is provided for this departure from national policy, as set out in Chapter 10 of the Framework, and no detail is presented in terms of what level of exacerbation of issues will trigger this requirement, or what an appropriate payment might comprise. Consequently, this part of the Policy is imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.

Part of the supporting text reads as though it comprises a Policy, which it does not.

In establishing national flood risk policy, Chapter 10 of the Framework outlines support for Sustainable Drainage Systems and part of the Policy has regard to this.

I recommend:

- **Policy Env 2, delete and replace with: *“Development must not increase flood risk elsewhere. The inclusion of Sustainable Drainage Systems as part of a new development will be supported.”***
- **Delete Paragraphs 3.11 and 3.12**

## Spatial Policies

### **Policy SP 1 – Spatial Policy**

Policy SP1 attempts to provide a spatial policy by directing “*suitable development to appropriate locations within Recognised Settlements (in the Green Belt).*” However, no indication is provided of what kind of development might take place within what part of the Recognised Settlements. No evidence is provided, for example, of where various kinds of development might take place within Recognised Settlements.

Furthermore, rather than comprise a clear land use policy that directs development, Policy SP1 reads as a negatively worded Policy, whereby development “*will only be supported*” if it meets the provisions of other Policies. In this regard, the Policy is simply relying on other Policies and does not “*direct development proposals.*”

Policy SP1 then goes on to state that development proposals outside Recognised Settlements will be resisted unless they are appropriate “*to a location*” in the Green Belt, or unless some other provision, not part of Policy SP1, has been made. Consequently, this part of the Policy is less clear than Green Belt policy itself as it introduces a vague and undefined “*location*” requirement, and an equally vague reference to “*other provisions.*” This results in Policy SP1 lacking clarity. It detracts from the precise and concise nature of the Neighbourhood Plan. This is contrary to Planning Practice Guidance, which requires planning policies to be precise and concise<sup>8</sup>. The Policy does not provide a decision maker with a clear indication of how to react to a development proposal and does not meet the basic conditions.

I recommend:

- **Delete Policy SP1**
- **Delete Paragraphs 3.13 – 3.15**

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<sup>8</sup> Ref: Planning Practice Guidance 41-041020140306.

## Hurley

### **Policy HUR 1 – Housing Schemes in Hurley**

Generally, Policy HUR 1 is a positive, supportive land use planning Policy. It supports the provision of a small housing scheme in each Recognised Settlement in Hurley Parish.

The approach set out in Policy HUR 1 has regard to Paragraph 90 of the Framework, which allows for:

*“...limited infilling in villages, and limited affordable housing for local community needs...”*

However, as worded, the Policy requires development to enhance heritage assets. Such an onerous requirement fails to have regard to national policy, set out in Chapter 12 of the Framework *“Conserving and enhancing the historic environment”*, which requires heritage assets to be conserved in a manner appropriate to their significance, but does not require development to enhance heritage assets or their settings in all circumstances.

The Policy refers to Settlement Maps which do not form part of the Neighbourhood Plan, but which are appended to it. I address this in the recommendations below.

Also, the Policy seeks to require all housing to comprise affordable housing and/or to be suited for occupation by older households. Green Belt policy, as established in Chapter 9 of the Framework, *“Protecting Green Belt Land,”* does not impose any such restrictions. Further, national policy is explicit in seeking to *“boost significantly”* the supply of housing by providing for a wide choice of high quality homes (Paragraph 47, the Framework). Criterion iii) of Policy HUR 1 would serve to prevent this. I also note that no definition of *“older residents”* is provided, resulting in this part of Policy HUR 1 being imprecise.

The supporting text refers to consistency with an emerging policy that is subject to change.

Taking the above into account, I recommend:

- **Policy HUR 1, criterion iv), delete “and enhance”**
- **Policy HUR 1, delete criterion iii)**
- **Move the Maps in Appendix 2 to the end of the Neighbourhood Plan, to follow on from the Policies Maps**
- **Paragraph 3.16, delete “and 2014 Borough Local Plan Policy GBC3.”**

## **Policy HUR 2 – Berkshire College of Agriculture**

Policy HUR 2 supports the extension of the development envelope of the Berkshire College of Agriculture. However, the site is within the Green Belt and no evidence is provided to demonstrate that extensions into the Green Belt “*related to educational use*” would not comprise inappropriate development.

