

RBWM Borough Local Plan 2013-2033 Submission Version

Regulation 19 Submission from the following organisations:

Ascot, Sunninghill and Sunningdale Neighbourhood
Plan Delivery Group

Bray Parish Council

Bray Neighbourhood Plan Steering Group

Braywick Action Group for Maidenhead's Greenbelt

Fisheries Residents Association

Horton Parish Council

Oakley Green & Fifield Residents Association

Old Windsor Parish Council

Old Windsor Neighbourhood Plan

RBWM Residents Action Group

Rushington Area Residents Association

Society for the Protection of Ascot & Environs

SportsAble

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RBWM Borough Local Plan 2013-2033

Regulation 19 Submission

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

BOROUGH LOCAL PLAN 2013-2033

1. Introduction

1.1 This submission to the Royal Borough of Windsor and Maidenhead (RBWM) Regulation 19 Consultation is made by each of the organisations named on the title page. More details about each organisation are included in Appendix A.

1.2 Each of the named organisations is pro-growth, pro-development and would wish to embrace a visionary, effective and inclusive Borough Local Plan, which enhances the environment and quality of life of all those who live in, work in, and visit the Royal Borough.

1.3 The submission has been prepared on behalf of the named organisations by Peter Lerner MA (Oxon), MRTPI, Chartered Town Planner.

1.4 The following important requests are made on behalf of all of the organisations who have made this submission:

- a) That this submission, in its entirety and including all Appendices, is passed intact to the Examiner for consideration.
- b) That this entire submission, together with its appendices, is taken to be a submission **on the whole** Borough Local Plan and its supporting documents, and is not to be taken piecemeal and attributed to various sections of the Plan, which in our view will severely weaken the coherence and integrity of the submission.
- c) That all organisations listed in Appendix A should have the opportunity to participate in the Examination of the Borough Local Plan.
- d) That, because of the serious issues raised in this submission about the current Plan's lack of legality and failure to achieve soundness, the organisations who are party to this submission request an opportunity to discuss these at an early stage, with the Examiner.

2. Executive Summary

2.1 This submission comprises the whole of this statement together with a series of appendices, which have been numbered for easy reference and are listed in the contents page prefacing this submission. The appendices comprise the evidence base, and the background information which supports this statement, and should be read in conjunction with it.

2.2 This short section of the statement comprises an executive summary of the main points made in this submission.

- a) RBWM has demonstrably failed to carry out rigorously its Duty to Co-operate (DtC) with neighbouring local planning authorities and with statutory consultees. This is particularly evident in the areas of housing numbers and Objectively Assessed Need (OAN), affordable housing policy, employment, and strategic transportation. The Plan therefore fails in this respect to be legally compliant.

- b) There has not been effective consultation and engagement at all stages of the Plan-making process with local residents, organisations or businesses. Consultation processes have been at best inconsistent and often absent, which means that the Council's many changes of policy direction throughout the process (e.g. meeting OAN, Green Belt land allocations) are neither shared with nor understood by the local communities. Failure to carry out the consultation process effectively means that in this respect the Plan is unsound.
- c) The Plan fails to demonstrate an effective or persuasive vision for the future of the Royal Borough, which indicates a lack of care or concern for the quality of life and environment for present and future generations.
- d) The Royal Borough is proud of its past involvement with Neighbourhood Plans; however over last couple of years there has not been effective engagement with enthusiastic and hard-working Neighbourhood Plan (NP) groups, with the result that carefully developed Neighbourhood Plans have been undermined by the Plan, bringing about frustration, sometimes anger, and a loss of confidence in the Plan.
- e) The Plan's housing policies are not supported by adequate evidence or justification, which calls into question the Council's certainty that it will deliver 100% of OAN. Contrary to national and local policy (RBWM), land within the Metropolitan Green Belt (MGB) has been allocated for development without demonstration of the exceptional circumstances which are necessary to support such allocations. There is no persuasive evidence to support the selection of the chosen MGB sites rather than others.
- f) Furthermore, housing totals are quoted for newly-allocated sites without evidence that the sites can accommodate these numbers; together with a demonstrably inaccurate estimate of windfall housing numbers, these unscientifically achieved figures cast major doubt on the Plan's claim to achieve 100% of OAN over the Plan period.
- g) RBWM's strategy for achieving affordable housing, in one of the most expensive areas of the United Kingdom, is not clear and relies upon a statement of intent coupled with optimistic forecasts, without giving any detail of how these can be effectively secured.
- h) The Plan lacks an economic base and has no clarity about the future provision of jobs, either for existing residents or for the occupiers of the 14,240 new dwellings which are expected over the Plan period. Some existing employment sites are allocated for housing development with little land made available for employment growth, especially in the context of the imminent opening of the Elizabeth Line and the likely major expansion of Heathrow Airport.
- i) Although the Royal Borough is an affluent area, its residents suffer from poor infrastructure especially road connectivity and congestion, education and health facilities as well as challenges around water and sewerage capacity. The Plan should provide positive proposals for these inadequacies to be improved, as well as indicating excellent infrastructure provision to support the ambitious quantum of new development. However, the provision of infrastructure has been an afterthought following the selection of new development sites, and it is not possible therefore to have confidence that the essential infrastructure of the Royal Borough will be improved over its current position.
- j) The accompanying Sustainability Assessment is not adequate and fails to provide evidence of up to date examination of reasonable alternative strategic options.

