

Report Title:	RBWM Borough Local Plan Submission Version – Proposed Changes
Contains Confidential or Exempt Information?	No – Part 1
Member reporting:	Councillor Coppinger, Lead Member for Planning and Maidenhead
Meeting and Date:	Extraordinary Full Council – 23 October 2019
Responsible Officer(s):	Russell O’Keefe, Executive Director, Place & Jenifer Jackson, Head of Planning
Wards affected:	All

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REPORT SUMMARY

1. This report requests that Full Council approves Proposed Changes to the Borough Local Plan Submission Version ([BLPSV](#)), alongside the Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA) updates, for public consultation. This follows the Council's decision on 19 June 2017 to approve the BLPSV for submission to the Secretary of State for independent examination. Currently, the Examination process has been paused to allow the Council to undertake additional work requested by the Local Plan Inspector. These Proposed Changes are the outcome of the additional work requested by the Inspector.
2. If approved, the Proposed Changes, alongside the SA and HRA Update, will be subject to a six-week consultation period between 1 November and 15 December 2019. The purpose of this consultation is to allow interested persons an opportunity to participate in the Examination process and make representations on the Proposed Changes. All responses received will then be reviewed by the Council and consideration will be given as to whether further revisions are necessary before submitting the revised BLPSV to the Local Plan Inspector to enable further Examination hearings to be held in early 2020. The Inspector will consider all representations received before deciding whether the Proposed Changes will make the BLPSV sound and legally compliant.
3. The Proposed Changes are supported by a comprehensive suite of evidence. This includes additional evidence to underpin the approach to place-making set out as part of the Proposed Changes. Added to this is further evidence to justify the selection of new and amended site allocations alongside the rationale for the retention of any sites unchanged from the BLPSV. The Proposed Changes take account of the advice from the Inspector following Stage 1 hearings held in June 2018.
4. This decision will be taken within the legislative framework for plan-making within Part of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). The BLPSV is currently at the second of three distinct and sequential stages in the plan-making process, known as the 'examination' stage. As a matter of law, the Inspector appointed to examine the BLPSV has control of the plan-making

process and will continue to do so until she delivers her final report on the Examination of the BLPSV, in which she will recommend the changes (known as Main Modifications (MMs)) required to make the BLPSV sound and legally compliant. At that stage, it will be for the Council to decide whether to adopt the BLPSV with the MMs recommended by the Inspector.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) Approves the Proposed Changes to the Borough Local Plan Submission Version (Appendix 1), together with the Sustainability Appraisal and Habitats Regulations Assessment updates, for public consultation.
- ii) Delegates to the Executive Director, Place in consultation with the Lead Member for Planning, to make such revisions to the Proposed Changes to the Borough Local Plan Submission Version as are necessary and/or appropriate to address responses received to the Proposed Changes public consultation, before it is submitted to the Inspector to progress the Examination of the BLPSV with Proposed Changes.

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

Options

Table 1: Options arising from this report

Option	Comments
<p>Approve the Proposed Changes and consult for a period of six weeks, give careful consideration to responses received and make any necessary changes, before submitting to the Inspector.</p> <p>This is the recommended option.</p>	<p>The Council's letter to the Inspector dated 26 July 2019 (RWBM_025) set out the next steps based on the advice from the Inspector following the Stage 1 hearings and specifically those contained in ID/07 and ID/09v2. The work requested during the pause period has been undertaken and has led to the Proposed Changes being identified. This option is in line with the position set out in ongoing correspondence from the Inspector.</p>
<p>Only agree to consult on the Proposed Changes and to consider whether to approve them following consultation through a further report to Full Council in Spring 2020.</p>	<p>The Council does not control this stage of the plan making process, the Inspector does until she delivers her final report. The Council has sought and received, in principle, the agreement of the Inspector to the procedural steps now set out including</p>

Option	Comments
	<p>asking Full Council to approve the proposed changes and to consult. If Full Council were not to follow the recommended option and wished an alternative then permission from the Inspector would be required.</p> <p>This option is likely to confuse stakeholders through consulting on Proposed Changes whilst not indicating whether there would be further changes, or even a further round of consultation; mindful of the fact that firstly the plan has to be based on evidence and secondly the Inspector may not decide to take any of the Council's Proposed Changes forward through Main Modifications.</p> <p>This option is likely to result in additional cost and further delay to the process, this makes the Council vulnerable to planning applications and appeals being determined in the absence of a five year housing land supply position for the purposes of Development Management decisions.</p> <p>The Council is committed to having a post-2004 Act and up to date plan in place which meets 100% of the housing and employment needs arising to 2033 and provides a framework for the management of development through decision making on planning applications. This will ensure that development comes forward in a planned way with a focus on place making –using stakeholder masterplans which local people can engage with - and is supported by infrastructure delivery.</p>
<p>Do not agree to the Proposed Changes or to consult on those changes.</p>	<p>The Inspector's advice to the Council following the Stage 1 hearings and subsequently on the work to be undertaken during the pause in the Examination has been clear. If the Proposed Changes are not agreed or if no consultation on those changes is agreed to be undertaken the Council will not be heeding that advice which relates to overcoming soundness issues identified with the Plan. The only other way to rectify those issues is for the</p>

Option	Comments
	<p>Inspector to seek to do so through Main Modifications (MMs). The LPA has made a request under section 20(7C) of the Planning and Compulsory Purchase Act to ask the Inspector to recommend MMs. This is therefore the Council's opportunity to produce changes with which the Council is content to proceed and to ask the Inspector to give those changes firm consideration when the examination resumes.</p>

