

Report Title:	Old Windsor Neighbourhood Plan Decision to Proceed to Referendum
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Coppinger, Lead Member for Planning
Meeting and Date:	Cabinet - 25 July 2019
Responsible Officer(s):	Russell O'Keefe, Executive Director Jenifer Jackson, Head of Planning
Wards affected:	Old Windsor

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REPORT SUMMARY

1. This report seeks approval from Cabinet for the Old Windsor Neighbourhood Plan to proceed to referendum at the earliest practicable opportunity.
2. The Neighbourhood Plan has been formally examined by an independent examiner, and a number of changes have been recommended by the examiner to ensure that the plan meets the basic conditions.
3. The cost of the referendum can be claimed back from the government.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Confirms that the plan meets the Basic Conditions tests and an SEA has been carried out.**
- ii) **Accepts the proposed changes to the Neighbourhood Plan set out in Appendix B.**
 - a. **Gives delegated authority to the Head of Planning to issue a decision statement; and**
 - b. **agrees to put the modified Neighbourhood Plan to referendum. The date of the referendum to be set in accordance with the legal requirements; and**
- iii) **Delegates authority to the Head of Planning, in consultation with the Lead Member for Planning, to make minor, non material, amendments to the Neighbourhood Plan prior to the referendum being announced.**
- iv) **Provides advance funding up to £20,000, if required, for the referendum; this will then be claimed back from Government.**

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

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 referendum is the culmination of the neighbourhood plan production process.

- 2.1 The Royal Borough has been encouraging neighbourhood planning across the Borough. There are currently 2 neighbourhood plan areas in the Borough at different stages of production, with 3 more seeking neighbourhood area designation or preparing to seek designation and another 2 in the process of being examined. Old Windsor is the fourth Neighbourhood Plan to reach this stage in the process.
- 2.2 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, they have also worked closely with a consultant to undertake the production of this neighbourhood plan. This process has generated a lot of interest in the local community. The plan and the policies within it have been supported by many respondents at the earlier stages.
- 2.3 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 recommends that the plan proceeds to referendum, subject to modifications, see Appendix A.
- 2.4 These modifications are considered necessary by the independent examiner, to ensure the neighbourhood plan meets the Basic Conditions, as required by the Localism Act. The Basic Conditions for Neighbourhood Plans are:
- 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
 - The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
 - Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 2.5 Officers have reviewed the plan in light of the proposed modifications and conclude that the plan will continue to meet the Basic Conditions when incorporating the Examiner's modifications. The assessment of the Examiner's modifications can be found at Appendix B. Since receiving the modifications, these have been discussed with representatives of the Qualifying Body (the parish council in this case) who have agreed that these changes are acceptable and that they wish for it to proceed to referendum at the earliest practicable opportunity.
- 2.6 If approved, the referendum will be held at the earliest practicable opportunity, in accordance with legislation. The question to be used in the referendum is set by the 'Neighbourhood Planning (Referendums) Regulations 2012', and must be "Do you want the Royal Borough of Windsor and Maidenhead to use the neighbourhood plan for Old Windsor to help it decide planning applications in the neighbourhood area?".

- 2.7 If more than 50% of those voting in the referendum answer ‘yes’, the plan would then form part of the Development Plan for the Royal Borough and would need to be formally ‘made’ (adopted) by the Royal Borough. This ‘making’ of the neighbourhood plan would be a decision made by full Council.

Options

Table 1: Options arising from this report

Option	Comments
<p>1. Accept the modifications of the Examiner, issue a decision statement to this effect and approve the Neighbourhood Plan to go forward to referendum.</p> <p>This is the recommended option</p>	<p>This is the next step in the Borough adopting localism in planning, to enable our communities to shape their area. It enables the community as a whole to decide if the plan should be used by the Council for determining planning applications.</p>
<p>2. Reject some or all of the modifications of the examiner and delegate authority to the Executive Director Place to publish the decision.</p> <p>This option is not recommended.</p>	<p>Officers and the steering group producing the plan have agreed that the modifications are acceptable and that the plan is suitable to be the subject of a referendum.</p>
<p>3. Do not approve the neighbourhood plan to go forward to referendum.</p> <p>This option is not recommended.</p>	<p>The plan has been recommended to proceed to referendum, subject to the modifications listed, by an independent examiner and it is supported by officers and the group producing the plan. This option would deny the local community the opportunity to express their formal support for the plan.</p>

3. KEY IMPLICATIONS

Table 2 : Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
An adopted neighbourhood plan that delivers the wishes of the community.	From Referendum decision.	Neighbourhood Plan receives 50-65% of voters choosing “yes”.	Neighbourhood Plan receives 65-80% of voters choosing “yes”.	Neighbourhood Plan receives 80%+ of voters choosing “yes	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.	

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The Council has received grant payments from the former Department of Communities and Local Government in association with the progress of this particular plan (grants have also being received in association with the progress of other plans).
- 4.2 A further grant payment of £20,000 can be applied for once a date has been set for the referendum, this will fund 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. Cabinet is asked to forward fund the cost of the referendum in the event that cost is incurred before the funding is received from Government.

Table 3: Financial Impact of report's recommendations

REVENUE COSTS	2019/20	2020/21	2021/22
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'

6. RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Community will not have an opportunity to guide development in their area.	Medium	Approve the neighbourhood plan to go to the public vote in a referendum.	Low
Risk of legal challenge if examiner's recommendations not accepted.	Medium	Accept the examiner's recommendations.	Low

Risks	Uncontrolled risk	Controls	Controlled risk
If not approved, planning applications and issues in the neighbourhood area will not be dealt with in a way the communities intended	Medium	Approve plan for referendum and if successful use in planning decisions.	Low
Development in neighbourhood area may continue to receive significant levels of objection from residents and not meet some local needs.	High	Approve plan for referendum and if successful use in planning decisions.	Medium

7. POTENTIAL IMPACTS

- 7.1 The examiner has confirmed that the neighbourhood plan (with modifications) 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 The recommendations in this report has no identified equality impacts.
- 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 and report, 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.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: immediately. The full implementation stages are set out in table 5.

Table 5: Implementation timetable

Date	Details
Autumn 2019	Referendum
November	Depending on the Outcome of the referendum formal Making of the Neighbourhood Plan

10. APPENDICES

- 10.1 This report is supported by 2 appendices:
- Appendix A – Examiner’s Report - The examiner’s report is appended for consideration and should be read in conjunction with the submission version of the neighbourhood plan which is available on the Council’s website at <http://www.rbwm.gov.uk/web/>
 - Appendix B – Officer Assessment of the recommended changes to the neighbourhood plan.

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)

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning	26/06/19	28/06/19
Duncan Sharkey	Managing Director	26/06/19	04/07/19
Russell O’Keefe	Executive Director	26/06/19	04/07/19
Andy Jeffs	Executive Director	26/06/19	04/07/19
Rob Stubbs	Section 151 Officer	26/06/19	04/07/19
Elaine Browne	Interim Head of Law and Governance	26/06/19	04/07/19
Nikki Craig	Head of HR and Corporate Projects	26/06/19	04/07/19

Name of consultee	Post held	Date sent	Date returned
Louisa Dean	Communications	26/06/19	04/07/19
Hilary Hall	Deputy Director of Commissioning and Strategy	26/06/19	04/07/19

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Non-key decision June 2019	No	
Report Author: Robert Paddison, Principal Planning Policy Officer (Neighbourhood Plans), 01628 796508		



Old Windsor Neighbourhood Plan 2018-2033

Submission Version - August 2018

Examination Report

A Report to Royal Borough of Windsor & Maidenhead Council into the
Old Windsor Neighbourhood Plan Submission Version

By Independent Examiner, Jeremy Edge BSc (Hons) FRICS MRTPI

Jeremy Edge BSc (Hons) FRICS MRTPI

Edge Planning & Development LLP

20th May 2019



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Introduction and Role of the Independent Examiner

- 1.1 Neighbourhood Planning is an approach to planning introduced by the Localism Act 2011 which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Examination Report sets out the findings of the independent examination of the Old Windsor Neighbourhood Plan 2018-2033 Submission Version.
- 1.2 My role as an Independent Examiner, when considering the content of a neighbourhood plan is limited to testing whether a draft neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood development plan, or to examine other material considerations.
- 1.3 Paragraph 8 of Schedule 4B (2) to the Town & Country Planning Act 1990 (as amended), states that the Plan must meet the following “basic conditions”;
- it must have appropriate regard for national policy;
 - it must contribute towards the achievement of sustainable development;
 - it must be in general conformity with the strategic policies of the development plan for the local area;
 - it must be compatible with human rights requirements and
 - it must be compatible with EU obligations.
- 1.4 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:
- (a) that the draft order is submitted to a referendum, or
 - (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
 - (c) that the proposal for the order is refused.
- 1.5 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the Old Windsor Neighbourhood Plan designated area to which the Plan relates. I make my recommendations at the end of this Report.



1.6 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.

1.7 I was appointed to undertake the independent examination of the Submission Version of the Old Windsor Neighbourhood Plan (OWNP) on 30th January 2019. The Regulation 16 "Submission" Consultation ran from Monday 19 November 2018 until Friday 18 January 2019 and the consultation responses were forwarded to me for consideration on 5th February 2019. The principal local documents available to me for this examination and which I have taken into account include:

- The Old Windsor Neighbourhood Plan Submission Stage Consultation (Regulation 16) Version, August 2018
- Old Windsor Neighbourhood Plan 2018-2033 Basic Conditions Statement, June 2018, Old Windsor Parish Council;
- Old Windsor Neighbourhood Plan 2018-2033 Consultation Statement June 2018, Old Windsor Parish Council;
- Old Windsor Neighbourhood Plan Census and Evidence Base Analysis October 2014, Old Windsor Parish Council;
- Archaeology in Old Windsor – a brief appraisal, Berkshire Archaeology October 2014;
- The Natural Environment in Berkshire Biodiversity Strategy 2014 – 2020, Berkshire Local Nature Partnership 2014;
- Biodiversity Resource Report – Figures, Acorn Ecology Limited, May 2015;
- Old Windsor Parish Heritage Survey, Klara Spandl and Angela Warner, 20th July 2015; and
- Neighbourhood Plan: Drainage Issues within the Parish, Old Windsor, Stilwell Partnership, October 2015.

1.8 These and further documents that I have taken into consideration in preparing this examination report are referred to in Appendix 1.

Old Windsor – Background

1.9 Section 2 of the Submission Version of the OWP explains the local heritage and development of Old Windsor, citing that in 1086, the settlement contained accommodation for nearly 100 families, indicating a population at that time of perhaps 500. The Parish of Old Windsor now extends from the River Thames, over most of Windsor Great Park, to Virginia Water. The OWP notes that the Parish includes the 'Copper Horse' statue of King George III and the top half of the Long Walk from Windsor Castle as well as, 'The Village' a second, smaller settlement for the Crown Estate workers in the Great Park and Smiths Lawn, famous for polo. The village of Old



Windsor is set on the banks of the Thames and is bordered by Windsor Great Park and the meadows of Runnymede. The popular Thames Path National Trail runs from Runnymede to Old Windsor Lock and on to Albert Bridge.

- 1.10 The village of Old Windsor is predominantly residential in terms of land use, with some small retail outlets including convenience stores, takeaways, a café, restaurant and three hairdressers/beauty parlours and various pubs. The evidence prepared by Navigus Planning for the preparation of the OWP in 2014 indicated that the population was almost 5,000 and noted that the proportion of the population over 45 years of age exceeded the Borough and National average, whilst the population below this age was lower than both the Borough and national average, pointing to a bias towards a greater proportion of elderly residents living in Old Windsor.
- 1.11 Due to the proximity to Windsor Great Park, the River Thames and the need to prevent the coalescence of settlements, 93% of the parish is within the metropolitan green belt and 7% of the area is floodplain. A large proportion of the Parish comprises Windsor Great Park and is designated Grade 1 Registered Historic Park and Garden. Straight Road is classed as one of the busiest single carriageway roads of its type in the Borough, providing access to the M4 motorway. The Parish also includes a number of large estates, the oldest being the Manor (near the church), Woodside (at Crimp Hill to the south-west of the village), Beaumont (at the junction of Burfield Road and Priest Hill), and Runnymede House, to the east of Priest Hill.
- 1.12 Despite the constraints of the River Thames and the effectiveness of Green Belt planning policy over the last 60 years, the OWP notes the continued increase in dwellings in the Parish from about 475 dwellings in 1930, some 675 by 1940, 775 by 1950, 1,600 by 1960 and nearly 1,900 by 1970.
- 1.13 The OWP explains that to keep pace with the increases in the resident population, new schools have been built, more shops have opened, and other amenities have been provided. As a consequence of growth within the Parish and the wider area, the adequacy of local infrastructure capacity and management for transport and travel is a major issue in Old Windsor, exacerbated as explained in the OWP by the lack of public transport links to Datchet train station, the nearest station serving Old Windsor and no direct public transport link to the Langley campus of the Further Education (FE) college. Further social and physical infrastructure provision comprising a constrained GP service with an increasingly elderly client base and concerns over the capacity of the sewerage treatment works on Ham Island are noted in the OWP.

Old Windsor Neighbourhood Plan 2018-2033 – Geographic extent

- 1.14 Old Windsor Parish Council made application to Royal Borough of Windsor & Maidenhead Council on 22nd October 2012 to prepare a neighbourhood plan for the area covered by the Parish, including a Statement of Support and plan identifying the extent of the geographic area covered in the application, as shown on the map extract below:

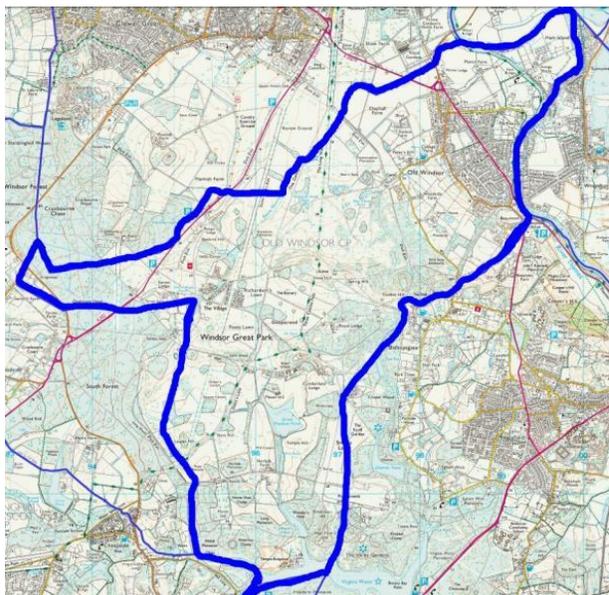


Figure 1 – Designated Area – Old Windsor Neighbourhood Plan 2018-2033 (not to scale)

- 1.15 The Royal Borough of Windsor & Maidenhead Council designated the neighbourhood plan area on 21st March 2013.
- 1.16 The Neighbourhood Plan has been submitted by Old Windsor Parish Council; the qualifying body entitled to submit a Neighbourhood Plan for the designated Plan Area. The Basic Condition Statement avers that the OWP expresses policies that relate to the development and use of land only within the neighbourhood area.

Old Windsor Neighbourhood Plan 2018 -2033 – Plan Preparation and Consultation



- 2.0 The Consultation Statement confirms that it has been prepared in accordance with Regulation 15(2) of Neighbourhood Planning Regulations 2012, which requires that a consultation statement should:
- contain details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - explain how they were consulted;
 - summarise the main issues and concerns raised by the persons consulted; and
 - describe how these issues and concerns have been considered and where relevant addressed in the proposed neighbourhood development plan.
- 2.1 It is clear from the Consultation Statement that the policies in the Old Windsor Neighbourhood Plan (OWNP) have been developed through considerable interaction and consultation with the community from designation of the neighbourhood plan area in March 2013 onwards throughout the OWNP preparation stages. The Consultation Statement explains that the Parish website was harnessed to publicise information about the emerging Plan; Facebook was used to communicate messages about the emerging Plan to 4,200 individuals and Focus groups were established with members from the local community including the school PTA, the football club and the guides to seek views on the future of the parish. The Consultation Statement explains that community groups approached included the Allotment and Horticultural Association and King's Court First School PTA. To assess housing need, the two local estate agents were contacted to establish information on the housing type, price, location and tenure sought in the area. This information was supplemented, I understand by a Parish Survey, undertaken via a parish-wide questionnaire constructed around a set of local topics and delivered to all 2,000 households in the parish. The Consultation Statement notes that 95 questionnaires were completed.
- 2.2 Further public engagement was conducted via a series of drop in day events with displays about the area, key information and statistics and opportunities for people to input their views into specific topics, including history and heritage, housing and economy. These were advertised locally via the local newspaper, village noticeboards, the newsletter, via local businesses and the parish website and were consequently well attended. The Consultation Statement advises that over 150 people attended a two-day exhibition at the village day centre and a further 90 attended an interactive exhibition on the 'History of Windsor and its future' held in the Youth Club. During 2015, in order to extend the reach of the neighbourhood planning consultation activity, issues were canvassed at the annual village carnival. From these events, the feedback and comments were assessed and from this information, the steering group distilled a series of thematic issues, outlined in the Consultation Statement, which in turn were crystallised into a Vision Statement for the Plan and nine objectives, around which 17 draft land use planning policies were prepared.