In addition to the above, Policy HUR 2 would support unrestricted extensions, subject to them relating to educational use. Exaggerating for the purpose of emphasis, the Policy could support the creation of the world’s largest university campus in the Neighbourhood Area.

Whilst the Policy’s supporting text refers to the College as comprising “*a major developed site in the Green Belt,*” there is no such reference in the Framework, which post-dates the Saved Policies of the Royal Borough of Windsor and Maidenhead Local Plan (2003) by a considerable period of time.

In addition, the term “*relate to an educational use*” set out in Policy HUR 2, is vague and does not provide a decision maker with a clear indication of how to react to a development proposal.

Also, much of the wording of the supporting text to Policy HUR 2 is written as though it comprises a land use planning policy, which it does not. Paragraph 3.19 asserts that any form of development other than education will fundamentally change the character of the land and intensify traffic movements. However, no substantive evidence is provided to demonstrate that this would necessarily be the case, or that any form of educational development would not serve to exacerbate traffic movements or impact on local character.

Taking the above into account, I recommend:

- **Delete Policy HUR 2**
- **Delete Paragraph 3.19**



### **Policy HUR 3 – Intensification of non-excluded development at Star Works**

Policy HUR 3 relates to development at Star Works, which is located outside the Neighbourhood Area.

The Neighbourhood Plan cannot impose land use planning requirements on land outside the Neighbourhood Area.

I acknowledge that the access road to Star Works is located within the Neighbourhood Area and recommend the following:

- **Delete Policy HUR 3**
- **Replace the deleted Policy with a Community Action *“Hurley Parish Council will seek to work with third parties, with the aim of ensuring that proposals related to Star Works in Wokingham demonstrate that their impacts on Hurley’s highway network are satisfactorily mitigated.”***
- **Paragraph 3.20, change to *“Star Works is located within neighbouring...Neighbourhood Area. In addition, the majority...business uses on the site. Hurley Parish Council would like to ensure that any future proposals for additional...Knowl Hill.”***

For clarity, I recommend that Policy HUR 3 is deleted and note that a Community Action does not comprise a land use planning policy.

**Policy WSL 1 – Development in Waltham St Lawrence Parish**

Policy WSL seeks to prevent any form of infill development in Waltham St Lawrence village and “*any form of development of any open space*” in Waltham St Lawrence Parish. Such an approach is far more restrictive than national or local strategic planning policy.

The justification for Policy WSL 1 states, unequivocally, that there is no potential for infill in the village and that any such development will seriously harm heritage. However, nowhere does national planning policy prevent any form of development and no substantive evidence has been provided to demonstrate that, in all cases, any form of infill development in Waltham St Lawrence Parish will necessary fail to comprise sustainable development.

Neither Green Belt policy, nor Local Green Space policy – which together set out some of the most restrictive approaches to development in the country – prevent any form of development of any open space. Again, no significant justification, in the form of substantive evidence, has been provided to support the approach set out in Policy WSL 1.

The second paragraph of Policy WSL 1 goes on to require any development in the Recognised Settlements in the Parish to enhance the significance of heritage assets. As set out earlier in this Report, such an approach is unduly onerous and fails to have regard to national policy. No justification, in the form of substantive evidence, is provided for the approach set out in Policy WSL 1.

Taking the above into account, Policy WSL 1 presents an unduly restrictive approach that may prevent sustainable development from coming forward. It fails to contribute to the achievement of sustainable development and does not meet the basic conditions.

I recommend:

- **Delete Policy WSL 1**
- **Delete Paragraphs 3.21 to 3.22**

In making the above recommendation, I am mindful that national policy provides for the appropriate conservation of heritage assets and for the appropriate protection of Green Belts.

**Policy WW 1 – Housing at Grove Park**

Policy WW 1 is a generally positive land use planning Policy that provides a supportive context for the re-use of brownfield land. The Policy has regard to the Framework, which promotes the effective use of brownfield land (Paragraph 17) and which seeks to boost significantly the supply of housing (Paragraph 47).

The introductory sentence to the Policy is unclear, in that it refers to proposals being “*subject to*” undefined development principles, before going on to add the provision “...*provided that.*” Whilst this part of the Policy was perhaps intended to relate to Policy Env 1, this is not made clear in the Neighbourhood Plan and it results in a confusing Policy.