2.3 The current Plan is not legally compliant, is unsound, and in most respects inadequate. Local communities do not have confidence in the Plan as a prescription for the future of the Royal Borough, and this submission therefore seeks the early withdrawal of the Plan as it stands. This

should be coupled with a commitment by the Council to rewrite the Plan, incorporating a process of visioning and genuine constructive engagement to be shared with all parts of the community.

2.4 If the Council will not withdraw the Plan, it is respectfully suggested that the Inspector will have no choice but to find it unsound and not legally compliant.

3. **Vision** (Chapter 4 of BLP)

3.1 The Royal Borough is fortunate to be one of the most affluent (BLP paragraph 3.4.5: property prices) locations in the country and to have an extremely skilled population (BLP paragraph 3.5.1: qualified workforce). It deserves to have a Local Plan which provides a practical, yet imaginative, vision for its communities and the present and future generations who will live and work within them.

3.2 The Plan which many people would wish to support, would be a Plan which analysed the strengths and weaknesses of its communities and the problems faced by them, and then sought to develop the strengths, and address the problems and weaknesses, with judicious and well-thought proposals for carefully planned new development which would improve the environment and quality of life for existing residents, as well as providing a pleasant and pleasurable location for newcomers.

3.3 The present BLP does none of those things. It has not been prepared for and with its communities, and contains no over-arching vision. It provides merely a response to Government requirements to produce an up-to-date Plan and to allocate land for new housing. All evidence, supported by the many twists and turns in direction between the start of the BLP process and the present time, is that it has been prepared with minimal effort and a lack of clear vision, which means that it does not add the real value which could have been found by embracing and involving the Royal Borough's diverse communities.

3.4 For example, the Elizabeth Line is hailed as a major step forward in national infrastructure provision. The expectation would be that its impact is carefully analysed in the Plan and that conclusions are reached about its effect on the Royal Borough, especially Maidenhead. Will the Line encourage more people to use Maidenhead as a base to live and work, or will it simply encourage more people, from a wider area, to commute from the improved Maidenhead Station? The Plan, disappointingly, fails to tackle these real and obvious questions.

3.5 The Plan also fails to give any consideration to the fundamental changes which may be expected to occur during the Plan period – ranging from improvements in technology and increased home working (superfast broadband has a passing mention at BLP paragraphs 14.18.3/4) to the impact on the Borough of increased tourism.

3.6 A bare-minimum plan such as this might pass muster if it incorporated sound methodology and proper consultation, but, as will be demonstrated throughout this submission, this BLP fails on both counts and disappointment at the lack of vision must be coupled with frustration and despair at the lack of cogent strategy.

4. Duty to Co-operate (Section 1.6 of BLP)

4.1 Appendix B (Duty to Co-operate) to this statement provides a complete, evidenced rebuttal of RBWM's Duty to Co-operate Compliance Statement (May 2017).

4.2 The evolution of the BLP throughout its journey, from 2009 to date, has not been easy to follow. There have been (at least) three wholesale changes of approach to the release of Green Belt land for development. There have been a number of different approaches to the achievement of OAN with regard to housing numbers, culminating in a late (2016) decision to achieve 100% OAN (partially justified (by RBWM) in a paper from Executive Director Russell O'Keefe to Councillors dated 9th May 2017 as a means of avoiding formal objections from neighbouring areas on DtC grounds). Despite a widely publicised intent to carry out a Second Preferred Options Consultation (presumably to shed some light on the reasoning for these changes), this consultation never happened.

4.3 The Localism Act 2011 establishes the standard for cooperation that local planning authorities should achieve in order to comply with DtC. They must co-operate constructively, actively and on an on-going basis with neighbouring authorities, county councils and other prescribed bodies in planning for strategic cross-boundary matters, and engage in meaningful consultation that results in agreed outcomes. Further to this the Planning Inspectorate states that the evidence base must be able to justify what is in the plan and should not make assertions of fact that cannot be supported by evidence. There should be a clear link between the evidence and the conclusions, and evidence should not be collected retrospectively in an attempt to justify the plan.

4.4 Appendix B (paragraph 3 of Section B) demonstrates that in a report to Cabinet dated 29th September 2016, RBWM itself admitted to serious doubts about the evidence of proper and rigorous DtC communications with neighbouring authorities and relevant bodies, prior to that date. All available information (including that gleaned from Freedom of Information (FOI) requests), indicates that there was no sustained nor strategic approach to DtC at any level from the inception of the BLP programme (2009) to that date, and although some meetings may have taken place, their purpose and content is either not recorded or is inadequately recorded, and minutes of the meetings and details of attendees are largely unavailable.

4.5 RBWM clearly made some effort to improve its record keeping after 2016, but there is still no evidence that RBWM has engaged in meaningful consultation with neighbours and other bodies, and there is a lack of evidence that RBWM's many changes of direction were explained to, shared with or understood by its DtC partners. The appendix thus demonstrates that some neighbouring authorities are highly critical of RBWM's approach to DtC, to the extent that one neighbouring authority (Buckinghamshire County Council, a contiguous highway authority), admitted in July 2017 that it was unaware of any discussions having taken place. The situation appears to be the same, according to available information, regarding Surrey County Council, another contiguous highway authority.