- 2.3 The Consultation Statement explains that the OWP group finalised the draft Plan in May 2016 at which point the Regulation 14 Pre-Submission Consultation ran for an extended period until 23 September 2016 to give more people the opportunity to provide their views over the summer period. The Consultation Statement records that the Regulation 14 consultation was widely publicised, including via social media, and in accordance with the regulations, relevant non statutory and statutory consultees were invited to submit comments on the Plan, following which the Plan was appropriately amended in order to prepare the Submission version, the subject of this examination.

Consultation Summary

- 2.4 I acknowledge that the Steering Group has gone to considerable effort to ensure that everyone in the parish has had an opportunity to input their views. In addition, the Group has consulted widely in relation to statutory and non-statutory consultees. It is also clear that the Steering Group has been provided with helpful advice from consultees and from RBWM at the Regulation 14 stage.
- 2.5 The consultation processes reviewed above are acceptable in relation to meeting the Basic Conditions test and I am therefore satisfied that the information in the OWP Consultation Statement complies with Section 15(2) of part 5 of the Regulations in demonstrating that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.

Basic Conditions

- 3.1 The Neighbourhood Plan contains policies relating to the development and use of land within the Neighbourhood Plan area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- 3.2 The Neighbourhood Plan states that the period to which it relates is from 2018 until 2033 to align with the proposed Borough Local Plan incorporating Alterations, June 2003. I am content that the OWP policies do not relate to excluded development, being county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.



- 3.3 I also concur that there was extensive consultation and engagement with the community on the emerging draft Neighbourhood Plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. I agree that the Consultation Statement meets the requirements set out in Paragraph 15 (2) of the Regulations.

Conformity with the National Planning Policy Framework (NPPF).

- 3.4 On 24th July 2018, the Ministry of Housing, Communities and Local Government published the NPPF (2018). Annex 1 to the new NPPF states at paragraphs 212- 214:

“212. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

213. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.....”

- 3.5 Footnote 69 to paragraph 214 states:

“69 For spatial development strategies, ‘submission’ in this context means the point at which the Mayor sends to the Panel copies of all representations made in accordance with regulation 8(1) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000, or equivalent. For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.”

- 3.6 I note that the OOWNP was formally submitted to the Royal Borough of Windsor & Maidenhead Council together with supporting documents for Regulation 16 consultation and subsequent



examination in November 2018. Therefore, in the light of the transitional arrangements outlined above it is not necessary to examine the OWNP against the revised national policy guidance issued on 24th July, but rather the NPPF (2012).

- 3.7 In section 2, the Basic Conditions Statement compares the 9 key objectives within the OWNP with the goals within the NPPF to demonstrate how the objectives of the OWNP will contribute to achieving the goals of the NPPF. This is set out in tabular form in Table 2.1. For the purpose of this examination, the Basic Conditions Statement (BCS) helpfully sets out in Table 2.2, each policy of the OWNP alongside the relevant policies in the NPPF to which it has had regard and briefly indicates how each OWNP policy contributes to achieving the objectives of the NPPF. In addition, alongside each policy within the Plan, the text in Table 2.2 of the BCS helpfully includes, ‘conformity references’ relating to relevant NPPF policy paragraphs considered in the preparation of each OWNP policy.

Achieving sustainable development

- 3.8 The NPPF (2012) advises that all plans should be based upon the presumption in favour of sustainable development with clear policies that guide how the presumption should be applied locally. Paragraph 16 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. In particular neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. The national guidance explains that Parishes and neighbourhood forums can use neighbourhood planning to:
- set planning policies through neighbourhood plans to determine decisions on planning applications; and
 - grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.
- 3.9 Section 3 of the Basic Conditions Statement identifies how the OWNP has been positively prepared, reflecting the presumption in the NPPF in favour of sustainable development and that the Plan has been prepared with regard to this principle in seeking environmental, economic and social benefits. Table 3.1 in the BCS summarises how the objectives and policies in the Plan will contribute towards the three strands of sustainable development, noting that many of the

objectives of the Plan overlap the three strands of sustainability.

General conformity with the strategic policies of the Local Planning Framework

- 3.10 Paragraph 184 of the NPPF requires that neighbourhood planning policy should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.
- 3.11 Section 4 of the BCS advises that the development plan currently consists of the Royal Borough of Windsor & Maidenhead Local Plan (Incorporating Alterations Adopted June 2003) – saved policies, the Maidenhead Area Action Plan and the made neighbourhood plans. Furthermore, Table 4.1 of the BCS identifies the strategic policies of the development plan and a consideration whether the OWINP policies are in general conformity with those policies. The BCS explains that the Draft Borough Local Plan reached the Examination stage in January 2018. The BCS also considers the OWINP policies with reference to the Draft Borough Local Plan, however whilst this is helpful as a general comparator, it is to the adopted local planning policies that the examination of the OWINP must have regard. I have therefore not given weight to the Draft Borough Local Plan in undertaking this examination.
- 3.12 I agree that the general thrust of the draft policies in the Neighbourhood Plan will contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people’s quality of life as outlined in the Basic Conditions Statement. I am also content that the OWINP subject to the recommended policy alterations, is in general conformity with national and adopted local planning strategic policies and that the OWINP does not promote less development than set out in the Local Plan or undermine its strategic policies. The OWINP if made, subject to the recommendations in this examination report and a successful referendum, would effectively shape and direct sustainable development in the OWINP neighbourhood area. I am also content that the OWINP complies with the provisions of paragraph 185 of the NPPF which seeks to avoid duplication of adopted planning policies covering the same geographic area, at the neighbourhood spatial scale.

EU obligations

Strategic Environmental Assessment



- 3.12 As part of the Regulation 14 (Pre-Submission) Consultation on the Neighbourhood Plan in July and August 2016, the Royal Borough of Windsor and Maidenhead formally requested an initial screening opinion on the need for SEA or HRA from the Environment Agency, Historic England and Natural England. The consultation period ran for 6 weeks.
- 3.13 The Environment Agency considered that an SEA was not required and had no comment to make on the need for an HRA. Natural England considered that neither an SEA nor an HRA was required, but Historic England stated that an SEA would be required if the wording of Policy OW9 was retained as drafted in the Regulation 14 version of the Plan. This was because it had concerns, in the absence of detailed proposals, for any expansion of the Sewage Treatment Works and an assessment of what, if any, harm might be caused and requiring further archaeological investigation. There could also be potential for significant impacts on the Kingsbury Scheduled Monument and potentially nationally important archaeological remains beyond the scheduled area. Historic England recommended wording changes to Policy OW9 which it stated would address the concern and would mean that, in its view, an SEA would no longer be required. I understand this wording was incorporated into Policy OW9 in the Regulation 16 version of the Neighbourhood Plan. Historic England made no comment on the need for an HRA.
- 3.14 Historic England stated in its response that it may be prudent to undertake a proportionate SEA, but compliant with the Environmental Assessment of Plans and Programmes Regulations 2004, to confirm that the revised Policy OW9 would not be likely to lead to significant environmental effects. As such, the initial screening conclusion was that the Old Windsor Neighbourhood Plan did not require a SEA to be undertaken. However, following the earlier advice by Historic England, a SEA was undertaken in respect of Policy OW9 (Windsor Sewage Treatment Works) and also Policy OW12 (Archaeological assets) in as far as Policy OW12 also relates to the area of Ham Island.
- 3.15 The Screening Assessment of 2017 notes that a formal scoping process had not been undertaken to inform the SEA. In seeking to take forward on a proportionate approach, the advice provided by Historic England in its initial SEA screening letter, provided sufficient clarity on the issues that need to be considered by the SEA. I concur that in combination with the initial SEA screening responses provided at the same stage by the Environment Agency and Natural England represent sufficient guidance on the scope of the SEA.

Strategic Environmental assessment of OWP Policies OW7 and OW10



- 3.16 Objective 5 of the Regulation 14 (Pre-Submission) Consultation draft of the Neighbourhood Plan was, *“To maintain and protect the substantial archaeological sites and historic landscape for future generations.”* However, in commenting on the Regulation 14 (Pre-Submission) Consultation draft of the Neighbourhood Plan, Historic England identified that there was no objective to enhance the character and vitality of Old Windsor village or the *“substantial archaeological sites” or historic landscapes*”. Consequently, the draft Submission Stage Neighbourhood Plan amended Objective 5 as follows: *“To protect, conserve and enhance the historic environment of Old Windsor, including both designated (listed buildings, scheduled monuments, the conservation area and registered historic parks and gardens) and non-designated heritage assets.”* The screening report of Policies OW9 and OW12, May 2017¹, noted that the OWP Submission Version of the Plan, included amendments to Policy OW9 as a final paragraph of Policy OW7 (Sewerage Disposal and Windsor Sewage Treatment Works) and amendments to former Policy OW13 were included as renumbered Policy OW10 (Archaeological Assets).
- 3.17 In the SEA screening report concerning Policies OW9 and OW12, these are considered to be the only policies in the Neighbourhood Plan which directly relate to the area of the scheduled monument and the area where archaeological assets could reside. The statutory bodies, in their initial screening of the need for SEA, did not identify any other potential impacts of the Draft Neighbourhood Plan policies and whether these would trigger the need for SEA.

Cumulative effects of Neighbourhood Plan policies

- 3.18 The screening report concluded that there will be no cumulative impact of the other Neighbourhood Plan policies in respect of issues relating to harm to scheduled monuments or protection of archaeological assets and that overall, neither Policies OW9, nor OW12, are expected to have a negative impact on environmental sustainability. Therefore, the report considered that this would give sufficient confidence that these policies will contribute to sustainable development. The assessment considered that the amendments would not have a significant environmental impact and therefore SEA was not required. I accept that conclusion.

Habitats Regulation Assessment Screening Report, June 2018

¹ The Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report and Strategic Environmental Assessment of Policies OW9 and OW12, May 2017



3.19 The HRA screening report identified the European sites potentially affected by the OOWNP, noting that one designated site lies within (and extends beyond) the neighbourhood area, being Windsor Forest and Great Park SAC

3.20 The report notes that four designated sites lie wholly or partly within the wider borough of Windsor and Maidenhead, being:

- Chiltern Beechwoods SAC;
- South West London Water Bodies SPA and Ramsar;
- Thames Basin Heaths SPA; and
- Thursby, Ash, Pirbright & Chobham SAC (part of Thames Basin Heaths SPA)

Relevant designated sites outside the borough are:

- Broadmoor to Bagsshot Heaths SSSI (part of Thames Basin Heaths SPA); and
- Burnham Beeches SAC

3.21 The screening report noted that at that time, the then emerging draft OOWNP Policies that sought to address positively the environmental aspects of sustainable development – specifically, protection of natural habitats included:

- (Draft Policy OW17) landscape and ecology,
- (Draft Policy OW18) and protection of amenity green spaces and
- (Draft Policy OW20); and that they would be likely to serve to have a positive effect on the SACs and other protected sites.

In-combination effects

3.22 In relation to considering existing plans and proposals, when assessing new plans or programmes, it is necessary to consider whether they may give rise to ‘in combination’ effects. I understand that the HRA and SEA screening reports (2016) on the emerging RBWN Local Plan, found that the policies in the Local Plan were unlikely to have significant effects on the European sites, due to the nature of the proposed policies themselves. The HRA screening assessment in relation to the Old Windsor Neighbourhood Plan considered the impact on the relevant sites on the same basis as used in assessing the Local Plan in 2016, where Habitat Regulations Assessment Screening Reports were carried out in respect of the likely adverse impact on any of the identified sites within approximately 5km of the boundary of the Borough. I note that the HRA Screening outcome concluded that no likely significant effects in regard to the SPAs and SACs in the Borough would occur as a result of the implementation of the OOWNP. Furthermore, it was also concluded that no likely significant effects in respect of the European sites designated



for conservation interest will occur as a result of the implementation of the OWP and therefore the OWP did not require a full HRA to be undertaken.

- 3.23 In April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta* (“People over Wind”), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. This judgment led to uncertainty for those working on neighbourhood plans and rendered a range of other planning tools inoperable where a case is determined likely to have significant effects on a protected habitats site as explained in the Chief Planning Officer’s letter to planning officers dated 15th January 2019, informing them that consequential changes to the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force on 28 December 2018. The regulations now allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an ‘Appropriate Assessment’ to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.
- 3.24 It is sufficient to re-state the HRA Screening outcome which concluded that significant effects in respect of the European sites within 5 km of Old Windsor Neighbourhood Plan Area are unlikely to occur as a result of the implementation of the OWP and its policies. Consequently, the OWP does not require a full HRA to be undertaken.
- 3.25 It may therefore be concluded that following the changes referred to above to the *Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* that the following basic condition prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act the making of the OWP would not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Convention on Human Rights

- 3.26 The Basic Conditions Statement confirms that the OWP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. This statement is justified through the extensive engagement with the community and stakeholders as indicated in the Statement of Consultation. I note that considerable care has been exercised throughout the preparation and drafting of the Plan to ensure that the views of the whole community were considered to avoid unintentional negative impacts on particular groups.

Basic Conditions – Interim Conclusion

- 3.27 The Basic Conditions Statement (BCS) has been clearly and systematically prepared. In setting out how the Plan meets the Basic Conditions. These are cited in the BCS as follows:

“Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five basic conditions before it can proceed to a referendum. These are:

i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;

ii. The making of the neighbourhood development plan contributes to the achievement of sustainable development;

iii. The making of the neighbourhood development 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);

iv. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and

v. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the ‘making’ of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) (either alone or in combination with other plans or projects).

3.28 In addition to the Basic Conditions Statement (BCS), the OWP is supported by a Consultation Statement, a Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report and an evidence base seeking to justify the Plan’s policies.

3.29 The BCS helpfully confirms in the Key Statements at the beginning of the BCS that:

- Old Windsor Parish Council is a qualifying body and entitled to submit a Neighbourhood Plan for its own parish.
- The OWP expresses policies that relate to the development and use of land only within the neighbourhood area.
- The neighbourhood area is contiguous with the parish boundary, as shown in the map accompanying the neighbourhood area designation application.
- The OWP covers the period from 2018 to 2033.
- No provision for excluded development as defined by section 61K of the Town and Country Planning Act 1990 such as national infrastructure is contained within the Neighbourhood Plan.



- The OWP does not relate to more than one neighbourhood area. It is solely related to the area of Old Windsor as designated by The Royal Borough of Windsor and Maidenhead Council on 21st March 2013.
- There are no other Neighbourhood Development Plans in place for the Old Windsor neighbourhood area.

3.30 The Basic Conditions Statement notes that the OWP is in general conformity with the strategic policies of the adopted RBWM Local Plan, incorporating Alterations, June 2003. In evaluating the OWP submission plan draft policies in this examination report, I have assessed the extent to which these policies are consistent with the strategic planning policies in the adopted Local Plan in considering each policy and the Plan as a whole. I make my comments in respect of specific draft policies in Section 4 and more generally in the Conclusions section of this report below. Subject to the recommended policy modifications in this examination report, I consider that the Plan has appropriate regard to national policy and will contribute towards the achievement of sustainable development.