The provisions of criterion i) are not precise, but refer to the need for the majority of homes to be suited to “*downsizer and first time buyer households.*” No detail is provided in respect of what this means is provided and there is no indication of how such a requirement would be implemented, and so the Policy does not provide a decision maker with a clear indication of how to react to a development proposal and conflicts the Planning Practice Guidance requirement for policies to be precise.

Criterion ii) is confusingly worded due to overuse of the word “*scheme.*” No indication is provided of what an “*effective landscape buffer*” comprises. Furthermore, the criterion requires a buffer to be provided between existing business uses and new housing, whereas the Policy supports redevelopment. There is no indication of which existing uses will be retained, or on what basis. Consequently, this part of the Policy is imprecise and unclear.

Criterion iii) imposes a requirement for the provision of what could comprise a large retail unit. However, there is no substantive evidence to demonstrate that such a requirement would be viable or deliverable, having regard to Paragraph 173 of the Framework.

It is not clear why any proposals must have regard to “*consented approvals for Grove House*” and no information is provided to support such a requirement.

The supporting text refers to emerging planning policies that are subject to change and Paragraph 3.24 makes incorrect assertions in respect of what a neighbourhood plan can, or cannot do. The same Paragraph also refers to the site being defined as a major developed site in the Green Belt, which it is not (see earlier comments).

Taking all of the above into account, I recommend:

- **Policy WW 1, delete and replace with “*Proposals for the redevelopment of Grove Park, to provide housing, will be supported, subject to: i) the majority of dwellings comprising smaller 2 and 3 bedroom houses of no more than two storeys in height; ii) providing for a range of housing, including dwellings for downsizers and first time buyers; iii) having a positive impact on local character; and iv) ensuring safe and secure access onto Waltham Road.*”**
- **Paragraph 3.23, delete last sentence “Both...GBC3.” NB, given later changes, it is recommended that Paragraph 3.23 be deleted in its entirety. (This recommendation is repeated further to consideration of Policy WW 5 below later in this Report)**
- **Paragraph 3.24, delete “...and defined by...Green Belt.” Also, change to “approximately 80 dwellings” and delete the last sentence “Given that...adopted.”**

## **Policy WW 2 – Housing at Sawyers Crescent, Woodlands Park**

Policy WW 2 appears as a generally a supportive Policy that contributes to sustainable development.

However, in addition to an unclear reference to *“the development principles outlined”* (similarly to Policy WW 1), the Policy refers to *“effective amenity land”* without any indication of what this might comprise. The Policy is imprecise and does not meet the basic conditions.

In addition to the above, the supporting text establishes that the site at Sawyers Crescent already has planning permission. It is not within the scope of the Neighbourhood Plan to introduce retrospective requirements.

Having regard to the above, I recommend:

- **Delete Policy WW 2**
- **Delete Plan on page 21**
- **Paragraph 3.25, delete first two sentences “The two...acceptable.”**

### **Policy WW 3 – Housing at Smithfield Road, Woodlands Park**

Policy WW 3 is generally a supportive Policy that contributes to sustainable development.

However, in addition to an unclear reference to *“the development principles outlined”* (similarly to Policy WW 1), the Policy refers to adhering to *“the existing building line of Smithfield Road...”* It is not entirely clear what this means.

Houses along Smithfield Road are set back slightly from the pavement, allowing for small gardens and/or parking areas. I acknowledge that it would maintain local character if new development at the site the subject of Policy WW 3 were similarly set back and I make a recommendation below that provides for precision in this regard.

The phrase *“meets its car parking provision”* is meaningless and I address this in the recommendations below.

I recommend:

- ***Policy WW 3, change to “Proposals for the redevelopment of land at Smithfield Road, to provide housing, will be supported, subject to dwellings not being more than two storeys in height; maintaining a set back from Smithfield Road no less than that of neighbouring dwellings to the east; the provision of off-road parking spaces within the site; and the satisfactory resolution of any ground contamination issues.”***

## **Policy WW 4 – Infill in Woodlands Park**

Policy WW 4 seeks to prevent infill development in Woodlands Park. It seeks to do this on the basis that “*no further realistic opportunities now remain.*” However, no substantive evidence has been presented to demonstrate that this is necessarily the case. For example, there is no Woodlands Park assessment to demonstrate that the whole area has been considered in detail and not one possible opportunity for infill development exists, or will exist at some time in the future.