4.6 Strategic planning does not stop at the Borough boundary, and RBWM is not an island. RBWM's demonstrable failure to involve partner authorities and organisations in informed debate about OAN for the wider housing market area, about approaches to the provision of affordable housing, about strategic and local transportation issues, or about education and healthcare provision, indicate that RBWM has failed to meet the standards expected in the Localism Act.

4.7 The evidence assembled in Appendix B indeed proves conclusively that RBWM's processes for managing engagement and communication with Neighbouring Authorities and Other Prescribed Bodies in compliance with the requirements of DtC, are demonstrably inadequate and seriously flawed. As a consequence RBWM has failed to demonstrate the required level of compliance with DtC.

4.8 It is accepted that DtC meetings may have taken place, but as has been shown in RBWM's own evidence of compliance (the Chronology) records were not completed contemporaneously and consequently must be considered unreliable. RBWM is unwilling – or unable – to provide detailed evidence of what was discussed at meetings and how the outputs from these meetings contributed to emerging policies. It is not possible, from the evidence, to deduce whether sufficient meetings were held, what topics were discussed, and what agreement (or otherwise) was reached.

4.9 Overall there is a lack of continuity and traceability, the working process has been shown to have been flawed and disrupted, decisions and changes made to the plan are not clearly linked to research, and sudden changes in direction are not explained or communicated to Neighbouring Authorities. The Neighbouring Authorities consistently report, through the life-cycle of the development of the BLP, that RBWM has failed to demonstrate a clear link between the evidence that underpins the work on cross-boundary issues and the final outcomes in the form of the policies proposed in the BLP. Supporting documentation and research was not made available to them and Neighbouring Authorities could not see where RBWM obtained its numbers or how policy proposals could be justified.

4.10 Our Submission therefore asks the Inspector to agree that in respect of DtC, the Plan fails to be legally compliant and is therefore unsound.

5. Failure to Consult and Engage and Disregard for Localism

5.1 This section of the submission, is supported by Appendix C: Failure to Consult and Engage with Local Communities and Disregard for Localism, which should be read in conjunction with it.

5.2 The process of plan-making for RBWM's BLP has embraced what is very much a top-down approach, whereby the Council comes up with a number of proposals, tells anyone who may be interested what they are, and asks for any views by a stated date. It then considers what to do next, reserves the right to change direction without explanation, and then asks if anyone has any further comments. This process does not involve true consultation or engagement, other than between involved Councillors and their officers.

5.3 With regard to the reach of the consultation which RBWM has engaged in during the whole plan-making process, there are many criticisms to make, each of which is evidenced in detail in Appendix C. A response to these criticisms could be that the Council considers that it has done the bare minimum that is legally necessary, but its failure to properly engage with its well-informed and diverse communities is remarkable and to be deplored.

5.4 Examples include:

- a) Local organisations have not been consulted consistently at each stage of the Plan, or not at all. Two examples are provided in the Appendix C – Bray Parish Council and Neighbourhood Plan, and the Ascot groups.
- b) Because of the great concerns about the lack of transparency of the RBWM process and the adverse impact of the BLP on Neighbourhood Plans, some NP groups approached DCLG early in 2017, who indicated that they would pay for a process of mediation between the NP Groups and RBWM. This offer was turned down by the Council in June 2017, and within a very few weeks the Regulation 19 Consultation was commenced.
- c) The Council's database of Consultees has not been updated despite information about changes having been given to them.
- d) Hard-to-reach members of the community, or organisations representing them, have been ignored.
- e) Efforts have not been made to engage elderly people, young people (important, given the timescale of the Plan), people for whom English is not the first language, etc.
- f) Much of the communication has been in planners' jargon with insufficient attempts to de-mystify the proposals.
- g) Online consultation processes have been difficult to use and therefore off-putting to many otherwise interested people.
- h) Consultation documents, particularly at Regulation 18 stage, have been written in planners' jargon with minimal thought given to non-expert readers wishing to become involved in the process, and the layout and typography of documents, both print and online, has been un-necessarily poor.
- i) Sincerely held expressions of view, often expressed by significant numbers of people, have been dismissed by RBWM without engagement with the individuals or organisations, and without explanation. This deters people from expressing further views or writing again.
- j) Consultations have taken place at holiday times – Christmas / New Year (regulation 18 consultation), Summer Holiday (initial regulation 19 consultation).
- k) There is evidence that Reg 18 consultation responses have not (apparently) been received, not been recorded by the Council, nor attributed to the correct policy areas. This diminishes the value of the responses to the extent that those who have submitted them cannot be confident that their responses have been received, assessed, or (hopefully) taken into account.
- l) There has been minimal involvement with the Plan on the part of local elected Councillors, the people who might be expected to act as community leaders and take on the role of engaging with people locally. There is little or no evidence of local Councillors organising local meetings to discuss and explain the Plan at any stage, and there is no evidence that Councillors have been briefed on the importance and implications of the Plan, other than through reading written committee reports
- m) Indeed, the Council's Local Plans Working Group, which was designed to bring the Plan closer to Councillors and therefore the public, has not met, according to the Council's website, since 20th June 2016 (when it was advised that the Plan would be submitted to the Secretary of State on 30th September 2016). This submission date was not, of course,