Background Documents

4.1 The background documents referred to in this examination report are listed in Appendix 1.

Old Windsor Neighbourhood Plan 2018-2033 – Planning Policies

5.1 The submission draft OWP sets out a vision for the designated area which is expressly aspirational and positive, seeking to build on the uniqueness of the settlement to meet the needs of residents of the Parish over the life of the Plan. This has been distilled into a series of town planning objectives to deliver the Plan's vision. These are:

- 1. To maintain the character and the vitality of Old Windsor village.**
- 2. To provide future and existing generations with the opportunity to remain in the community.**
- 3. To maintain, protect and enhance the areas of biodiversity within Old Windsor.**
- 4. To encourage development that is sustainable and of a high quality design which respects amenity and is sympathetic to the local townscape, particularly in terms of density.**



- 5. To protect, conserve and enhance the historic environment of Old Windsor, including both designated (listed buildings, scheduled monuments, the conservation area and registered historic parks and gardens) and non- designated heritage assets.**
- 6. To ensure that new development is supported by adequate infrastructure.**
- 7. To ensure that development comes with suitable off-street parking.**
- 8. To reduce harm to the community by seeking to minimise pollution.**
- 9. To enhance the facilities available to the community.**

5.2 These objectives have in turn set the framework for the neighbourhood plan land-use planning policies.

5.3 Where, in my opinion, the explanatory or supporting text to the OWINP requires some alteration those changes suggested in this report are advisory and for clarification; they are not mandatory in order to meet the Basic Conditions test. If the OWINP is to proceed to referendum, the recommended alterations to the policies must be accepted by the Parish Council in order that the Plan may move forward to that stage. Where I have recommended changes to the draft policies, the recommended revisions are shown as tracked changes in Appendix 2 with “clean” copies of the policies in Appendix 3. Where policy revisions are recommended, the explanatory text relating to those policies subject to alteration may require some modification to reflect the recommended modified policies. Such changes will be a matter for the Parish Council to prepare, doubtless in conjunction with the Planning Department of the Borough Council as part of the duty to support and advise, although I have in most cases offered suggested alterations.

5.4 I now consider each of the OWINP draft planning policies and the related explanatory text within the Plan. As previously indicated, in accordance with paragraph 184 of the NPPF, the neighbourhood plan policies must be in general conformity with the strategic policies of the adopted Local Plan.

POLICY OW1: SETTLEMENT BOUNDARY

The development of Old Windsor village shall be focused within the settlement boundary as identified on the Policies Map.

Development proposals will be supported within the settlement boundary subject to compliance with the other policies in the development plan.

Development proposals outside the settlement boundary will not be permitted unless:

- they represent uses appropriate in the countryside; and**
- they comply with national policy on development in the Green Belt.**



- 5.5 The purpose of this policy is stated in the Basic Conditions Statement defining the built-up boundary to ensure appropriate uses in the countryside and compliance with national policy on development in the Green Belt. The BCS states that the policy complies with national planning guidance in the NPPF at paragraphs 55 and 109. The policy complies generally with the section 9 of the NPPF 2012, paragraphs 79-92 on protecting the Green Belt. At the Borough level, the Basic Conditions Statement advises that Policy OW1 conforms to the adopted Local Plan (Incorporating Alterations Adopted June 2003) policies GB1: Acceptable uses and development in the Green Belt, GB2: Unacceptable development, and GB3: New residential development.
- 5.6 In relation to the Regulation 16 replies, developer Gladman raised concerns that Policy OW1 precludes development outside the defined settlement boundary, unless such proposals include uses appropriate in the countryside and national policy on development in the Green Belt. Gladman states that it does not consider the use of development limits to be an effective response to future development proposals if they would act to preclude the delivery of otherwise sustainable development opportunities, as indicated in the policy and that development which is sustainable, should go ahead without delay. In this instance, as the supporting text to the policy indicates, the Green Belt boundary is tightly drawn up to the settlement boundary on the adopted Local Plan Proposals Map 3, for Datchet, Old Windsor and Windsor. There is no realistic prospect for development to take place, other than that considered to be appropriate development in the Green Belt, except in very special circumstances, on land beyond the designated settlement boundaries within the parish. These are not arbitrary settlement limits but are well defined and well established. The only realistic basis upon which these might be altered would be on a future adoption of an alternative Local Plan. There is no current expectation that the Green Belt is likely to be relaxed for development as far as I am aware over the life of this neighbourhood plan. It follows that it is not necessary and indeed would be inappropriate under the circumstances, to alter the draft policy to provide “flexibility”, particularly having regard to the assumed permanence of Green Belt boundaries in national planning policy.
- 5.7 To avoid potential land-use misunderstandings and to reflect the need to maintain openness within Green Belts, rather than referring in the first bullet point of Policy OW1 to uses that are appropriate in the *countryside* as being acceptable, it would be preferable to limit uses to those normally acceptable within the *Green Belt*. These are set out in paragraphs 89 and 90 of the NPPF. Accordingly, I recommend that Policy OW1 is amended to read as shown with tracked changes in Appendix 2 and as shown in Appendix 3 with those changes in place.

POLICY OW2: COALESCENCE WITH WINDSOR

Development proposals in the gap between Old Windsor and Windsor should ensure that the separation between the settlements is maintained.

- 5.8 Paragraph 80 of the NPPF explains that designating land within the Green Belt serves the following five planning purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.9 The Green Belt in the designated plan area performs these purposes, the second bullet point in particular is relevant in assisting in preventing coalescence between Windsor and Old Windsor. It is not clear to me that paragraph 55 of the NPPF supports Policy OW2 as successfully as paragraph 80. The strategic Green Belt policies as identified in the adopted Local Plan and referred to in relation to Policy OW1, will in combination ensure that the separation between these settlements is maintained.
- 5.10 There were no specific policy comments from parties commenting on this policy at the Regulation 16 consultation stage. I believe that this policy will assist in managing and delivering sustainable development in Old Windsor over the Plan period, if the Plan is subsequently made. I recommend that Policy OW2 needs no alteration and therefore appears unchanged in Appendix 2 and 3.

POLICY OW3: DWELLING MIX

Residential developments must provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

- **1 bed dwellings: 10-15% of all dwellings**
- **2 bed dwellings: 25-35% of all dwellings**
- **3 bed dwellings: 25-35% of all dwellings**
- **4+ bed dwellings: 15-20% of all dwellings**

An alternative dwelling mix will only be permitted where it is demonstrated that the above mix would fundamentally compromise the viability of the scheme, taking into account other requirements of the development.



Where a site is too small to secure the full required mix, development will be expected to provide a mix of dwelling sizes which maximises the potential number of dwellings on the plot whilst ensuring a high quality of design and without having a detrimental impact on the amenity of neighbouring properties.

5.11 The Basic Conditions Statement (BCS), comments that this policy which defines the dwelling mix for residential developments by reference to bedrooms within the Parish for market and affordable dwellings, is said to accord with NPPF paragraphs 50 and 159, reflecting demand and need for market and affordable dwellings respectively. The evidence prepared by Navigus Planning in October 2014, for the preparation of the OWNP housing policies, noted at the time, based on evidence, that the SHMA proposed that 57% of new dwellings by 2029 should be one bedroom, with a further 22% as two-bedroom dwellings, reflecting a significant change in provision compared to the existing stock of properties. The conclusion of the study insofar as housing need was concerned at paragraph 1.18 was that, *“There is a clear need for new properties that are built in Old Windsor to be smaller dwellings.”* This conclusion was carried forward into the submission draft OWNP, where the supporting policy text explains at paragraph 5.7 that,

“Demand for larger affordable units by those on the Housing Register is very limited, with the predominant demand being for 1 and 2 bed units. As at May 2018, the Housing Register showed the following breakdown of applications:

- 1 bedroom - 307 applications
- 2 bedrooms - 298 applications
- 3 bedrooms - 91 applications
- 4 bedrooms – 22 applications”

5.12 This translates to the following percentage dwelling requirement in relation to affordable housing need:

1 bedroom	307	42.8%
2 bedrooms	298	41.5%
3 bedrooms	91	12.7%
4 bedrooms	22	3.1%
Total	718	100.0%

5.13 Therefore, both the private housing demand and affordable housing need is skewed towards smaller dwellings, whilst the existing housing stock in Old Windsor is predominantly larger dwellings. It is therefore unclear why the draft neighbourhood plan policy requirement for both market and affordable housing does not reflect the identified need, but rather a housing mix that displays little regard to the evidence used to support the policy. The matter is further



compounded in relation to the supply of affordable housing, to the extent that in areas of high house prices like Old Windsor, it is difficult for housing associations and other registered providers to deliver affordable housing, due to the high cost of construction relative to capitalised net rental income. This has led to an affordability / deliverability problem and for several years, registered housing providers have had considerable difficulty in delivering affordable housing, other than for smaller dwellings without grant.

5.14 It is thus not clear that draft Policy OW3 genuinely provides the broad housing mix appropriate to meet need and demand in the Parish, that would meet the local requirement as sought by paragraph 50 of the NPPF (2012). This instructs plan-makers to:

- “● plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site....”

5.15 At the Local Plan level, the BCS notes that the relevant strategic policy to which Policy OWNP3 conforms are said to be housing policies H8 and H9. Policy H8 encourages housing development meeting a range of housing needs but acknowledges the need to favour proposals that will be suitable for smaller households. Again, Policy OW3 does not appear to properly reflect local identified need. It is therefore questionable whether Policy OW3 conforms sufficiently to national and adopted local planning policy. My assessment is that it does not adequately reflect assessed need and could result in a development management conflict in relation to reaching decisions on planning applications for housing proposals in the neighbourhood plan area.

5.16 The relevance of the housing mix policy is further questionable because the OWNP does not include housing allocations. This is not a criticism of the neighbourhood plan; many similar neighbourhood plans do not seek to allocate land for new housing development. This is entirely understandable in Old Windsor where Green Belt and flood plain constraints materially influence the ability to identify realistic development sites outside the settlement boundaries of the Parish. Even if there were significant opportunities to develop brownfield sites in the neighbourhood area, these would need to offer the opportunity to develop at least 10 dwellings before an approximation of the specified mix in Policy OWNP could be achieved. The prospect of many such sites being delivered on brownfield land within the settlement boundaries of the Parish would appear to be remote. A more likely scenario would be for the delivery of mainly small housing developments through infill development and the recycling of existing urban land.



5.17 The most up to date assessment of likely development land for a variety of land uses in Old Windsor may be found in The Housing and Economic Land Availability Assessment (HELAA), December 2018², prepared to identify future sources of land to help meet development needs. This is a technical study of all potential land for housing and economic uses (such as offices and retail), formerly restricted to housing land only and referred to as the Strategic Housing Land Availability Assessment (SHLAA). The HELAA prepared has been prepared by Reading Borough Council, the Royal Borough of Windsor and Maidenhead Slough Borough Council, West Berkshire Council and Wokingham Borough Council using a joint methodology to assess the land proposed for development. The current HELAA was published in December 2018 and sets out the way the councils broadly propose to assess the suitability of land put forward for development; whether it is available; achievable and whether the development could realistically be built in the timescales expected. This version of the HELAA supersedes the 2016 version and includes updated information collected in a Call for Sites exercise which was undertaken in July and August 2017. It is correct relating to site completions and planning permissions granted up to 31st March 2018. Appendix D to the HELAA provides assessments by parish relating to potential development land over a 15-year time horizon. Sites likely to come forward for housing development for less than 5 dwellings are excluded from the assessment. Within Old Windsor, only two housing sites are identified. The former BP garage site on Straight Road was granted planning permission on appeal in 2015 and is being developed for 11 dwellings due to be completed and sold this year by regional housebuilder, Acquinna Homes. The second site, Straight Works, which is also accessed from Straight Road extends to about 0.55ha. I note from Appendix D of the HELAA that this might be expected to be developed at a density of around 40dph based on local character, and predominantly medium style housing, the site being located in an established residential area with good access to local facilities and services. The site is currently in employment use in the form of B2/B8 uses, and could be retained for use for employment, and/or retail development. The site might come forward after the next 5 years and within a period of 10 years. It is considered developable, within the terms of the HELAA. None of the other sites postulated as possible sites are considered to be feasible principally for reasons of being designated Green Belt land and / or subject to flood risk. Table 9, from the HELAA, showing the maximum potential housing supply by parish area appears below; the Acquinna Homes site referred to as being deliverable within 5 years, is in fact currently in the course of development, whilst the Straight Works site, which might yield 20 dwellings, is shown as being developable in the 6-10 year category.

² Royal Borough of Windsor and Maidenhead Housing and Economic Land Availability Assessment (HELAA) 2018, December 2018



Deliverability by Parish (Net dwellings)				
Parish	Deliverable (years 1-5)	Developable (years 6-10, 11-15)	Potentially Developable	Total
Bisham	-	-	76	76
Bray	19	-	3034	3053
Cookham	36	-	439	475
Cox Green	6	-	300	306
Datchet	-	-	435	435
Eton	-	-	38	38
Horton	-	-	294	294
Hurley	-	-	657	657
Maidenhead	1434	518	4386	6338
Old Windsor	11	20	5	36
Shottesbrooke	-	-	-	0
Sunningdale	85	198	237	520
Sunninghill & Ascot	116	-	954	1070
Waltham St Lawrence	-	-	155	155
White Waltham	14	-	1718	1732
Windsor	128	137	179	524
Wraysbury	-	-	50	50
TOTAL	1,849	873	13,037	15,759

TABLE 9 - MAXIMUM POTENTIAL HOUSING SUPPLY BY PARISH AREA

- 5.18 I accept that over the life of the plan that other sites may come forward and that the HELAA is simply an assessment of likely housing supply as at December 2018, but the conclusion that can be drawn is that there are likely to be very few occasions where the housing mix policy as defined in the first part of the policy might be used. Given that it does not accord with the evidence of demand and need, as explained in the evidence and explanatory memorandum to the plan, I recommend that proposed housing mix component of Policy OW3 be deleted.
- 5.19 In the light of the evidence, I recommend that the residual part of Policy OWNP 3 should be modified to read as indicated by the tracked changes in Appendix 2 and as shown in Appendix 3 with those changes accepted. The recommended policy alterations should not necessitate any change to the supporting policy text in the OWNP.

POLICY OW4: RESIDENTIAL INFILL AND BACKLAND DEVELOPMENT

Within the settlement area boundary shown on the Policies Map, planning permission for residential development proposals on infill and backland sites will be permitted subject to the following criteria:



- **Density** - proposals that would lead to over-development of a site or the appearance of cramming will be resisted. It should be demonstrated that development is of a similar density to properties in the immediate surrounding area
- **Plot width** - plots must be of sufficient width to allow a building(s) to be sited with adequate separation between dwellings. The width of the remaining and the new plot should be similar to that prevailing in the immediate area.
- **Building line** - where the prevailing depth of existing dwellings is a feature of the area new development should respect that building line.
- **Visual separation** - new dwellings must have similar spacing between buildings to that commonly found on the street frontage. Where houses are terraced the new development should normally adjoin the adjacent property(s).
- **Building height** - new buildings should reflect the height of original, existing buildings. Where existing buildings are of a uniform height, new buildings should respect that height.
- **Daylight and sunlight** - new buildings should not adversely affect neighbouring properties by seriously reducing the amount of daylight available through windows. Blocking direct sunlight from reaching neighbouring properties can cause overshadowing and is not acceptable.
- **Development must not unacceptably reduce the level of private amenity space provision for existing residential properties.**
- **Development should not adversely affect the significance of heritage assets, including the special interest, character and appearance of the Conservation Area.**

This policy also applies to applications for two or more properties on a site previously occupied by a single property.

- 5.20 This housing policy is justified in the BCS by reference to national planning policy in the NPPF by guidance in paragraphs 58 and 64. The policy seeks to ensure that infill development respects and reflects the character of the area and the existing street scene, safe and that attractive residential layouts and local distinctiveness and identity are promoted. In relation to Local Plan planning policy, the BCS advises that Policy OWNP conforms to the guidance in DG1: Design guidelines, H10: Housing layout and design, H11: Housing density and H14: House extensions.
- 5.21 No consultee comments were received by RBWM in relation to this policy.
- 5.22 The policy as drafted seeks to retain the local townscape character through the general development management expectations within the policy and seeks to protect the amenity of neighbours to development proposals within the parish. The policy specifically seeks to control infill and backland development. This policy is likely to encourage efficiency and economy in land use, whilst respecting amenity and thereby encourage sustainable land use and



development in what is a highly constrained locality for urban development. The policy would however benefit from some minor modifications which I recommend should be included.

- 5.23 It would be more correct for example, for the policy to “support” development proposals, rather than to say that development would be permitted, as this is the prerogative of RBWM.
- 5.24 I recommend that the policy be amended as shown in Appendix 2 by tracked changes, which would then read as shown in Appendix 3.
- 5.25 To justify this policy, in relation to the supporting text, it would be desirable to include advice to developers that where a significant diminution of daylight and / or sunlight to habitable rooms is a likely consequence of development, objective assessment should be encouraged by applicants, having regard to recognised technical guidance such as offered in the Building Research Establishment (BRE) Digest 209 ‘Site Layout Planning for Daylight and Sunlight’.³

POLICY OW5: FLOODING AND DRAINAGE

New development should be designed to take full account of any existing flood risk, irrespective of the source of flooding. Where a site or its immediate surroundings have been identified to be at flood risk, all opportunities to reduce the identified risk should be investigated at the master planning stage of design and subsequently incorporated at the detailed design stage.

It is essential that the drainage scheme proposed to support new development:

- protects people and property on the development site from flooding; and
- does not create any additional flood risk outside of the development in any part of the catchment, either upstream or downstream.