Consequently, I am unable to reach the conclusion that no realistic opportunities for infill exist at Woodlands Park. If any such opportunity for infill development did arise, Policy WW 4 would serve to prevent sustainable development from going ahead. Such an approach would fail to have regard to national policy, which requires sustainable development to go ahead without delay (Ministerial Foreword, the Framework).

Taking the above into account, Policy WW 4 does not meet the basic conditions. I recommend:

- **Delete Policy WW 4**
- **Delete Paragraph 3.26**

## **Policy WW 5 – White Waltham Airfield**

Policy WW 5 cherry picks from Green Belt policy in that it only requires the scale and form of development proposals to be taken into account. This fails to have regard to national policy. Furthermore, it supports development regardless of impact on heritage assets. Also, the final sentence of the Policy may serve to prevent the achievement of sustainable development and there is no substantive evidence to the contrary.

However, I note that part of the Policy safeguards an important local asset.

I recommend:

- **Policy WW5, change to “...airfield use, conserve heritage assets and are appropriate in the Green Belt.”**
- **Delete final sentence**
- **Paragraph 3.27, delete final sentence**
- **Delete Paragraph 3.23**



## General Policies

### **Policy Gen 1 – Rural Exception Sites**

With regards housing in rural areas, national policy requires plans to be responsive to local circumstances and to plan:

*“...to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.”*

(Paragraph 54, the Framework)

Policy Gen 1 is a generally positive planning policy that provides a supportive land use planning context for the delivery of small-scale affordable housing. In this regard, the Policy has regard to the Framework and meets the basic conditions.

However, the Policy seeks to impose what appear to be, in the absence of substantive evidence, arbitrary requirements with regards the scale of development proposals. The Policy requires schemes not to exceed 8 dwellings in total. Whilst it emerged through consultation that local residents consider an 8-dwelling limit acceptable, there is no evidence to demonstrate that a development of, say 9 dwellings, would fail to comprise sustainable development.

Whilst an 8-dwelling limit appears arbitrary in the absence of substantive evidence, it is clearly the intention of Policy Gen 1 to provide for small scale development. In the absence of other evidence, it would be reasonable to rely upon the accepted definitions of minor and major development, such that minor development, or in this case, “*small scale*” development, comprises less than 10 dwellings.

I refer to “*downsizing*” earlier in this Report and note that the Neighbourhood Plan does not define what a “*downsized*” property actually comprises. It would be possible to “*downsize*” from a ten-bedroomed manor house to a six-bedroomed dwelling. This part of Policy Gen 1 is therefore imprecise.

Further, the Policy would restrict development to “*smaller*” dwellings, but fails to define precisely what a smaller dwelling is. A four-bedroomed house might be smaller than a six bedroomed one; a large two-bedroomed flat might be larger than a small three-bedroomed flat. In any case, Policy Gen 1 relies on a requirement for an up-to-date Housing Needs Study and this should, itself, help to steer the sizes of dwellings required.

Whilst national and local strategic policy affords protection to heritage assets, nowhere does it impose a blanket ban on development in Conservation Areas. Without any evidence to the contrary, criterion (v) of Policy Gen 1 would serve to prevent, rather than contribute to, the achievement of sustainable development.

I have recommended earlier in this Report that the contents of Appendix 1 be moved into the Neighbourhood Plan itself. This leads to the recommendations below in respect of Policy Gen 1 and Paragraph 3.32.

Paragraph 3.28 refers to an emerging policy which has not been adopted and is therefore subject to change.

Having regard to the above, I recommend:

- **Policy Gen 1, delete “(Settlements set-out in maps in Appendix 1)” and in Paragraph 3.32, delete “as set out...Appendix 1.”**
- **Policy Gen 1, change criterion ii) to “...10 dwellings...”**
- **Delete criterion (iv) and criterion (v)**
- **Paragraph 3.28, delete “...and 2014...HOU5”**

## Policy Gen 2 – Quality Design

Good design is recognised by national policy as comprising

*“a key aspect of sustainable development...indivisible from good planning.”*  
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework).

