

Report Title:	Datchet Neighbourhood Plan – Formal Making of the Plan
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management
Meeting and Date:	Council – 27th June 2023
Responsible Officer(s):	Andrew Durrant – Executive Director of Place
Wards affected:	Datchet, Horton and Wraysbury



REPORT SUMMARY

This report recommends the Council ‘make’ the Datchet 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 Plan area.

This follows the successful referendum on 4th May 2023, where a significant majority of votes were cast in favour of the Neighbourhood Plan.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Council notes the report and:

- i) **In accepting the result of the referendum, agrees to formally ‘make’ the Datchet Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead and;**
- ii) **Delegates authority to the Head of Planning in consultation with the Cabinet Member for Planning, Legal and Asset Management to make minor non material amendments to the Neighbourhood Plan 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 Datchet Neighbourhood Plan part of the Development Plan for the Royal Borough of Windsor and Maidenhead. This is the recommended option.	This is the next step in the process of preparing a neighbourhood plan. If ‘made’, the Neighbourhood Plan will be used by the Council for determining planning applications in the Datchet Neighbourhood Plan area.

- 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. The formal 'making' of the plan is the final stage of the neighbourhood plan production process.
- 2.2 The Royal Borough encourages neighbourhood planning. There are currently six 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, Old Windsor in 2019, Horton and Wraysbury in 2020 and Windsor in 2021.
- 2.3 The draft Datchet Neighbourhood Plan was submitted to the Borough Council on 18 July 2022 and there was a 'Regulation 16' consultation from 5 September to 17 October 2022. Following this, the Neighbourhood Plan was examined by an independent examiner who was appointed by the Royal Borough, with the agreement of the Datchet Neighbourhood Plan Steering Group. The [examiner's report](#) was received on 8 February 2023. It recommended that, subject to modifications, the Neighbourhood Plan should proceed to referendum. The modifications considered necessary by the independent examiner ensure that the Neighbourhood Plan meets the Basic Conditions, as required by the Localism Act.
- 2.4 On 23 February 2023, Cabinet approved the Datchet 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 Datchet to help it decide planning applications in the area?*").
- 2.5 The referendum took place on the 4 May 2023 in the areas covered by the Neighbourhood Plan area. The Returning Officer reports that on a turnout of 30.38%, 1014 votes were cast in support of the Plan and 127 votes were cast against the Plan. As a majority of those voting in the referendum voted 'yes', under the terms of the relevant legislation, the Plan is now part of the statutory development plan for Datchet Neighbourhood Plan Area, but it also needs to be formally 'made' (adopted) by the Royal Borough. This 'making' of the Neighbourhood Plan is the reason for this report to Council.
- 2.6 The Council can only decline to adopt the plan if:
- Council consider it would breach any EU obligations (the Habitat Regulations Assessment and/or Strategic Environmental Assessment) or any Convention rights (The Human Rights Act); or
 - If there is a majority 'no' vote or a tied vote, then the Neighbourhood Development Plan will not come into legal force.

Neither of these circumstances is considered to apply in this case.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
A made Neighbourhood Plan that delivers the wishes of the community.	Not made on 27/06/2023	27/06/2023	N/A	N/A	27/06/2023
Developments are shaped in accordance with the policies of the Neighbourhood Plan	Not made on 27/06/2023	27/06/2023	N/A	N/A	Ongoing

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The Council has received grants from the Department of Levelling Up, Housing and Communities (DLUHC) in association with the progress of the Plan.
- 4.2 Following Cabinet's decision to proceed to referendum, the Council was able to apply for a further grant of £20,000 from DLUHC to cover the cost of the previous examination and referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012). The Council submitted its claim for this grant in March of this year. It is expected to be paid to the Council in June/July 2023 and will form the final tranche of grant funding in relation to this Neighbourhood Plan.

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 Plan will immediately form part of the Development Plan for the Royal Borough.
- 5.2 This report seeks formal confirmation from the Council that the Datchet 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

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
The community will not have an opportunity to guide development in their area.	Major	Medium	N/A	Approve the Neighbourhood Plan to be a made part of the Development Plan.	Low	Low
There is a risk of legal challenge if a successful referendum result is not honoured, and the Council decide not to formally 'make' the Neighbourhood Plan.	High	Medium	N/A	Approve the Neighbourhood Plan to be a made part of the Development Plan.	Low	Low
Development in the Neighbourhood plan area may continue to receive significant levels of objection from residents and not meet some local needs.	Moderate	High	N/A	Approve the Neighbourhood Plan to be a made part of the Development Plan.	Low	Low

7. POTENTIAL IMPACTS

Equalities.

