

Report Title:	<b>Horton and Wraysbury Neighbourhood Plan decision to proceed to referendum</b>
Contains Confidential or Exempt Information?	No - Part I
Member reporting:	Councillor Coppinger, Lead Member for Planning & Maidenhead
Meeting and Date:	Cabinet - 31 October 2019
Responsible Officer(s):	Russell O'Keefe, Executive Director
Wards affected:	Horton and Wraysbury

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## REPORT SUMMARY

1. This report seeks approval from Cabinet for the Horton and Wraysbury 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 up to a cap of £20,000.

## 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 is not required.**
- ii) **Accepts the proposed changes to the Neighbourhood Plan set out in Appendix B.**
  - a. **Gives delegated authority to the Head of Planning (or person acting as Interim 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 (or Interim 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) **The LPA will provide 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

- 2.1 The National Planning Policy Framework (NPPF) and the Localism Act (2011) give local communities direct power to develop their shared vision for their

neighbourhood and deliver the sustainable development they need. Neighbourhood planning provides a powerful set of tools for local people to get the right type of development for their community. The referendum is the culmination of the neighbourhood plan production process.

- 2.2 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. Horton and Wraysbury is the fifth Neighbourhood Plan to reach this stage in the process.
- 2.3 The group producing the plan has placed community consultation at the heart of their plan, undertaking a series of consultations, public events 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.
- 2.4 Following publication, the neighbourhood plan was scrutinised by an independent examiner. The examiner was appointed by the Royal Borough, with the agreement of the Qualifying Body. This examination was carried out without a public examination, using the written representations process, and the examiner's report recommends that the plan proceeds to referendum, subject to modifications, see Appendix A.
- 2.5 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).
- 2.6 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.

- 2.7 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 Horton and Wraysbury to help it decide planning applications in the neighbourhood area?".
- 2.8 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><b>This is the recommended option</b></p>	<p>This is the next step in the Borough adopting localism in planning, to enable our communities to shape their area. 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><b>This option is not recommended.</b></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><b>This option is not recommended.</b></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

<b>Outcome</b>	<b>Unmet</b>	<b>Met</b>	<b>Exceeded</b>	<b>Significantly Exceeded</b>	<b>Date of delivery</b>
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 is only on the basis that 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. The LPA has the revenue budget to forward fund the cost of the referendum in the event that cost is incurred before the funding is received from Government.

#### **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 3: Impact of risk and mitigation**

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

<b>Risks</b>	<b>Uncontrolled risk</b>	<b>Controls</b>	<b>Controlled risk</b>
recommendations not accepted.			
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 Equalities. 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 Climate change/sustainability. 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.
- 7.4 Strategic Environmental Assessment (SEA) seeks to ensure that environmental considerations are part of the process of preparing certain plans and programmes. The objective of the SEA Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with the Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.
- 7.5 Data Protection/GDPR. A consultation has been carried out by the council prior to the examination and this was undertaken in accordance with the

GDPR regulations and the statement on the way the planning policy team in the planning department handles personal data.

## 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 4: Implementation timetable**

Date	Details
Winter	Referendum
March 2020	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)

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Date returned</b>
Cllr Coppinger	Lead Member for Planning & Maidenhead	26.09.19	27.09.19
Duncan Sharkey	Managing Director	2.10.19	
Russell O'Keefe	Executive Director	26.09.19	2.10.19
Ruth Watkins	Chief Accountant	2.10.19	
Elaine Browne	Head of Law	2.10.19	
Nikki Craig	Head of HR and IT	2.10.19	
Louisa Dean	Communications Service Lead	2.10.19	
Kevin McDaniel	Director of Children's Services	2.10.19	
Hilary Hall	Director Adults, Health and Commissioning	2.10.19	

### REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To Follow item?</b>
Non-key decision 31 October 19	No	
Report Author: Robert Paddison, Principal Planning Policy Officer (Neighbourhood Plans), 01628 796508		

# **Horton and Wraysbury Neighbourhood Development Plan 2018-2033**

**A report to the Royal Borough of Windsor and  
Maidenhead on the Horton and Wraysbury  
Neighbourhood Development Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) M.A. DMS M.R.T.P.I.**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by the Royal Borough Council in May 2019 to carry out the independent examination of the Horton and Wraysbury Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 17 May 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding the distinctive local character of the neighbourhood area in general, and the Green Belt in particular. In addition, the Plan includes a series of policies on new residential development and proposes the designation of a suite of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Horton and Wraysbury Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**12 August 2019**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Horton and Wraysbury Neighbourhood Development Plan 2018-2033 (the 'Plan').
- 1.2 The Plan has been submitted to the Royal Borough of Windsor and Maidenhead (RBWM) by Wraysbury Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan. This administrative arrangement was agreed with Horton Parish Council.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018 and 2019. The NPPF continues to be the principal element of national planning policy. This is clarified in paragraph 3.4 of this report.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues and proposes the designation of local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

## 2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by RBWM, with the consent of the parish councils, to conduct the examination of the Plan and to prepare this report. I am independent of both RBWM and the parish councils. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

### *The Basic Conditions*

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.10 of this report.

