



RBWM Borough Local Plan 2013-2033

Reg 19 Submission version

Frequently Asked Residents' Questions

Local residents (volunteers) have prepared these Questions and Answers for RBWM Residents Action Group (rbwmresidentsactiongroup.co.uk), based on our understanding of the Regulations for this consultation and the guidance provided by the Borough on how to submit responses. We have done this to the best of our ability in an effort to help others, but can take no responsibility in the event that our interpretation is in any way incorrect.

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What is this consultation about?

The Royal Borough of Windsor and Maidenhead (RBWM) is consulting on the latest version of the Borough Local Plan. This stage is known as the Regulation 19 consultation, which is the final public consultation before the Borough Local Plan (BLP) is submitted to the Planning Inspectorate for examination.

At this stage the plan is known as the Submission Version BLP. It is supposed to take account of the earlier Regulation 18 consultation and past consultations that took place between 2009 and 2016. It is also supposed to be based on updated evidence.

The purpose of this BLP is to set out the Vision, Policies and Proposals to guide future development and the use of land within the Royal Borough. It gives a degree of certainty to members of the public and developers as to where development is likely to take place and guides decision-makers on the most appropriate forms of development over the Plan period, which runs to 2033.

When is the last date for making submissions?

The Borough recently announced an extension to the consultation closing date which is now **5pm on Wednesday 27th September 2017**.

Comments submitted after that time will not be considered.

Why was the consultation deadline extended?

The consultation was originally launched on 30th June 2017 with a closing date of 25th August. The Borough announced by Press Release on 2nd August that the closing date would be extended to 27th September *“following queries from residents and local residents groups who were concerned that our earlier press releases and library communications about Regulation 19 did not accurately explain the procedure for making Regulation 20 representations”*.

As a fact, on 21st July, RBWM Residents Action Group (RRAG), an association representing local residents and several local residents groups (rbwmresidentsactiongroup.co.uk) wrote to RBWM enclosing a written Legal Opinion from Mr. John Hobson QC, which stated that the Borough’s approach to this Reg 19 consultation was unlawful, that it was *“unduly restrictive, misleading and fails to accord with regulation 20 in particular. The present consultation process should be abandoned and a fresh consultation process commenced”*.

The Borough responded by extending the consultation dates as stated above and by referring to Regulation 20 in its communication material. Nowhere has it attempted to provide clearer guidance or to positively encourage local residents to respond. This is why we are providing these FAQs.

Why should I comment?

As a place-shaping document, everyone living here will be affected by this BLP and so as many people as possible should contribute.

Can comments be made only on soundness and legal compliance?

Absolutely NOT!

Although the main focus of this consultation may be to seek views on whether the BLP is legally compliant and meets the tests of soundness as set out in the National Planning Policy Framework

(NPPF), it is NOT limited to these.

The Secretary of State for Communities and Local Government, Sajid Javid, made this clear in a letter addressed to Prime Minister Theresa May, in response to correspondence from a constituent: *“I am able to clarify that **there is no limitation at the second stage - (so-called Regulation 19) as to what topics of the plan residents may comment upon. It may be necessary to make the same comment at multiple points in plan preparation if it is felt that the point(s) raised have not been addressed (although these should have been considered by the Authority [RBWM] even if they haven’t been taken forward). The Regulation 19 stage is the first opportunity that anyone would have to request involvement in the hearing sessions for the Local Plan and to make comments on the Plan that they authority would like to adopt.**”*

So people can comment ON ANY ASPECT of the Plan.

What national policy says about Plan Making

You may find the following extracts from the National Planning Policy Framework (NPPF) interesting and helpful:

Paragraph 155: Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.

Paragraph 156: Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

Paragraph 182 Examining Local Plans:

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” - namely that it is:

- **Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

NOTE: Our concerns, expressed to the Royal Borough on several occasions is that they have signally failed to engage with and consult local residents in producing this Plan; that it is a weak and ill-conceived plan that will not deliver the right development in the best locations, nor the infrastructure necessary to support it.

How do I best draft my comments?

