

Report Title:	<b>Eton and Eton Wick Neighbourhood Plan – Formal Making of the Plan</b>
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Bateson Principal Member for Neighbourhood Planning
Meeting and Date:	Council 25 September 2018
Responsible Officer(s):	Russell O'Keefe, Executive Director Jenifer Jackson, Head of Planning
Wards affected:	Eton and Eton and Castle

www.rbwm.gov.uk



### REPORT SUMMARY

- 1 This report asks Council to make the Eton and Eton Wick Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead and for it to be used in decision making for relevant planning applications in the neighbourhood plan area
- 2 This follows a successful referendum on 12<sup>th</sup> July 2018 where the majority of votes were cast in favour.

## 1. DETAILS OF RECOMMENDATION(S)

**RECOMMENDATION:** That Council notes the report and:

- i) That the council make the Eton and Eton Wick Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead; and
- ii) Delegates authority to the Head of Planning, in consultation with the Principal Member for Neighbourhood Planning, to make minor, non material, amendments to the Neighbourhood Plan prior to its publication.

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

- 2.1 The National Planning Policy Framework (NPPF) and the Localism Act (2011) give local communities direct power to develop their shared vision for their neighbourhood and deliver the sustainable development they need. Neighbourhood planning provides a powerful set of tools for local people to get the right type of development for their community. The formal making of the plan is the final stage of the neighbourhood plan production process.
- 2.2 The borough is encouraging neighbourhood planning. There are currently 10 neighbourhood plan areas in the borough at different stages of production. Eton and Eton Wick is the third Neighbourhood Plan to reach this stage in the process.
- 2.3 The group producing the plan has placed community consultation at the heart of their plan, undertaking a series of consultations and developing evidence to support their policies. This process has generated a lot of interest in the local

community. The plan and the policies within it have been supported by the majority of respondents at the earlier stages.

- 2.4 Following publication, the neighbourhood plan was scrutinised by an independent examiner. The examiner was appointed by the Royal Borough, with the agreement of the Qualifying Body. This examination was carried out without a public examination, using the written representations process, and the examiner’s report recommended that the plan proceeds to referendum, subject to modifications. These modifications were considered necessary by the independent examiner, to ensure the neighbourhood plan meets the Basic Conditions, as required by the Localism Act.
- 2.5 In May 2018 cabinet approved the Neighbourhood Plan going to referendum with a single question (as set by the ‘Neighbourhood Planning (Referendums) Regulations 2012’) “Do you want the Royal Borough of Windsor and Maidenhead to use the Neighbourhood Plan for Eton and Eton Wick to help it decide planning applications in the neighbourhood area?”
- 2.6 The referendum took place on 12<sup>th</sup> July 2018 in the parishes in the Neighbourhood Plan area where there were two polling stations; 411 ballot papers were issued and 360 people voted in favour of the above question. More than 50% of those voting in the referendum answered “yes”, and therefore the plan is now part of the Development Plan for the borough but it also needs to be formally ‘made’ (adopted) by the borough. This ‘making’ of the neighbourhood plan the plan is the reason for this report to Council.

## Options

**Table 1: Options arising from this report**

<b>Option</b>	<b>Comments</b>
<p>1. Accept the result of the referendum and formally make the Eton and Eton Wick Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead.</p> <p><b>Recommended option</b></p>	<p>This is the next step in the Borough adopting localism in planning, to enable our communities to shape their area. The Neighbourhood Plan will be used by the Council for determining planning applications in the Neighbourhood Plan area.</p>
<p>2. Do not accept the result of the referendum and do not use the neighbourhood plan for determining planning applications in the Neighbourhood Plan area.</p> <p><b>This option is not recommended.</b></p>	<p>This option would deny the local community the opportunity to ensure that their Neighbourhood Plan can be used for determining planning applications in their area. There would also be a series of legal consequences to the decision, and processes to go through which have not been explored.</p>

