

Report Title:	Horton and Wraysbury Neighbourhood Plan – Formal Making of the Plan
Contains Confidential or Exempt Information?	No - Part I
Lead Member:	Councillor Coppinger, Lead Member for Planning and Maidenhead
Meeting and Date:	Full Council 23 June 2020
Responsible Officer(s):	Russell O’Keefe Director of Place Adrien Waite, Head of Planning
Wards affected:	Datchet, Horton and Wraysbury

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REPORT SUMMARY

1. This report recommends the Council to Make the Horton and Wraysbury Neighbourhood Plan as part of the Development Plan for the Royal Borough of Windsor and Maidenhead and for it to be used in decision making for relevant planning applications in the neighbourhood planning area.
2. This follows the successful referendum on 30 January 2020 when the majority of votes were cast in favour.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) Makes the Horton and Wraysbury Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead and,**
- ii) Delegates authority to the Director of Place in consultation with the Lead Member for Planning and Maidenhead to make minor non-material amendments to the neighbourhood plan as necessary prior to its publication.**

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

Options

Table 1: Options arising from this report

Option	Comments
Accept the result of the referendum and formally make the Horton and Wraysbury Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead	This is the next step in the neighbourhood planning process set out in the Localism Act 2011 where by local communities are given the direct power to develop their shared vision for their neighbourhood. If Made, The Neighbourhood Plan will be used by the Council for
This is the recommended option	

Option	Comments
	determining planning applications in the Horton and Wraysbury Area.
Do not accept the result of the referendum and do not make the plan part of the Development Plan. This is not the recommended Option	This option would deny the local community the opportunity to ensure that their neighbourhood plan can be used in determining planning applications in their area. There would be a serious legal risks to this decision, the ramifications of which are not clear as there is no case law in this area.

- 1.1 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. The formal making of the plan is the final stage of the neighbourhood plan production process.
- 1.2 The Royal Borough is encouraging neighbourhood planning. There are currently four neighbourhood plans which have been formally made and are part of the development plan: Ascot, Sunninghill and Sunningdale in 2014, Hurley and the Walthams in 2017, Eton and Eton Wick in 2018 and Old Windsor in 2019.
- 1.3 The Horton and Wraysbury Neighbourhood Plan Steering Group who produced the neighbourhood plan on behalf of the two Parish Councils has placed community consultation at the heart of their plan, undertaking a series of consultations and developing evidence to support their policies. This process has generated a lot of interest in the local community. Many households attended the several consultation events and responded to the initial questionnaire. The Steering Group has expressed gratitude for the interests of all sections of their communities who expressed views that have helped to shape the plan.
- 1.4 Following publication of the draft plan, the neighbourhood plan was scrutinised by an independent examiner. The examiner was appointed by the Royal Borough, with the agreement of the Steering Group. The examiner's report recommended that the plan should proceed to referendum, subject to modifications. These modifications were considered necessary by the independent examiner, to ensure the neighbourhood plan meets the Basic Conditions, as required by the Localism Act.
- 1.5 In October 2019 Cabinet approved the Neighbourhood Plan going to referendum with a single question (as set by the 'Neighbourhood Planning (Referendums) Regulations 2012') "Do you want the Royal Borough of Windsor and Maidenhead to use the neighbourhood plan for Horton and Wraysbury help it decide planning applications in the neighbourhood area?"

- 1.6 The referendum took place on the 30 January 2020 in the parishes in the Neighbourhood Plan area. The Electoral officer reports that 769 ballot papers were issued: a turnout of 18.5%. 642 votes were cast in support of the plan and 125 voted no to the question. As a majority of those voting in the referendum answered “yes”, under the terms of the legislation, the plan is now a material consideration in decisions on planning applications, but it also needs to be formally ‘made’ part of the Development Plan for the Royal Borough. This ‘making’ of the neighbourhood plan is the reason for this report to the Council.

3. KEY IMPLICATIONS

Table 2: Key Implications

3.1

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
A made neighbourhood plan that delivers the wishes of the community.	The neighbourhood plan is not seen by the community to be influencing development decisions.	Neighbourhood Plan used in determining planning applications.	Neighbourhood Plan is used and is successfully defended at appeal.	Neighbourhood Plan used in determining planning applications and development is in accordance with the plan as the community expected.	23 June 2020
Developments are shaped in accordance with policies of the neighbourhood plan.	Panel and appeal decisions do not comply with the plan policies.	Planning applications and appeals are determined in accordance with the neighbourhood plan.	Majority of applications submitted comply with the policies of the neighbourhood plan.	All applications submitted comply with the policies of the neighbourhood plan.	ongoing

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 Although the Government’s support for neighbourhood planning groups has now changed to being channelled through the Locality organisation who are able to give direct assistance to groups, the Council has received grant payments from the Ministry of Housing, Communities and Local Government in regard to this and other current plans in preparation.
- 4.2 The cost of undertaking the plan examination has, as required, been frontloaded by the Council. Now that the plan has successfully passed referendum, the Council is able to apply for a grant of £20,000 to cover the cost of the examination and the referendum. That grant application was made in May this year. It will be the final tranche of grant funding in relation to this plan. In agreeing to proceed to referendum with this plan, Cabinet also agreed in October 2019 to forward fund the cost of the referendum.