Planning permission should only be granted for new development subject to a condition that:

- no development shall commence until full details of the proposed drainage schemes for surface and foul water (including details of their routing, design, and subsequent management and maintenance) have been submitted to and approved by the planning authority; and
- no building shall be occupied until the drainage schemes have been implemented in accordance with the approved details.

³ Site layout planning for daylight and sunlight: a guide to good practice, (BR209), written by P Littlefair, Building Research Establishment, 12 September 2011

This shall apply to all built development for active use with the exception of residential extensions which do not propose additional bedrooms and/or bathrooms.

- 5.26 The OWNP explains that the majority of the Parish residents live in about 2,000 properties close to the River Thames situated on low lying land defined by the Environment Agency as being within Flood Zones Fluvial Zone 2 (medium probability) and Zone 3 (high probability). The OWNP is graphically illustrated with photographs of the effects of flooding in the neighbourhood area in February 2014.
- 5.27 Policy OW5 seeks to reduce the impact of flooding on new development and mitigate the impact of flooding of existing development, as a consequence of new development in the Parish, protecting people and property through the appropriate siting, design and layout of buildings. The proposed policy is broadly compliant with the advice in the NPPF at paragraphs 99, 100 and 103 in accommodating risk associated with flood risk and climate change by requiring new development to be planned to avoid increased vulnerability to flooding and the range of impacts arising from climate change and by managing risk through suitable adaptation measures.
- 5.28 At the Borough level, strategic Policy F1 explains that development in areas shown on the proposals map which are liable to flood will not be permitted, including residential extensions of >300m², unless it can be demonstrated that the proposal would not in itself, nor in combination with other development:
- (i) maintain adequate flood storage capacity within the identified flood area;
 - (ii) ensure the flow of flood water is not impeded; and
 - (iii) ensure that development does not increase the number of people and properties at risk from flooding and the associated costs of providing emergency services.
- 5.29 Comments received from Thames Water during the Regulation 16 consultation period concerning Policy OW5 and the supporting text, encouraged use of the sequential approach by local planning authorities in areas known to be at risk from forms of flooding, notably flooding from sewers. The representations from Thames Water requesting that the supporting text to the policy should be revised to make reference to the likely need for additional water and/or sewerage infrastructure over the life of the Plan which may be required to be developed in flood risk areas, appear reasonable and I support such an inclusion, as suggested in Appendix 3.
- 5.30 Subject to the recommended alterations to the Policy OW5, I believe that it would assist in delivering sustainable development within the Parish in conformity with national and local planning guidance, if the OWNP were subsequently to be made.

POLICY OW6: SUDS DESIGN AND MANAGEMENT

In line with NPPF paragraph 163, surface water drainage on any development must not add to the existing site run off or cause any adverse impact to neighbouring properties or the surrounding environment/wildlife habitat.

Development proposals creating new drainage requirements must demonstrate that Sustainable Drainage Systems (SUDS) will be effective and incorporated in any proposed developments. This should allow for above surface water management on site taking account of the underlying geology and seasonally high ground water table affecting parts of Old Windsor.

Any drainage scheme must manage all sources of surface water, including exceedance flows and surface flows from offsite, provide for emergency ingress and egress and ensure adequate connectivity.

Development proposals should be supported by a drainage scheme maintenance plan which demonstrates a schedule of activities, access points, outfalls and any biodiversity considerations. The maintenance plan should also include an indication of the adopting or maintaining authority or organisation and may require inclusion within a register of drainage features.

- 5.31 The BCS notes that this policy conforms with the advice in NPPF paragraphs 100 and 103 in seeking to incorporate effective Sustainable Drainage Systems (SUDS) in development proposals whilst concerning adopted local plan policy, the BCS notes conformity with policies, F1: Development within areas liable to flood NAP4; Pollution of groundwater and surface water; and ARCH 1 Development on Scheduled Ancient Monuments. The supporting text to Policy NAP4 advises developers to liaise with the Environment Agency and the Water Companies over proposed protection measures associated with planning proposals.
- 5.32 Commenting on this policy, Thames Water Authority's Regulation 16 reply advises that concerning surface water drainage, it is the responsibility of the developer to make proper provision for drainage to ground, watercourses or surface water sewer. Regarding this policy, it is also important to reduce the quantity of surface water entering the sewerage system in order to maximise the capacity for foul sewage to reduce the risk of sewer flooding. Thames Water states that limiting the opportunity for surface water entering the foul and combined sewer networks is of critical importance to Thames Water and that SuDS limiting the volume of and rate at which surface water enters the public sewer system have the potential to play an



important role in helping to ensure the sewerage network has the capacity to cater for population growth and the effects of climate change. In addition, Thames Water points to improved water quality; opportunities for water efficiency; enhanced landscape and visual features; the support for wildlife; and amenity and recreational benefits that may be derived from the use of SuDs.

- 5.33 In making its Regulation 16 comments Thames Water requested that the following paragraph should be included in the Neighbourhood Plan: *“It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding.”* I agree that this would be helpful advice in this area where development has the potential to exacerbate flood risk and recommend that this advice be included in the explanatory text after paragraph 6.17 of the submission version of the OWP as shown in Appendix 2 and 3.

POLICY OW7: SEWERAGE DISPOSAL AND WINDSOR SEWAGE TREATMENT WORKS

Development will be permitted if the sewer network can accommodate the additional demand for sewerage disposal, both from the development itself and from any accumulated developments in the area. This can be accommodated within the sewer network either in its existing form or through planned improvements to the system in advance of the construction or occupation of the development. Development proposals will not be supported unless it can be shown by a drainage study commissioned by the developer and carried out in consultation with Thames Water that there is sufficient capacity in the local sewerage system and that any new connections will not increase the risk of system back up/flooding.

On individual sites of at least 10 dwellings or 500m² of floorspace, planning permission will only be granted if the necessary wastewater infrastructure is either available or can be provided in time to serve the development. The planning authority will consult Thames Water on major applications and planning conditions will be imposed, if necessary to ensure that, in advance of any construction work:

- **a connection is provided to the existing local sewerage network at the nearest point of adequate capacity, or developers will need to provide alternative and proven methods of treating and disposing of wastewater that meet Environment Agency requirements and water quality objectives;**



- where a new Sewage Treatment Works is proposed by the developer, the whole route to the Sewage Treatment Works has adequate capacity and the risk of flooding is not increased in wet weather conditions;
- a management plan is provided for future maintenance of any on-site wastewater treatment systems;
- discharge into the River Thames meets Environment Agency requirements so that they do not endanger the ecology.

The expansion of Windsor Sewage Treatment Works will be supported if the development does not cause harm to the significance of the Kingsbury Scheduled Monument or other archaeological remains (which might be either directly or by being within their setting) unless such harm is conclusively shown to be unavoidable, has been minimised or mitigated, and is clearly and convincingly justified by being outweighed by the public benefits of the development.

5.34 In defining the adequate requirements regarding sewerage and wastewater disposal in Old Windsor, the BCS advises that this policy conforms to the NPPF at paragraphs 100, 103 and in respect of protecting the Kingsbury Scheduled Ancient Monument, paragraph 126. Regarding local plan policy, like Policy OW6, this policy conforms to policies, F1: Development within areas liable to flood NAP4; Pollution of groundwater and surface water; and ARCH 1 Development on Scheduled Ancient Monuments.

5.35 Only Thames Water made comments in relation to this policy during the Regulation 16 consultation, but these are detailed and helpful in relation to the appropriateness and application of this policy to deliver sustainable development. Thames Water has provided support for the inclusion of policy covering wastewater treatment and sewerage in the Plan, including support for upgrades to Windsor Sewage Treatment Works in Policy OW7. However, Thames Water notes in its submission that the supporting text includes some inaccuracies. Concerning the NPPF (2018) at paragraph 20, Thames Water notes that this states: “Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for... infrastructure for waste management, water supply, wastewater...” and at paragraph 28, “Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure...” and paragraph 26 of the revised NPPF advises “Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary....” Thames Water’s comments



helpfully note that the Neighbourhood Plan should therefore seek to ensure that there is adequate wastewater and water supply infrastructure to serve all new developments. This is consistent with the “Implementation” chapter in the adopted Local Plan, considering infrastructure capacity. Thames Water’s representations advise that where there are infrastructure constraints, it is important not to under estimate the time required to deliver necessary infrastructure, stating that local network upgrades take around 18 months and Sewage Treatment & Water Treatment Works upgrades can take 3-5 years.

5.36 The comments also explain the water company’s charging regime which came into effect in April 2018, advising that more of Thames Water’s charges will be fixed and published, rather than provided on application. As a consequence, Thames Water does not require drainage studies from developers as set out in the submission version of Policy OW7. Therefore, the policy requires amendment. I agree with the proposal to correct the draft policy and Thames Water’s suggestion that that developers should be encouraged to engage with Thames Water at the earliest opportunity, as indicated in paragraph 26 of the revised NPPF to evaluate:

- The development’s demand for Sewage/Wastewater Treatment and network infrastructure both on and off site and can it be met;
- The surface water drainage requirements and flood risk of the development both on and off site; and
- The development’s demand for water supply and network infrastructure, both on and off site.

5.37 Thames Water’s Regulation 16 comments also included a suggestion that the Neighbourhood Plan should include a specific policy reference to the provision of water supply and sewerage/wastewater infrastructure, to service development proposed because it will not be possible to identify all water/sewerage infrastructure required over the Plan period due to the way water companies are regulated and plan in 5 year periods. As the planning decisions will be taken by RBWM, rather than the Parish Council, I have modified the proposed text, but I agree that further clarification would be desirable. I have provided recommended supporting text in Appendix 2 and 3. I also note Thames Water’s comment in its Regulation 16 reply that the Windsor Sewage Treatment Works has capacity for identified development to the period up to 2025.

5.38 In preparing the OWMP, I understand that this has been informed by the report prepared by the Stilwell Partnership, October 2015 as part of the evidence base for the Neighbourhood Plan⁴.

⁴ NEIGHBOURHOOD PLAN: DRAINAGE ISSUES WITHIN THE PARISH, The Parish of Old Windsor, West Berkshire prepared by the Stilwell Partnership, October 2015.



It would appear from the comments of Thames Water that the cause of the flooding experienced in the Parish in 2014 may have been as a result of inundation by groundwater ingress into the sewer network, rather than fluvial flooding.

- 5.39 Concerning water efficiency/climate change, Thames Water explains that The Environment Agency has designated the Thames Water region to be “seriously water stressed” noting that future pressures on water resources will continue to increase due to population growth and climate change. Thames Water points to the mains water consumption target of 110 litres per head per day as set out in the NPPG (Paragraph: 015 Reference ID: 56-015-20150327) and considers that this should be included in the policy. However, the water efficiency standard of 105 litres per person per day is only applied through the building regulations where there is a planning condition requiring this standard. As the Plan area is defined as water stressed, Thames Water considers that such a condition should be attached as standard to all planning approvals for new residential development in order to help ensure that the standard is effectively delivered through the building regulations and added to Policy OW7. I disagree with this suggestion, in accordance with the Ministerial Statement⁵ which advised:

“The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. Neighbourhood plans should not be used to apply the new national technical standards.”

- 5.40 It should also be recognised that in June 2009, RBWM adopted its Sustainable Design and Construction Supplementary Planning Document (SPD)⁶. Requirement 4 of the SPD on water resource management expects all developments to include water efficiency measures to reduce overall water consumption. Requirement 4 demands that for residential development, “All developments involving the replacement or creation of a dwelling will be expected to achieve a per capita consumption of potable water of 120 litres or less per person per day.” It would be helpful to cross reference the supporting text to this policy in the OWP to RBWM’s adopted Sustainable Design and Construction SPD.

⁵ Planning Update:Written statement - HCWS488, Made by: Mr Eric Pickles (Secretary of State for Communities and Local Government) Department for Communities and Local Government Made on: 25 March 2015

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-03-25/HCWS488/>

⁶ Royal Borough of Windsor and Maidenhead Local Development Framework Sustainable Design and Construction SPD, June 2009

- 5.41 Turning to the policy requirement in respect of residential development of 10 dwellings or more or development of more than 500m², this criteria-based element of the policy seeks to impose planning conditions in relation to various engineering, ecological and management matters on larger developments. It is not clear why these particular thresholds have been set, having regard to the evidence base material or consultation replies. In the light of these considerations, I recommend the modification of this policy reflecting the guidance in paragraph 26 of the NPPF (2018).
- 5.42 As to the last element of the policy relating to proposals for the expansion of Windsor Sewage Treatment Works upon the extent of the Kingsbury Scheduled Monument, the policy would benefit from being applied proportionately. To encourage this, I would recommend that the draft policy to be modified in order that an appropriate balance may be struck between the objectives of satisfying the public interest in relation to heritage conservation and the reasonable development needs to support the local community through the provision of appropriate physical infrastructure. Again, the recommended modifications are shown by way of tracked changes and a clean version in Appendix 2 and 3 respectively.
- 5.43 Finally, in regard to the Non-Policy Actions, as these are not planning policies, they are of no relevance in relation to the examination of this neighbourhood plan in meeting the Basic Conditions test, therefore I have not considered them as part of this examination.

POLICY OW8: TOWNSCAPE

Development proposals should reflect the character of the surrounding area and protect the amenity of neighbours. Development proposals must demonstrate how they are in keeping with and contribute positively to the respective townscape classification area, as defined by the RBWM Townscape Assessment, or any successor document. Opportunities for enhancement of the townscape through high quality design which reinforces the local distinctiveness of Old Windsor is encouraged.

In particular, development proposals shall:

- 1. where possible, seek to retain listed buildings and Buildings or Structures of Character (listed in Appendix C) that contribute to the distinctive character and historic and architectural interest of Old Windsor village; and**
- 2. ensure they do not detrimentally impact on the setting of buildings in the Old Windsor Conservation Area; and**



- 3. have a similar form of development to properties in the immediate surrounding area; (this is particularly the case for applications for two or more dwellings on a site currently or previously occupied by a single property); and**
- 4. provide appropriate parking and access arrangements, both for the new development and existing properties where they would be affected; and 5. reflect the boundary treatments prevailing in the surrounding area.**

- 5.44 The BCS considers the extent to which Policy OW8 conforms to NPPF, the relevant paragraph being 126, which relates principally to conserving and enhancing the historic environment. Arguably the design policies are equally applicable in assessing townscape and the identity and sense of place that defines an area, indeed at the Borough planning policy level, the BCS notes that Policy OW8 conforms to Policy DG1: Design guidelines.
- 5.45 During the Regulation 16 consultation period there were no consultation replies commenting on this draft townscape policy.
- 5.46 The policy proposals should assist in maintaining and reinforcing the which local distinctiveness and character of the neighbourhood area and encourage sustainable development. I consider the policy needs no modification. It is replicated in its current form in Appendix 3.

POLICY OW9: HERITAGE ASSETS

Development proposals within the designated areas shown on the Policies Map must demonstrate that they have fully considered the significance of the heritage assets within the designated area and have included appropriate measures to conserve those assets, based on their significance.

Proposals within the setting of heritage assets as shown on the Policies Map must demonstrate that they will not affect the setting of the heritage assets, based on their significance.

Planning permission will not be granted for development that would result in the loss of either listed buildings, or the following Buildings or Structures of Character:

- Penny Royal Almshouses
- Fox and Punchbowl building
- Newtonside
- Manor Lodge Cottage (Glassworks)
- The Tapestries
- The Bells of Ouseley

- **The Jolly Gardeners**
- **The Oxford Blue**

- 5.47 The BCS explains that this policy seeks to protect the significance of the heritage assets and is supported by advice at paragraphs 126 and 128 of the NPPF of the national guidance and Policy LB2; Proposals affecting Listed Buildings or their settings, in local adopted guidance.
- 5.48 The evidence base for the analysis of the historic environment in Old Windsor, is the survey conducted by Oxford Archaeology, “Old Windsor Parish Survey”, published in July 2015. This is a comprehensive and systematic assessment of the built heritage in the Parish identifying the rich historical legacy in the built environment in the designated neighbourhood area, and only three areas where development might occur without causing harm to the heritage buildings or their settings.
- 5.49 Draft policy OW9 however, appears to cut across adopted policy LB2. This criteria-based policy offers some flexibility in relation to considering the development management of listed buildings in the Parish, albeit in very special circumstances, not afforded in Policy OW9. This is too restrictive. Furthermore, the Parish cannot direct the refusal of planning permission which is the prerogative and responsibility of RBWM as local planning authority, although through the process of neighbourhood planning, once the Plan is made, the Parish can make strong representations to the local planning authority which will carry weight and assist in determining the outcome of local planning authority’s decision.
- 5.50 The policy makes no specific comments relating to proposals relating to potential uses of heritage buildings and the draft policy advice appears to be directed towards physical development. I consider that the encouragement of appropriate alternative uses for buildings which contribute to the historic environment, is already provided generally through adopted planning policy by RBWM.
- 5.51 In considering Regulation 16 representations, I note that no comments were received relating specifically to this policy.
- 5.52 In order for Policy OW9 to be included in the OWP if this is to be taken forward to referendum, having regard to the comments above, I recommend that a small amendment be made to it in order that it should conform to local adopted policy and to assist in delivering sustainable development, consistent with supporting and maintaining the local distinctiveness of Old Windsor. This is shown by way of a tracked change in Appendix 2 and by a clean copy in Appendix 3. No alteration to the supporting policy text is necessary.