In general, Policy Gen 2 seeks to promote good design, having regard to national policy. However, a requirement for all development to enhance architectural and historic character is onerous and goes well beyond the requirements of national or local strategic planning policy. No evidence is provided to demonstrate that such a requirement would be viable, or indeed possible, in all circumstances and consequently, this part of Policy gen 2 does not have regard to Paragraph 173 of the Framework.

No indication is provided of what *“a clear site specific case”* means. Consequently, it is not clear how such a thing can be demonstrated and the inclusion of this phrase within Policy Gen 2 fails to provide a decision maker with a clear indication of how to react to a development proposal.

The Framework is explicit in stating that:

*“Planning policies...should not stifle innovation, originality or initiative through unsubstantiated requirements...It is, however, proper to seek to promote or reinforce local distinctiveness.”* (Paragraph 60)

Whilst worded negatively and, taking earlier comments into account, it is somewhat unclear, Policy Gen 2 provides some context for a positive approach to innovation that enhances local character and this is clarified in the recommendation below.

Criterion i) makes little sense, as no indication of how *“especially”* is to be applied in land use planning terms is provided. Consequently, part of the criterion does not provide a decision maker with a clear indication of how to react to a development proposal.

The term *“setting”* is less clear than *“immediate surroundings”* and I make a recommendation in this regard below.

Having regard to the above, I recommend:

- Policy Gen 2, line four, delete “...and enhance...”
- Line 5, change to “*Innovative design solutions that enhance the appearance of the street scene will be supported.*”
- Criterion i), delete “, especially if located...Building”
- Criterion ii) change to “...appropriate to their *immediate surroundings*...”

### Policy Gen 3 – Areas of Special Character

Paragraph 58 of the Framework seeks to ensure that developments:

*“...respond to local character and history, and reflect the identity of local surroundings and materials...”*

Policy Gen 3 establishes a requirement for development proposals to have regard to a Neighbourhood Area-wide desire to conserve and enhance local character.

In so doing, the Policy promotes locally distinctive development that recognises the community’s wishes to protect and improve those things that are special about the Neighbourhood Area, but does so in a manner that provides for appropriate flexibility.

Policy Gen 3 has regard to national policy. No changes to the Policy are recommended, although there is an error in the supporting text.

I recommend:

- **Paragraph 3.37, delete final sentence, which references an emerging policy subject to change**

## Policy Gen 4 – Local Employment Sites

As set out, Policy Gen 4 supports the development of any new retail or (undefined) business use anywhere in any settlement. Such an approach could result in support for inappropriate development – for example, new offices or a supermarket in a residential street - and no substantive evidence to the contrary is provided in support of the approach set out.

The Policy is also unclear in relation to the expansion of businesses. The first paragraph of the Policy supports the expansion of existing businesses without restriction, other than that such development should take place within a settlement. However, the second paragraph requires such changes to be subject to the mitigation of various things, but it does not distinguish whether this applies to development within settlements, or anywhere. This is confusing and fails to provide a decision maker with a clear indication of how to react to a development proposal.

As a result of the above, much of the Policy is confusing and imprecise, in contrast to the Framework, which provides a clear policy context for commercial development in rural areas in Chapter 3 *“Supporting a prosperous rural economy.”*

Part of Policy Gen 4 seeks to resist the loss of employment or business use and this has regard to Paragraph 28 of the Framework:

*“Planning policies should support economic growth in rural areas...promote a strong rural economy...promote the retention and development of local services...”*

However, as set out, the remaining part of Policy Gen 4 conflicts with Policy WW 1, which supports the redevelopment of Grove Park and I address this in the recommendations below.

Paragraph 3.39 refers to emerging policy that is not adopted and is therefore subject to change.

I recommend:

- **Policy Gen 4, delete first paragraph “Development...Settlement.”**
- **Policy Gen 4, delete “Proposals to expand...Green Belt.”**
- **Policy Gen 4, start Policy “With the exception of land at Grove Park (see Policy WW 1), proposals that...viable.”**
- **Delete Paragraph 3.39**

In respect of employment, a representation suggests that the Neighbourhood Plan should include a Policy to provide for the expansion of the “*Horizon*” site in Hurley, should the site be removed from the Green Belt at some stage in the future. However, there is no requirement for the Neighbourhood Plan to seek to provide for something that is subject to something else possibly happening at some stage in the future.