- achieved, but the formal Councillors' Working Group (still extant, according to the Council's website) has apparently not considered the Regulation 18 or 19 Consultations, or indeed any policy or other matters relating to the Plan, for some 15 months.
- n) Much confusion was caused to local organisations by the announcement in early 2015 that a Second Preferred Options public consultation (following the rejection of a large number of Green Belt housing sites) would take place later that year. The Second Preferred Options Consultation never, in fact, took place, although there is no publicly available explanation for this change of direction.
 - o) The Council has at all times been unwilling to provide clear answers to reasonable queries about the content of the Plan, or the evidence that lies behind it, and local individuals and organisations have increasingly had to resort to Freedom of Information (FOI) requests in order to obtain answers. This is not an efficient use of time for either the public or the Council, and suggests that the Council cannot be bothered to provide information to the public and has not realised that it takes more resources, not less, to supply information via FOIs rather than upon request.
 - p) Three Public Consultation events were held at Regulation 18 stage of the Plan. These were held in the borough libraries in Maidenhead, Windsor and Ascot on a single week day from 3.00pm to 6:45pm, thus ruling out the attendance of most working people and especially people who commute to work. Not surprisingly, these had very low attendance (34, 27 and 37 attendees respectively)
 - q) Key documents were withheld from the public at Regulation 18 stage, notably the HELAA and the Infrastructure Delivery Plan.

5.5 The Regulation 19 consultation has been particularly hampered:

- a) Confusion within the Council communications as to what might be included in responses at this stage, and the refusal by the Council to make any changes, led to the RBWM Residents Action Group taking Counsel's advice from John Hobson QC of Landmark Chambers. The legal opinion received was that the Council's approach to this consultation was unlawful: "the process is unduly restrictive, misleading and fails to accord with regulation 20 in particular. The present consultation process should be abandoned..." The QC's Opinion is included in full in Appendix C16.
- b) The Council responded by reluctantly extending the deadline date for comments but the communication material continued to be hedged around with planning-speak and legalese.
- c) At least two print versions of the BLP submission version have been issued, with differences in pagination and no version control.
- d) There are several apparent inaccuracies and typographical errors in the submission version of the Plan, and respondents are not able to tell whether these are part of the Plan, errors to be corrected, or simply have not been noticed. The Council to date has not issued a sheet of corrections.
- e) Local organisations which have taken the time to study the Plan in depth at its different stages have been disconcerted and disappointed to note that there are many changes to the structure of the Plan between the Reg 18 version and the Reg 19 consultation, which makes cross-reference, and tracking changes, unnecessarily difficult.

5.6 The issues highlighted in this section, and presented in detail as evidence in Appendix C, clearly demonstrate that RBWM has had little or no intention of engaging with the interested public throughout the plan-making process. This has meant that those people whose attention is not instantly drawn to a “Borough Local Plan Consultation” are likely to remain in ignorance. Many local people will not be able to judge, from the Council’s weak and half-hearted attempts at consultation, whether the Plan has been positively prepared, whether the strategies are justified, or whether there has been effective joint working. In short, the lack of proper and effective public engagement renders the Plan unsound.

6. Undermining the value of Neighbourhood Plans

6.1 This section of the submission reinforces the previous section and demonstrates the Council’s failure to properly engage with Neighbourhood Plan groups, indicating the Council’s lack of commitment to neighbourhood planning and leaving local residents and groups feeling marginalised in the plan-making process.

6.2 Later in this submission, in the Section on Housing Site Allocations, reference is made to examples where allocations of housing sites have conflicted significantly with work which has been done (in most cases with RBWM’s participation and blessing) on Neighbourhood Plans. The changes made by RBWM to the allocation for site HA10, which are in no way consistent with the careful work put into the adopted Ascot, Sunningdale and Sunninghill Neighbourhood Plan, and which are spelled out in the site proforma, serve only to undermine the good and collaborative work which has been put into the Neighbourhood Plan and to cause distrust and lack of confidence, in a locality which has previously been proud to have contributed so successfully to local planning. (See also Appendix C2: Lack of Engagement between RBWM and Ascot Groups with Chronology).

6.3 The same might well be said about site allocation HA46, which proposes 20 residential units on a site of small mixed business units, which the Parish Council, in its emerging Neighbourhood Plan, wishes to see preserved as a hub for local employment and entrepreneurship.

6.4 Similarly site allocation HA22 proposes 100 houses on land within the Hurley and Waltham’s NP area which had been identified, to the knowledge of RBWM, as local green space in the NP since 2015. At RBWM’s Cabinet on 27th July, 2017, the “discrepancy” was noted, and Cabinet was advised by the Lead Member for Planning that this would be resolved at the BLP examination. No doubt it may, but RBWM’s unilateral decision delayed the progress of the NP and is surely something that would have benefitted from in depth and calm discussion between partner organisations, rather than being settled via conflict at an Inquiry.

6.5 These are examples once again of the top down approach adopted by RBWM in the face of ongoing attempts, within localities, at participation in plan-making. This is further evidenced by the number of policies which are declared to be “strategic” within the Regulation 19 version of the BLP. The Council has claimed that the number of policies declared to be strategic has reduced

since the time of the Regulation 18 consultation. This is true, numerically, as the number of strategic policies has fallen from 28 to 24. However, as a percentage of all policies it has shown an increase, from 28 out of 57 (49%) at Reg 18, to 24 out of 46 (52%) at Regulation 19. This figure of 52% can be contrasted with the proportion of policies declared to be strategic in other Local Plans in the South East – 13% in densely populated Croydon, 7% in Guildford (whose characteristics are not dissimilar to those of the Royal Borough), 5% in fast-developing Ashford, etc. The point of this is that “strategic” policies by definition override policies in any Neighbourhood Plan, in effect rendering emerging policies with local variations to suit local environments and situations, and making policies in existing Neighbourhood Plans obsolete. Furthermore, none of the “strategic” policies make any reference to, nor give any recognition, to Neighbourhood Plans.