POLICY OW10: ARCHAEOLOGICAL ASSETS

Due to the potential impact on archaeological assets and the need to preserve and enhance the historic environment, development proposals within the designated areas shown on the Policies Map should undertake the following action:

- proposals for development on greenfield land must be accompanied by an archaeological evaluation that assesses the risk of discovering unknown archaeological remains; or
- proposals for replacement dwellings and other small-scale development are encouraged to seek and act on advice from RBWM’s archaeological advisor on the need for an archaeological investigation and carry out any recommended action.

On land outside the designated areas shown on the Policies Map, development proposals where there have been no previous disturbances of the ground are encouraged to undertake a programme of archaeological work. To be considered appropriate, such a programme should be agreed in advance with the local planning authority.

Where archaeological evaluation demonstrates that significant archaeology is present it may need to be preserved in situ.

- 5.53 Consistent with the advice contained within paragraph 128 of the NPPF, which expects planning authorities to require applicants to describe the significance of any heritage assets affected by planning applications in relation to those heritage assets, including any contribution made by their setting. This advice explains that the level of detail provided should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. In considering this requirement, the advice continues that as a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. The advice expects that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The proposed policy is in broad alignment with this national guidance.
- 5.54 As to adopted local planning policy, the BCS notes that Policy OWNP 10, is broadly consistent with Policies ARCH 1, which includes a presumption in favour of the preservation of scheduled and nationally important monuments and their settings; ARCH 3, which seeks to conserve archaeological sites and monuments of unknown importance and areas of high potential, unless adequate evaluation enabling the full implications of the development on matters of archaeological interest is carried out by the developer prior to the determination of the application; and ARCH 4, which relates to sites where evaluation demonstrates the presence of archaeological remains but which do not merit permanent in situ preservation. In such



circumstances, this policy advises that, planning permission will not be granted for any development unless provision is made for an appropriate level of archaeological investigation excavation, recording and off-site preservation / publication / display of such remains, prior to damage or destruction, or to the commencement of development.

- 5.55 Commenting on the OWNP during the Regulation 16 consultation, Fiona Macdonald MA (Oxon) MCIfA, Principal Archaeologist of Berkshire Archaeology submitted a brief reply, on 18th January 2018 commending the focus on Old Windsor’s important heritage noting the particular help provided by the heritage survey commissioned by the Parish Council, with its consideration of the broader historic environment and the potential for safeguarding previously unrecorded significant archaeology which may be present in this area. Berkshire Archaeology commented that the Policy OW10 might benefit from some minor edits, that would retain the aim of conservation of the historic environment, whilst clarifying parts of the archaeological process. These suggested enhancements were forwarded to me during the course of the examination and appear in Appendix 4 of this report as tracked changes, ensuring that the distinction between archaeological assessment, evaluation and mitigation was clear and the policy remained in line with NPPF guidance and that measures to conserve archaeological significance are justifiable and proportionate.
- 5.56 Representations were also made by Historic England in relation to Policy OW10. Again, the comments made were complimentary and supportive, indicating that the OWNP was well-prepared with thoughtful elements of planning for the historic environment, taking advantage of several areas of opportunity for the community to identify and, through policy, secure positive management of those features that are valued for their historic, architectural, artistic or archaeological interest. Historic England raised no objections to any of the plan policies proposed, advising that comments were restricted to areas where policy might be amended to provide clarity of meaning, better secure the objectives of the plan makers or provide conformity with the policies and process set out in the NPPF. Historic England’s comments were prefaced by a brief reminder that the neighbourhood area includes heritage assets that are of the highest national importance and some, including the Great Park and (arguably) Anglo-Saxon palace site, that are of international importance. Whilst Historic England recognised that in evaluating the proposals, a balancing exercise should be undertaken with regard to the public benefits that development might provide and the need to sustain and enhance heritage assets, the NPPF states⁷ that in some cases it might be appropriate to rule out some forms of development. Given the of the archaeological assets in Old Windsor, within the ‘designated

⁷ NPPF, 2012, paragraph 14, footnote 9 and NPPF, 2018, paragraph 11, footnote 6.



areas,' Historic England advised that a robust statement preventing harmful development is justified.

- 5.57 Historic England further commented that the submission version of Policy OW10 was insufficiently definitive, leaving too much to the discretion of applicants. Instead it should set clear requirements. To assist, amended policy text prepared by Historic England to strengthen the policy, having regard to the established archaeological value and potential within the Parish was submitted with its Regulation 16 comments. Both Berkshire Archaeology and 5.57 Historic England expressed the need for early assessment and engagement prior to preparation of development proposals in order that significance may be evaluated and appropriate measures advanced to record, protect and preserve assets of archaeological interest prior to the preparation and submission of a planning application for development, if this is appropriate.
- 5.58 In considering both proposed policy modifications I have a preference for those offered by Historic England as I consider their suggested amendments sits more comfortably with advice regarding neighbourhood planning and the historic environment in the Planning Practice Guidance⁸ concerning, where relevant neighbourhood plans include enough information about local heritage to guide decisions and put broader strategic heritage policies from the Local Plan into action at a neighbourhood scale. Accordingly, I recommend that this policy be amended as shown by way of tracked changes in Appendix 2 and as amended in Appendix 3. The supporting text would benefit from minor amendment to reflect the strengthened policy seeking to conserve archaeological remains in the neighbourhood area and the importance of submitting appropriate details to the Historic Environmental Record, particularly where remains will not be retained in situ.

POLICY OW11: PARKING STANDARDS FOR NEW RESIDENTIAL DEVELOPMENT

Development proposals that generate an increased need for parking must provide adequate and suitable off-street parking in order to minimise obstruction of the local road network in the interests of the safety of all road users, including pedestrians and cyclists.

For all new residential developments, the provision of off-road parking must be adequate with the following minimum standards:

⁸ <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#plan-making-historic-environment>, Planning Practice Guidance - Paragraph: 007 Reference ID: 18a-007-20140306
Revision date: 06 03 2014

- 1-bed house/flat 1 off-road car parking space
- 2-bed house/flat 2 off-road car parking spaces
- 3-bed house/flat 2 off-road car parking spaces
- 4-bed house/flat 3 off-road car parking spaces
- 5+ bed house/flat 4 off-road car parking spaces

Alternative levels of provision will only be permitted where it can be satisfactorily demonstrated that this would be appropriate on a specific site. Parking spaces can take the form of spaces or garaging/car port facilities, but must be permanently available for parking use.

Any development of 10 or more dwellings should provide additional visitor parking.

5.59 The BCS states that this policy is in accord with the NPPF guidance at 39. Policy OW11 is also said to be in accordance with adopted local plan policy DG1: Design guidelines and Policy P4: Parking within Development, although this was superseded by the adopted Parking Strategy, 2004. This recognised (at paragraph 9.1) that the Borough is constrained by the amount of land available for new developments, necessitating efficient land use, pointing to RBWM's Local Plan which set parking standards for new developments (Appendix 7 of the Adopted Local Plan). The Parking Strategy set maximum parking provision associated with new residential development, in order to achieve the triple objective of:

- applying parking standards on all new and expanded developments;
- to reducing the amount of land dedicated to parking; and
- to reducing the need to travel by cars.

5.60 Ministerial guidance issued in 2015⁹ also referred to the application of parking standards in plan making and noted that where the NPPF advice was being cited to justify the application of parking standards, this should be subject to the statement below;

“Local Planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.”

5.61 There were no Regulation 16 comments in relation to this draft policy.

5.62 In examining the Plan with regard to draft Policy OW11, it is not clear to me how this policy which is based on minimum parking standards for new development and which, particularly for larger dwellings and which is generous, could be considered as being compatible with the

⁹ Op cit



objective of delivering sustainable development. It therefore appears to conflict with RBWM's Parking Strategy, setting maximum parking provision associated with new development. Furthermore, and somewhat unusually there appears to have been little if any consideration of other policy measures such as outlined in NPPF (2012) at paragraph 35, to exploit opportunities for the use of sustainable transport modes. No survey work or objective evidence has been offered to provide the clear and compelling justification for the imposition of minimum parking standards proposed in Policy OW11 for the effective management of the local highway network.

- 5.63 The justification for the policy is to reduce traffic congestion caused by on street parking. This is evidently a pre-existing problem, not caused by proposed residential development, but which may be exacerbated by it. No other consideration of measures that might encourage more sustainable approaches to travel appear to have been assessed in the preparation of the OWINP, particularly for identified traffic congestion caused through on street parking.
- 5.64 For these reasons I recommend that Policy OW11 should be deleted from the OWINP in the event that the Parish Council wishes to take the Plan forward to a referendum. The supporting text relating to residential parking standards would obviously also require deletion.

POLICY OW12: COMMERCIAL PARKING AND TRAVEL PLANNING

Proposals for new commercial development (A- or B-use class) must demonstrate that the additional vehicle parking created by its workforce will not have a detrimental impact on the highway network, neighbouring residential properties or existing businesses.

New commercial developments should seek to provide off-street parking for their workforce which meets the requirements of the Royal Borough of Windsor and Maidenhead Parking Strategy or any successor document.

Subject to demonstrating that they will not have a detrimental impact on the highway network, neighbouring residential properties or existing businesses, proposals for new commercial activity that include the provision of a Travel Plan will be supported.

- 5.65 The BCS identifies this policy as conforming to paragraph 39 of the NPPF. This paragraph deals with parking standards and I agree is partially relevant in seeking to ensure that new commercial development (A and B use classes) provides adequate off-street parking for employees. The policy also conforms with paragraph 36 in advocating the use of travel plans to assist in promoting sustainable development. Regarding adopted local plan policy, Policy P4 and the



Royal Borough of Windsor & Maidenhead (2004) Parking Strategy¹⁰ are also relevant in relation to this policy. I note that concerning business use development, the Parking Strategy advises at paragraph 9.8.1 that, “ *the occupier of the commercial site will be responsible for restraining staff parking in adjacent areas through implementation of a travel plan. The provision of on-street parking controls may be considered where resident parking is severely affected by commercial developments.*”

- 5.66 There were no Regulation 16 comments in relation to this draft policy.
- 5.67 The policy would benefit from minor simplification to avoid repetition. I therefore recommend the minor modifications shown in Appendix 2 and Appendix 3. The policy would also benefit from expressly reflecting the intentions to deliver sustainable development through planning policy at the neighbourhood plan level, but I am satisfied that this should be deliverable through the application and monitoring of Travel Plans where appropriate, which this policy encourages. In that regard, it would be desirable to alter the explanatory text at paragraph 8.5 of the submission version of the Plan as again recommended in Appendix 2 and Appendix 3.

POLICY OW13: HIGHWAY CAPACITY

Development proposals which actively seek to address the cumulative transport impacts on road junctions in Old Windsor will be strongly encouraged.

Transport Assessments (for larger sites) or Transport Statements (for smaller sites) - as required by Paragraph 32 of the National Planning Policy Framework - should address to the satisfaction of the highway authority the cumulative transport impact on road junctions, in particular including the following:

1. Straight Road junction (with St Lukes Road/St Peter’s Road)
2. Crimp Hill junction (with St Lukes Road/Burfield Road)
3. Old Windsor roundabout (junction of Albert Road/Straight Road/Datchet Road/Albany Road)

Where mitigation measures are required, this will be expected to be provided either directly or through a financial contribution in the form of a planning obligation.

¹⁰ Parking Strategy, Planning Policy Unit, Royal Borough of Windsor and Maidenhead, May 2004



- 5.68 The NPPG explains that it is legitimate for neighbourhood plans to promote infrastructure improvements needed to support development and to ensure that a neighbourhood can grow in a sustainable way. This policy will assist in assessing the cumulative impact of development proposals on three road junctions in the Parish, identified in the OWINP. The evidence of need appears to be largely anecdotal, although a study by Peter Brett Associates in 2015 referred to in the Consultation Statement refers to a 50% increase in traffic volumes along Straight Road within 5 years, although the capacities of junctions on the local network are not disclosed. There is no evidence referred to in support of the improvements sought as far as I can ascertain in for example, The Royal Borough of Windsor and Maidenhead's Infrastructure Delivery Plan, 2013 – 2030, prepared by AECOM in June 2015, in which a systematic review of infrastructure needs in the Council's administrative area was assessed and where transport infrastructure projects were assessed in section 5 of that report. This study was published in advance of the preparation of the OWINP. It is clear however that traffic issues together with flood risk are major issues of concern from the perspective of local residents and this is evident from the more general evidence provided for the Parish Council by Navigus Planning, forming part of the evidence for the submission version of the OWINP.
- 5.69 The BCS explains that Local Plan support for Policy OW13 is provided by Policy T5, which states that all development proposals will be expected to comply with the Council's adopted highway design standards. At first blush, it is not clear how this might translate to requiring development proposals to mitigate cumulative harm that might be related more widely on the network to specific proposals, but the supporting text to the policy, at paragraph 6.2.12 explains that, *... "the Borough Council will seek to ensure that new development does not place an undue burden, or create problems of congestion on the highway network. In many parts of the Borough existing roads have reached their environmental capacity and the Borough Council is concerned that new development does not adversely affect the living conditions of residents. It is important that where new development occurs, there should be appropriate provision either through improvements to existing infrastructure or new works to accommodate increased traffic generation, and that such measures be funded by the developer....."*.
- 5.70 This policy attracted adverse comment from Mr Gripton relating to the entire Parking and Transport section within the OWINP on the grounds that reference to cycling is omitted as a means of transport, which offers a low cost, sustainable alternative to movement using private cars and might assist in overcoming local highway and junction capacity congestion. Cycling is amongst other transport options supported through the NPPF as a sustainable means of travel. I have considerable sympathy with Mr Gripton's assessment, although I do not consider that this alone would amount to sufficient reason to consider that the Plan should fail the Basic Conditions test on the grounds of insufficiently supporting sustainable development, but is



nonetheless a shortcoming of the general approach to transport related planning policy in this neighbourhood plan.

- 5.71 In assessing Policy OW13, this refers to proposals requiring Transport Assessments (for larger sites), or Transport Statements (for smaller sites). As explained in the Glossary within the NPPF, transport assessment is defined as a comprehensive and systematic process that sets out transport issues relating to a proposed development, whilst by contrast, a transport statement is defined as a simplified version of a transport assessment where the transport issues arising out of development proposals are limited and a full transport assessment is not required. Thus, it is the *complexity* of the transport issues that will determine whether a transport assessment or transport statement is appropriate, rather than the size of the proposed development, although I accept that in many cases the size of development may generate more complex transport – planning issues.
- 5.72 Policy OW13 is not limited to assessing transport issues on three identified junctions, but having regard to RBWM’s Infrastructure Delivery Plan, junctions along Straight Road are probably likely candidates for assessment. The policy anticipates that other junctions than the three specified in the policy, may also be relevant. Due to the lack of identified evidence to support the policy, or evidence as to junction capacities, I recommend that the policy is amended to become more generic in nature. Encouragement to applicants to seek formal pre-application advice from RBWM prior to completing and submitting development proposals, including, whether proposals in the neighbourhood area should include assessments of expected individual and / or cumulative transport impacts on relevant road junctions, where appropriate, would be constitute helpful guidance, if included in the supporting text to this policy.
- 5.73 Accordingly, I propose that the policy be amended as shown in Appendix 2 by way of tracked changes and the amended version in Appendix 3.
- 5.74 If accepted, the recommended changes to this policy which provides a more general approach to conducting transport assessments and preparing transport statements, I do not consider that it is necessary to alter the supporting text, or alter the maps relating to this policy. This is because I accept that the identified junctions may well be those worthy of testing, having regard to the likely location of new developments within this constrained area over the life of the Plan, and that the policy recognises that other junctions may require testing, depending on the location of proposed development and likely related traffic impact.



POLICY OW14: PEDESTRIAN ROUTES

New development should provide good access to pedestrian routes, preferably from more than one access point if possible. Site layouts must be designed to provide safe routes to schools and other local amenities, giving consideration to footpaths and other off-site schemes, where appropriate.