Plan-making process

- 2.1 As Members will recall, on 19 June 2017 Council approved the Borough Local Plan Submission Version (BLPSV) for publication and submission to the Secretary of State for independent examination. The BLPSV was submitted on 31 January 2018 and, thereafter, has been subject to Examination by an planning inspector appointed by the Secretary of State, Mrs Louise Phillips MA (Cantab) MSc MRTPI ("the Inspector").
- 2.2 Members are now being asked to approved a series of Proposed Changes to address issues concerning soundness of the BLPSV. As before, this decision must be taken in accordance with the relevant legislative framework for plan-making within Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations").
- 2.3 There are three distinct and sequential stages in the statutory plan-making process under Part 2 of the 2004 Act.
- 2.4 The first is the 'preparation' stage, which as the names suggests, involves the gathering of evidence, the identification of issues and options, and the formulation of strategies, policies and allocations. The LPA controls the 'preparation' stage process, which must include consultation and publication under regulations 18 and 19 of the 2012 Regulations, respectively.
- 2.5 The 'preparation' stage ends when the LPA submits the Local Plan to the Secretary of State for independent examination, which is the second stage of the plan-making process.
- 2.6 Upon submission, the Secretary of State must appoint an independent person (usually a planning inspector) to carry out the examination of the local plan in accordance with section 20 of the 2004 Act. The purpose of the examination stage is to ascertain whether the submitted plan is sound and legally compliant, and whether the LPA, at the 'preparation' stage has complied with its duty to co-operate under section 33A of the 2004 Act.
- 2.7 During the 'examination' stage the inspector appointed to examine the submitted local plan controls the plan-making process and decides how the examination should be carried out, subject to the requirement that it must be conducted

lawfully and fairly. In accordance with good practice, the inspector will consult the LPA before making any decisions regarding the examination procedure but is in no sense bound to accede to the LPA's requests or preferences.

- 2.8 The examination stage ends when the Inspector delivers her final report on the examination of the submitted plan to the LPA. The Final Report must include the Inspector's formal recommendation regarding the adoption of the local plan. Without exception, since the 2004 Act came into force, every local plan submitted for examination would have been found to be unsound with the result that the appointed inspector should then have recommended that the submitted plan not be adopted.
- 2.9 However, pursuant to section 20(7C) of the 2004 Act, where the LPA has asked the Inspector to do so, if having carried out the examination the inspector concludes that the LPA has complied with its duty to co-operate but cannot conclude that the submitted plan is sound and/or legally compliant, the Inspector must recommend modifications of the submitted plan to make it sound and legally compliant so as to enable its adoption. Making that request has now become usual practice and, as a result, every plan submitted to the Secretary of State is capable of adoption with or without modifications.
- 2.10 The third stage of the plan-making process is the 'adoption' stage, when the LPA decides whether to accept the recommendation made by the Inspector in her final report. The term 'recommendation' is slightly misleading as the LPA has a binary choice: either adopt the plan in accordance with the Inspector's recommendation, or decide not to adopt the Local Plan at all. That decision must be taken by Full Council at the end of the process described above.

Examination of the BLPSV

- 2.11 As stated above, the BLPSV is currently at the second or 'examination' stage of the statutory plan-making process. The Inspector appointed to examine the BLPSV has control of the plan-making process and will continue to do so until she delivers her final report on the Examination of the BLPSV, in which she will recommend the changes, known as Main Modifications (MMs), which are required to make the BLPSV sound and legally compliant. At that stage, it will be for Council to decide whether to adopt the BLPSV with the MMs recommended by the Inspector.
- 2.12 Following Stage 1 hearings held in June 2018, the Inspector provided an Advice Note ([ID/07](#)) dated 20 July 2018. The Inspector's advice concerns matters discussed in the course of the Stage 1 Hearings and noted that a number of other matters remain to be considered as part of the Examination in the future. On 26 October 2018, the Council provided a comprehensive response to the Inspector's Advice Note ([RBWM/018v2](#)) and a further response was provided as a legal submission relating to the point of availability of evidence/fairness. The Inspector considered from the nature of the work that the Council intended to undertake to address her advice, including public consultation, that the Council was in effect asking for a pause to the examination; the work to be done by the Council during the pause period was clearly identified [in ID/09v2](#) published on 7 November 2018.
- 2.13 The Council provided the Inspector with a comprehensive update on 26 July 2019 ([RBWM/025](#)) which included proposals for progressing the examination.

These proposals included convening an Extraordinary Council Meeting in late October for the purposes of securing Members' endorsement to the Proposed Changes prior to consultation. The Inspector's response was received late afternoon on 15 October 2019 and is attached as Appendix I: the Council will continue to provide the Inspector with updates.

Additional post-Stage 1 Hearings work

2.14 The work to be undertaken was clearly specified by the Inspector in correspondence following the Stage 1 Hearings and has been subject to correspondence which is on the Examination pages of the Council website. The Inspector indicated an understanding that the work would have potential implications for the plan and these are considered in detail below as they relate to Proposed Changes to the BLPSV. To summarise, the relevant matters are:

- Review of BLP site allocations, sequential testing, site selection and SA
- Preparation of Housing Land Supply position statement and consideration of the standard approach to calculating housing need
- Review of employment evidence and policy approach
- Review of HRA work, including Appropriate Assessment in relation to Chiltern Beechwoods Special Area of Conservation
- Collaborative working with White Waltham Parish Council
- Exploring additional options for Suitable Alternative Natural Green space (SANG)
- Preparation of Water Quality Assessment
- Review of representations received at Regulation 20 stage

2.15 It is now appropriate to seek the Council's authority to approve Proposed Changes to the BLPSV. The Proposed Changes comprise the revisions to the BLPSV that, subject to approval, the Council will invite the Inspector to consider as proposed Main Modifications ("MMs") which the Council consider to be necessary to make the BLPSV sound and capable of adoption.