- 2.6 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 2.7 In order to comply with this requirement the parish councils commissioned a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report (October 2018) is thorough and well-constructed. As a result of this process it was concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 2.8 The screening report also included a parallel Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required. The report took appropriate account of the two reservoirs of South West London Waterbodies SPA within the neighbourhood area (the Queen Mother Reservoir and the Wraysbury Reservoir) and three other reservoirs within 4kms of the boundary of the neighbourhood area.
- 2.9 The RBWM refreshed the screening report with its own work in January 2019. It reached the same conclusions as the earlier work commissioned by the parish councils. Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR

*Other examination matters*

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### 3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Character Assessment;
- the Lepus SEA/HRA Screening report (October 2018);
- the RBWM refresh of the screening report (January 2019);
- the Parish Council's responses to the Clarification Note;
- the representations made to the Plan;
- the Windsor and Maidenhead Local Plan 1999 (with Alterations adopted in 2003);
- the South East Plan Policy NRM6 Thames Basin Heaths Special Protection Area;
- the National Planning Policy Framework (March 2012 and February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 17 May 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised RBWM of this decision early in the examination process.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. The further updates to the NPPF in 2019 did not affect these transitional arrangements. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the parish councils have prepared a Consultation Statement. It is well-prepared and easy to follow. This Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (September to October 2016).
- 4.3 The Consultation Statement is helpfully arranged in the following format:
- Part 1 – Main Statement and Consultation Process;
  - Part 2 – Consultation responses and analysis; and
  - Part 3 – Pre-Submission Consultation;
- 4.4 Part 1 sets out details of the extensive range of consultation events that were carried out in relation to the initial stages of the Plan. It provides details about media and public relations, local surveys and face-to-face meetings. In particular it comments about:
- the initial publicity and the organisation of two initial events (April 2013);
  - the development of a neighbourhood plan website and the use of social media;
  - the household survey;
  - the engagement with stakeholders;
  - the specific engagement events with elderly and younger persons; and
  - the launch of the pre-submission consultation process at the St Andrews Church Garden Party (September 2016).
- 4.5 Part 3 of the Statement also provides specific details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. The changes help to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

### *Representations Received*

4.8 Consultation on the submitted plan was undertaken by the RBWM for a six-week period that ended on 20 March 2019. This exercise generated comments from a range of organisations and private individuals. The organisations are listed below:

- Robert Mosley
- Historic England
- National Grid
- National Trust
- Ewan Larcombe
- Transport for London
- RBWM
- Highways England
- Natural England
- Thames Water
- Robert Willatts
- The Rayner Family Trust
- SSE
- Sport England

4.9 I have taken account of the various representations in preparing this report. Where it is relevant to do so I refer to individual representations in this report on a policy-by-policy basis.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area covers the parishes of Horton and Wraysbury. It was designated as a neighbourhood area in May 2013. In 2011 it had a population of 5063 persons living in 2171 homes.
- 5.2 The neighbourhood area is the most-easterly ward in the Royal Borough. It is irregularly-shaped. It is largely within the Green Belt. In this context its character is heavily affected by the various reservoirs within its boundaries including the Queen Mother Reservoir. In addition, the neighbourhood area includes several gravel pits. The neighbourhood area sits at the southern end of the Colne Valley Regional Park. Sunnymeads and Wraysbury stations offer rail transport to local residents. They are located on the Waterloo to Windsor and Eton Riverside line. It has an attractive semi-rural character that belies its location to the immediate west of the M25.
- 5.3 Horton and Wraysbury are the two principal settlements in the neighbourhood area. Horton is the smaller of the two and sits between the Wraysbury Reservoir and The Queen Mother Reservoir. Wraysbury is located to its south-west. It has an attractive range of retail and commercial uses set within an attractive village centre.

### *Development Plan Context*

- 5.4 The Royal Borough of Windsor and Maidenhead Local Plan was adopted in 1999. Alterations were incorporated into the Plan in 2003. It is this development plan context against which I am required to examine the submitted Plan.
- 5.5 The Basic Conditions Statement has very helpfully listed key policies in the adopted Local Plan and how they relate to policies in the submitted Plan. This is good practice.
- 5.6 RBWM is well-advanced within the process of preparing a new Local Plan. It will cover the period from 2013 to 2033. The Plan was submitted for examination in January 2018. The Stage 1 hearing sessions took place in June 2018. RBWM was providing the Local Plan Inspector with an update on outstanding matters whilst this examination was taking place.
- 5.7 The representation from Robert Willatts comments about the proposed housing allocations in the emerging Local Plan in the neighbourhood area. The representation suggests that the neighbourhood plan should be amended to take account of this matter. Plainly it is important that a neighbourhood plan is produced within the context of the development plan for the area. Planning Practice Guidance (41-009-20190509) comments on the relationship between an emerging neighbourhood plan, an emerging local plan and the adopted development plan. Nevertheless, given the current uncertainty about the future timetable for the emerging Local Plan I am satisfied that the submitted neighbourhood plan has taken a proportionate approach to this important matter. In any event if the emerging Local Plan includes either allocations or

general policies which conflict with the neighborhood plan (if it is made) that conflict would be resolved in favour of the policy which is contained in the last document to become part of the development plan. This approach is captured in Section 38(5) of the Planning and Compulsory Purchase Act 2004.

- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. It is clear that the submitted Plan seeks to add value to the strategic planning context and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

*Unaccompanied Visit*

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 17 May 2019.
- 5.10 I drove into the neighbourhood area from the M25 to the east. This gave me an initial impression of the location of the neighbourhood area. The immediate contrast between the industrial area to the immediate north of Horton Road and Stanwell Road to its east highlighted the way in which the Green Belt has been consistently safeguarded.
- 5.11 I looked initially at Horton. I saw its relationship with the Colne Brook. I saw the impressive Church of St Michael. I also saw the blue plaque celebrating the village's association with John Milton in the seventeenth century. I saw the village hall and the extensive playground/recreation ground.
- 5.12 Thereafter I drove to Wraysbury via Datchet Road and the B376 Welley Road. I saw Sunnymeads railway station as I did so. I looked initially at the village centre. I saw St Andrew's Church and The George P.H. I then took the opportunity to walk along The Green. I saw the very wide range of recreational uses and the way they contributed to the openness and attractiveness of the village. I saw the iconic windmill adjacent to the bowling green.
- 5.13 I then walked into High Street/Station Road. I walked down to the railway station. I then took the opportunity to look at the range of retail and commercial uses in High Street. The range of facilities and the ease of car parking made for an attractive and well-used high street/local centre environment.
- 5.14 I then looked at the area of Hythe End to the south of Wraysbury. I continued along the B376 under the M25 to the south eastern corner of the neighbourhood area.
- 5.15 To understand the wider setting of the neighbourhood area I drove along the A308 Windsor Road to the immediate south of its southern boundary. This part of the visit reinforced the importance of the River Thames in the wider locality.

- 5.16 I finished my visit by driving around those parts of the neighbourhood area more remote from the village centres. In particular I drove to the north of Horton towards the M4 via Colnbrook and Brands Hill. This further reinforced its strategic location.

## 6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 and 2019 versions of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Horton and Wraysbury Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Royal Borough of Windsor and Maidenhead Local Plan 2003;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that seek to safeguard the quality

and nature of its natural environment and designates local green spaces. It appropriately addresses its location within the Green Belt. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing mix, to safeguard existing retail uses and to support the alteration/extension/redevelopment of employment and commercial premises (Policies HOU3, BUSEC1 and BUSEC2 respectively). In the social role, it includes a policy on community facilities (BE3). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on its landscape (OE1), on its ecology (OE2), and on local green spaces (Policy OE4). The parish councils have undertaken their own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the wider Royal Borough Council area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the parish councils have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes a series of Non-Land Use Actions which the Plan recognises cannot be delivered directly through the planning process.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Non-Land Use Actions are addressed thereafter.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial sections of the Plan (Sections 1-4)*

- 7.8 These introductory sections of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. The Plan is presented in an effective and professional way. It is colourful and makes a very effective use of tables and maps. A very clear distinction is made between its policies and the supporting text. Similarly, a distinction is made between its policies and the non-land use actions.
- 7.9 Section 2 (Introduction and Purpose) provides a very clear context to the neighbourhood area and when it was designated. It identifies how the Plan was prepared, how it will fit into the wider planning system in the event that it is 'made' and what the Plan sets out to achieve.
- 7.10 Section 2 also sets out the planning policy context within which the submitted Plan has been prepared. It makes reference to the NPPF, the adopted Local Plan and the emerging Local Plan. It highlights the inherent tensions in preparing a neighbourhood plan in an uncertain context.

7.11 Section 3 provides a detailed analysis of the neighbourhood area. It is a key strength of the Plan. It includes the following details which helpfully set the scene for the remainder of the Plan:

- a short history of the parish;
- a profile of the current community;
- the challenges addressed in the Plan; and
- the consultation processes undertaken.

7.12 Section 4 provides information about the Vision and Land Use Objectives of the Plan. It provides a sound and a comprehensive basis for the remainder of the Plan and a structure for both its policies and the suite of Non-Land Use Actions.

7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Policy SUSTDEV1 – Presumption in favour of sustainable development

7.14 This policy has a general effect. It establishes a presumption in favour of sustainable development. It mirrors the approach taken in the NPPF.

7.15 The parish councils helpfully clarified the role and purpose of the policy in its responses to the clarification note. In particular I am satisfied that the element of the policy that expects developers to submit particular details about proposals for ten or more dwellings is both appropriate and distinctive to the neighbourhood area.

7.16 In this wider context I recommend a series of modifications to the wording used in the policy so that it has the clarity required by the NPPF and can be applied consistently by RBWM. I also recommend the deletion of the final paragraph of the policy which requires a developer to demonstrate how they have sought the views of neighbours and the wider community. As submitted the policy provides no justification for the application of this policy. In addition, it is intended to be applied to all development proposals irrespective of their scale and impact. In this context it would have a disproportionate effect on the preparation of domestic and minor planning applications during the Plan period.

7.17 The policy refers to the concept of a Development Brief. The details of the requirements of a development brief are included in the Appendix to the Plan. The range of requirements are appropriate to the neighbourhood area. However, I recommend that the 'Development Brief' is replaced with 'Development Details'. A development brief is traditionally a document prepared by a local planning authority or other public body to guide the preparation of development proposals by the private sector.

#### **In the opening part of the policy**

- **replace 'Planning applications' with 'Development proposals'**
- **replace 'approved' with 'supported'**
- **replace 'Planning permission will also be granted' with 'Development proposals will also be supported'**

**In the third paragraph of the policy:**

- replace ‘applicants with proposals of’ with ‘development proposals of’
- replace ‘will be expected to’ with ‘should’
- replace ‘Development Brief’ with ‘Development Details’

**Delete the final paragraph of the policy.**

*Delete the final sentence of the reasoned justification*

*In the Appendix replace the title ‘Development Brief’ with ‘Development Details’*

*Delete the section on Statement of Community Consultation in the Appendix*

**Policy SUSTDEV2 – Management of the Water Environment**

- 7.18 This policy comments on the water environment in the neighbourhood area. It reflects the incidences of flooding associated with the River Colne and the Colne Brook. It seeks to add value to national policy in the NPPF and Policy F1 of the adopted Local Plan.
- 7.19 I recommend a series of recommended modifications so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