6.6 While not expressed directly as a Policy, BLP paragraph 7.11.1, in providing the context for Policy HO5 – Housing Density, includes the statement that “a minimum net density of 30dph would be appropriate across the district”. It is unclear how this figure (30dph) was derived or whether evidence exists to support it; nor is it clear why it is considered to be appropriate across the district. Whether the figure is right or wrong, it will clearly be too low in some areas and far too high in others.

6.7 Those preparing Neighbourhood Plans which include areas where lower density is clearly appropriate to their area’s character, will find it difficult to set policies for lower densities, given the Borough’s overarching statement and developers’ likely desire to seek to maximise density. Even if Neighbourhood Plans succeed in including policies which define local area characteristics and suggest appropriate densities, the wording of Policy HO5 (which is indicated to be a strategic policy) and its introductory paragraph 7.11.1, is sufficiently strong to ensure that it would override the intentions of the Neighbourhood Plan.

6.8 With regard to specific policies being defined as strategic or non-strategic, there is no reasoned argument as to why policies such as HO2 – Housing Mix and Type; and IF4 (Open space) are declared strategic when, in the spirit of localism, they could well be left to local communities to consider within a Neighbourhood Plan. Conversely, there appears to be no logic in declaring Policies such as NR1 (Managing Flood Risk and Waterways) and IF8 (Utilities) to be non-strategic as such matters are quite clearly very strategic in nature and indeed should involve RBWM in its Duty to Co-operate discussions.

6.9 Furthermore, all the proposed housing site allocations, from HA1 to HA50, are declared to be strategic, but it is difficult to mount a convincing argument that, for example, allocation HA31 (Englemere Lodge) which seeks to provide 10 dwellings on 0.65ha of land, together with the stipulations in the Site Proforma, is in any way strategic. The ability of Neighbourhood Plans to shape development on allocated sites depends on whether or not the allocation is deemed to be strategic. While NPPF paragraph 154 states that “neighbourhood plans must be in general conformity with the strategic policies of the Local Plan”, the following paragraph (NPPF para 155) clearly indicates that neighbourhood plan policies “take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict”. RBWM’s apparent

intention to define all housing allocations as strategic severely undermines the value of having Neighbourhood Plans and is contrary to the spirit of Localism.

6.10 This section of the submission demonstrates that RBWM, despite the introduction of Neighbourhood Planning in 2011, wishes to retain control of as many aspects of town and country planning as it can, at whatever the cost to local involvement, and that its initial support for Neighbourhood Plans and NP Groups has waned. It only serves to confirm the understanding of many people involved in Neighbourhood Planning, and within localities, that in the latest versions of the BLP, RBWM has either had no wish, or lacked the time, or simply could not be bothered to engage with its localities in order to produce a widely accepted and supported Local Plan.

7. Housing – Numbers and allocation strategy (BLP Chapter 7)

7.1 It is not clear why RBWM has decided, at such a late stage in their process (2016, from a start in 2009), to move with such certainty to a strategy which seeks to provide for 100% of the Royal Borough's OAN within the Borough boundary.

7.2 Clues may be found in Russell O'Keefe, Executive Director's report (see Appendix G, document 1) to Councillors dated 9th May 2017 entitled "Borough Local Plan – Meeting Housing Need". In a section of the report headed "Achieving adoption of a Local Plan and avoiding Government intervention", Mr. O'Keefe reports that in August 2016, the Council had a "legal compliance review" of the draft Local Plan carried out by a specialist Planning Barrister. The review showed that the Plan had significant legal weaknesses and needed major changes. The Barrister highlighted one of the key areas as the Plan's failure to meet 100% of OAN, and that the Council should explore all options to meet this target. Mr. O'Keefe indicated in his report that in order to do this, the Council might consider a full green belt review or consider new settlements. His conclusion, however, was that as this work would take two further years, the Council should without delay proceed anyway towards a Plan which would meet 100% OAN, in order to avoid "significant risks" (i.e. risk of challenge from developers promoting sites).

7.3 Mr. O'Keefe also referred to an "informal review" of the draft BLP which took place in November 2016, "with an Inspector from the Planning Inspectorate", which concluded that the Council should submit a Plan that meets 100% of OAN. There are no notes of the meeting. It is more than likely that the Inspector merely referred to the general presumption (NPPF, paragraph 47) that Local Plans should meet the full, objectively assessed needs, but it must also be likely that there was reference to the requirement in subsequent paragraphs of the NPPF (79 to 92) to protect Green Belts and only to allow development on such areas in the most exceptional of circumstances.

7.4 Freedom of Information (FOI) requests (FOI 70214) have shown that the meeting which took place on 3rd November 2016 was an "informal internal meeting" attended by the Planning Policy Team and "a planning inspector", who were joined for part of the meeting by the Lead Member

for Planning, Councillor D. Wilson. FOI response ER 70438 confirms that no notes were taken of this meeting and that it was considered to be an “informal conversation”. Copies of the responses to these FOIs are included within Appendix G, document 2.