- 7.1 The neighbourhood plan has been subject to examination by an independent examiner. One of the basic conditions that the examiner is required to be satisfied on is that the Plan is compatible with Convention Rights (Human Rights Act 1998). The Examiner confirmed this to be the case and noted that:

“In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.” Officers have also completed a EQIA screening report and conclude that the plan does not require an Equality Impact Assessment.

Climate change/sustainability.

- 7.2 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. One of the key objectives of the Neighbourhood Plan is to ensure that development is sustainable and sensitively designed to be attractive, to minimise flood risk, mitigate climate change, promote biodiversity, reduce our carbon footprint, and enhance the existing community's wellbeing.

Data Protection/GDPR.

- 7.3 The referendum took place on 4th May 2023. This was undertaken in accordance with the GDPR regulations.

8. CONSULTATION

- 8.1 During the production of the Neighbourhood Plan the Neighbourhood Plan Steering Group undertook several consultations and engagement events with Local Stakeholders in the Neighbourhood Plan Area, including a dedicated website, leaflet distribution and information stalls at various events. 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 independent examiner concluded that the consultation process met the legal requirements and could proceed to referendum.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The full implementation stages are set out in table 5.

Table 5: Implementation timetable

Date	Details
4 May 2023	Successful referendum vote in favour of the Neighbourhood Plan
27 June 2023	Formal making of the Datchet Neighbourhood Plan.

10. APPENDICES

- 10.1 This report is supported by 3 appendices:
- Appendix A – Equalities Impact Assessment
 - Appendix B – Datchet 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) (as amended) [The Neighbourhood Planning \(General\) Regulations 2012 \(legislation.gov.uk\)](http://www.legislation.gov.uk/ukpga/2012/24/contents/enacted)
- Neighbourhood Planning (Referendum) Regulations (2012) [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(legislation.gov.uk\)](http://www.legislation.gov.uk/ukpga/2012/24/contents/enacted)
- Neighbourhood Planning Act 2017 <http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>
- Town and Country Planning Act (1990) <https://www.legislation.gov.uk/ukpga/1990/8/section/61E>

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officer (or deputy)</i>			
Andrew Vallance	Head of Finance / interim S151 Officer	9.5.23	9.5.23
Elaine Browne	Head of Law & Governance / Interim Monitoring Officer	9.5.23	15.5.23
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Samantha Wootton	Data Protection Officer	9.5.23	13.5.23
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	9.5.23	12.5.23
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	9.5.23	
Andrew Durrant	Executive Director of Place	9.5.23	
<i>Heads of Service (where relevant)</i>			
Adrien Waite	Head of Planning	9.5.23	15.5.23

Confirmation relevant Cabinet Member(s) consulted	Cllr Bermange, Cabinet Member for Planning, Parking, Highways and Transport	Yes – 13/06/2023
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Council Decision	No	No

Appendix A

Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk

1. Background Information

Title of policy/strategy/plan:	<u>Datchet Neighbourhood Plan</u>
Service area:	<u>Planning</u>
Directorate:	<u>Place</u>

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?
- Is it a new proposal or a change to an existing one?

This report recommends that the Council agrees to act upon the result of the Datchet Neighbourhood Plan referendum by formally 'making' the Datchet 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 Plan area.

This is a new proposal linked to ongoing work.

The referendum was held on the 4th May 2023.

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- If No, please explain why not, including how you've considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

Yes, the Neighbourhood Plan will directly impact people in the Borough. The principal purpose of the Neighbourhood Plan is to guide development within Datchet Parish. Following approval at referendum, the document has become part of the Council's Development Plan.

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal?

For example, users of a particular service, residents of a geographical area, staff

Predominantly, it will be residents of Datchet Parish who will be directly affected by the Neighbourhood Plan as it will help decide planning applications.

Council Planning Officers will also be affected as they will have to take the Document into account during their decision-making process in relation to any planning applications received within the Datchet Parish area.

Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented?

For example, compared to the general population do a higher proportion have disabilities?