## **Policy Gen 5 – Community Facilities**

Paragraph 28 of the Framework requires planning policies to:

*“...promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*

Further, in Chapter 8, *“Promoting healthy communities,”* the Framework requires planning policies to:

*“...plan positively for the provision and use of shared space, community facilities...and other local services to enhance the sustainability of communities and residential environments...”*

and

*“...guard against the unnecessary loss of valued facilities and services...”*

Policy Gen 5 seeks to improve and/or prevent the loss of community facilities. In this way, it has regard to national policy and contributes to the achievement of sustainable development.

The wording of the opening paragraph of the Policy is unclear, to the point that it lacks precision, and I address this in the recommendations below.

The second part of the Policy, which states that development *“will only be supported”* introduces a negative, unduly onerous approach that would serve to hinder investment into the development of community services, contrary to the aims of the Policy. It places an additional requirement upon community facilities, such that any development proposal would need to demonstrate viability, sustainability, proportionality and no harm in respect of various factors.

Nowhere does national or local strategic planning policy require a complete absence of harm – but rather, a sustainable, considered approach allows for possible harm to be balanced against possible benefits. No justification for such a departure is provided. Further, no indication is provided of how *“continued viability and sustainability”* will be measured, on what basis, or who by. This part of the Policy is imprecise.

In addition to the above, references such as *“social cohesion”* and *“group leisure”* detract from the clarity of the land use planning Policy itself. It is not clear whether, say, *“social cohesion”* is meant to comprise a factor that would add positive or negative weight with regards consideration of a planning application, or whether this is just some passing reference. Consequently, this part of the Policy is imprecise.



Also, as worded, Policy Gen 5 would seek to prevent the change of use of a community facility regardless of viability. This fails to have regard to Paragraph 173 of the Framework.

Paragraphs 3.40 and 3.41 refer to an emerging policy that has not been adopted and is therefore subject to change.

I note that a representation has been made in respect of adding sites to the list of Community Facilities. It is not the purpose of examination to consider new sites and I note above that the Neighbourhood Plan has undergone robust public consultation.

I recommend:

- **Policy Gen 5, change first paragraph to “*Development proposals to provide new community facilities, or that will sustain or extend the following existing community facilities, will be supported:*”**
- **Policy Gen 5, delete “In respect of these sites, proposals will only...noise and lighting.”**
- **Penultimate paragraph, add “*...facilities are provided, or the existing community facility is demonstrated to be unviable in its current use.*”**
- **Paragraph 3.40, delete “...Borough Local...and with...”**
- **Paragraph 3.41, delete “...Borough Local...and with...”**

## **Policy Gen 6 – Education**

Paragraph 72 of the Framework states:

*“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools;”*

Policy Gen 6 supports the extension of educational facilities and has regard to national policy.

The third criterion of the Policy seeks to introduce a requirement for all development to enhance heritage assets. Such an approach has no basis in national or local strategic policy and is not justified by any supporting evidence. In making the recommendation below in this regard, I am mindful that it is a requirement that all development must consider the significance of heritage assets.

No indication of what is meant by *“ancillary services”* is provided and this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal.

Paragraph 3.42 refers to emerging policy. Paragraph 3.43 does the same and is incorrect, as there is no Policy reference to *“local amenities.”*

I recommend:

- **Policy Gen 6, delete criterion iii)**
- **Criterion iv) delete “...ancillary services and...”**
- **Paragraph 3.42, delete “Borough Local...and with”**
- **Delete Paragraph 3.43**

## **Policy Gen 7 – Local Green Spaces**

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

*“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”*

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

*“The Local Green Space designation will not be appropriate for most green areas or open space.” (Para 77)*

Consequently, when designating Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

Policy Gen 7 seeks to allocate sixteen areas of Local Green Space. The Neighbourhood Plan’s evidence base establishes that each of these sites meet the Local Green Space tests set out in the Framework.

The Policy refers to maps in the Appendices. This is inappropriate. As important designations, it is fundamental to ensure that each Local Green Space is clearly defined within the Neighbourhood Plan itself. The maps produced and currently located in Appendix 5 of the Neighbourhood Plan are very clear and appropriate for inclusion in the document, following the Policy itself.

The final paragraph of Policy Gen 7 fails to have regard to Paragraphs 76 and 78, which establish how Local Green Space policy should be applied.