**In the first paragraph of the policy:**

- replace ‘There will be a general presumption against all’ with ‘Development proposals for’
- after Maps add ‘will not be supported’

**In the second paragraph of the policy replace the first sentence with: ‘The design and construction of new buildings should have regard to national flood resilience guidance and other relevant policies in the development plan.’**

**Policy HOU1- Good Quality Design**

- 7.20 This policy sets out to ensure that new development achieves good quality design. It relates to and overlaps with the very comprehensive and effective Character Assessment. The Assessment will assist significantly in achieving good design throughout the Plan period. The policy includes the following elements:
- height, layout, scale and massing issues;
  - the site’s location;
  - landscaping;
  - car parking; and
  - sustainable drainage.
- 7.21 The policy will play a significant role in achieving the wider ambitions of the parish councils. In addition, it builds on the approach taken in the NPPF in promoting high quality design. One of the 12 core planning principles in the NPPF (paragraph 17) is ‘(always seek) to secure high-quality design and a good standard of amenity for all

existing and future occupants of land and buildings'. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).

- 7.22 I recommend that the wording of the policy is modified so that it has the clarity required by the NPPF. Otherwise it meets the basic conditions.

**Replace 'will be required to' with 'should'.**

Policy HOU2- Footprint, Separation, Scale and Bulk

- 7.23 This policy continues the approach taken in Policy HOU1. It has a focus on the footprint of new developments, and their separation, scale and bulk.
- 7.24 The policy is well-considered. I recommend detailed wording to the two separate parts so that they have the clarity required by the NPPF.
- 7.25 The second part of the policy indicates that any new dwellings will have their permitted development rights removed to prevent the erection of side extensions without planning permission. I recommend that this matter is deleted from the policy and repositioned in a modified fashion in the supporting text. Any decision to remove permitted development rights will need to be considered by RBWM on a case-by-case basis. It is not a matter for a general policy approach. In any event permitted development rights are applied nationally and should not be removed as a matter of course.

**In the first part of the policy replace 'be similar in' with 'respect the' and delete 'of' later in the sentence**

**In the second part of the policy:**

- **replace 'must' with 'should'**
- **delete the final sentence of the third bullet point.**

*At the end of the supporting text on page 25 add the deleted final sentence of the policy. In doing so insert 'RBWM will consider the appropriateness or otherwise of' after 'permitted' and then replace 'will be' with 'being'*

Policy HOU3 – Smaller Properties and Housing Mix

- 7.26 This policy relates to smaller properties and the housing mix in the neighbourhood area. It has two parts. The first indicates that housing proposals of five or more dwellings should deliver 20% of the houses as one-or two-bedroom houses. The second supports the development of smaller properties suitable for older persons or as starter homes for younger people.

- 7.27 I am satisfied that both elements of the policy meet the basic conditions in general terms. In particular the first part of the policy is underpinned by information in the Berkshire Strategic Housing Market Assessment. I recommend a detailed modification to the first part of the policy so that it has the clarity required by the NPPF.

**In the first part of the policy replace ‘will be expected to’ with ‘should’**

Policy HOU4 – Derelict Buildings

- 7.28 This policy intends to bring derelict and vacant buildings into beneficial residential use.
- 7.29 Plainly its ambition is very sound in general, and given the Green Belt within the neighbourhood area. Nevertheless, in most cases this process will not constitute development. In any event the policy only intends to set a presumption in favour of bringing such properties back into beneficial use. On this basis I recommend its deletion

**Delete the policy**

*Delete the supporting text*

Policy HOU5- Redevelopment and Change of Use

- 7.30 This policy sets out a positive approach towards the redevelopment of previously developed land and commercial premises for housing purposes. The supporting text highlights the relationship between the policy and the inherent difficulties of securing new development within the Green Belt.
- 7.30 It has attracted support from landowners and an objection from RBWM.
- 7.31 The submitted policy pulls in different ways. On the one hand it has the clear ability to result in the loss of existing commercial uses within the neighbourhood area. On the other hand, it presents the opportunity to generate opportunities for residential conversions and redevelopments in a neighbourhood area which is heavily-constrained by its location within the Green Belt.
- 7.32 I am satisfied that the policy has regard to national policy. NPPF 47 comments that the supply of housing land should be boosted significantly. One of the core planning principles in paragraph 17 of the NPPF is to encourage the effective use of land by reusing previously-developed land.
- 7.33 The policy position in the adopted Local Plan is set out in its Policies E2, E5 and E6. Policy E2 identifies a series of Employment Areas. They do not include any such areas in the neighbourhood area. Policy E5 effectively safeguards employment uses within the identified Employment Areas. Policy E6 comments about other sites in employment use. Its third part comments about the potential for their redevelopment or change of use to other purposes. The supporting text in paragraph 4.2.21 of the Local Plan comments:

‘Outside of identified employment areas, the Borough Council will generally support proposals for the redevelopment of sites in existing business/industrial use to

alternative uses such as housing, recreation, social or community development. This is subject to the proposals having no unacceptable adverse impact on locally available employment opportunities and their compatibility with other policies in the Local Plan’.

- 7.34 In the context of both national and existing adopted local policy I have concluded that in principle the submitted policy meets the basic conditions. I recommend a series of detailed modifications to the policy so that it has the clarity required by the NPPF and so that it could be applied clearly and consistently by RBWM. The recommended modifications also apply national policy on sites within the Green Belt.
- 7.35 RBWM has drawn my attention to the relevant policy in its emerging Local Plan on this matter. Paragraph 5.7 of this report has already commented about the circumstances which would arise in the event that there was a conflict between a Local Plan adopted after a neighbourhood plan had been made. The same circumstances apply to this particular policy.