2.16 The Proposed Changes will be subject to a Regulation 19-style 'consultation' for a period of six weeks. In practice, that means that interested persons may make representations about the Proposed Changes to the BLPSV, which will be considered by the Inspector as part of the Examination. As such, representations should be focused upon whether the BLPSV with the Proposed Changes, would be sound and legally compliant. That does not mean that representations cannot address other considerations; however, as the Inspector's remit is limited to examining the soundness and legal compliance of the BLPSV, representations should focus upon those issues.

2.17 Following the end of the six-week public 'consultation', in accordance with the Inspector's direction, the Council will review the representations received and consider whether further revisions of Proposed Changes are necessary to address issues of soundness raised in consultation responses. Any such

changes will not be subject to further public consultation as the persons making representations requesting changes to the revised BLPSV will be entitled to address the Inspector at the Examination hearings in 2020..The Inspector has made clear that the submitted revised version of the BLPSV (incorporating the Council's Proposed Changes) should enable the Examination, when resumed, to have regard to the most up-to-date and well-informed position possible.

- 2.18 The recommendation would allow Officers to make such revisions to the Proposed Changes to the BLPSV as are necessary and/or appropriate to address responses received to the Proposed Changes public consultation before it is submitted to the Inspector to progress the Examination. Officers may consider that those further amendments – if they are significant changes to the policy direction for example or result in changes to the site allocations - may necessitate reverting to Council for a decision.

Proposed Changes

- 2.19 The Proposed Changes are set out in a table accompanying this report at Appendix B. Also, within Appendix C is a table of the proposed minor changes to the BLPSV, which do not affect the soundness or legal compliance of the Plan. In general, they involve small-scale revisions to the explanatory text and the spatial portrait which will not be included in the Proposed Changes consultation. In due course, these minor changes will be published as Additional Modifications ("AMs") but, as they do not affect the soundness and legal compliance, they form no part of the Inspector's consideration. It is usual practice for a local planning authority to keep a record of minor changes during the Examination process.
- 2.20 Set out below are the Proposed Changes, addressed by theme, with an explanation of what has informed the Proposed Change and the reason for the change.

Theme 1 – Place Making

- 2.21 Policy SP1 of the BLPSV sets out the Spatial Strategy for the Borough being to focus the majority of development in three strategic growth areas (Maidenhead, Windsor and Ascot) to make best use of infrastructure and services in addition to providing a sustainable approach to growth. Within Maidenhead new development will largely be focused on the Town Centre and in South West Maidenhead, this will support the role of the town in the wider Thames Valley and take advantage of the Elizabeth Line connections. This Spatial Strategy remains unchanged, Policy SP1 has been rebadged as Policy QP1 in the Proposed Changes (see Appendix B).
- 2.22 Full Council has previously accepted and agreed that all of the housing and employment needs in the Borough will be met in full. Rather than see that as a 'numbers' driven approach, it is considered more appropriate within the Vision established by the BLPSV to see it as being about the future places that will be 'created' within the borough through the delivery of the plan largely through the development management (planning application) process. While this means places supported by infrastructure alongside new development as required, more importantly it seeks to recognise the local characteristics of places across the Borough and how that local distinctiveness is valued by residents. This

provides for more local level plan making through the Neighbourhood Planning process: the Borough now has a number of 'made' Neighbourhood Plans and others progressing through the process. The place-making policies are supported by new evidence which is referenced below.

- 2.23 Design quality of new development will be critical and the Council welcomes the publication of a [National Design Guide](#). Following success in achieving funding from the Planning Delivery Fund for a focus on Design Quality the local planning authority has been working to bring forward a [Borough Wide Design Guide SPD](#) (consulted on from 14 March to 25 April 2019) and to work with stakeholders on the place-making for Maidenhead Town Centre, South West Maidenhead (Desborough) and Ascot Centre. This has included [stakeholder workshops](#) during June and July 2019 and the preparation of Topic Papers to support that approach that explain how it will be carried through minor revisions to Policy SP2 (now Policy QP1) and the Proposed Change to the BLPSV inserting new policies QP1a South West Maidenhead Place-Making, Policy QP1b Maidenhead Town Centre Place-Making and Policy QP1c Ascot Centre Place-Making. (The QP policies relate to Quality of Place rather than the previous prefix of SP for Spatial.)
- 2.24 To inform this work, in addition to the Topic Papers for each of the three areas and the Blue/Green Infrastructure Study, a Tall Buildings Study and Strategy has been commissioned and the Technical and baseline study will be published with the Proposed Changes to the BLPSV. The Study seeks to understand the context heights across the Borough and thus to identify areas where tall buildings may be acceptable: this is key in Maidenhead Town Centre where higher intensity development is envisaged and where viability is challenging in relation to brownfield sites. This work is also important to understand whether the use of brownfield land is being maximised appropriately with reference to capacity of the highway network and to the importance of heritage assets and other relevant constraints. Tall Buildings were considered in the BLPSV under Policy SP3 in relation to design, as a consequence of the place-making work done and evidenced through the study a Proposed Change is a new Policy QP3a on Building Heights and Tall Buildings. The new policy seeks to clarify the approach to height and tall buildings in the Borough in a single policy which rationalises the position from BLPSV where tall buildings policy requirements were spread across a number of BLPSV policies and contained in the Maidenhead Area Action Plan (AAP). The Proposed Changes would superseded the AAP in its entirety, this would be subject to the Inspector's progression of the Examination and her Main Modifications.
- 2.25 The focus on placemaking is a theme identified from the review of the Regulation 20 representations. In addition to the Proposed Changes explained above and set out in Appendix 2 it has also led to minor changes to policies including BLPSV Policy SP3 (now Policy QP3). These Proposed Changes collectively and with the support of Supplementary Planning Documents and Stakeholder Masterplans will provide a robust framework for the consideration of future planning applications and will ensure that development achieves the ambition for place which the Council envisages.

