

Report for:
ACTION



Contains Confidential or Exempt Information	No – Part 1
Title	Draft Borough Local Plan
Responsible Officer(s)	Russell O’Keefe, Strategic Director of Corporate and Community Services.
Contact officer, job title and phone number	Chris Hilton, Director of Development and Regeneration Tel 01628 683811
Member reporting	Cllr Wilson, Lead Member for Planning
For Consideration By	Cabinet
Date to be Considered	28 July 2016
Implementation Date if Not Called In	Immediately
Affected Wards	All

REPORT SUMMARY

1. This report provides an update on the proposed Pre Submission Publication Draft Borough Local Plan.
2. It recommends that the Borough Local Plan proceeds to formal consultation under Regulation 19 of the Town and Country Planning(Local Planning)(England) Regulations 2012

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. Adoption of the Local Plan will give residents certainty about the development strategy and future land uses within the Royal Borough.	June 2017

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That Cabinet recommends that Council:

- 1. Endorse the Pre Submission Publication Draft Borough Local Plan (Publication Version) to proceed to public consultation under Regulation 19 of the Town and Country Planning(Local Planning)(England) Regulations 2012 and then submit to the Secretary of State, along with supporting documents for examination in public;**
- 2. Delegates authority to the Strategic Director of Corporate and Community Services in consultation with the Lead Member for Planning , following receipt of revised population estimates, to amend the level of Objectively Assessed Need (OAN) and make other changes as appropriate to the plan to incorporate the new figure;**
- 3. Delegates authority to the Strategic Director of Corporate and Community Services in consultation with the Lead Member for Planning to make editorial and formatting amendments to the Pre Submission Publication Draft Borough Local Plan and accompanying documents to correct errors without altering the meaning of the plan before submission;**
- 4. Delegates authority to the Strategic Director of Corporate and Community Services in consultation with the Lead Member for Planning, to submit the Borough Local Plan and accompanying documents to the Secretary of State following the conclusion of the consultation period, along with the representations received and a summary thereof;**
- 5. Delegates authority to the Strategic Director of Corporate and Community Services in consultation with the Lead Member for Planning to make proposed changes to the plan before, during and after the public examination process in order to respond to matters raised throughout the consultation and examination process.**

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Introduction

- 2.1 The Borough Local Plan is a key corporate priority that has drawn its objectives directly from the Corporate Strategy. This report outlines the context for the Pre Submission Publication Draft Borough Local Plan (“The Plan”) which can be found in Appendix 1.
- 2.2 Consultation under Regulation 18 of the Town and Country Planning(Local Planning)(England) Regulations 2012 (“The Regulations”) has been carried out and will be reported on in the Consultation Statement that will accompany the Plan when it is submitted to the Secretary of State for public examination. The current proposal is that the plan proceeds to Regulation 19 consultation which has been programmed to commence on 13th August 2016 and to conclude on 23rd September 2016.

Background to the Borough Local Plan

- 2.3 Consultation by the Department for Communities and Local Government¹ reinforced the government's commitment to ensuring all Local Planning Authorities (LPA) have Local Plans in place and include up to date policies. This will include 'intervening where no local plan has been produced by early 2017, to arrange for the plan to be written, in consultation with local people, to accelerate production of a local plan.'² As a result, the greater progress towards producing a sound plan by early 2017, the reduced risk that CLG will intervene in the plan making process. The Council have engaged directly with CLG and have forwarded to them the revised Local Development Scheme that was published in May 2016.
- 2.4 Consultation on the Pre Submission Publication Draft will seek representations on whether the strategy has been prepared in accordance with legal and procedural requirements, and whether it is "sound." One of the procedural requirements is that the Plan has been consulted on in accordance with the Statement of Community Involvement which is also before this Cabinet for endorsement.
- 2.5 Following the conclusion of the consultation period it is anticipated that the Draft Plan will be submitted to the Secretary of State along with a summary of representations made, and copies of all representations made. It is intended to submit the Plan to the Secretary of State by the end of September 2016 but this is dependant on the number and complexity of representations received. This programme has been constructed to allow the plan to proceed to public examination before the end of March 2017. The significance of this date is that this is the 'deadline' after which CLG will look to intervene in Local Planning Authorities who do not have an up to date local plan or up to date policies in their local plan.
- 2.6 The Council has a 'Duty to Cooperate' with local authorities and other partners such as infrastructure providers, the NHS etc over strategic planning matters that cross boundaries. This process must be constructive and on going with meetings due to be held between Members and Officers of neighbouring authorities in late June and early July. These efforts will be continued as the Plan progresses towards adoption. It is important to note that the Duty to Cooperate is not an obligation to agree. The Council must be able to demonstrate to a Planning Inspector at the Local Plan Examination that the Duty has been adequately discharged in order for the Plan to be capable of being found sound.