### 3. KEY IMPLICATIONS

**Table 2: Key Implications**

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
A made neighbourhood plan that delivers the wishes of the community.	From Referendum date to 2030	Neighbourhood Plan used in determining planning applications.	Neighbourhood Plan is used and is successfully defended at appeal.	Neighbourhood Plan used in determining planning applications and development is in accordance with the plan as the community expected.	Day of referendum
Development in accordance with policies of the neighbourhood plan.	Panel and appeal decisions do not comply with the plan policies.	Planning applications and appeals are determined in accordance with the neighbourhood plan.	Majority of applications submitted comply with the policies of the neighbourhood plan.	All applications submitted comply with the policies of the neighbourhood plan.	ongoing

### 4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The council has received grant payments from the Department of Communities and Local Government in association with the progress of this particular plan (grants have also been received in association with the progress of other plans). The council awarded the Eton and Eton Wick plan group £20,000 in April 2015, this has been met partly from front runner grant and partly as a revenue cost to the planning service. The council has, to date, spent £11,334.64 of revenue on the Eton and Eton Wick plan with £5,000 designation grant secured against that as income.
- 4.2 A further grant payment of £20,000 has been applied for, having set the date for the referendum. This will be the final grant that can be applied for in association with this plan, this grant is to cover the cost of the examination and referendum. Council is asked to forward fund the cost of the referendum in the event that cost is incurred before the funding is received from government. Based on the above it is likely that there will be a net cost to the council at the end of the process.
- 4.3 The parishes in the Neighbourhood Plan area will now be entitled to receive 25% of Community Infrastructure Levy (CIL) receipts that have accrued from development within their parish. Currently a parish with no Neighbourhood Plan is entitled to receive 15% of (CIL) receipts in their area.

**Table 3: Financial Impact of report's recommendations**

<b>REVENUE COSTS</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Additional total	£20,000	£0	£0
Reduction	£20,000	£0	£0
Net Impact	£0	£0	£0

## 5. LEGAL IMPLICATIONS

- 5.1 The Localism Act (2011) and The Neighbourhood Planning (General) Regulations (2012) give power to Local Planning Authorities to approve a neighbourhood plan to proceed to referendum. Under the Neighbourhood Planning Act 2017 if the referendum results in a simple majority 'Yes' vote the Neighbourhood Development Plan will immediately form part of the Development Plan for the Royal Borough. Following this Act the council should 'have regard to a post-examination neighbourhood development plan when dealing with an application for planning permission, so far as that plan is material to the planning application.
- 5.2 This decision by Council is the formal confirmation that the Eton and Eton Wick Neighbourhood Plan forms part of the Development Plan for the Royal Borough. The council has authority to take that decision.

## 6. RISK MANAGEMENT

**Table 4: Impact of risk and mitigation**

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
Community will not have an opportunity to guide development in their area.	Medium	Approve the neighbourhood plan to made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	Low
Risk of legal challenge if examiner's recommendations not accepted.	High	Approve the neighbourhood plan to made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	Low
If not approved, planning applications and issues in the neighbourhood area will not be dealt with in a way the communities intended	Medium	Approve the neighbourhood plan to made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	Low
Development in neighbourhood	High	Approve the neighbourhood	Medium

<b>Risks</b>	<b>Uncontrolled Risk</b>	<b>Controls</b>	<b>Controlled Risk</b>
area may continue to receive significant levels of objection from residents and not meet some local needs.		plan to made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	

## **7. POTENTIAL IMPACTS**

- 7.1 The independent examiner has confirmed that the neighbourhood plan meets the Basic Conditions. One of these conditions is that it must be compatible with human rights requirements. Officers agree that the plan, with modifications, meets the Basic Conditions.
- 7.2 There are not considered to be any equality impacts relating to the recommendations of this report.
- 7.3 Another of the Basic Conditions is to contribute to the achievement of sustainable development. The neighbourhood plan was supported by a Strategic Environmental Assessment screening that concluded that the plan would not trigger significant environmental effects. In addition to this, the council has confirmed that it believes the plan meets the Basic Conditions, including in terms of sustainability.

## **8. CONSULTATION**

- 8.1 During the production of the Neighbourhood Plan the Steering Group undertook several consultations and engagement events with Local Stakeholders in the Neighbourhood Plan Area. After the Draft Neighbourhood Plan was submitted to the Royal Borough a formal process of consultation was undertaken by planning officers and the results of this were forwarded to the independent examiner for their consideration during the examination process. The consultation process has met the legal requirements. The referendum is the final form of local consultation and the result was a clear vote to implement the Neighbourhood Plan.