Theme 2 – Site Allocations for Housing, Employment and Infrastructure

Housing

- 2.26 The BLPSV is based on the housing need of 712 dwellings per annum (dpa) evidenced in the 2016 Berkshire (with South Bucks) [Strategic Housing Market Assessment](#). The continued reliance on the SHMA approach has been considered during the pause period and officers are of the view that the available evidence indicates that this is appropriate and sound. In coming to this view the 2014-based and 2016-based population projections have been considered which inform the standard method for calculating Local Housing Need; based on 2014 sub-national population as per the current approach published by Government this derives a LHN figure of 761 dpa. As set out in [RBWM/025](#) the housing target in the BLPSV of 712 dpa with the backlog added is an almost equivalent quantum of homes to the LHN applied over the Plan period. Due regard has been given to the interaction with employment data and economic growth.
- 2.27 The Council intends to continue to use the SHMA objectively assessed housing need of 712 dpa. The aim is to meet the backlog as early as possible as identified in the housing trajectory which has been updated from the BLPSV based on the site allocations work which is explained below, the overall spatial strategy is unchanged.
- 2.28 Following discussion on this matter at the Stage 1 hearings, the [Inspector's post hearing advice note](#) included requests in relation to climate change and flood risk and raised questions to which the Council responded through a Flooding Statement published alongside [RBWM/018v2](#) on 26 October 2018 ([RBWM/019](#)) and also the Statement of Common Ground with the Environment Agency published in October 2019 (PS/041). To summarise, having reviewed the sequential testing done it was concluded it was not as robust as it could have been and the proposed remedy was to review the site selection work which could lead to adjustments to the allocations proposed in the BLPSV. This was accepted by the Inspector who indicated in [ID/09v2](#) that *"any changes ultimately proposed should be subjected to public consultation before they are finalised, along with the revised evidence to support them"*.
- 2.29 This has been the most intensive workstream during the pause to the Examination. The Council has been working with the Environment Agency (EA) to clarify and agree the approaches taken to flood risk in the Borough and continues to engage with the EA in relation to the availability of the latest flood model for the Lower River Thames. The EA suggested the model would be available in June 2018, it is now indicating it will be published in November 2019. The Council has declined to use any draft data because it is not in the public domain and there is a lack of confidence regarding the date of publication. The risks associated with that position are understood, the Council continues to rely on its published SFRA and the 2009 flood data, as per the Statement of Common Ground (PS/041).
- 2.30 The BLPSV Policy HO1 site allocations have been reviewed using an updated Housing and Employment Land Availability Assessment (HELAA), updated sequential test, a review of the site selection methodology and through re-running the site selection process.
- 2.31 The site selection methodology, contained in the updated Housing Topic Paper, looked comprehensively at the factors that influence the suitability of land for

development. This includes a combination of economic, environmental and social factors. The methodology is applied to all sites in the BLPSV and those new or amended sites now that are contained within the HELAA 2019. This is because revised evidence and updated evidence has been gathered through the pause period of the Examination which could clearly impact on the relative merits of any given site; consequently it is important that every site is reviewed and assessed in a consistent manner based on the latest available evidence.

- 2.32 The [HELAA 2019](#) is published on the Council website. Inevitably this work has identified changed circumstances for some of the allocated site, some have now received planning permission and move from an allocation to a commitment, one site is stated by the landowner to be no longer available (Windsor Police Station formerly site HA29). In some instances the review has led to a view that sites should not be allocated in the BLPSV and potential new allocations that comply with the spatial strategy of the BLPSV have been identified. A list of the sites now proposed to be allocated in Policy HO1 is attached as Appendix D, this is a Proposed Change. Key requirements and considerations for each of the allocated housing sites – now identified as AL sites – are set out in individual site pro-forma which constitute a Proposed Change and are located in Appendix D of the BLPSV, now Appendix C in the “amended plan” (see Appendix A to this report); these will be policy.
- 2.33 It will be noted that there are sites which are currently in employment use and were proposed as housing allocations in the BLPSV. A number of those sites are located in Flood Zone 3 as identified in the [Strategic Flood Risk Assessment](#). As a result of the review of the site selection methodology, the updated sequential test and the re-run of the site selection process together with the use of the most recent HELAA 2019 some of those sites are no longer proposed to be allocated for housing.