1

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501239/Planning_consultation.pdf

2

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501239/Planning_consultation.pdf, and Fixing the foundations: Creating a more prosperous nation 2015 (HM Treasury)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443898/Productivity_Plan_web.pdf

Development Strategy

- 2.7 The Spatial Development Strategy as expressed in Policy BLP 1 of the Plan focuses development towards the urban area of Maidenhead. Higher density development in Maidenhead Town Centre, including taller buildings on a small number of selected sites in close proximity to the railway station to capitalise on the transport links including Crossrail, and support the wider regeneration of the Town Centre. The character and appearance of Maidenhead, including Conservation Areas will be protected. The Spatial Development Strategy identifies a number of strategic sites that will make a major contribution towards meeting the identified level of need for development.

Quality of Place and Design

- 2.8 Delivering high quality design is central to the ability to deliver sustainable development and the Borough Local Plan places a heavy emphasis on the need to achieve a high quality of design if the aspirations to bring about a step change in the density of development within the urban area are to be achieved. The Townscape and Landscape assessments that have been carried out are central to achieving this and it is proposed to produce a Borough Wide Design Guide to provide further guidance for developers.

Green Belt

- 2.9 The Borough, with the exception of the larger settlements lies within the Metropolitan Green Belt. The Borough Local Plan's spatial strategy is predicated on the basis that the Green Belt needs to be protected and the release of sites within the Green Belt for development must be on an exceptions basis. It is proposed in the Borough Local Plan to safeguard the site of Maidenhead Golf course for future development beyond the Plan period, and in so doing this site is to be removed from the Green Belt. There are a number of other sites currently within the Green Belt that are proposed for development including for residential development, associated infrastructure to support that development and for other uses such as employment development.

Housing Need and Land Supply

- 2.10 To provide a common and up to date understanding of the housing market areas and the housing need, the Berkshire local authorities commissioned a joint Strategic Housing Market Assessment (SHMA). The SHMA concluded that Berkshire is split into two Housing Market Areas (HMAs), and that the Borough is located in the eastern HMA alongside Slough Borough Council and South Buckinghamshire District Council. The SHMA calculated that the Objectively Assessed Housing Need (OAN) for the East Berkshire and South Buckinghamshire HMA is 2,015 homes per annum. The Borough's OAN for the same period is 712 homes per annum. Across the 19 years of the Plan period this would equate to 13,528 new homes.

- 2.11 It should be noted that the Office for National Statistics (ONS) have indicated that they will be publishing revised population projections in late July 2016 and indications are that the new projections will signal a significant slow down in the rate of population growth in the Borough over the plan period, a reduction expected to be in the order of approximately 20%. The Interim Planning Policy Manager has instructed consultants to prepare a revised calculation of the OAN for the Borough and its partners within the Eastern Housing Market Area. The impact of any revised OAN will be to increase the percentage of that need that the Plan can accommodate whilst not having to allocate any further sites for housing.
- 2.12 Over the Plan period a deliverable capacity for an additional 8,904 dwellings across the Borough has been identified (Appendix 1 Pre Submission Draft Borough Local Plan policies). This includes the release of sites from the Green Belt for housing development in addition to a number of previously developed sites in the Green Belt. This equates to a target of 469 dwellings per annum of the Plan period between 2013 and 2032. If a 5% buffer is added in line with the guidance in the NPPF and the National Planning Practice Guidance this increases the target to 492 dwellings per annum and therefore the Borough would meet approximately 69% of its OAN. As part of the process to discharge the Duty to Cooperate there are ongoing discussions about how this shortfall between the housing target to be adopted in the Plan and the level of OAN that has been identified.
- 2.13 Additional housing capacity in Maidenhead Town Centre forms a central part of the spatial development strategy of the Borough Local Plan as expressed in Policy BLP 1. The Maidenhead Town Centre Area Action Plan (2011) established six Opportunity Areas of which five would be subject to significant development. Revised capacities have been calculated for these areas. Additional capacity for residential development has also been identified at St Cloud Way, Maidenhead following the potential relocation of the Magnet Leisure Centre and in addition the Reform Road area has been identified for mixed use (housing and employment). Together these urban, brownfield sites will contribute towards the rejuvenation of Maidenhead Town Centre.
- 2.14 A number of 'Other Allocations' have also been identified for housing with an estimated capacity of 1,470. These sites all include previously developed land (PDL), although some are located in the Green Belt.