**Replace the policy with:**

**‘Development proposals for a change of use of existing buildings including commercial sites or for their redevelopment for residential use will be supported where they comply with other relevant policies in the development plan.**

**Where the properties or sites are located within the Green Belt the developments concerned should have no greater impact on the openness of the Green Belt than that of the existing building or buildings’**

Policy HOU6 – Water Supply, Waste Water, Surface Water and Sewage Infrastructure

- 7.36 This policy addresses water supply and disposal.
- 7.37 I recommend a series of modifications so that the policy will be able to be applied clearly and consistently by RBWM. In particular I recommend the deletion of process information and supporting text from within the policy. In any event it is already adequately covered in the supporting text.

**In the first paragraph replace ‘Applicants will be expected to’ with ‘Development proposals should’**

**In the first paragraph delete the second sentence.**

**Delete the third paragraph of the policy.**

Policy BE1 – Education

- 7.38 This policy offers support for proposals to extend educational facilities and/or to establish a nursery school where that development is appropriate to its location in the Green Belt.
- 7.39 I sought clarification from the parish councils on the policy. On the one hand, it is appropriate to the well-being of the community. On the other hand, it appears to be directly promoting built development in the Green Belt. I was advised that the policy

directly refers to the Wraysbury Primary School and many of its buildings are already within the Green Belt (the boundary of which runs to the rear of the existing properties in Welley Road).

- 7.40 I recommend a modification to the policy to take account of this helpful response. It ensures that the policy is explicitly related to the Wraysbury Primary School and refers to its impact on the openness of the Green Belt.

**Replace the policy with: ‘Proposals to extend the Wraysbury Primary School and/or to provide a nursery school on the Primary School site will be supported where:**

- **the proposal is an extension or alteration of existing buildings which does not result in disproportionate additions over and above the size of the original buildings; or**
- **the proposal is a limited infilling or the partial or complete redevelopment of the existing buildings on the site which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development’**

Policy BE2 – Heritage Assets

- 7.41 This policy identifies a series of important non-designated heritage assets. Its first part identifies the heritage assets. The second part identifies how development proposals which may affect the properties concerned will be considered through the development management process. The approach has generated a supporting representation from Historic England.
- 7.42 Within this supporting context I recommend two modifications. The first is that the commercial outlets in High Street are specifically identified in the policy. As submitted the policy will not provide any clarity for RBWM as it seeks to implement the policy. I also recommend a modification to the second part of the policy. As submitted, it is rather loosely-worded in a fashion that could not be applied through the development management process.

**In the first part of the policy replace ‘High Street, Wraysbury and the sentence in brackets thereafter’ with the schedule of properties set out in the second part of the response of the parish councils to the clarification note.**

**Replace the second part of the policy with: ‘Development proposals which would directly or indirectly affect the locally important heritage assets should safeguard and where possible enhance the heritage asset. The effect of a development proposal on the significance of the identified locally important heritage assets will be taken into account in determining the relevant planning application having regard to the scale of any harm or loss and the significance of the heritage asset concerned’.**

### Policy BE3 – Community Facilities

- 7.43 This policy celebrates the importance of community facilities in the neighbourhood area. It has three parts as follows:
- offering support to proposals to sustain or extend identified community facilities;
  - clarifying the scale and nature of development proposals to be supported; and
  - resisting proposals that would result in the loss of an identified community facility.
- 7.44 I sought clarification from the parish councils on the operation of the second and third parts of the policy. They sought to understand the way in which commercial and viability issues would have a bearing on the future of several of the identified community facilities which are essentially private businesses (such as the public houses). I recommend modifications to the policy to ensure that it can be applied clearly and consistently by RBWM. In particular I recommend that the second part of the policy is incorporated into the first part.
- 7.45 I also recommend that the third part of the policy is modified so that it takes account of viability issues. This ensures that the policy would have regard to national policy on this important matter.

**In the first part of the policy after ‘supported’ and before the wording in brackets add: ‘where they complement the use or viability of the community element of the facility concerned’**

**Delete the second paragraph of the policy**

**In the third part of the policy replace ‘will be resisted.... are provided’ with ‘will not be supported unless suitable alternative facilities are provided or it can be demonstrated the existing facility is no longer viable and that an alternative community use cannot be identified for the building concerned’**

### Policy OE1- Landscape

- 7.46 This policy celebrates the landscape of the neighbourhood area. It has a clear focus on the settings of the Rivers Colne and Thames, the Colne Brook and the flooded gravel pits.
- 7.47 I recommend a detailed modification to the wording of the policy. Otherwise it meets the basic conditions.

**Replace ‘will be expected to’ with ‘should’**

### Policy OE2 – Ecology

- 7.48 This policy addresses ecological matters in the neighbourhood area. It is a very comprehensive policy. It is criteria-based and arranged in three separate parts. Its overarching approach is that proposals that would conserve and enhance biodiversity in the neighbourhood area will be supported and where they:

- would not have adverse impacts;
- where they comply with specific guidance on ecological networks; and
- where they reflect the designation hierarchy.