7.5 On 21st February 2017, the Lead Member for Planning advised the Council that the 3rd November 2016 meeting had been attended by “DCLG and the Planning Inspector”. However in response to an Environmental Information Regulations (EIR) request (EIR 3319422) (also to be found at Appendix G, Document 2), DCLG say they have no record of anyone from the Department attending a meeting on 3rd November 2016 with RBWM and PINS.

7.6 In conclusion it is quite remarkable that a major change to the Council’s strategy on housing numbers in the BLP has been so strongly influenced by “an informal conversation” with “a planning inspector”, of which no notes were taken, and where there are mixed recollections as to whether or not a representative of DCLG actually attended

7.7 The Council’s initial strategy for increasing housing numbers, following its decision in late 2014 not to go ahead with a number of Green Belt housing allocations, was to explore means of increasing the density and height of proposed developments in Maidenhead Town Centre, thus creating more housing units. This strategy was not accompanied by any meaningful master-planning or research, and attracted opposition within Maidenhead. The Council then turned to the Green Belt for a possible solution to its perceived problem.

7.8 By July 14th 2016, the position had changed in that the Maidenhead Golf Course, which had previously been dismissed as an available site within the BLP Plan period, because of its leasehold status, had now become “available” (it is Council owned). On that date the Council’s Planning and Housing Overview and Scrutiny Panel was advised that if the Golf Course site were to be available for housing development, this could increase the Council’s ability to meet OAN, in percentage terms, from 66% to “almost 85%”.

7.9 Therefore in the year between this Overview and Scrutiny meeting (July 2016) and the commencement of Regulation 19 consultation (July 2017), the Council determined to reverse its previous commitment not to release Green Belt sites (other than 2 sites which purportedly had local support) and, with little or no public engagement, to hurry to find more Green Belt to allocate for new housing.

7.10 There are 23 separate sites, within the Green Belt, and within RBWM which are now allocated for housing or housing/mixed use development in the BLP. (This is after clear political statements were made in 2014/15 rejecting in general the concept of development on MGB sites). These 23 sites total (approximately) 253 hectares and are intended to provide for (approximately) 5820 dwellings over the Plan period. That equates to almost 41% of the 14,240 new dwellings proposed in the Plan being located in what is now protected Metropolitan Green Belt (“previously developed sites” in the MGB have been omitted from this calculation).

7.11 Paragraph 7.2.8 of the BLP says that RBWM are allocating a “limited number” of sites in the MGB for housing, and adds that they are satisfied that exceptional circumstances can be

demonstrated for this “limited release” of Green Belt. Given the Council’s enthusiasm for protection of the Green Belt as expressed in Section 6.8 and Policy SP5 of the BLP, the Plan provides little or no actual justification for the release of 253 acres of precious and protected Green Belt in order to provide for approaching one half of the new houses to be built before 2033. There can be no surprise that formal consultees (neighbouring authorities etc) and local people and organisations fail to understand this volte-face, or the reasons underlying it. The full extent of the volte-face can be understood when it was minuted that at the Council’s Cabinet, on 26th February 2015 (full copy of the Minutes to be found at Appendix G, Document 3), that the Lead Member for Planning (Councillor D. Wilson) stated “there would be no building on greenfield sites or the Green Belt, which would be welcomed by all residents”. This statement will certainly have provided some, albeit short-lived, reassurance.

7.12 It is difficult to find evidence of the processes which RBWM adopted to choose sites within the MGB, for development, which would not be contrary to recognised local and national Green Belt policies. A Green Belt Review might have assisted this process of selection, but it is clear from the Executive Director’s communication to Councillors of May 2017 (found at Appendix G, Document 1) that there has been no Green Belt review to inform this decision-making. The allocation process for Green Belt sites therefore remains a mystery to local residents and groups hoping to become involved in the BLP process, and once again this lack of engagement or wish to engage renders the plan-making process unsound.

7.13 A number of authorities have made positive steps to meet their housing and other needs creatively by taking the brave step of planning new “garden” settlements. Such settlements are planned, not too distant from the Royal Borough, in Didcot, Aylesbury, Bicester and Harlow / Gilston (information from “Planning”, 19th May 2017. This possibility has not been considered by RBWM other than in a brief mention in an officer report dated 2015 but prepared in 2014 (see Appendix G Document 9), and by Mr O’Keefe in his May 2017 report when the idea was rejected as it would “take two further years”. This is at least an option which should have been properly considered by RBWM as a means of possibly providing a sustainable community, rather than taking the easier option of adding to existing settlements without taking steps to alleviate existing infrastructure difficulties.

7.14 Russell O’Keefe’s report to Councillors of 9th May 2017, at paragraph 1.3, quotes paragraph 47 of the NPPF: “local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing **in the housing market area**”. The BLP at paragraph 7.2.2 indicates that the Royal Borough fits into the eastern (Berkshire) housing market area (EHMA), which comprises Windsor and Maidenhead, Slough, and South Bucks.

7.15. While RBWM has apparently worked hard over a short period to find sites in order to achieve 100% of OAN (712 dwellings per annum, 14,240 new dwellings over the plan period) within the Borough boundaries, there is no evidence that it has worked to successfully combine with the two other named authorities (Slough and South Bucks) to attempt to meet the agreed need within the EHMA for the provision of 2,015 dwellings per annum over the plan period. Nor is there evidence that RBWM has agreed its methodology for selecting Green Belt sites for

development, with its EHMA partners (who are nevertheless, no doubt pleased that RBWM's late conversion to Green Belt land releases reduces the pressure to find housing sites within their own boundaries.