Employment Sites

- 2.15 Proposed employment sites in the Borough Local Plan are set out in Appendix F. Additional areas proposed for employment use are Alma Road, Windsor; and Land west of Ascot Road and North of the M4, Maidenhead. The allocation of the site west of Ascot Road and north of the M4 Maidenhead for employment use, which will be programmed for the latter part of the plan period due to Highways Agency requirements in the first part of the plan period, supports the Spatial Development Strategy for the Borough as it releases land in Maidenhead Town Centre for residential development subject to further work on the Strategic Flood Risk Assessment (SFRA) and a sequential approach to site selection.

Warehousing and industrial floor space can be re-provided on available, achievable and deliverable sites with links to the strategic highways network.

Town Centres and retail

- 2.16 Maidenhead Town Centre is central to the overall spatial strategy of the plan as it is the focus for development, especially residential. The policies in the Plan set out a retail hierarchy that aims to protect the town centre roles of both Maidenhead and Windsor and to offer appropriate protection to other, smaller district and local centres. There is a particular policy approach to protecting parades and shops outside of defined centres that fulfil a community role.

Visitors and tourism

- 2.17 The Borough Local Plan duly acknowledges the contribution that the visitor economy makes to the continuing success of the Borough's economy. Policies aim to provide a positive environment to encourage continuing development and investment in the visitor economy including visitor accommodation but at the same time protect those elements of our community and environment that attract visitors in the first place. The policies also acknowledge the growing sector of business travel and the need to provide appropriate facilities to allow the Borough to continue to compete for this market nationally. It is proposed to produce a Visitor Strategy Supplementary Planning Document to help further illustrate how the policies in the Borough Local Plan will help to enhance and protect visitor accommodation and visitor attractions.

Historic Environment

- 2.18 The Pre Submission Draft Borough Local Plan proposes an approach to the protection of the historic environment that is in line with current national guidance and legislation. It is proposed to produce a Heritage Strategy to meet the expectations of the National Planning Policy Framework. The Council will be working closely with Historic England in producing the Heritage Strategy and which Historic England has agreed to part fund.

Natural Resources, Environmental Protection and Natural Environment

- 2.19 The Borough Local Plan places an emphasis on the protection of the environment through providing a positive framework for development. This framework looks to promote sustainable development through the use of renewable energy, managing flood risk and mitigating the impact of climate change as well as measures designed to decrease the potential for air, light and noise pollution. The Borough Local Plan also acknowledges the importance of the Borough's designated areas and provides for the mitigation of development impacts particularly on the small part of the Borough that is designated as a Special Area of Conservation. The policies also give due precedence to the contribution that the

high quality of the natural environment makes towards making the Borough a pleasant place to live, work, travel and invest in.

Infrastructure

- 2.20 The importance of the timely provision of appropriate infrastructure forms the basis for the approach that is adopted in the Local Plan. There will be an Infrastructure Delivery Plan (IDP) that will highlight what infrastructure is required, where it should be located, who is going to pay for it and when it is needed to be delivered. The IDP is being produced in close cooperation with the providers of infrastructure including statutory undertakers. The IDP will be submitted alongside the Local Plan. It should be noted that the Borough Local Plan employs a wide interpretation of what comprises infrastructure including community facilities, sustainable transport, telecommunications and water supply and sewerage infrastructure amongst others.