7.49 I sought clarification from the parish councils on the need for the third criterion. As submitted, it describes the way in which different proposals would be determined within the context of the hierarchy of designations (international/national/local sites). I was advised that the policy had been designed to reflect the advice in paragraph 113 of the NPPF. Plainly this is an important consideration. However, this part of the policy is general in its format and add no local value to national policy. In any event the parish councils commented that it would be impractical to identify every element of the ecology within the neighbourhood area into the different headings in this part of the policy. On this basis I recommend that it is deleted from the policy. This will not affect the applicability of the NPPF on development proposals in the neighbourhood area.

7.50 I also recommend the deletion of the first criterion of the policy. It adds no value to the opening element of the policy. Indeed, it is the direct opposite of that approach. However, for clarity I recommend that it appears in a modified form at the end of the policy.

**In the opening part of the policy replace ‘permitted’ with ‘supported’. Thereafter delete the remainder of the opening section.**

**Delete criteria 1.**

**Retain the second criterion of the policy as a free-standing second part of the policy.**

**Delete criteria 3.**

**Insert the following as a free-standing third part of the policy: ‘Development proposals that would have an unacceptable adverse impact on the ecological or biodiversity resources in the neighbourhood area, and which cannot be appropriately avoided or mitigated, will not be supported’.**

Policy OE3 – Public Rights of Way

7.51 This policy comments on rights of way. It has two parts. The first safeguards public rights and their setting from new development. The second indicates that opportunities will be sought to designate new rights of way.

7.52 I recommend modifications to the first part of the policy so that it has a clearer relationship to new development proposals and the development management process.

7.53 I recommend that the second part of the policy is deleted and repositioned into the non-land use actions. This reflects that it is an ambition of the parish councils to work with others to achieve this very appropriate objective. It will be a useful supplement to KF3- Public Footpaths and Rights of Way.

**Replace the initial sentence with: ‘Development proposals should be designed and arranged to safeguard existing public rights of way and their settings. Proposals which would involve the loss of a public right of way or where an appropriate and attractive redirection could not be achieved will not be supported’**

**Delete the second sentence.**

*Reposition the second sentence into Non-Land Use Action KF3.*

Policy OE4 – Local Green Spaces

- 7.54 This policy proposes the designation of a suite of local green spaces (LGSs). Their proposed designation follows national policy as set out in paragraphs 76-78 of the NPPF.
- 7.55 I sought clarification from the parish councils on the extent to which the various proposed LGSs met the three criteria set out in paragraph 77 of the NPPF. On the basis of the information provided I am satisfied that the majority of the green spaces have been appropriately chosen. The parish councils agreed with my view that it was unrealistic to identify a lake (Queensmead Lake) as LGS. On this basis I recommend its deletion from the schedule of LGSs.
- 7.56 The parish councils provided more detailed maps of the LGSs. I recommend that these maps are included within the Plan. They will provide the clarity required for a development plan.
- 7.57 Finally I recommend that the policy element is modified so that it takes the very matter of fact approach included in the NPPF. Whilst it is incorporated in the submitted policy it attempts to identify the very special circumstances where development may be supported within LGSs. This will be a matter for RBWM to determine on a case-by-case basis. Nevertheless, it has a place in the supporting text as guidance for such decisions.

**In the initial part of the policy replace ‘map on the next page’ with ‘the maps on pages insert number to insert number’**

**In the list of LGSs delete xi. Queensmead Lake**

**Replace the final part of the policy with: ‘Development will not be supported within local green spaces unless in very special circumstances’**

*At the end of the supporting text add: ‘Policy OE4 designates local green spaces and applies the approach in the NPPF to their long-term maintenance. The very special circumstances where development may be supported within LGSs will be a matter for RBWM to determine on a case-by-case basis. However, these circumstances may include proposals which enhance the role and function of a designated local green space and where the proposal would result in the development of appropriate community infrastructure’*

*Insert the detailed maps of the proposed local green spaces (except that of Queensmead Lake) in the Plan immediately after the map on page 38.*

#### Policy BUSEC1- Retail Businesses

- 7.58 This policy seeks to safeguard the existing shops and associated retail-related uses in the neighbourhood area. There are number of shops in Wraysbury and one in Horton. I saw their importance to the local community as part of my visit.
- 7.59 The policy is suitably flexible to take account of viability issues. In this respect it has regard to national policy.
- 7.60 I recommend a modification to the wording of the policy. As submitted, it refers in a rather loose way to there being a general presumption against the change of use from retail uses. I also recommend a modification to clarify the Use Classes addressed in the policy.

**Replace ‘There will be.... Plan area’ with ‘Proposals for the change of use of properties in retail or retail-related use (Class A1 to A5 inclusive) to other uses will not be supported’**

#### Policy BUSEC2 – Commercial Premises

- 7.61 This policy is an important component of the way in which the Plan will contribute to the delivery of the economic dimension of sustainable development. It offers support for the alteration, extension or the redevelopment of existing commercial or employment premises for commercial or employment uses.
- 7.62 I recommend a detailed modification to the policy so that it will have the clarity required by the NPPF. Otherwise it meets the basic conditions.

**Replace ‘will be generally approved’ with ‘will be supported’**

#### Non-Land use actions

- 7.63 The Plan includes a series of non-land use actions. They are acknowledged as such and to provide a focus for community action. They are:
- TM1 Traffic management
  - TM2 Parking
  - TM3 Public Transport
  - KF1 Community Facilities
  - KF2 Community Health
  - KF3 Public Footpaths and Rights of Way
  - KF4 Education
  - KF5 Assets of Value to the Community
- 7.64 The various actions are well-considered. They are also distinctive to the neighbourhood area. In several instances they carefully overlap with land use policies in the main part of the Plan.