7.16 The issue of affordable housing will be considered further in the next section of this submission, but it is clear generally that RBWM has failed to participate in meaningful discussions about how the stated housing need can be accommodated throughout the whole EHMA. This demonstrates that RBWM's intentions have been to meet their own needs only rather than to work with others to resolve a wider problem; the Plan therefore goes against the requirement in NPPF paragraph 47. The Plan in this respect is therefore unsound, and RBWM's failure to collaborate within the EHMA is also a Duty to Co-operate issue.

8. Housing – Allocation Methodology (BLP Chapter 7)

8.1 The methodology for arriving at the 100% OAN total of 14,240 new dwellings, and for calculating the dwelling numbers required to reach this total, is crude and not based on evidence. The major housing allocation, HA6 (Maidenhead Golf Course) is indicated as providing for "approximately" 2000 residential units, as well as schools, public open space, a community hub, and a Local Centre, while retaining trees, hedgerows and rights of way. It is not clear how this figure of 2000 dwellings was reached; there is no evidence in the Plan of any master-planning work, a Planning Brief, a consultants' analysis, or any discussion with developers (the land is Council-owned) to support this figure. It is likely that many of the other allocated sites' housing capacity figures are also "guesstimates".

8.2 Appendix E: Flawed Process in Site Selection goes into great detail about the information which is publicly available about the many changes in approach to site selection, particularly using the examples of Maidenhead Golf Course (Site HA6) and associated sites (Land south of Harvest Hill Road HA7 and Land south of Manor Lane HA8); Ascot Centre (HA10), Land west of Windsor (HA11), and Land between Windsor Road and Bray Lake (HA18). The evidence in this Appendix is summarised below.

8.3 Sites HA6, HA7 and HA8 were included in the Council's First Preferred Options consultation. Following this 2014 consultation, RBWM's Cabinet resolved to exclude sites HA7 and HA8 from the proposed Second Preferred Options consultation (which did not take place), and recommended that site HA6 be removed from the Green Belt and allocated as land safeguarded for housing development (beyond the Plan period). The report estimated that site HA6 could accommodate around 955 dwellings. It is not clear how the decision to "safeguard" HA6 for future development was reached in the absence of evidence in support.

8.4 Moving on to the Council's Cabinet Regeneration Sub-Committee on 26th September 2016, it was noted that there was now an agreement for Maidenhead Golf Club to surrender the lease of site HA6 to the Council. A budget of £250,000 was allocated for consultants' advice on the development of the land for housing, and it was estimated that 1500-2000 new homes could be

provided on the land. The report added “This will go a long way towards helping to meet the housing targets in the draft local plan and help to provide much needed affordable housing”.

8.5 The report also noted that there were two other parcels of land (now sites HA7 and HA8), one owned by Maidenhead Golf Club (and not by the Council) and the other in separate ownership, which could be combined with HA6 and jointly promoted and marketed.

8.6 The report noted that the site(s) could make a substantial contribution to meeting the Borough’s OAN for housing, and also that “it is important that best value is achieved from the site, and in particular the council has an ambition to transform some or all of its land holding into income producing assets.” It is important to remember that these statements, containing highly significant assumptions, were being made prior to any consultation with the public on developing these three Green Belt sites for housing within the BLP Plan period.

8.7 The capacity of these sites, in terms of housing numbers, has never been properly established. The Cabinet Regeneration Sub-Committee report of September 2016 suggested a capacity for site HA6 of between 1481 and 1754 houses, a figure estimated, according to FOI response 70531, by architects, “based on preliminary drawings” with “no formal report” to support them. In contrast, the experienced planning consultants Barton Willmore note all the actual constraints to development of HA6, together with the need (evidenced in the site proforma) for other supporting development, and conclude that “even at a density of 40dph the site is only likely to yield 1200 to 1400 homes”.

8.8 The Ascot, Sunninghill and Sunningdale Neighbourhood Plan is the only Neighbourhood Plan within RBWM to be adopted (in 2014, with 91% support at Referendum). It is therefore part of the Borough’s current Development Plan. Carefully formulated policies were put forward for the centre of Ascot, which local people were confident would bring forward a balanced development complementary to the needs and character of the place.

8.9 The BLP proposes to remove land south of the High Street from the Green Belt (on a scale which is not proposed in the NP) and its proposals as set out in the proforma for allocation HA10 are very confused compared to the clarity of the NP. It is not surprising therefore that 367 of 371 (99%) of respondents to the Council’s Regulation 18 consultation were against the BLP proposals for this part of Ascot, 355 (96%) of these saying that the proposals do not “reflect what is in our NP”, and 343 (92%) being against the Green Belt release proposed.

8.10 It might be concluded that the door which was gently opened to high quality development in the centre of Ascot, meeting a variety of well-balanced needs, via the Neighbourhood Plan, has now been opened wide to a blast of opportunistic “policy” in the BLP, without evidence either to support the Green Belt release which is proposed, and without engagement with local people, or the Neighbourhood Plan, to consider what is best for Ascot, a place of great character and many conflicting pressures.