## **9. TIMETABLE FOR IMPLEMENTATION**

Implementation date if not called in: Immediately. The full implementations stages are set out in table 5.

**Table 5: Implementation timetable**

<b>Date</b>	<b>Details</b>
12 July 2018	Successful Referendum vote in favour of the Neighbourhood Plan
25 <sup>th</sup> September 2018	Formal Making of the Neighbourhood Plan

## 10. APPENDICES

10.1 This report is supported by two appendices:

Appendix A – The Eton and Eton Wick Neighbourhood Plan (available electronically)

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

Appendix B - DECLARATION OF RESULT OF POLL: Eton and Eton Wick Neighbourhood Plan Area

[https://www3.rbwm.gov.uk/info/200131/elections\\_and\\_voting/1359/elections\\_and\\_referendums\\_in\\_2018](https://www3.rbwm.gov.uk/info/200131/elections_and_voting/1359/elections_and_referendums_in_2018)

## 11. BACKGROUND DOCUMENTS

11.1 This report is supported by 6 background documents:

- National Planning Policy Framework (NPPF) – <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Localism Act (2011) <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- Neighbourhood Planning (General) Regulations (2012) <http://www.legislation.gov.uk/uksi/2012/637/schedule/1/made>
- Neighbourhood Planning (Referendum) Regulations (2012) <http://www.legislation.gov.uk/ukdsi/2012/9780111525050/contents>
- Neighbourhood Planning Act 2017 <http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>
- Cabinet Report – Neighbourhood Planning Designations (March 2013); related delegated decision. [https://www3.rbwm.gov.uk/downloads/file/599/eton\\_neighbourhood\\_plan\\_delegated\\_decision\\_statement](https://www3.rbwm.gov.uk/downloads/file/599/eton_neighbourhood_plan_delegated_decision_statement)

## 12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Alison Alexander	Managing Director	11/09/18	17/9/18
Rob Stubbs	Section 151 Officer	11/09/18	11/09/18
Elaine Browne	Head of Law and Governance	11/09/18	
Nikki Craig	Head of HR and Corporate Projects	11/09/18	12/09/18
Louisa Dean	Communications	11/09/18	12/09/18
Russell O'Keefe	Executive Director	11/09/18	12/09/18
Andy Jeffs	Executive Director	11/09/18	12/09/18
Hilary Hall	Deputy Director of Commissioning and Strategy	11/09/18	12/09/18

## REPORT HISTORY

<b>Decision type:</b> Key decision	<b>Urgency item?</b> No	<b>To Follow item?</b> No
Report Author: Jenifer Jackson, Head of Planning 01628 796042		

# DECLARATION OF RESULT OF POLL

## Eton & Eton Wick Neighbourhood Plan Area

I, the Undersigned, being the Deputy Counting Officer for the Royal Borough of Windsor and Maidenhead at the above referendum held on Thursday 12 July 2018, do hereby give notice that the results of the votes cast is as follows:

<b>Question:</b>	
<b>“Do you want the Royal Borough of Windsor and Maidenhead to use the Neighbourhood Plan for Eton &amp; Eton Wick to help it decide planning applications in the neighbourhood area?”</b>	
	Votes Recorded
Number cast in favour of a <b>YES</b>	<b>360</b>
Number cast in favour of a <b>NO</b>	<b>49</b>

The number of ballot papers rejected was as follows:	Number of ballot papers
(a) Want of an official mark	
(b) Voting for more answers than required	
(c) Writing or mark by which the voter could be identified	
(d) Being unmarked or wholly void for uncertainty	<b>2</b>
Total Rejected	<b>2</b>

**Electorate: 3,022      Ballot Papers Issued: 411      Turnout: 13.6%**

And I do hereby declare that more than half of those voting have voted:

**YES** – in response to the question: “Do you want the Royal Borough of Windsor and Maidenhead to use the Neighbourhood Plan for Eton & Eton Wick to help it decide planning applications in the neighbourhood area?”

Suzanne Martin  
Deputy Counting Officer

Thursday 12 July 2018