- 5.75 I agree that this policy conforms generally to the guidance in the NPPF at paragraphs 35 and 69 respectively concerning the design and delivery of sustainable and safe pedestrian movement and providing safe and accessible developments, encouraging the active use of public areas. The policy also conforms to Local Plan guidance in Policy T8.
- 5.76 No comments relating to this policy were made during the Regulation 16 consultation.
- 5.77 To improve clarity, I recommend minor modifications to the policy as shown in Appendix 2 by way of tracked changes and as modified in Appendix 3.

POLICY OW15: PROTECTION OF NATURAL HABITATS, LANDSCAPE AND ECOLOGY

In accordance with the NPPF development which is likely to threaten any site which has been designated under the Habitats Regulations or Wildlife and Countryside Act or species protected by European or National legislation will not be permitted.

Development proposals that would result in the loss of or unacceptable harm to a habitat or species of principal importance within the meaning of the NERC Act will not be permitted within the Parish unless the principals of avoidance, mitigation or compensation within the plan area are applied. If it is not possible to put in place the necessary compensatory measures to protect these habitats and species, then development will not be permitted.

Development retains well-established features of the landscape, including mature trees, species rich hedgerows and ponds will be supported. This is particularly important in the areas of historic landscape integrity.

If there is significant loss of trees and shrubs as part of development, then new provision will be expected elsewhere on the site. The loss of mature trees should be offset through the planting of native tree species with local provenance.

- 5.78 Policy OW15 which seeks to protect natural habitats and biodiversity as well as landscape and ecosystems within the designated neighbourhood area is in general conformity with the advice contained in the NPPF at paragraph 109 as identified in the BCS and also the advice contained



in paragraph 118. As to adopted Local Plan policies, this policy is generally in accord with policies, N1: Areas of Special Landscape Importance; N4: Common Land, Village Greens and Ponds; and N7: Trees and development.

- 5.79 The OWP explains how during the early phase of the preparation of the Plan, the community expressed concern about the perceived loss of wildlife habitats and habitats put at risk from inappropriate development. The Plan further notes that residents expressed a wish to enhance and preserve wildlife seen in the village. Accordingly, following a review of the material held in the Parish, an ecological assessment was commissioned by OWPC to assess the ecological information held within the neighbourhood area and interpret the findings¹¹. This Phase 1 Habitat Survey and ecological study was undertaken by Acorn Ecology Ltd in 2015. The assessment included a desk-based study and extended Phase 1 habitat surveys of nine sites to appraise the baseline ecological conditions, as well as the potential for protected species and species of conservation concern. The objective was to use the findings of the desk study and extended Phase 1 habitat survey to map areas of nature conservation importance within the parish (excluding Windsor Forest and Great Park Special Area of Conservation (SAC) and other land owned by the Crown Estate) so that the local ecological network of the parish could be identified and areas which require further ecological survey and/or ecological enhancement could be highlighted.
- 5.80 Gladman submitted comments regarding this policy, helpfully pointing out that it is not within the remit of a neighbourhood plan to determine planning applications. I agree that it would be appropriate to amend the policy to “support” rather than permit development.
- 5.81 Natural England expressed comments on this policy seeking to conserve and provide a net gain in biodiversity through planning policy in accordance with the requirement of section 40 of the Natural Environment and Rural Communities Act 2006 and paragraph 109 of the National Planning Policy Framework (2012). I agree and have provided for this in the recommended modifications to this policy.
- 5.82 To reflect the objective of the policy which is to protect natural habitats and biodiversity as well as landscape and ecosystems within the designated neighbourhood area, I have recast the policy setting out a series of criteria that need to be met. These recommended modifications appear as tracked changes in Appendix 2 and full changes in Appendix 3.

¹¹ Acorn Ecology Ltd (2015) Biodiversity Resource Report, for Old Windsor Parish Council

POLICY OW16: LOCAL GREEN SPACES

The following areas shown on the Policies Map are designated as a Local Green Spaces:

A. Recreation Ground

B. Allotments

C. Newton Green

D. Manor Riverside

E. Ouseley Riverside

F. Garden and green space behind Day Centre and Memorial Hall

G. Green in front of the Fox & Castle and the Punchbowl

H. Woodland at end of Burfield Road/Straight Road

Proposals for development on these Local Green Spaces will only be permitted in very special circumstances in accordance with national policy on Green Belts.

- 5.83 This policy conforms generally to the guidance in the NPPF at paragraphs 76 and 77 as recognised in the BCS provides and in addition paragraph 78. The adopted Local Plan provides for protection of urban opens spaces and draft policy OW16 conforms generally with adopted policy providing protection from development to land in open space use. Paragraph 77 of the NPPF advises that Local Green Space (LGS) designation will not be appropriate for most green areas or open space.
- 5.84 There was comment relating to this policy during the Regulation 16 consultation from developer Gladman, cautioning against the designation of Local Green Space unless the proposal met the tests provided in the NPPF. These are stringent. The three tests to be satisfied for land to qualify for such designation are as follows:
- the green space is in reasonably close proximity to the community it serves;
 - the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - the green area concerned is local in character and is not an extensive tract of land.
- 5.85 In considering these tests, I am satisfied that the first and third criteria are met for the eight proposed areas for LGS designation. However, the second test which requires that LGS designation should only be used where the green area is demonstrably special to a local community and holds a particular local significance, is not sufficiently met for any of the proposed LGS areas in the OWNP and supporting evidence.



- 5.86 In reaching this assessment, a key message noted in the Consultation Statement following the Regulation 14 consultation concerning environmental matters sought by the local community was that, “Trees and hedgerows should be protected and green spaces kept.” A distinction, albeit narrow, may be drawn from this text between protecting and keeping green spaces. There is no evidence to suggest that there was any demonstrable support in the Regulation 14 consultation for the designation of LGS within the emerging OWNP. Turning to the submission draft OWNP, no detailed evaluation or assessment is offered which might amount to convincing evidence that any of these eight areas of open space are “demonstrably special” and that they “hold a particular local significance”. Were this to be the case, it would be a reasonable expectation for the Borough Council to have received at least some community support for some of these proposed LGS areas during the Regulation 16 consultation, but there was none.
- 5.87 Accordingly, I recommend that the OWNP is amended by deleting Policy OW16 and the supporting text, together with other references to LGS, for example in Policy OW17. For completeness, this recommendation is noted in Appendix 2 and 3 to this examination report.

POLICY OW17: PROVISION OF COMMUNITY FACILITIES ADJACENT TO OLD WINDSOR RECREATION GROUND

The provision of improved community facilities on the site of the existing Old Windsor community building will be strongly supported, including:

- rebuilding of the community building, including an activity hall;
- kitchen facilities;
- changing rooms;
- Youth club

Improvements and new provision should seek to provide for the range of needs of all sectors of the community.

Development must not have a detrimental impact on the adjacent Local Green Space at Old Windsor Recreation Ground.

- 5.88 This policy which seeks to support demolition and redevelopment of the site upon which the Old Windsor community building is located, conforms to guidance within the NPPF at paragraphs 70 and 73, as noted by the BCS. The policy also conforms to Local Plan Policy CF2: Provision of new facilities, again as indicated in the BCS. I am satisfied that this proposed policy is a land use planning policy, although might be taken forward as a “project”. Somewhat surprisingly, the Regulation 16 consultation generated no local community support, despite an



expectation in the supporting text that delivery of the proposal might be funded by developer and possibly CIL contributions.

- 5.89 I have little doubt that demolition and redevelopment of the building on the site to provide improved community facilities has the potential to deliver sustainable development. However, I recommend minor modifications to the policy. Without wishing to stray beyond my examination remit, but picking up on my earlier concerns relating to positive planning policies to encourage more sustainable means of travel the proposals for the redevelopment of this facility appear to offer potential to encourage cycling to and from the proposed community building as a means of both enhancing the sustainability credentials of the OWINP and improving opportunities for healthy living, in accordance with the NPPF advice in for example, paragraphs 7, 17, 73 and 171. The Steering Group may wish to include such encouragement in the supporting text to the amended policy in the event that the modified Plan proceeds to referendum.
- 5.90 Accordingly, I recommend that Policy OW17 is amended as shown by tracked changes in Appendix 2 and the clean amended policy in Appendix 3.

SUMMARY

- 6.1 I set out the summary of my findings below.
- 6.2 In accordance with the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 5, I am satisfied that the submission plan proposal is not a 'repeat' proposal (i.e. the Borough Council has not refused a submission under paragraph 12 or Section 61E and it has not failed a referendum).
- 6.3 I am satisfied that Old Windsor Parish Council is the body who submitted the Plan and is a qualifying body for the purposes of making a neighbourhood development plan. The Designation of Old Windsor Neighbourhood Area was approved in accordance with the Neighbourhood Planning (General) Regulations 2012 and with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning. It was formally designated by the Royal Borough of Windsor & Maidenhead Council on 21st March 2013.
- 6.4 Concerning the requirement to comply with the requirements of the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2) (c) and the Neighbourhood Planning (General)



Regulations (as amended) – Regulation 15, I confirm that the Royal Borough of Windsor & Maidenhead has submitted the following in a satisfactory form:

- (i) A map identifying the area to which the Plan relates;
- (ii) A consultation statement (which contains details of those consulted, how they were consulted, summarises the main issues or concerns raised and how these have been considered and where relevant addressed in the proposed neighbourhood development plan under Regulation 15 (2) (a);
- (iii) The proposed neighbourhood development plan; and
- (iv) A statement explaining how the neighbourhood development plan meets the 'Basic Conditions' requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;

6.5 As to public consultation, the process and management of the community consultation has been satisfactory and I am confident that the Consultation Statement outlining the terms of reference and actions of Old Windsor Parish Council, the supporting evidence from the workshops, consultation correspondence and feedback leading to the formulation of draft policies and subsequent pre-submission and submission plan consultation on the draft Plan policies adequately fulfils Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012 and Section 16 of these Regulation in relation to publicising the consultation opportunities during the preparation of the OOWNP.

6.6 The Plan has been examined against national policies in the NPPF (2012) and adopted planning policy of the Royal Borough of Windsor & Maidenhead Borough Council. A Basic Conditions Statement in a satisfactory form has been prepared which meets the 'Basic Conditions' requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;

6.7 The OOWNP meets the definition of a 'Neighbourhood Development Plan' in that it sets out policies in relation to the development and use of land in the neighbourhood area and therefore complies with the requirement of the Planning and Compulsory Purchase Act 2005, Section 38A (2).

6.8 The 'Neighbourhood Development Plan' (as defined under Section 38A), specifies the time period for which it is to have effect in paragraph 1.1 of the Introduction to the Plan, as being from 2018 - 2033 thereby satisfying the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (a).

6.9 I confirm that the OOWNP does not include any policies relating to excluded development, including minerals, waste or nationally significant infrastructure projects, as defined s61K of the



Town & Country Planning Act 1990 (as amended). Thus, the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (b) is also satisfied.

- 6.10 As required by the Planning and Compulsory Purchase Act 2005, Section 38B (1) (c), I am also satisfied that the OWP does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

EU OBLIGATIONS

Strategic Environmental assessment of OWP Policies

- 6.11 The Consultation Statement explains that RBWM requested an initial screening opinion on the Regulation 14 version of the Plan to ascertain the need for a Strategic Environmental Assessment (SEA). Following consultee responses, from Historic England and Natural England, the Plan was updated and in May 2017, a further SEA screening and Habitats Regulation Assessment was undertaken on the updated Plan, along with an assessment of (then) Policies OW9 (Windsor Sewage Treatment Works) and OW13 (Archaeological Assets), where issues had been raised by Historic England in its response to the initial SEA screening request in 2016. The assessment considered that proposed amendments would not have a significant environmental impact and therefore an SEA was not required. In the Submission Version of the Plan, the amendments were included as a final paragraph of Policy OW7 (Sewerage Disposal and Windsor Sewage Treatment Works) and renumbered Policy OW10 (Archaeological Assets). I concur that the combined modifications to these policies as a result of the intervention of the consultees represent sufficient guidance on the scope of the SEA.
- 6.12 I also agree that there will be no cumulative impact due to the other Neighbourhood Plan policies in respect of issues relating to harm to scheduled monuments or protection of archaeological assets and that overall, neither (renumbered) Policies OW7, nor OW10, are expected to have a negative impact on environmental sustainability and that consequently SEA was not required.

Habitats Regulation Assessment

- 6.13 The HRA screening assessment in relation to the Old Windsor Neighbourhood Plan, June 2018, considered the impact on the relevant sites on the same basis as used in assessing the Local Plan in 2016, where Habitat Regulations Assessment Screening Reports were carried out in respect of the likely adverse impact on any of the identified sites within approximately 5km of the boundary of the Borough. The HRA Screening outcome concluded that no likely significant

effects in regard to the SPAs and SACs in the Borough would occur as a result of the implementation of the OWP. Furthermore, it was also concluded that no likely significant effects in respect of the European sites designated for conservation interest will occur as a result of the implementation of the OWP and therefore the OWP did not require a full HRA to be undertaken.

In-combination effects

- 6.14 The HRA Screening outcomes in 2016 and 2018 concluded that no likely significant effects in regard to the SPAs and SACs in the Borough would occur as a result of the implementation of the OWP. Furthermore, it was also concluded that no likely significant effects in respect of the European sites designated for conservation interest will occur as a result of the implementation of the OWP and therefore the OWP did not require a full HRA to be undertaken.

People Over Wind & Sweetman v Coillte Teoranta, the Court of Justice of the European Union

- 6.15 In April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta* (“People over Wind”), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. As a consequence, changes to the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force on 28 December 2018. The regulations now allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an ‘Appropriate Assessment’ to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application. In the light of the HRA Screening outcome, summarised above, it may therefore be concluded that following the changes referred to above to the *Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018*, that the basic condition prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act, the making of the OWP would not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Convention on Human Rights

- 6.16 The Basic Conditions Statement confirms that the OWP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. This statement is justified through the extensive engagement with the community and stakeholders as indicated in the Statement of Consultation. I note that considerable care has



been exercised throughout the preparation and drafting of the Plan to ensure that the views of the whole community. This should avoid unintentional negative impacts on particular groups. I am therefore of the opinion that there are unlikely to be any prejudicial effects on Human Rights and the related Equality Act 2010 if the Plan were to be made in accordance with my recommendations in this examination report.

Conclusions and Recommendations

- 7.1 I conclude that the OWP policies, subject to my recommended alterations as set out in this examination report being accepted, would meet the Basic Conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990, which a neighbourhood plan is required to satisfy before proceeding to a referendum. These are:
- i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - ii. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - iii. The making of the neighbourhood development 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);
 - iv. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
 - v. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) (either alone or in combination with other plans or projects).
- 7.2 I am satisfied that subject to the recommended policy revisions being accepted, that the draft OWP has given adequate regard to the policies in the National Planning Policy Framework (NPPF 2012) and other relevant national planning guidance and would be in general conformity with the strategic policies of the Royal Borough of Windsor and Maidenhead Council's adopted



Local Plan (Incorporating Alterations Adopted June 2003) which sets out the planning strategy to deliver the social, economic and environmental needs for the Borough. If the changes to the OWNP policies recommended in this examination report are accepted, I believe that the Plan will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the designated area and meet the neighbourhood planning, “basic conditions” in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plans for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

7.3 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this examination report are made to the submission draft OWNP and that the Plan as modified is submitted to a referendum.

Referendum Area

7.4 It is the independent examiner’s role to consider the referendum area appropriate if the Qualifying Body wishes to proceed to the referendum stage. If Old Windsor Parish Council wishes to proceed to a referendum with this Plan, I consider that the referendum area should extend to those persons entitled to vote who are resident in the Designated Plan Area.