Monitoring and implementation

- 2.21 There is a need to monitor how the Borough Local Plan performs and there are a number of indicators which will be reported on through an Annual Monitoring Report. These indicators will be used to judge whether the policies in the Local Plan continue to perform as anticipated, and also to help indicate when a Local Plan review might be required.

Moving towards a Draft Borough Local Plan

- 2.22 The evidence base and its constituent elements will continue to develop as the Borough Local Plan progresses towards submission. These include the Strategic Flood Risk Assessment (SFRA), the Sustainability Appraisal and Habitats Regulation Assessment and the Strategic Transport Model. These parts of the evidence base will 'crystallise' on submission of the Plan to the Secretary of State but can and will continue to evolve until then. Similarly, as far as possible and practicable the most up to date and recent evidence and statistics will be used.
- 2.23 As part of the process of moving towards submission of the Local Plan arrangements are beginning to be made for the Examination in Public. A Programme Officer has been appointed to act on behalf of the Planning Inspectorate and to act as the liaison between the Planning Inspectorate, the Council and those people and organisations wanting to make representations and take part in the Examination in Public. The Council will be responsible for providing appropriate accommodation for the Programme Officer in the run up to the Examination and to provide accommodation for the Examination in Public including suitable public access and accommodation for the Inspector. It is anticipated that a suitable venue for the Examination in Public will be found within the Borough but it is not likely to be the Council Chamber at the Town Hall in Maidenhead due to the need to continue the usual business of the Council whilst the Examination is in progress. Every effort will be made to use Council facilities.
- 2.24 It should be noted that whilst the Council has arranged the appointment of the Programme Officer (PO) and will be responsible for paying them, the PO will be

working for the Inspectorate and not the Council. Additionally it is worth noting that the areas and subjects that are discussed at the Examination are determined by the Inspector who is also responsible for inviting people and organisations to participate in the discussions and hearing sessions. The Council does not have the ability to determine who is involved and what is discussed at Examination.

2.25 It is important to appoint a Programme Officer so far in advance of the Examination is that it allows the Council to approach the Planning Inspectorate and to allow the Inspectorate to begin the process of appointing an Inspector to hold the Examination. Without the appointment of the Programme Officer the Planning Inspectorate would be unable to appoint an Inspector.

3. KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Regulation 19 BLP publication started by	October 2016	13 August 2016	1 August 2016	25 July 2016	30 September 2016
% appeals upheld as a result of an up-to date Borough Local Plan	< 75%	75-79%	80-89%	90%+	30 June 2017

4. FINANCIAL DETAILS

4.1 There may be a requirement to request one off funding in order to pay the costs associated with the Local Plan Public Examination as it was as originally planned that this would occur during the 2017/18 financial year but it is possible that this expenditure will be incurred during the 2016/17 financial year. A request will be brought forward, if required, once it is known when an examination is likely to take place.

4.2 All other costs associated with developing and submitting the Local Plan are being absorbed and managed within the directorate budget.

Financial impact on the budget

	2015/16	2016/17	2017/18
	Revenue £'000	Revenue £'000	Revenue £'000
Addition	£0	£'000	£0
Reduction	£0	£0	£0

	2015/16	2016/17	2017/18
	Capital £'000	Capital £'000	Capital £'000
Addition	£0	£'000	£0
Reduction	£0	£0	£0

5. LEGAL IMPLICATIONS

- 5.1 The Borough Local Plan must be compliant with the Town and Country (Local Planning) (England) Regulations 2012 and must take into account the National Planning Policy Framework. The Plan will also need to take into account any changes that are brought about as a result of the Housing and Planning Act 2016 and the enactment of provisions therein.
- 5.2 The Council must cooperate with other local planning authorities and other prescribed bodies in the preparation of development plan documents in accordance with Section 110 of the Localism Act 2011 and Section 33A(3) of the Planning and Compulsory Purchase Act 2004, otherwise known as the Duty to Cooperate.

6. VALUE FOR MONEY

- 6.1 The preparation of the Borough Local Plan is likely to maintain the current relatively low level of appeals against the Borough's planning decisions. It should also be noted that the New Homes Bonus grant relates to additions to the housing stock. The Borough Local Plan will provide greater certainty as to the future level of development that can be expected.