Employment

- 2.34 Alongside the work on housing supply, site selection and supporting work to inform that site selection the Council has also considered further the approach to allocating sites to meet economic needs. In effect a mini employment land review has been conducted during the pause period to ensure that the plan identifies sites to deliver its economic needs in full and there are consequent Proposed Changes to the allocations contained in BLPSV Policy ED1. This includes Class B1a use for offices and Class B2/B8 industrial and warehouse space.
- 2.35 The BLPSV sought to safeguard the site known as the Triangle Site (land south of the A308(M) west of Ascot Road and north of the M4, Maidenhead) for future employment use, the site is within the designated Metropolitan Green Belt. A Proposed Change is to allocate the Triangle site for industrial and warehousing space (Classes B1c, B2, B8 and associated sui generis employment uses) to secure the delivery of a mix of units as part of a comprehensive scheme to be delivered to a high standard reflecting the ‘gateway’ nature of the site to Maidenhead. A masterplan would be required and this is covered in the related site pro-forma in Appendix C to the amended BLPSV which forms policy requirements for this site. This site forms part of the South West Maidenhead area and should be considered in the context of the place-making ambition referenced in Policy QP1a. This allocation is cross-referenced in Policy QP1a

as are all of the other allocations within that area and the other place making policies.

Infrastructure

2.36 The BLPSV is supported by an [Infrastructure Delivery Plan](#) (IDP) to identify the key infrastructure required to support growth, resulting from housing and employment allocations during the Plan period to 2033. National planning policy provides the framework for this and the IDP has been updated to support the Proposed Changes. The IDP is a 'living' document, and as such there will be ongoing monitoring of infrastructure requirements and dialogue with infrastructure providers throughout the Plan period. Infrastructure delivery will be an ongoing process with local partners to ensure that priorities are properly reflected and provide a mechanism for cooperation between internal and external providers of infrastructure. It will also be important to continue working closely with neighbouring authorities in order to ensure that infrastructure provision supports development both in the Borough and within the wider area. Where required, the Plan will be updated in order to include new priority schemes. The ambition is also to produce future infrastructure delivery schedules aligned to geographic areas of the borough to make it easier to understand the proposals for infrastructure delivery to support new development.

Green and Blue Infrastructure

2.37 Since the BLPSV was submitted for Examination the Council has produced an [Open Space Study](#) which updates the previous evidence base document. The Council has therefore reviewed the BLPSV open space policy, Policy IF4 which contains Green Infrastructure allocations as a Proposed Change to the BLPSV in response to Regulation 20 representations and to improve the usability and flow of the policy. Site specific policy requirements for each of the allocated green infrastructure sites are set out in individual site pro-forma which constitute a Proposed Change and are located in Appendix C of the BLPSV; these site pro-forma will be policy.

Infrastructure: Sustainable Transport

2.38 Tackling reductions in vehicle emissions and ensuring development is located to minimise the use of the private car and to offer more enticing alternatives is a key strand of the BLPSV for Maidenhead Town Centre and the South West Maidenhead area and also for Ascot Centre. Transport modelling has been done to support the site selections process which has demonstrated that there would be further impacts on specific junctions which would need to be mitigated if there was to be no change in behaviours around car use. Work is ongoing to identify the degree of modal shift which would be required to ensure the network contain to operate without further mitigation within a cordon appropriate to those strategic growth areas.

2.39 Having regard to the place making work for strategic growth locations work has been commissioned – funded by the Business Rates Retention Pilot - specific to the A329 from Virginia Water to Bracknell in relation to public realm, place

making, pinch points, capacity and potential future highway improvements. The A329 (London Road/High Street) runs through the centre of Ascot and this is relevant to the proposed Policy QP1c which introduces development on either side of the High Street. This is a heavily trafficked route which also provides significant on-street parking for users of the centre and commuters. Bracknell Forest Council has already identified a number of roads and junctions that would require improvement against the predicted traffic growth in 2026. This included the London Road (A329) as one of these roads and, in particular, the Martins Heron roundabout as one of these junctions; the work will understand how this relates to junctions in RBWM on this same route as well as considering opportunities for walking, cycling and public transport improvements on this corridor and how the place making work in Ascot will link to access to the railway station.

- 2.40 This is in addition to the Planning Delivery Fund money for an A308 corridor study working in partnership with Bucks and Surrey County Council's. The A308 is also a heavily trafficked route and carries traffic through the borough from the Runnymede roundabout (M25) through to the M4 at Windsor junction 6 and also at Maidenhead junction 8/9 together with the A404(M) and the M40. It is a key link to the Strategic Road Network. It is also a key link between settlements and could be better utilised for other modes of transport – walking, cycling and public transport. As a route which runs east-west across the Borough it intersects with routes running north-south and should not be seen as a barrier for those on cycles or on foot. The BLPSV identified a number of sites to be allocated accessed from this local route and these allocations are unchanged in the BLPSV for the section running between Windsor and Maidenhead.
- 2.41 Whilst the ongoing transport modelling work shows further impacts on junctions which also give access to the Strategic Road Network there are impacts on local junctions, this is in effect a worst case scenario. Officers consider that this should be informed by a wider approach to sustainable transport which allows for a shift in behaviours over the plan period to higher use of alternative modes of transport to the private car. In the larger scale development this will be encouraged through Policy IF2 Sustainable Transport; rather than implement urbanising mitigation schemes at junctions which are operating near to or over capacity in future years the preference would be a reduction in car usage. This will link into the Climate Change work which the Council is conducting and any future Environmental Strategy or updated Local Transport Plan. Notwithstanding this, mitigation of the impacts on identified junctions is work currently progressing and there will be another iteration of the transport modelling to analyse the impacts of applying that mitigation.

Infrastructure: Education

- 2.42 The Infrastructure Delivery Plan has been updated from the Publication version dated December 2017 to have appropriate regard for the proposed changes to site allocations. The Education Authority has considered the potential for school expansion across the Borough to 2033 to support the growth in school age population and consider nursery provision also. This work has considered the related transport impacts arising from pupils being brought to school by car and whether this would result in local network impacts. The LEA is

satisfied that there is capacity in future years to meet the statutory requirement to provide school places (see [Cabinet Report 2018](#)).