### Other Matters - General

- 7.65 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for RBWM and the parish councils to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.
- 7.66 This report has recommended that some policies or parts of policies are either deleted or repositioned into the Non-Land Use Actions. This will have implications on policy numbering and the internal organisation of specific policies. The flexibility provided by the general recommended modification below extends to changes to the numbering sequence of the individual policies and the way in which individual policies are organised.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

### Other Matters – Specific

- 7.67 In the Introduction and Purpose element of the Plan (Section 2) the supporting text makes a series of comments about development in the Green Belt. Most correctly interpret national policy on the matter.
- 7.68 The final sentence of the fourth paragraph of c) local Planning Policy in Section 2 provides potentially misleading commentary about the promotion of brownfield development in the Plan and the Green Belt. I recommend that it is deleted to avoid any potential confusion within the Plan period. This recommended modification has no effect on the policies in the submitted Plan or my recommended modifications to those policies.

*Delete the final sentence of the fourth paragraph of Local Planning Policy in Section 2 of the Plan.*

### Monitoring and Review

- 7.69 Section 2 of the Plan highlights the importance of monitoring the effectiveness of the Plan. Its proposed annual monitoring regime will overlap with the process taken by RBWM. This is good practice.
- 7.70 The Plan is intended to be reviewed every five years. This is also good practice. Given the historic nature of the current development plan and current progress on the emerging Local Plan I recommend that the need or otherwise for any made neighbourhood plan to be reviewed once the emerging Local Plan is adopted is included within the Plan.

*At the end of the final paragraph of the supporting text in the opening part of Section 2 of the Plan add: 'Within this context the parish councils will assess the need or otherwise for any made neighbourhood plan to be reviewed once the emerging Local Plan is adopted'*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2033. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Horton and Wraysbury Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to the Royal Borough of Windsor and Maidenhead Council that subject to the incorporation of the modifications set out in this report that the Horton and Wraysbury Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Royal Borough Council in May 2013.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**12 August 2019**

## Appendix B – Horton and Wraysbury Neighbourhood Plan

### Examiner's Recommended Changes

Location of change	Page of Plan	Proposed Change	Commentary on examiner's view	Officer recommendation
Policy SUSTDEV1: Presumption in favour of sustainable development	21	In the opening part of the policy  replace 'Planning applications' with 'Development proposals'  replace 'approved' with 'supported'  replace 'Planning permission will also be granted' with 'Development proposals will also be supported'	The revised policy complies better with the clarity requirements of the NPPF.	Accept the change.
Policy SUSTDEV1: Presumption in favour of sustainable development	21	In the third paragraph of the policy: <ul style="list-style-type: none"> <li>• replace 'applicants with proposals of' with 'development proposals of'</li> <li>• replace 'will be expected to' with 'should'</li> <li>• replace 'Development Brief' with 'Development Details' Delete the final paragraph of the policy.</li> </ul>	The revised policy complies better with the clarity requirements of the NPPF.	Accept the change.
Policy SUSTDEV2 Management of the Water Environment	23	In the first paragraph of the policy: <ul style="list-style-type: none"> <li>• replace 'There will be a general presumption against all' with 'Development proposals for'</li> <li>• after Maps add 'will not be supported'</li> </ul>	The revised policy complies better with the clarity requirements of the NPPF.	Accept the change.

		In the second paragraph of the policy replace the first sentence with: 'The design and construction of new buildings should have regard to national flood resilience guidance and other relevant policies in the development plan.'		
Policy HOU1- Good Quality Design	23	Replace 'will be required to' with 'should'.	The revised policy complies better with the clarity requirements of the NPPF.	Accept the change.
Policy HOU2- Footprint, Separation, Scale and Bulk		In the first part of the policy replace 'be similar in' with 'respect the' and delete 'of' later in the sentence  In the second part of the policy: <ul style="list-style-type: none"> <li>• replace 'must' with 'should'</li> <li>• delete the final sentence of the third bullet point.</li> </ul>	The revised policy complies better with the clarity requirements of the NPPF.	Accept the change.
Policy HOU2- Footprint, Separation, Scale and Bulk, supporting text	25	At the end of the supporting text on page 25 add the deleted final sentence of the policy. In doing so insert 'RBWM will consider the appropriateness or otherwise of' after 'permitted' and then replace 'will be' with 'being'	The revised text complies better with the clarity requirements of the NPPF	Accept the change
Policy HOU3 – Smaller Properties and Housing Mix	Page 26	In the first part of the policy replace 'will be expected to' with 'should'	The revised policy complies better with the clarity required by the NPPF.	Accept the change

Policy HOU4 – Derelict Buildings		Delete the policy and supporting text.	Much of the work to achieve the policy aim does not require planning consent, and it only offers general support for the idea.	Accept the change
Policy HOU5- Redevelopment and Change of Use	Page 27	<p>Replace the policy with:  ‘Development proposals for a change of use of existing buildings including commercial sites or for their redevelopment for residential use will be supported where they comply with other relevant policies in the development plan.</p> <p>Where the properties or sites are located within the Green Belt the developments concerned should have no greater impact on the openness of the Green Belt than that of the existing building or buildings’</p>	The revised policy complies better with the clarity required by the NPPF. It also accords better with national policy on sites in the Green Belt, as well as being clearer to apply by RBWM.	Accept the change
Policy HOU6 – Water Supply, Waste Water, Surface Water and Sewage Infrastructure	Page 28	<p>In the first paragraph replace ‘Applicants will be expected to’ with ‘Development proposals should’</p> <p>In the first paragraph delete the second sentence.</p> <p>Delete the third paragraph of the policy.</p>	To enable the policy to be applied clearly and consistently by RBWM.	Accept the change
Policy BE1 – Education	Page 29	Replace the policy with: ‘Proposals to extend the Wraysbury Primary	It ensures that the policy is explicitly related to the Wraysbury	Accept the change