Jeremy Edge BSc FRICS MRTPI
20th May 2019

Appendix 1

Background Documents

In examining the OWNP I have had regard to the following documents:

1. The Old Windsor Neighbourhood Plan Submission Stage Consultation (Regulation 16) Version, August 2018
2. Old Windsor Neighbourhood Plan 2018-2033 Basic Conditions Statement, June 2018, Old Windsor Parish Council;
3. Old Windsor Neighbourhood Plan 2018-2033 Consultation Statement, June 2018, Old Windsor Parish Council;
4. Old Windsor Neighbourhood Plan Census and Evidence Base Analysis, October 2014, Old Windsor Parish Council;
5. Archaeology in Old Windsor – a brief appraisal, Berkshire Archaeology October 2014;
6. The Natural Environment in Berkshire Biodiversity Strategy 2014 – 2020, Berkshire Local Nature Partnership 2014;
7. Biodiversity Resource Report – Figures, Acorn Ecology Limited, May 2015;
8. Old Windsor Parish Heritage Survey, Klara Spandl and Angela Warner, 20th July 2015;
9. Neighbourhood Plan: Drainage Issues within the Parish, Old Windsor, Stilwell Partnership, October 2015.
10. Regulation 16 consultation responses
11. The Chief Planning Officer’s letter of 15th January 2019 to Chief Planning Officers relating to Habitats Regulations Assessments and the making of Neighbourhood Plans.
12. Town and Country Planning Act 1990 (as amended)
13. The Planning and Compulsory Purchase Act 2004 (as amended)
14. Planning (Listed Buildings and Conservation Areas) Act 1990
15. The Community Infrastructure Levy Regulations 2010
16. Localism Act 2011
17. Neighbourhood Planning (General) Regulations 2012
18. National Planning Policy Framework 2012
19. National Planning Policy Framework 2018
20. Planning practice guidance - GOV.UK
<https://www.gov.uk/government/collections/planning-practice-guidance>
21. National Planning Policy Framework, Ministry of Housing, Communities and Local Government, published 24th July 2018. NPPF (2018)
22. Royal Borough of Windsor & Maidenhead Local Plan (Incorporating Alterations Adopted June 2003) – saved policies.
23. Royal Borough of Windsor and Maidenhead Local Development Framework Sustainable Design and Construction SPD, June 2009



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24. Royal Borough of Windsor and Maidenhead Housing and Economic Land Availability Assessment (HELAA) 2018, December 2018
 25. Site layout planning for daylight and sunlight: a guide to good practice, (BR209), P Littlefair, Building Research Establishment, 12 September 2011
 26. Parking Strategy, Planning Policy Unit, Royal Borough of Windsor and Maidenhead, May 2004
 27. The Chief Planning Officer's letter of 15th January 2019 to Chief Planning Officers relating to Habitats Regulations Assessments and the making of Neighbourhood Plans.
 28. Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Appendix 2

Recommended Revised Policies (Tracked changes)

POLICY OW1: SETTLEMENT BOUNDARY

The development of Old Windsor village shall be focused within the settlement boundary as identified on the Policies Map.

Development proposals will be supported within the settlement boundary subject to compliance with the other policies in the development plan.

Development proposals outside the settlement boundary will not be permitted unless:

- they represent **land** uses appropriate in the ~~countryside~~ **Green Belt**; and
- they comply with national policy on development in the Green Belt.

POLICY OW2: COALESCENCE WITH WINDSOR

Development proposals in the gap between Old Windsor and Windsor should ensure that the separation between the settlements is maintained.

POLICY OW3: DWELLING MIX

~~Residential developments must provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:~~

- ~~• 1 bed dwellings: 10-15% of all dwellings~~
- ~~• 2 bed dwellings: 25-35% of all dwellings~~
- ~~• 3 bed dwellings: 25-35% of all dwellings~~
- ~~• 4+ bed dwellings: 15-20% of all dwellings~~

~~An alternative dwelling mix will only be permitted where it is demonstrated that the above mix would fundamentally compromise the viability of the scheme, taking into account other requirements of the development.~~

~~Proposals for residential development~~ Where a site is too small to secure the full required mix, development will be expected to provide a mix of dwelling sizes which maximises the potential number of dwellings on the plot whilst ensuring a high quality of design and without having a detrimental impact on the amenity of neighbouring properties. **Development proposals for both housing to be sold in the market and for affordable housing delivering one and two bedroom dwellings will be encouraged.**

POLICY OW4: RESIDENTIAL INFILL AND BACKLAND DEVELOPMENT

Within the settlement area boundary shown on the Policies Map, planning permission for residential development proposals on infill and backland sites will be supported permitted subject to the following criteria:

- Density - proposals that would lead to over-development of a site or the appearance of cramming will be resisted. ~~It should be demonstrated that Development~~ proposals should be of a similar density to properties in the immediate surrounding area
- Plot width ~~to ensure adequate amenity, development~~ plots must be of sufficient width to allow ~~proposed~~ building(s) to be sited with adequate separation between dwellings. Where division of a residential plot is proposed as a consequence of development, the width of the remaining and the new plot(s) should be similar to that prevailing in the immediate area.
- Building line - where the prevailing depth of existing dwellings is a feature of the area, new development should respect that building line.
- Visual separation - new dwellings must have similar spacing between buildings to that commonly found on the street frontage. Where houses are terraced in a locality, proposed ~~the new contiguous~~ development should normally be of a sympathetic terraced design. ~~adjoin the adjacent property(s).~~
- Building height - ~~proposed new~~ buildings should reflect the height of ~~original,~~ existing buildings in the locality. Where existing buildings are of a uniform height, proposed development new buildings should respect that height.
- Daylight and sunlight ~~Proposed development new buildings which~~ should not adversely affect the amenity of neighbouring properties by seriously reducing the amount of daylight and / or sunlight received by habitable rooms available through windows. ~~Blocking direct sunlight from reaching neighbouring properties can cause overshadowing and is not acceptable.~~
- Development must not unacceptably reduce the level of private amenity space ~~provision~~ for existing residential properties.
- Development should not adversely affect the significance of heritage assets, including the special interest, character and appearance of the Conservation Area.

POLICY OW5: FLOODING AND DRAINAGE

Add to the tracked changed supporting text at the end of paragraph 6.13 to the Submission draft OWNP:

- 6.13 The 2014 RBWM Local Flood Risk Management Strategy⁴ considers the various causes of flooding, prevention strategies and RBWM's statutory responsibility as Lead Local Flood Authority, to cooperate and work with a range of other bodies, including parish councils,



to prevent and manage flooding. It outlines a series of objectives that include the reduction of existing flood risk and ensuring that land use planning avoids, minimises and prevents an increase in flood risk. In addition, as noted by Thames Water in its Regulation 16 response to the submission version of the neighbourhood plan, it is likely that need will arise for additional water and/or sewerage infrastructure over the life of the in flood risk areas.

POLICY OW6: SUDS DESIGN AND MANAGEMENT

Add to the tracked changed supporting text after paragraph 6.17 to the Submission draft OWP:
“Thames Water notes that it is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding.”

POLICY OW7: SEWERAGE DISPOSAL AND WINDSOR SEWAGE TREATMENT WORKS

Add the supporting text after paragraph 6.27 to the Submission draft OWP

“Where appropriate, planning permission for development resulting in the need for off-site upgrades, may be subject to a planning condition to ensure that first occupation is prohibited prior to the completion of necessary infrastructure upgrades.

Developers are encouraged to contact the water/waste water management organisation as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint planning permission may be subject to a phasing condition requiring completion of necessary infrastructure upgrades prior to first occupation of the relevant phase of development.”

POLICY OW7: SEWERAGE DISPOSAL AND WINDSOR SEWAGE TREATMENT WORKS

Development will be ~~supported~~**permitted** if the sewer network can accommodate the additional demand for sewerage disposal, both from the development itself and from ~~permitted any accumulated~~ developments in the area ~~where t~~**-**This can be accommodated within the sewer network, either in its existing form or through planned improvements to the system, in advance of the construction or occupation of the development. ~~Development proposals will not be supported unless it can be shown by a drainage study commissioned by the developer and carried out in consultation with Thames Water that there is sufficient~~

~~capacity in the local sewerage system and that any new connections will not increase the risk of system back up/flooding.~~

~~Developers should be encouraged to engage with the appropriate water resources management organisation at the earliest opportunity, as indicated in paragraph 26 of the NPPF (February 2019), (or subsequent updates) to evaluate:~~

- ~~• The development's demand for Sewage/Wastewater Treatment and network infrastructure both on and off site and can it be met;~~
- ~~• The surface water drainage requirements and flood risk of the development both on and off site; and~~
- ~~• The development's demand for water supply and network infrastructure, both on and off site.~~

~~On individual sites of at least 10 dwellings or 500m2 of floorspace, planning permission will only be granted if the necessary wastewater infrastructure is either available or can be provided in time to serve the development. The planning authority will consult Thames Water on major applications and planning conditions will be imposed, if necessary to ensure that, in advance of any construction work:~~

- ~~• a connection is provided to the existing local sewerage network at the nearest point of adequate capacity, or developers will need to provide alternative and proven methods of treating and disposing of wastewater that meet Environment Agency requirements and water quality objectives;~~
- ~~• where a new Sewage Treatment Works is proposed by the developer, the whole route to the Sewage Treatment Works has adequate capacity and the risk of flooding is not increased in wet weather conditions;~~
- ~~• a management plan is provided for future maintenance of any on-site wastewater treatment systems;~~
- ~~• discharge into the River Thames meets Environment Agency requirements so that they do not endanger the ecology.~~

The expansion of Windsor Sewage Treatment Works will be supported if the development does not cause harm to the significance of the Kingsbury Scheduled Monument or other archaeological remains (which might be either directly or by being within their setting) unless such harm is ~~conclusively~~ shown to be unavoidable, has been minimised or mitigated, and is ~~clearly and convincingly~~ justified by being outweighed by the public benefits of the development.

POLICY OW8: TOWNSCAPE (no change)

Development proposals should reflect the character of the surrounding area and protect the amenity of neighbours. Development proposals must demonstrate how they are in keeping with and contribute positively to the respective townscape classification area, as defined by the RBWM Townscape Assessment, or any successor document. Opportunities for enhancement of the townscape through high quality design which reinforces the local distinctiveness of Old Windsor is encouraged.

In particular, development proposals shall:

1. where possible, seek to retain listed buildings and Buildings or Structures of Character (listed in Appendix C) that contribute to the distinctive character and historic and architectural interest of Old Windsor village; and
2. ensure they do not detrimentally impact on the setting of buildings in the Old Windsor Conservation Area; and
3. have a similar form of development to properties in the immediate surrounding area; (this is particularly the case for applications for two or more dwellings on a site currently or previously occupied by a single property); and
4. provide appropriate parking and access arrangements, both for the new development and existing properties where they would be affected; and 5. reflect the boundary treatments prevailing in the surrounding area.

POLICY OW9: HERITAGE ASSETS

Development proposals within the designated areas shown on the Policies Map must demonstrate that they have fully considered the significance of the heritage assets within the designated area and have included appropriate measures to conserve those assets, based on their significance.

Proposals within the setting of heritage assets as shown on the Policies Map must demonstrate that they will not affect the setting of the heritage assets, based on their significance.

Planning permission will not be ~~granted~~supported for development that would result in the loss of either listed buildings, or the following Buildings or Structures of Character:

- Penny Royal Almshouses
- Fox and Punchbowl building
- Newtonside



- Manor Lodge Cottage (Glassworks)
- The Tapestries
- The Bells of Ouseley
- The Jolly Gardeners
- The Oxford Blue

POLICY OW10: ARCHAEOLOGICAL ASSETS

Due to the potential impact on assets of archaeological interest and the need to preserve and/or enhance the historic environment, development proposals within the designated areas shown on the Policies Map ~~should undertake the following action: must be informed by a programme of archaeological investigation completed in accordance with a written scheme of investigation agreed in writing with the Council's archaeological advisors~~

~~Elsewhere within the plan area, proposals for development on greenfield land must be accompanied should be informed by an archaeological evaluation that assesses the risk of discovering unknown archaeological remains; or~~

~~proposals for replacement dwellings and other small scale development are encouraged to seek and act on advice from RBWM's early consultation with the Council's archaeological advisor on the need for an, which should determine whether archaeological investigation and carry out any recommended action.~~

~~On land outside the designated areas shown on the Policies Map, to inform development proposals will be required and, where there have been no previous disturbances of the ground are encouraged to undertake a programme of archaeological work. To be considered appropriate they deem it necessary, such a programme investigation should be agreed in advance with the local planning authority, completed before an application for consent is submitted.~~

~~Where archaeological evaluation demonstrates that significant archaeology is present it may need to be preserved in situ.~~

~~Where archaeological investigation demonstrates that remains of archaeological interest are present or likely to be present within the development site, development should be designed to preserve remains in situ, giving the highest priority to preserving archaeological remains of national importance. Significant loss of remains of archaeological interest within the~~



designated areas is unlikely to be justified, unless it is to ensure the conservation and increased appreciation of the wider area of archaeological interest.

Elsewhere in the neighbourhood plan area, any loss of archaeological remains would have to be robustly justified on the basis of delivering public benefits that could not otherwise be provided. Where the significance of remains does not merit their preservation an appropriate record should be made of any remains that will be lost and deposited with the Historic Environmental Record.

POLICY OW11: PARKING STANDARDS FOR NEW RESIDENTIAL DEVELOPMENT

(Delete policy and supporting text)

POLICY OW12: COMMERCIAL PARKING AND TRAVEL PLANNING

Alter the explanatory text at paragraph 8.5 of the submission version of the Plan to read as follows:

“All new commercial and service activities are encouraged to put in place a Travel Plan to introduce opportunities for the use of sustainable transport modes in order to maximise the potential for its staff to travel to work other than by non-private car modes of transport.”

POLICY OW12: COMMERCIAL PARKING AND TRAVEL PLANNING

~~Proposals for new commercial development (A- or B-use class) must demonstrate that the additional vehicle parking created by its workforce will not have a detrimental impact on the highway network, neighbouring residential properties or existing businesses.~~

Proposals for new commercial development (A- or B-use class) New commercial developments should seek to provide off-street parking for their workforce which meets the requirements of the Royal Borough of Windsor and Maidenhead Parking Strategy or any successor document.

Subject to demonstrating that they will not have an unacceptable detrimental impact on the highway network, neighbouring residential properties or existing businesses, proposals for new commercial activity that include for the provision of a Travel Plan, including the introduction of appropriate improvements to deliver sustainable travel, will be supported.



POLICY OW13: HIGHWAY CAPACITY

Where development proposals are likely to give rise to adverse individual and / or cumulative transport impacts on relevant road junctions in Old Windsor, proposals which include appropriate mitigation to overcome identified adverse highway impact, and subject to other relevant planning considerations, will be supported.

~~Development proposals which actively seek to address the cumulative transport impacts on road junctions in Old Windsor will be strongly encouraged.~~

~~Transport Assessments (for larger sites) or Transport Statements (for smaller sites) – as required by Paragraph 32 of the National Planning Policy Framework – should address to the satisfaction of the highway authority the cumulative transport impact on road junctions, in particular including the following:~~

- ~~1. ——— Straight Road junction (with St Lukes Road/St Peter’s Road)~~
- ~~2. ——— Crimp Hill junction (with St Lukes Road/Burfield Road)~~
- ~~3. ——— Old Windsor roundabout (junction of Albert Road/Straight Road/Datchet Road/Albany Road)~~

~~Where mitigation measures are required, this will be expected to be provided either directly or through a financial contribution in the form of a planning obligation.~~

POLICY OW14: PEDESTRIAN ROUTES

New development which should provide good access to pedestrian routes, preferably from more than one access point, ~~if possible, and s~~Site layouts must be designed to provide safe routes to schools and other local amenities, ~~giving consideration to footpaths and other off-site schemes,~~ where appropriate, will be supported.

POLICY OW15: PROTECTION OF NATURAL HABITATS, LANDSCAPE AND ECOLOGY

~~In accordance with the NPPF Development will not be supported which is likely to:~~

- ~~a) ——— Harm threaten any site which has been designated under the Habitats Regulations, or Wildlife and Countryside Act, or species protected by European or National legislation; will not be permitted.~~

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~~b) Result Development proposals that would result in the loss of, or cause unacceptable harm to a habitat or species of principal importance within the meaning of the Natural Environment and Rural Communities Act 2006 NERC Act will not be permitted within the Parish unless the principles of avoidance, mitigation or compensation within the plan area are applied including the conservation and provision of a net gain in biodiversity and, if it is not possible to re-put in place the necessary compensatory measures to protect relevant these habitats and species are secured in advance of implementation, then development will not be permitted.~~

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~~c) Cause significant harm to well-established features of the landscape, including mature trees, species rich hedgerows and ponds particularly in areas of historic landscape integrity.~~

~~Development retains well established features of the landscape, including mature trees, species rich hedgerows and ponds will be supported. This is particularly important in the areas of historic landscape integrity.~~

~~Where following development if there is a significant loss of trees and/or shrubs occurs as part of development, proposals which include appropriate mitigation through then new re-provision in situ, or will be expected elsewhere on the site as appropriate will be supported, The loss including of mature trees should be offset through there planting of native tree species with local provenance where such loss is of mature trees.~~

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POLICY OW16: LOCAL GREEN SPACES

~~The following areas shown on the Policies Map are designated as a Local Green Spaces:~~

- ~~A. Recreation Ground~~
- ~~B. Allotments~~
- ~~C. Newton Green~~
- ~~D. Manor Riverside~~
- ~~E. Ouseley Riverside~~
- ~~F. Garden and green space behind Day Centre and Memorial Hall~~
- ~~G. Green in front of the Fox & Castle and the Punchbowl~~
- ~~H. Woodland at end of Burfield Road/Straight Road~~

~~Proposals for development on these Local Green Spaces will only be permitted in very special circumstances in accordance with national policy on Green Belts.~~

POLICY OW17: PROVISION OF COMMUNITY FACILITIES ADJACENT TO OLD WINDSOR RECREATION GROUND



~~Proposals for the demolition and re~~provision of improved community facilities on the site of the existing Old Windsor community building including:

~~will be strongly supported, including:~~

- ~~• rebuilding of the community building, including a multifunctional activity hall;~~
- kitchen facilities;
- changing rooms;
- ~~Youth club~~

will be supported.