Theme 3 — Exploring additional options for Suitable Alternative Natural Greenspace (SANG)

- 2.43 In RBWM/025, the Council updated the position on the provision of additional SANG. The Council is confident that the SANG secured at Heatherwood Hospital and at Sunningdale Park together with its ongoing work on other options to secure SANG will ensure that an adequate SANG supply will be available to support the planned development over the Plan period.
- 2.44 In line with the response to the Advice Note following Stage 1 hearings the Council is proposing to re-order Policy NR4 and to enhance it to better clarify the Council's approach to mitigation and future SANG provision (see [Appendix 2 of RBWM/18v2](#)) as a Proposed Change to the BLPSV.

Theme 4 — Collaborative working with White Waltham Parish Council and Inland Homes concerning site allocation HA22

- 2.45 As detailed in the most recent update to the Inspector contained in RBWM/025, the Council has facilitated meetings with the relevant parties and has sought to understand the position of each; the Council considers it has exhausted its facilitative role. A Proposed Change to the BLPSV removes the allocation of land at Breadcroft Lane (BLPSV HA22) as a housing site allocation from the Plan, which would resolve the inconsistency with the made Hurley and Walthams Neighbourhood Plan (2018) and respond positively to the Regulation 20 representation from the owners and operators of the nearby Airfield.

Theme 5 – Environmental Issues

Climate Change

- 2.46 Full Council declared a [Climate Change Emergency](#) on 25 June 2019. One part of that resolution was that the Government should support local authorities in contributing to the UK's net zero target. For local authorities, this could include access to low-cost, long-term finance as well as a statutory duty to develop emission reduction plans in line with the national targets set by the Climate Change Act 2008.
- 2.47 As the BLPSV was submitted for Examination before 24 January 2019, the transitional arrangements in paragraph 214 of the National Planning Policy Framework 2019 are engaged and the policies of the 2012 Framework will apply to the purpose of examining the BLPSV. First and foremost, it is important to remember that the Inspector's remit is prescribed by statute. Pursuant to section 20(7C) of the 2004 Act, the Inspector must recommend modifications of the submitted Plan that are necessary to make it sound and legally compliant. In practice, that means that the Inspector is not permitted to recommend Main Modifications (MMs) unless they are necessary to enable the adoption of the BLP.
- 2.48 This policy area is very important and it is a good example of the way in which policy continues to evolve after a local plan has been submitted. Through decision making under the [current NPPF 2019](#) and with regard to a future

Environmental Strategy which the Council will produce, it will be possible to develop this policy area in relation to new development but it is not possible in this Plan. Furthermore, any Government strategy on decarbonising heat is likely to be embedded in legislation, or in national policy through an updated NPPF and would become a material planning consideration for the purpose of planning decisions.

- 2.49 A further Proposed Change, therefore, inserts a new Policy QP2 on Climate Change, which ties in the current and adopted Sustainable Design and Construction SPD. Full Council will be aware that Government is consulting on a [Future Homes Standard](#) to be secured through Building Regulations, as has been the position since the Code for Sustainable Homes was replaced by revisions to the Building Regulations.

Air Quality

- 2.50 One piece of work that the Inspector requested the Council to do was to complete a review of the Habitat Regulation Assessment underpinning the BLPSV including the Appropriate Assessment in relation to Chiltern Beechwoods Special Area of Conservation (SAC). This SAC is located in close proximity to the A404M and is vulnerable to adverse impacts arising from air pollution, the work supporting the BLPSV indicated that mitigation would be required and a scheme was identified and agreed with Natural England. The review was completed and indicated no implications to the integrity of this SAC arising from the BLPSV when operating alone. The Council undertook to keep an assessment on in-combination effects under review as neighbouring authorities produce plans and these proceed through the plan making process.
- 2.51 Having re-run the site selection process based on the HELAA 2019 as explained above it is necessary to also review the likely impacts alone and in-combination in terms of Air Quality both for AQMAs in the Borough and also related to the integrity of European sites (Special Areas of Conservation and Special Protection Areas). This work interacts with the Sustainability Appraisal and the transport assessment and mitigation and is ongoing. The proposed changes to the BLPSV are supported by a Sustainability Appraisal Update and a Draft HRA Update with the work on air quality to be finalised which may include consequent changes to the SA Update and the HRA update. This work should be completed by 23 October 2019.

Sustainability Appraisal and Habitat Regulations Assessment

- 2.52 The Proposed Main Changes to the submitted BLPSV have been supported by SA and HRA Updates at appropriate stages in supporting the site assessment methodology and its implementation with regard to the matter of flood risk and sequential and exception testing raised by the Inspector. This includes an assessment of the suggested revisions to the site allocations for housing, employment and green infrastructure. The outcomes of all of the SA and HRA update work will be subject to full public consultation for a period of six weeks, alongside the Proposed Main Changes to the BLPSV.
- 2.53 Following the consultation the Council will log, analyse and assess all of the comments made. Accordingly, it may be appropriate to make further changes to the BLPSV as a consequence of these representations, alongside changes

to the SA and HRA and completion of ongoing work on assessing the air quality impacts of the Changes and the mitigation of any impacts identified. Thereafter the next step will be to send all of these responses and the Council's response to the Inspector who will then hold further hearings. The Inspector will continue to examine the submitted plan with firm regard for the Council's Proposed Main Changes which may then be reflected in her report on Main Modifications.