		<p>School and/or to provide a nursery school on the Primary School site will be supported where:</p> <ul style="list-style-type: none"> <li>• the proposal is an extension or alteration of existing buildings which does not result in disproportionate additions over and above the size of the original buildings; or</li> <li>• the proposal is a limited infilling or the partial or complete redevelopment of the existing buildings on the site which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'</li> </ul>	<p>Primary School and refers to its impact on the openness of the Green Belt.</p>	
<p>Policy BE2 – Heritage Assets</p>	<p>Page 30</p>	<p>In the first part of the policy replace 'High Street, Wraysbury and the sentence in brackets thereafter' with the schedule of properties set out in the second part of the response of the parish councils to the clarification note.</p> <p>Replace the second part of the policy with: 'Development proposals which would directly or indirectly affect the locally important heritage assets should safeguard and where possible enhance the heritage asset. The effect of a development</p>	<p>To enable the policy to be applied clearly and consistently by RBWM.</p>	<p>Accept the change</p>

		proposal on the significance of the identified locally important heritage assets will be taken into account in determining the relevant planning application having regard to the scale of any harm or loss and the significance of the heritage asset concerned’.		
Policy BE3 – Community Facilities	Page 31	<p>In the first part of the policy after ‘supported’ and before the wording in brackets add: ‘where they complement the use or viability of the community element of the facility concerned’</p> <p>Delete the second paragraph of the policy</p> <p>In the third part of the policy replace ‘will be resisted.... are provided’ with ‘will not be supported unless suitable alternative facilities are provided or it can be demonstrated the existing facility is no longer viable and that an alternative community use cannot be identified for the building concerned’</p>	To ensure the policy better complies with national policy.	Accept the change
Policy OE1- Landscape	Page 33	Replace ‘will be expected to’ with ‘should’	Ensure appropriate policy wording.	Accept the change

Policy OE2 – Ecology	Page 33	<p>In the opening part of the policy replace ‘permitted’ with ‘supported’. Thereafter delete the remainder of the opening section.</p> <p>Delete criteria 1.</p> <p>Retain the second criterion of the policy as a free-standing second part of the policy.</p> <p>Delete criteria 3.</p> <p>Insert the following as a free-standing third part of the policy: ‘Development proposals that would have an unacceptable adverse impact on the ecological or biodiversity resources in the neighbourhood area, and which cannot be appropriately avoided or mitigated, will not be supported’.</p>	The revised policy complies better with the clarity required by and content of the NPPF.	Accept the change
Policy OE3 – Public Rights of Way	Page 35	<p>Replace the initial sentence with: ‘Development proposals should be designed and arranged to safeguard existing public rights of way and their settings. Proposals which would involve the loss of a public right of way or where an appropriate and attractive redirection could not be achieved will not be supported’</p> <p>Delete the second sentence.</p>	To ensure that elements of the policy are worded correctly and another part moved to a non-policy action.	Accept the change

		Reposition the second sentence into Non-Land Use Action KF3.		
Policy OE4 – Local Green Spaces	Page 37	<p>In the initial part of the policy replace ‘map on the next page’ with ‘the maps on pages insert number to insert number’</p> <p>In the list of LGSs delete xi. Queensmead Lake</p> <p>Replace the final part of the policy with: ‘Development will not be supported within local green spaces unless in very special circumstances’</p>	To ensure that the policy and overall approach better complies with the NPPF.	Accept the change
Policy OE4 – Local Green Spaces Supporting Text	Page 37	<i>At the end of the supporting text add: ‘Policy OE4 designates local green spaces and applies the approach in the NPPF to their long-term maintenance. The very special circumstances where development may be supported within LGSs will be a matter for RBWM to determine on a case-by-case basis. However, these circumstances may include proposals which enhance the role and function of a designated local green space and where the proposal would result in the</i>	To ensure that the policy and overall approach better complies with the NPPF.	Accept the changes.

		<p><i>development of appropriate community infrastructure'</i></p> <p><i>Insert the detailed maps of the proposed local green spaces (except that of Queensmead Lake) in the Plan immediately after the map on page 38.</i></p>		
Policy BUSEC1- Retail Businesses	Page 39	Replace 'There will be.... Plan area' with 'Proposals for the change of use of properties in retail or retail-related use (Class A1 to A5 inclusive) to other uses will not be supported'	To ensure the policy is more effective.	Accept the changes.
Policy BUSEC2 – Commercial Premises	Page 39	Replace 'will be generally approved' with 'will be supported'	To ensure that the policy and overall approach better complies with the NPPF.	Accept the changes.
		<p>'Other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for RBWM and the parish councils to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.'</p> <p><i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i></p>		

Section 2		<i>Delete the final sentence of the fourth paragraph of Local Planning Policy in Section 2 of the Plan.</i>	It provides potentially misleading commentary.	Accept the changes.
Section 2		<p><i>At the end of the final paragraph of the supporting text in the opening part of Section 2 of the Plan add:</i></p> <p><i>'Within this context the parish councils will assess the need or otherwise for any made neighbourhood plan to be reviewed once the emerging Local Plan is adopted'</i></p>	To improve the wording.	Accept the changes.