Disabilities may have made it more difficult to participate in the previous consultation events, which were arranged by Datchet Parish Council and not RBWM. In Datchet, 5.4% of residents have limited activity due to their health. It may also have been the case that some parts of the community were less likely to have taken part in some events, for example, poverty and ethnicity can be major barriers that need to be tackled if real inclusion is to be achieved. At 27.5% Datchet has one of the highest proportions of non-white ethnicities in the entire Borough. Furthermore, 10.6% of the population of Datchet live in Social Housing, with the Datchet area ranking highly within the Borough on the indices of multiple deprivation measurement. This could suggest that some residents may not have been represented proportionately during the production of the Neighbourhood Plan up to this point.

On referendum day, the Council's Election Team ensured that persons with disabilities or with other protection characteristics were able to use the polling stations and vote at the referendum.

What engagement/consultation has been undertaken or planned?

- How has/will equality considerations be taken into account?
- Where known, what were the outcomes of this engagement?

Yes, engagement has taken place throughout the various previous stages of the Plan's production, mainly by the parish council but more recently by RBWM. Several consultation and engagement events have been held with Local Stakeholders in the Neighbourhood Plan Area, including a dedicated website, leaflet distribution and information stalls at various events. 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 Neighbourhood Plan has now also been voted upon in a public referendum.

What sources of data and evidence have been used in this assessment?

Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.

The Council's Datchet ward profile and the Council's Equalities Evidence Grid.
The Datchet Neighbourhood Plan (submission version).

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age	The Datchet Neighbourhood Plan contains Policy DAT1: Housing Suitable for the Needs of Older people.	✓	
Disability	The Datchet Neighbourhood Plan contains Policy DAT12: Key Movement Routes states that pedestrian routes should ensure that access by disabled users, those with sensory impairments and users of mobility scooters is secured.	✓	
Sex	There is no policy within the Neighbourhood Plan which is considered to disproportionately impact or discriminate against a person on the basis of their sex.	Not applicable.	
Race, ethnicity and religion	There is no policy within the Neighbourhood Plan which is considered to disproportionately impact or discriminate against a person on the basis of their race, ethnicity or religion.	Not applicable.	
Sexual orientation and gender reassignment	There is no policy within the Neighbourhood Plan which is considered to disproportionately impact or discriminate against a person on the basis of their sexual orientation or gender.	Not applicable.	
Pregnancy and maternity	There is no policy within the Neighbourhood Plan which is considered to disproportionately impact or discriminate against a person who is pregnant or a mother.	Not applicable.	
Marriage and civil partnership	There is no policy within the Neighbourhood Plan which is considered to disproportionately impact or discriminate against a person on the basis of their marital status.	Not applicable.	
Armed forces community	There is no policy within the Neighbourhood Plan which is considered to disproportionately impact or discriminate against a person who is in the armed forces community.	Not applicable.	
Socio-economic considerations e.g. low income, poverty	There is no policy within the Neighbourhood Plan which is considered to disproportionately impact or discriminate against a person on the basis of their socio-economic situation.	Not applicable.	

Children in care/Care leavers	There is no policy within the Neighbourhood Plan which is considered to disproportionately impact or discriminate against a person who is in care or a care leaver.	Not applicable.	
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5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

<p>What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it? For example, adjustments needed to accommodate the needs of a particular group</p>
<p>The Neighbourhood Plan was subject to a referendum and will only now come into force as a majority of those entitled to vote in the referendum support the proposals/policies. This has ensured that the groups less likely to participate in developing the Neighbourhood Plan had an opportunity to express their views. Where persons with protected characteristics are adversely affected, this would have increased the likelihood of the referendum not demonstrating the required level of popular support. However, the Election Team ensured that persons with disabilities or with other protection characteristics were able to use the polling stations and vote at the referendum.</p>
<p>Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?</p> <ul style="list-style-type: none"> For planned future actions, provide the name of the responsible individual and the target date for implementation.
<p>Where persons with protected characteristics are adversely affected, this would increase the likelihood of the referendum not demonstrating the required level of popular support. However, as stated above, all sections of the community, including those with disabilities, will be able to vote at the referendum as measures are put into place such as ramps into polling stations and specially designed booths.</p>
<p>How will the equality impacts identified here be monitored and reviewed in the future? See guidance document for examples of appropriate stages to review an EQIA.</p>
<p>As the referendum was successful and the Neighbourhood Plan now becomes part of the Council's Development Plan, the policies could be reviewed in the future by formally inviting all local planning authorities and groups representing potentially affected groups to advise us on any equality impacts that they have become aware of.</p>

6. Sign Off

Completed by: Garry Thornton	Date: 09/05/23
Approved by: Adrien Waite	Date: 09/05/23

Appendix B – Datchet Neighbourhood Plan – included as a PDF attachment