- 2.54 The Secretary of State has signalled a clear expectation that local planning authority's make every effort to get a Local Plan in place which is up to date. The Council's Adopted Local Plan pre-dates the 2004 Act and is not considered to be up to date for the purposes of development management decisions save for those development management policies which are broadly compliant with the National Planning Policy Framework. It is clearly in the public interest to deal diligently yet expeditiously with the analysis of representations and any further proposed changes that might arise. Accordingly, it is recommended that Council delegates the ability to handle any necessary changes to the Executive Director, Place, in consultation with the Lead Member for Planning.

3. KEY IMPLICATIONS

- 3.1 The planning system is plan-led and making a development plan for a local authority area is a statutory duty. The RBWM adopted Local Plan dates back to 1999 and pre-dates the more recent legislation in the Planning and Compulsory Purchase Act 2004. Government has been clear that every authority should have a post-2004 plan in place and this authority is one of a diminishing number of Council's without a post-2004 plan. In his letter of 18 June 2019 to the Chief Executive of the Planning Inspectorate (the independent body which examines plans) the Secretary of State for Housing stated: *"The Government wants to see every community covered by an up to date plan for sustainable development – meaning that communities are in control of development and are not exposed to speculative development"*. Officers are required to update the Ministry of Housing, Communities and Local Government on progress in plan making.
- 3.2 The Secretary of State has the power to intervene in plan making; this includes power to notify or direct the Inspectorate to take certain steps in relation to the examination of a plan (section 20(6A) of the 2004 Act), or to intervene to direct modification of the plan, or that the plan be submitted to the Secretary of State for approval (sections 21 to 21A of the 2004 Act).
- 3.3 On 9 October 2019, the Secretary of State issued a holding direction under section 21A to prevent South Oxfordshire District Council from withdrawing the emerging South Oxfordshire Local Plan whilst the Secretary of State considers whether to intervene and require the plan to be submitted to him for approval (see Appendix G). The South Oxfordshire Local Plan has been submitted and is at examination: the Council, from a review of the reports in the public domain, wishes to consider whether the plan takes on board the current and evolving ambitions that Council has in relation to Climate Change whilst preserving an agreed Growth Deal for the delivery of significant sub regional growth supported by infrastructure funded through the Housing and Infrastructure Fund (HIF). One of the key milestones in the HIF contract being submission of the South Oxfordshire Local Plan.
- 3.4 The Submission Version of the South Oxfordshire Local Plan contains targets to meet all of the growth the district requires through the plan period: in this

respect, as a Green Belt authority, with flood risk constraints and protected landscapes there are parallels to be drawn with the RBWM BLPSV.

- 3.5 RBWM is currently 83% Green Belt. The BLPSV would, through release of Green Belt argued by the exceptional circumstances of housing requirements and lack of land availability to provide sequentially preferable alternatives and the limited impact in terms of openness and purposes, result in a reduction in Green Belt down to 81.3% of the Borough in 2033. The proposed changes now before Council would alter this position to 81.9% of the Borough being Green Belt in 2033, a loss of around 1% of Green Belt over the plan period through Green Belt release.
- 3.6 On 2 October 2019, the Minister of State for Housing wrote to Broxtowe Borough Council following the issuing, under the revised Local Plan Procedural Rules 2019, Local Plan Inspector’s fact check report: the plan relies on Green Belt release. The letter (see Appendix H) stated that the Minister *“would like to take this opportunity to remind you of the importance this Government attaches to maximising the potential of previously developed land for new development, ensuring the efficient and appropriate use of land when planning to meet housing need. My key priority is to ensure that this vital resource is put to productive use, to support the regeneration of our cities, towns and villages, and to limit the pressure on undeveloped Green Belt land”*. The letter continues *“in the context of the Green Belt releases proposed in your Local Plan, I am seeking further reassurance that the Council will be making every possible effort to prioritise delivering redevelopment on previously developed land going forward.”*
- 3.7 The proposed changes would reduce the amount of land to be released from the Green Belt. It would also reduce the amount of housing to be provided on green field sites and has sought to maximise the efficient use of previously developed land in Maidenhead and Ascot. There is an uplift in housing within the Ascot Centre allocation through the demonstration that the Shorts Site (formerly part of HA10 and now AL17) could accommodate 131 units on previously developed land (a waste site the subject of a current planning application). In Maidenhead the Nicholson’s site is now available for development and is proposed to be allocated for a mix of uses. The evidence provided by the emerging Tall Building Study has enabled a more detailed consideration of site capacities in these urban areas to further inform the proposed allocations in the BLPSV proposed changes.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Updated Local Development Scheme published	2 November 2019	1 November 2019	Before 31 October 2019	n/a	1 November 2019
Consultation on the	Consultation takes place	Six week consultation	n/a	n/a	1 November

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
proposed changes to the BLPSV	in early 2020	from 1 November to 15 December 2019			– 15 December 2019
Summary and Consideration of the responses received – any further changes proposed to be considered by Officers before submission to the Inspector with a request to consider these as Main Modifications	After 1 February 2020	By 31 January 2020	n/a	n/a	
Significant Changes required post-consultation to the agreed Proposed Changes. Report to Council to approve further changes and Submission of Proposed Changes to the Inspector and formal request to consider		By 29 February 2020	n/a	n/a	

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
these as Main Modifications.					

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The work within this report is funded from existing budgets.

5. LEGAL IMPLICATIONS

5.1 The Planning and Compulsory Purchase Act 2004, as amended ("the 2004 Act") requires local planning authorities to prepare Local Plans. The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, ("the 2012 Regulations") set out the procedures to be followed in the preparation of such Plans. The relevant legislative framework is addressed in detail with Section 2 of this Report (above).