7. SUSTAINABILITY APPRAISAL, HABITATS REGULATIONS ASSESSMENT AND STRATEGIC ENVIRONMENTAL ASSESSMENT

- 7.1 As part of the Borough Local Plan production process, a Sustainability Appraisal (SA) needs to be undertaken. This is a continuous process which helps inform the plan preparation. The first stage of this SA – the scoping exercise- was the subject of consultation with the required statutory consultees (Natural England, English Heritage and the Environment Agency) during September 2011. Additional sites that emerge through the plan process will be subjected to a Sustainability Appraisal as well. The overall SA will include the necessary requirements for the Habitats Regulation Assessment and Strategic Environmental Assessment. (http://www3.rbwm.gov.uk/downloads/file/585/final_sustainability_appraisal_scoping_report_for_borough_local_plan_and_neighbourhood_plans)

8. RISK MANAGEMENT

Risks	Uncontrolled Risk	Controls	Controlled Risk
Publication takes	Low	Production of	Low

Risks	Uncontrolled Risk	Controls	Controlled Risk
place after September 2016		documents to be prioritised	

9. LINKS TO STRATEGIC OBJECTIVES

9.1 Residents First:

- Encourage healthy people and lifestyles
- Improvement the environment, economy and lifestyles
- Work for safer and stronger communities

Deliver Together:

- Strengthen partnerships

Value for Money:

- Invest in the future
- Increase non-council tax revenue

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

10.1 An Equality Impact Assessment (EQIA) has been carried out and the assessment concludes that it is considered that the draft Borough Local Plan will not unlawfully discriminate against any group or individual, or provide the grounds for such discrimination.

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1 Additional staffing may be required to effectively and efficiently progress the draft Borough Local Plan towards submission and adoption.

12. PROPERTY AND ASSETS

12.1 The draft Borough Local Plan may indirectly affect property values across the borough including property owned by the Council.

13. ANY OTHER IMPLICATIONS

13.1 N/A

14. CONSULTATION

14.1 The Report will be considered by the Planning and Housing Overview and Scrutiny Panel on 14th July 2016.

15. TIMETABLE FOR IMPLEMENTATION

15.1 It should be noted that once the Borough Local Plan has been submitted to the Secretary of State timings are out of the control of the Council and will be determined by the Planning Inspectorate.

Date	Details	Target Date
Prepare Reg 19 Submission Borough Local Plan	Final preparations on the Borough Local Plan	June 2016
Submit Reg 19 Borough Local Plan and consultation	The final draft Plan will be submitted for examination to the Secretary of State.	September 2016
Examination	The Borough Local Plan will be examined in public by a Planning Inspector appointed by the Secretary of State	October 2016 – March 2017 ³
Adoption by Royal Borough of Maidenhead Council	The Borough Local Plan will form part of the Development Plan.	June 2017

16. APPENDICES

Appendix 1: Local Development Scheme (2016 – 2019)

Appendix 2: Draft Local Plan policies

17. BACKGROUND INFORMATION

- The Royal Borough of Windsor and Maidenhead (RBWM) Regulation 18 Borough Local Plan Equality Impact Assessment.
- National Planning Policy Framework.

³ Dependant on availability of a Planning Inspector to conduct the Local Plan Examination. Timing of this is not under the control of RBWM.

- Cabinet Report: Borough Local Plan –Preferred Options Consultation, February 2015.

18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Alison Alexander	Managing Director/ Strategic Director Adults, Children and Health			
Simon Fletcher	Strategic Director Operations and Customer Services			
Matthew Tucker	Shared Legal Services			
Chris Targowski	Cabinet Policy Manager			
Richard Bunn	Finance			
Jenifer Jackson	Borough Planning Manager			
Chris Berry	Interim Borough Local Plan Team Leader	28/03/16	30/03/16	
External	N/A			

REPORT HISTORY

Decision type:	Urgency item?
Key decision	No

Full name of report author	Job title	Full contact no:
Flo Churchill	Interim Team Leader - Borough Local Plan	01628 796098

Appendix 1: Pre Submission Publication Draft Borough Local Plan

See separate document