The supporting text refers to emerging and adopted policies that are not adopted and subject to change, or which do not set out Local Green Space policy.

A representation has been made in respect of adding a further Local Green Space. It is not the purpose of examination to consider new sites, but to consider the Neighbourhood Plan against the basic conditions and I note above that the Neighbourhood Plan has undergone robust public consultation.

I recommend:

- **Policy Gen 7, change opening paragraph to “...locations, as shown on the accompanying plans:”**
- **Move the plans (NB, “maps” have a north point, key and scale) from Appendix 5 to the Neighbourhood Plan, to follow the Policy. Do not move the accompanying text.**
- **Policy Gen 7, final paragraph, change to “*New development in a Local Green Space is ruled out other than in very special circumstances.*”**
- **Paragraph 3.44, delete “...and Borough...Policy R1.”**

**Policy T1 – Accessibility and Highway Safety**

Highway safety and access will not be relevant to all development proposals and consequently, Policy T1 does not have regard to Paragraph 193 of the Framework, which states:

*“Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”*

Policy T1 is vague and imprecise – for example, it requires all development “to have regard to the effect of traffic in relation to residential amenity.” As well conflicting with Paragraph 193, it is not clear how such a requirement would be measured, on what basis and who by. It fails to provide a decision maker with a clear indication of how to react to a development proposal.

To some extent, part of the Policy has regard to Paragraph 32 of the Framework, which states:

*“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

Taking this into account, I recommend:

- ***“Policy T1, change wording to “Development proposals requiring access must demonstrate safe and suitable access; and development proposals that would have severe residual cumulative impacts on highway safety will be refused.”***

## **Policy T2 – Residential Parking**

Paragraph 39 of the Framework establishes that:

*“If setting local parking standards for residential and non-residential development, local planning authorities should take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; an overall need to reduce the use of high-emission vehicles.”*

Policy T2 seeks to establish local car parking standards for residential development. In support of the proposed Policy, the supporting text states that:

*“There are high levels of car ownership within the HWNP, as well as the Borough and general area which adds pressure to local parking. This justifies a locally defined parking standard.”*

In this regard, there is some conflict with the evidence basis for the Neighbourhood Plan, which states, in respect of *“Input from the Community:”*

*“4. Parking. Not identified as a major problem in the area except a few sites such as Hurley at week-ends.”* (Transport Topic Group)

Notwithstanding this, there is no evidence to demonstrate that the proposed local parking standards have considered the explicit requirements of national planning policy as set out above.

Policy T2 does not have regard to national policy and does not meet the basic conditions.

I recommend

- **Delete Policy T2**
- **Delete Paragraphs 3.46 to 3.48**

### **Policy T3 – Goods Vehicle Traffic**

As worded, Policy T3 is a very broadly supportive Policy that could have unforeseen consequences. It supports any form of development that generates additional HGV/LGV traffic movements, subject to mitigating noise and dust.

Consequently, as worded, Policy T3 could lead to conflict with those Policies of the development plan that seek to protect, for example, local character, residential amenity and highway safety. However, Paragraph 58 of the Framework requires planning policies to ensure that developments function well and part of Policy T3 seeks to achieve this.

I recommend:

- **Policy T3, change to “*Development generating additional HGV/LGV traffic movements should ensure that any harm arising from noise and dust is satisfactorily mitigated.*”**

## **7. The Neighbourhood Plan: Other Matters**

I note that the recommendations made in this Report will have a subsequent impact on page and paragraph numbering, Contents and plans. They will also impact on the content of the Appendices.

I recommend:

- **Update the Contents page and List of Policies page (page 1). Update page, paragraph and Policy numbering.**



## **8. Summary**

I have recommended a number of modifications further to consideration of the Hurley and the Walthams Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Taking the above into account, I find that the Hurley and the Walthams Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

I recommend to the Royal Borough of Windsor and Maidenhead that, subject to the modifications proposed, the **Hurley and the Walthams Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

I am required to consider whether the Referendum Area should be extended beyond the Hurley and the Walthams Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the Hurley and the Walthams Neighbourhood Area approved by the Royal Borough of Windsor and Maidenhead on 21<sup>st</sup> March 2013.

**Nigel McGurk, January 2017**  
**Erimax – Land, Planning and Communities**

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