~~Improvements and new provision should seek to provide for the range of needs of all sectors of the community.~~

~~Development must not have a detrimental impact on the adjacent Local Green Space at Old Windsor Recreation Ground.~~

Appendix 3

Recommended Revised Policies (Clean)

POLICY OW1: SETTLEMENT BOUNDARY

The development of Old Windsor village shall be focused within the settlement boundary as identified on the Policies Map.

Development proposals will be supported within the settlement boundary subject to compliance with the other policies in the development plan.

Development proposals outside the settlement boundary will not be permitted unless:

- they represent land uses appropriate in the Green Belt; and
- they comply with national policy on development in the Green Belt.

POLICY OW2: COALESCENCE WITH WINDSOR

Development proposals in the gap between Old Windsor and Windsor should ensure that the separation between the settlements is maintained.

POLICY OW3: DWELLING MIX

Proposals for residential development will be expected to provide a mix of dwelling sizes which maximises the potential number of dwellings on the plot whilst ensuring a high quality of design and without having a detrimental impact on the amenity of neighbouring properties. Development proposals for both housing to be sold in the market and for affordable housing delivering one and two bedroom dwellings will be encouraged.

POLICY OW4: RESIDENTIAL INFILL AND BACKLAND DEVELOPMENT

Within the settlement area boundary shown on the Policies Map, planning permission for residential development proposals on infill and backland sites will be supported subject to the following criteria:

- Density - proposals that would lead to over-development of a site or the appearance of cramming will be resisted. Development proposals should be of a similar density to properties in the immediate surrounding area



- **Plot width** – to ensure adequate amenity, development plots must be of sufficient width to allow proposed building(s) to be sited with adequate separation between dwellings. Where division of a residential plot is proposed as a consequence of development, the width of the remaining and the new plot(s) should be similar to that prevailing in the immediate area.
- **Building line** - where the prevailing depth of existing dwellings is a feature of the area, new development should respect that building line.
- **Visual separation** - new dwellings must have similar spacing between buildings to that commonly found on the street frontage. Where houses are terraced in a locality, proposed contiguous development should normally be of a sympathetic terraced design.
- **Building height** - proposed buildings should reflect the height of existing buildings in the locality. Where existing buildings are of a uniform height, proposed development should respect that height.
- **Daylight and sunlight** – Proposed development which should not adversely affect the amenity of neighbouring properties by seriously reducing the amount of daylight and / or sunlight received by habitable rooms.
- **Development must not unacceptably reduce the level of private amenity space for existing residential properties.**
- **Development should not adversely affect the significance of heritage assets, including the special interest, character and appearance of the Conservation Area.**

POLICY OW5: FLOODING AND DRAINAGE

Add to the tracked changed supporting text at the end of paragraph 6.13 to the Submission draft OWNP:

6.13 The 2014 RBWM Local Flood Risk Management Strategy⁴ considers the various causes of flooding, prevention strategies and RBWM's statutory responsibility as Lead Local Flood Authority, to cooperate and work with a range of other bodies, including parish councils, to prevent and manage flooding. It outlines a series of objectives that include the reduction of existing flood risk and ensuring that land use planning avoids, minimises and prevents an increase in flood risk. In addition, as noted by Thames Water in its Regulation 16 response to the submission version of the neighbourhood plan, it is likely that need will arise for additional water and/or sewerage infrastructure over the life of the in flood risk areas.

POLICY OW6: SUDS DESIGN AND MANAGEMENT

Add the supporting text after paragraph 6.17 to the Submission draft OWNP:

“Thames Water notes that it is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding.”

POLICY OW7: SEWERAGE DISPOSAL AND WINDSOR SEWAGE TREATMENT WORKS

Add the supporting text after paragraph 6.27 to the Submission draft OWNP

“Where appropriate, planning permission for development resulting in the need for off-site upgrades, may be subject to a planning condition to ensure that first occupation is prohibited prior to the completion of necessary infrastructure upgrades.

Developers are encouraged to contact the water/waste water management organisation as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint planning permission may be subject to a phasing condition requiring completion of necessary infrastructure upgrades prior to first occupation of the relevant phase of development.”

POLICY OW7: SEWERAGE DISPOSAL AND WINDSOR SEWAGE TREATMENT WORKS

Development will be supported if the sewer network can accommodate the additional demand for sewerage disposal, both from the development itself and from permitted developments in the area where this can be accommodated within the sewer network, either in its existing form or through planned improvements to the system, in advance of the construction or occupation of the development.

Developers should be encouraged to engage with the appropriate water resources management organisation at the earliest opportunity, as indicated in paragraph 26 of the NPPF (February 2019), (or subsequent updates) to evaluate:

- **The development’s demand for Sewage/Wastewater Treatment and network infrastructure both on and off site and can it be met;**



- The surface water drainage requirements and flood risk of the development both on and off site; and
- The development's demand for water supply and network infrastructure, both on and off site.

The expansion of Windsor Sewage Treatment Works will be supported if the development does not cause harm to the significance of the Kingsbury Scheduled Monument or other archaeological remains (which might be either directly or by being within their setting) unless such harm is shown to be unavoidable, has been minimised or mitigated, and is justified by being outweighed by the public benefits of the development.

POLICY OW8: TOWNSCAPE (no change)

Development proposals should reflect the character of the surrounding area and protect the amenity of neighbours. Development proposals must demonstrate how they are in keeping with and contribute positively to the respective townscape classification area, as defined by the RBWM Townscape Assessment, or any successor document. Opportunities for enhancement of the townscape through high quality design which reinforces the local distinctiveness of Old Windsor is encouraged.

In particular, development proposals shall:

1. where possible, seek to retain listed buildings and Buildings or Structures of Character (listed in Appendix C) that contribute to the distinctive character and historic and architectural interest of Old Windsor village; and
2. ensure they do not detrimentally impact on the setting of buildings in the Old Windsor Conservation Area; and
3. have a similar form of development to properties in the immediate surrounding area; (this is particularly the case for applications for two or more dwellings on a site currently or previously occupied by a single property); and
4. provide appropriate parking and access arrangements, both for the new development and existing properties where they would be affected; and
5. reflect the boundary treatments prevailing in the surrounding area.

POLICY OW9: HERITAGE ASSETS

Development proposals within the designated areas shown on the Policies Map must demonstrate that they have fully considered the significance of the heritage assets within the



designated area and have included appropriate measures to conserve those assets, based on their significance.

Proposals within the setting of heritage assets as shown on the Policies Map must demonstrate that they will not affect the setting of the heritage assets, based on their significance.

Planning permission will not be supported for development that would result in the loss of either listed buildings, or the following Buildings or Structures of Character:

- Penny Royal Almshouses
- Fox and Punchbowl building
- Newtonside
- Manor Lodge Cottage (Glassworks)
- The Tapestries
- The Bells of Ouseley
- The Jolly Gardeners
- The Oxford Blue

POLICY OW10: ARCHAEOLOGICAL ASSETS

Due to the potential impact on assets of archaeological interest and the need to preserve or enhance the historic environment, development proposals within the designated areas shown on the Policies Map must be informed by a programme of archaeological investigation completed in accordance with a written scheme of investigation agreed in writing with the Council's archaeological advisors

Elsewhere within the plan area, proposals should be informed by early consultation with the Council's archaeological advisor, which should determine whether archaeological investigation to inform development proposals will be required and, where they deem it necessary, such investigation should be completed before an application for consent is submitted.

Where archaeological investigation demonstrates that remains of archaeological interest are present or likely to be present within the development site, development should be designed to preserve remains in situ, giving the highest priority to preserving archaeological remains of



national importance. Significant loss of remains of archaeological interest within the designated areas is unlikely to be justified, unless it is to ensure the conservation and increased appreciation of the wider area of archaeological interest.

Elsewhere in the neighbourhood plan area, any loss of archaeological remains would have to be robustly justified on the basis of delivering public benefits that could not otherwise be provided. Where the significance of remains does not merit their preservation an appropriate record should be made of any remains that will be lost and deposited with the Historic Environmental Record.

POLICY OW11: PARKING STANDARDS FOR NEW RESIDENTIAL DEVELOPMENT

(Delete policy and supporting text)

POLICY OW12: COMMERCIAL PARKING AND TRAVEL PLANNING

Alter the explanatory text at paragraph 8.5 of the submission version of the Plan to read as follows:

“All new commercial and service activities are encouraged to put in place a Travel Plan to introduce opportunities for the use of sustainable transport modes to maximise the potential for staff to travel to work other than by private car.”

POLICY OW12: COMMERCIAL PARKING AND TRAVEL PLANNING

Proposals for new commercial development (A- or B-use class) should provide off-street parking for their workforce which meets the requirements of the Royal Borough of Windsor and Maidenhead Parking Strategy or any successor document.

Subject to demonstrating that they will not have an unacceptable detrimental impact on the highway network, neighbouring residential properties or existing businesses, proposals for new commercial activity that include for the provision of a Travel Plan, including the introduction of appropriate improvements to deliver sustainable travel, will be supported



POLICY OW13: HIGHWAY CAPACITY

Where development proposals are likely to give rise to adverse individual and / or cumulative transport impacts on relevant road junctions in Old Windsor, proposals which include appropriate mitigation to overcome identified adverse highway impact, and subject to other relevant planning considerations, will be supported.

POLICY OW14: PEDESTRIAN ROUTES

New development which provides good access to pedestrian routes, preferably from more than one access point, and site layouts designed to provide safe routes to schools and other local amenities where appropriate will, be supported.

POLICY OW15: PROTECTION OF NATURAL HABITATS, LANDSCAPE AND ECOLOGY

Development will not be supported which is likely to:

- a) Harm any site designated under the Habitats Regulations, or Wildlife and Countryside Act, or species protected by European or National legislation;
- b) Result in the loss of, or cause unacceptable harm to a habitat or species of principal importance within the meaning of the Natural Environment and Rural Communities Act 2006 unless the principles of avoidance, mitigation or compensation within the plan area are applied including the conservation and provision of a net gain in biodiversity and necessary compensatory measures to protect relevant habitats and species are secured in advance of implementation; .
- c) Cause significant harm to well-established features of the landscape, including mature trees, species rich hedgerows and ponds particularly in areas of historic landscape integrity.

Where following development a significant loss of trees and/or shrubs occurs, proposals which include appropriate mitigation through re-provision in situ, or elsewhere on the site, as appropriate will be supported, including re-planting of native tree species with local provenance where such loss is of mature trees.

POLICY OW16: LOCAL GREEN SPACES

(Delete Policy OW16 and supporting text)

POLICY OW17: PROVISION OF COMMUNITY FACILITIES ADJACENT TO OLD WINDSOR RECREATION GROUND

Proposals for the demolition and reprovision of improved community facilities on the site of the existing Old Windsor community building including:

- a multifunctional activity hall;
 - kitchen facilities;
 - changing rooms;
- will be supported.**

Appendix 4

Berkshire Archaeology - Suggested Revisions to Policy OW10 Old Windsor Neighbourhood Plan – Submission Version

Fiona Macdonald MA (Oxon) MCIFA,
Principal Archaeologist
Berkshire Archaeology
Berkshire Record Office
9 Coley Avenue
Reading RG1 6AF

Policy OW10 suggested edits:

Due to the potential impact on archaeological assets and the need to preserve and enhance the historic environment, development proposals within the designated areas shown on the Policies Map should undertake the following action:

- proposals for development on greenfield land must be accompanied by sufficient information to demonstrate their impact on both known and previously unrecorded archaeological assets. This is likely to require archaeological assessment and fieldwork evaluation, and may lead to a requirement for mitigation measures to conserve the significance of any archaeological assets present ~~an archaeological evaluation that assesses the risk of discovering unknown archaeological remains;~~ or
- proposals for replacement dwellings and other small-scale development are encouraged to seek and act on advice from RBWM’s archaeological advisor prior to submission, regarding ~~an~~ the need for ~~an~~ archaeological investigation and/or mitigation, ~~—and~~ to carry out any recommended action.

On land outside the designated areas shown on the Policies Map, development proposals where there have been no previous disturbances of the ground are encouraged to consider archaeological issues in advance, and undertake a programme of archaeological work if advised by. ~~To be considered appropriate, such a programme should be agreed in advance with~~ the local planning authority.

Where archaeological evaluation demonstrates that significant archaeology is present it may need to be preserved in situ, or further stages of fieldwork to ensure preservation “by record”

Appendix B – Old Windsor Neighbourhood Plan

Examiner's Recommended Changes

Location of change	Page of Plan	Proposed Change	Commentary on examiner's view	Officer recommendation
Policy OW1: Settlement Boundary	14	Refer to 'land uses' and Greenbelt rather than 'uses' and 'countryside'.	The revised policy complies better with the NPPF.	Accept the change.
Policy OW3: Dwelling Mix	17	Delete the section of the policy which specifies the housing mix and amend the rest of the policy to be more generally applicable.	The approach is more appropriate given the likely types of housing developments that will be built in Old Windsor.	Accept the change.
Policy OW4: Residential Infill and Backland Development	18	Detailed changes to the policy to ensure that it is more appropriately worded to ensure it is effective.	The revised policy is more appropriately worded for use in development management decisions.	Accept the change.
Para 6.13	23	Add wording to the end of the paragraph to reflect comments made by Thames Water that there is likely to a need for additional water and sewerage infrastructure over the plan period.	To give a clearer picture and accord with a representation.	Accept the change.
Para 6.17	24	Add wording to make clear that it is the developer's responsibility to ensure a site is sustainably drained.	This is helpful advice for future developments.	Accept the change.
Para 6.27	26	Add new wording to the supporting text for Policy OW7 Sewerage Disposal and Windsor Sewage Treatment Works.	This alteration seeks to ensure that there will be sufficient capacity in the sewage treatment system before development is occupied and comes into use.	Accept the change

Policy OW17: Sewerage Disposal and Windsor Sewage Treatment Works	27	Detailed wording changes to implement the approach set out above.	The revised policy wording should make the use of the policy more effective in operation over the life of the plan.	Accept the change
Policy OW9: Heritage Assets	34	Changing a word in the policy from 'granted' to 'supported'.	The revised wording is more legally correct.	Accept the change
Policy OW10: Archaeological Assets	35	Detailed policy wording changes are proposed to reinforce the policy.	These changes ensure the policy reflects more accurately national guidance for neighbourhood plans and how policies should deal with Archaeological Assets.	Accept the change
Policy OW11: Parking Standards for New Residential Development	37	Deletion of the draft policy and supporting text.	The approach and policy details did not comply with national policy and guidance.	Accept the change
Para 8.5	38	Detailed wording changes proposed to the paragraph relating to the use of Travel Plans.	The revised wording accords more with guidance and practice.	Accept the change
Policy OW12: Commercial Parking and Travel Planning	38	Detailed wording changes proposed to the policy relating to encouraging the use of more sustainable modes of transport and ensuring the provision of an appropriate level of workforce parking.	This is to simplify the policy and avoid repetition.	Accept the change

Policy OW13: Highway Capacity	39	The policy is rewritten to make it more generic.	The revised approach allows it to be applied where it is relevant, as there are more junctions in the parish which may need assessing than those listed in the original policy.	Accept the change
Policy OW14: Pedestrian Routes	39	Minor changes to the wording are proposed.	These changes are to improve clarity.	Accept the change
Policy OW15: Protection of Natural Habitats, Landscapes and Ecology	43	The policy wording is amended to reflect the objective stated in the plan for it, as well as respond to Natural England's comments.	These changes ensure the policy reflects more accurately national guidance for neighbourhood plans and how policies should deal with this policy area.	Accept the change
Policy OW16: Local Greenspaces	Pages 44 to 48	The policy and supporting text should be deleted from the plan.	The evidence provided in and with the plan does not meet the tests set out in the NPPF to support the proposed designations of the areas listed as Local Greenspace.	Accept the change
Policy OW17: Provision of Community Facilities adjacent to Old Windsor Recreation Ground	Page 50	Some minor changes to the policy are proposed.	These changes are to improve the wording of the policy.	Accept the change