- 4.3 Community Infrastructure Levy (CIL) legislation states that a meaningful proportion of the Council's CIL income has to be devolved and spent at the local level. The parishes in the Neighbourhood Plan area will now be entitled to receive 25% of CIL receipts that have accrued from development within their parish. This apportionment of CIL is taken into account in the Borough's infrastructure planning.
- 4.4 There are no additional costs expected to accrue in relation to having made the neighbourhood plan as recommended.

Table 3: Financial impact of report's recommendations

REVENUE	2018/19	2019/20	2020/21
Addition	£20,000	£20,000	£0
Reduction	£20,000	£0	£20,000
Net impact	£0	£0	£0

5. LEGAL IMPLICATIONS

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

6. RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
Community will not have an opportunity to guide development in their area.	Medium	Approve the neighbourhood plan to be made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	Low
Risk of legal	High	Approve the	Low

Risks	Uncontrolled Risk	Controls	Controlled Risk
challenge if in denial of the result of the referendum, the Council decide not to formally make the neighbourhood plan part of the development plan for the Royal Borough.		neighbourhood plan to be made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	
If not made, planning applications will not be dealt with in a way the communities intended	Medium	Approve the neighbourhood plan to be made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	Low
Development in the neighbourhood area may continue to receive significant levels of objection from residents and not meet some local needs.	High	Approve the neighbourhood plan to be made part of the Development Plan for the Royal Borough of Windsor and Maidenhead.	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 preparation 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 the Council and the results of this were forwarded to the independent examiner for consideration during the examination process. The Examiner was satisfied that an appropriate level of community engagement had taken place. The referendum is the final form of local consultation and the result was a clear vote to implement the Neighbourhood Plan.
- 8.2 The Council has been appraised of progress of this neighbourhood plan on several occasions including, most recently, in agreeing to proceed with the referendum on the basis of the decisions statement in October 2019.

9. TIMETABLE FOR IMPLEMENTATION

Table 5: Implementation timetable

Date	Details
30 January 2020	Successful Referendum vote in favour of the Neighbourhood Plan
23 June 2020	The Horton and Wraysbury Neighbourhood Plan will become one of the suite of development plan documents comprising the Development Plan for the Royal Borough of Windsor and Maidenhead.

10. APPENDICES

- 10.1 This report is supported by 2 appendices:
- Appendix A – Horton and Wraysbury Neighbourhood Plan (available electronically)

- Appendix B - DECLARATION OF RESULT OF POLL: Horton and Wraysbury Neighbourhood Plan Area - attached

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 5 background documents:

- National Planning Policy Framework (NPPF) - <https://www.gov.uk/government/publications/national-planning-policyframework--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>

11.2

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning and Maidenhead	2/6/20	2/6/20
Duncan Sharkey	Managing Director	2/6/20	2/6/20
Russell O'Keefe	Director of Place	2/6/20	2/6/20
Adele Taylor	Director of Resources/S151 Officer	2/6/20	5/6/20
Kevin McDaniel	Director of Children's Services	2/6/20	2/6/20
Hilary Hall	Director Adults, Commissioning and Health	2/6/20	2/6/20
Elaine Browne	Head of Law	2/6/20	3/6/20
Mary Severin	Monitoring Officer	2/6/20	4/6/20
Nikki Craig	Head of HR, Corporate Projects and IT	2/6/20	2/6/20
Louisa Dean	Communications	2/6/20	2/6/20
Karen Shepherd	Head of Governance	2/6/20	3/6/20

REPORT HISTORY

Decision type: Council decision	Urgency item? No	To Follow item? No
Report Author: Phillipa Silcock, Planning Policy Consultant, phillipa.silcock@RBWM.gov.uk		

DECLARATION OF RESULT OF POLL

Horton & Wraysbury Neighbourhood Plan Area

I, the Undersigned, being the Deputy Counting Officer for the Royal Borough of Windsor and Maidenhead at the above referendum held on Thursday 30 January 2020, do hereby give notice that the results of the votes cast is as follows:

Question:	
“Do you want the Royal Borough of Windsor and Maidenhead to use the Neighbourhood Plan for Horton & Wraysbury to help it decide planning applications in the neighbourhood area?”	
	Votes Recorded
Number cast in favour of a YES	642
Number cast in favour of a NO	125

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

Electorate: 4,151

Ballot Papers Issued: 769

Turnout: 18.5%

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

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

Suzanne Martin
Deputy Counting Officer

Thursday 30 January 2020