5.2 The 2012 Regulations do not specifically deal with consultation at the 'Examination' stage and, as such, the conduct of the consultation is a matter for the Inspector to decide. In order to ensure that the Proposed Changes are subject to public consultation in accordance with the expectations of the Local Plan Inspector, it will be conducted in a manner which is consistent with that required under Regulation 19, albeit that the Regulations do not strictly apply.

5.3 As the Regulations do not strictly apply, any responses received will not have the status of Regulation 20 representations and it, therefore, will be a matter for the Inspector to determine who should appear at the forthcoming Examination hearings. The Council will, however, consider all consultation responses received prior to submitting the Proposed Changes and consultation responses to the Local Plan Inspector in due course

6. RISK MANAGEMENT

6.1 As a key corporate project the BLP is noted on the Corporate Risk Register and also has a risk register for the project. This register is kept up to date and the risk profile has changed as the project has progressed. Generally the work that has been done to meet the Inspector's requests has made the plan more robust given the updated evidence base and updated SA and HRA work. This has increased the overall likelihood of the Inspector finding the plan sound. The headline risks are set out in Table 4 below.

Table 3: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
A decision to submit the proposed changes to the	Very high	Actions set out in recommendation	Low

Risks	Uncontrolled risk	Controls	Controlled risk
Inspector without further consultation			
Inspector appointed to carry out the Independent Examination of the BLP concluding that the Council has failed to comply with the Duty to Cooperate necessitating withdrawal of submitted BLP	Very high	Actions set out in recommendation	Low
Inspector appointed to carry out the Independent Examination of the BLP concluding that the submitted BLP is not sound and/or not legally compliant	Very high	Actions set out in recommendation	Low
The Government intervenes in the plan-making process	High	Actions set out in recommendation	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts on particular groups, including those within the workforce and customer/public groups, have been considered. A screening has been completed which shows that a full EQIA is not required.
- 7.2 Climate change/sustainability: A Sustainability Appraisal (SA) must be undertaken at each key stage of plan preparation. The SA Update incorporates a Strategic Environmental Assessment (SEA) informing the preparation of the

Proposed Changes to the BLPSV. A Habitats Regulations Assessment (HRA) has also been prepared, the draft is yet to be completed to include the output from the transport modelling to enable the air quality work to be completed.

Data Protection/GDPR. If *personal data* is being processed the decision maker must have due regard to the requirements of the Data Protection Act 2018 and the General Data Protection Regulation before making a decision. A Data Protection Impact Assessment (DPIA) will be completed as required.

8. APPENDICES

8.1 This report is supported by 9 appendices, these are available electronically:

- Appendix A – BLPSV – Proposed Changes (“amended” plan)
- Appendix B – Table of Proposed Changes to the BLP SV
- Appendix C – Table of Minor Changes (Additional Modifications) (*to follow*)
- Appendix D – Table of Proposed Changes to Site Allocations
- Appendix E – Draft Sustainability Appraisal update including appendices and Non-Technical Summary (*to follow*)
- Appendix F – Draft HRA screening update
- Appendix G – Letter to South Oxfordshire DC from Secretary of State
- Appendix H – Letter to Broxtowe DC from Minister of State for Housing
- Appendix I – Response from Inspector ID11v2

8.2 This report is supported by 21 background documents:

- [2018 Authority Monitoring Report](#)
- [Appropriate Assessment for Bisham Woods SAC](#)
- [Strategic Housing Market Assessment](#)
- [Open Space Study 2019](#)
- [Habitats Regulation Screening \(Stage 1\) and AA following Sweetman Judgement \(Stage 2\)](#)
- [Water Quality Assessment – post stage 1 hearings review version](#)
- [Housing and Employment Land Availability Assessment 2019](#)
- [Employment Topic Paper](#)
- Housing Topic Paper Update (*to follow*)
- [Draft Borough Design Guide SPD](#) (consultation version)
- [Infrastructure Delivery Plan Update 2019](#)
- Tall Buildings Technical and Baseline Study 2019 (*to follow*)
- Ascot Centre Topic Paper (*to follow*)
- [Maidenhead Town Centre Topic Paper](#)

- [South West Maidenhead Topic Paper](#)
- [Sequential and Exceptions Test of Sites in BLPSV PC, Level 2](#)
- [Viability Report](#)
- Transport Assessment + junction mitigation scheme (*to follow*)
- [Blue / Green Infrastructure Study 2019](#)
- [Local Development Scheme \(updated under delegated authority 15 October 2019\)](#)
- [EQIA Screening](#)

9. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning & Maidenhead	14.10.19	15.10.19
Duncan Sharkey	Managing Director	13.10.19	14.10.19
Russell O'Keefe	Executive Director	13.10.19	14.10.19
Ruth Watkins	Deputy S151 officer	13.10.19	15.10.19
Mary Severin	Monitoring Officer	Consulted on 10 Oct 2019 and provided advice as MO	
Nikki Craig	Head of HR, Corporate Projects and ICT	n/a	n/a
Louisa Dean	Communications	13.10.19	15.10.19
Kevin McDaniel	Director of Children's Services	13.10.19	15.10.19
Hilary Hall	Director Adults, Commissioning and Health	13.10.19	14.10.19
Karen Shepherd	Head of Governance	13.10.19	14.10.19

REPORT HISTORY

Decision type: Full Council decision	Urgency item? No	To Follow item? No
Report Author: Jenifer Jackson, Head of Planning, 01628 796042		