It is recommended that comments (“Representations”) are as clear, concise and targeted as possible. If you have evidence that supports your Representation that will give it considerably more weight, as opposed to being simply a statement of your view or opinion.

It is important that all Representations reference specific section(s), paragraph(s) or policy/policies in the Plan.

Please note: it is a requirement of the Local Plan process that comments can only be deemed legitimate (“duly made”) if they are received in a written format with a name and address supplied. Comments made verbally or anonymously cannot be accepted. It is also important to appreciate that the RBWM is obliged to make all duly-made Representations available for public inspection on its website; these cannot be treated as confidential.

I made comments on the Reg 18 Local Plan consultation, do I need to comment again?

The Borough is not able to carry forward any comments made on the previous (Reg 18) consultation. Therefore any comments previously submitted that you think have not been addressed should be submitted again as part of this consultation.

Also, comments made to the Reg 18 consultation will NOT be sent on to the Inspector; only comments made to this Reg 19 consultation will.

What will happen to the comments made?

Comments about this BLP are called “Representations”. The Borough states (page 2 of the BLP) that *“Following the consultation period any submitted representations will be collated and sent with the Proposed Submission BLP and supporting evidence to the Planning Inspectorate for independent examination.”*

Note that it is our understanding that the Borough is required to consider all the Representations made and decide whether they wish to recommend amendments to the BLP as a result of them before submitting the plan to the examining inspector.

ALL Representations made will be passed to the Inspector.

At the Examination in Public (EiP), the Inspector will examine the BLP, the evidence supporting it and Representations received during the this Reg 19 consultation, and judge whether it is sound and meets its legal requirements.

How do I submit my comments?

You can make comments - which are referred to as “Representations” - on this BLP in the following ways:

RBWM is encouraging people to submit using the Representation Form provided. We find this Form extremely difficult to use and **strongly recommend that you write a letter which you then email or post.** We give full details on all the options below:

The Representation Form is available both electronically and in paper form. The electronic version is available from the Council’s website and can be downloaded from www3.rbwm.gov.uk/downloads/file/3209/borough_local_plan_submission_version_representation_form_june_2017

Paper copies of the form can be obtained from the Council and Parish offices and from libraries, or by emailing blp@rbwm.gov.uk.

Representations during Regulation 19 can be made (recommended methods in bold):

- **By emailing Planning Policy (blp@rbwm.gov.uk): free text or a scanned written document or a completed Representation Form**
- **By sending letters to Planning Policy via the freepost address (FREEPOST RBWM PLANNING POLICY);**
- Online through the consultation portal (consult.rbwm.gov.uk/portal/blp/blpr19/blpr19) where Representations can be made against specific consultation points (e.g. chapters/maps etc.)
- By completing a Representation Form available from the libraries/parish councils and posting it to Planning Policy via the freepost address (FREEPOST RBWM PLANNING POLICY)
- By calling the contact centre and asking them to record comments before sending these comments back to the resident for signing off and submitting.

Remember: the deadline for all comments is 5pm Wednesday 27th September 2017.

Where can I see the documents?

The BLP documents and other evidence papers can be viewed online on the RBWM website: www3.rbwm.gov.uk/blp

The documents are also available at the following locations:

Royal Borough of Windsor & Maidenhead Council Offices

Town Hall, St Ives Road, Maidenhead, SL6 1RF during office hours

Windsor Library, Bachelors Acre, Windsor SL4 1ER (due to the closure of York House which is undergoing refurbishment). Windsor Library opening hours are Monday 9.00am-5pm, Tuesday 9.00am-7pm, Wednesday 9.00am-5pm, Thursday 9.00am-5pm, Friday 9.00am-7pm, Saturday 9.30am-5pm, Sunday 11am-2pm.

Libraries and Parish Offices

All local libraries and Parish Councils within the Royal Borough of Windsor & Maidenhead Local Planning Authority Area during normal opening hours. See our website for library opening hours: www3.rbwm.gov.uk/directory/7/find_a_library

Can I get hold of a printed copy?

We understand that you can request a paper copy of sections of the BLP or the entire BLP by showing your Advantage card at a local library. The paper copy will be available to collect within 3 to 5 working days.

5 August 2017