8.11 Allocation HA11 provides a further example of RBWM’s muddled thinking and lack of discernible evidence to support a major Green Belt land allocation. The site originally comprised four parcels, two of which are Garden Centres (considered to be “previously developed land” in

the Green Belt), and two of which are much larger parcels of open green belt north and south of the A308. Following consideration of the response to the First Preferred Options consultation in 2014, the two garden centre sites were agreed by RBWM to be taken forward for further consultation, while the two larger sites would be considered in the Second Preferred Options Consultation (which did not take place).

8.12 The manager of one of the two Garden Centres later confirmed to RBWM that they do not wish their land to be considered for development, although it (together with some private dwellings) continues to be included within site HA11 and is therefore contributing to the proposed total of 450 residential units on the allocated site. Indeed, part of site as promoted in the Regulation 18 consultation included land that the owner had never promoted for development – this was removed from the Regulation 19 version hence reducing the number of units from 650 to 450.

8.13 The majority of the remainder of the land is known to be classified as Grade 3 agricultural land, although the lack of a proper Green Belt study has resulted in RBWM not knowing whether the land is Sub-Grade 3A or 3B. Despite this, RBWM has not exercised caution in protecting this Grade 3 land while its classification is further examined – thus casting doubt upon the legitimacy of allocating the majority of HA11 for housing purposes.

8.14 Site allocation HA18 proposes development on Green Belt land which was not included in early consultations as part of the BLP process. It is believed to have come forward as part of a “Call for Sites” process in 2015. The Sustainability Appraisal indicates that there is definable flood risk and that the site is susceptible to noise and air quality problems. Part of the site is Grade 1 agricultural land, and there is a range of flora and fauna which would be adversely impacted by development. Furthermore the site is not within “target distance” of primary or secondary schools.

8.15 The inclusion of this site as an allocation for 100 houses is illogical and unjustified and, as with the other three examples quoted above, casts major doubt on the robustness of the process adopted by RBWM for identifying suitable sites for allocation for development, and on the validity of the housing totals which have been arrived at. They each also demonstrate the complete lack of engagement with local people and organisations on the criteria and justifications which the Borough has adopted in allocating these sites.

8.16 Little reliance can also be placed on RBWM’s allowance (BLP Table 2, Chapter 7) of 1,840 dwellings arising from “windfall sites”. RBWM have defined such sites as being less than 0.25ha in size, but there is evidence in particular from the southern part of the Borough that larger sites (up to 0.5ha) have been consistently obtaining “windfall” planning permissions for increased housing numbers. Within Appendix G, Document 4 provides a short list of sites which are larger than 0.25 hectares in size (sites 3 and 4 obtained planning permission on different dates, but are contiguous and form a single development by a local property development company). These sites have obtained planning permission for new houses from RBWM and were not listed in any available version of the HELAA or SHLAA. The 7 sites listed have provided a windfall contribution of 153 new dwellings. The local view, informed by such evidence, is that many more, similar sites

will be the subject of development applications within the Plan period, and it is unrealistic for RBWM not to take them into account in their calculations.

8.17 The real doubts over the robustness of the figures for new dwellings on allocated sites, and windfall sites, suggest that RBWM's methodology may be questioned, and the achievement of 100% of OAN within the Borough boundaries may be simply a product of trying to make the figures fit. The actual amount of housing provided might well be less – or more; such is the vagueness of the Council's methodology. It is therefore not surprising that RBWM initiated a further "call for sites" in July 2017, although as this appeared contemporaneously with the initial Regulation 19 Consultation, it is difficult to see how this can in any way influence the Plan.

8.17 Finally, it is noted that housing allocation sites HA2, HA5, HA11, HA14, HA18, HA19, HA21, HA23, HA24, HA26, HA28, HA38, HA40, HA42, HA43, HA46, HA47 and HA48 all have reference, in their respective Proformas (BLP Appendix D) to flood risks. Mitigation of those risks, in an area well known for its propensity to serious flooding, may be difficult, expensive, and in some cases impossible. This must again cast doubt on whether all of these sites will actually deliver the numbers of houses claimed in the Plan, especially given the context, as described at BLP paragraph 3.6.2, that "areas currently at risk of flooding may be more susceptible to more frequent and severe flooding in future years".

9. Affordable Housing (BLP Chapter 7.7)

9.1 Appendix D to this submission, written by an informed local resident, provides a detailed analysis of the need for genuinely affordable housing in the Royal Borough, the means by which this could be provided, and the failure of the BLP to make positive steps towards adequate provision. The Appendix also argues for a means of linking affordable housing provision much more closely to true neighbourhood planning.

9.2 RBWM has set a target (Policy HO3) of a minimum of 30% affordable housing units to be provided within the Plan period on sites proposing over 10 net additional dwellings or a gross internal floor area over 1000 sq metres. The headline figure of 30% affordable housing has been given much publicity by the Council. This submission, however, will make it clear that the current BLP policies will not provide the 4272 new affordable homes (30% of 14,240) which might be expected.

9.3 The 30% target for affordable housing provision is comparable to that set by some other Councils, but the Plan lacks persuasive evidence either of how that figure is reached, or of how "affordable" is defined (Policy HO3 in the Plan says that "tenure, size and type will be negotiated on a site by site basis").

9.4 Paragraph 3.4.5 of the BLP indicates that the Royal Borough is "one of the most expensive places to live in the country outside London". Property prices in April 2013 were "more than double the national average". What is "affordable" in RBWM may not therefore equate to what is

affordable in other parts of the country, but lower paid workers, key workers such as nurses, teachers and firefighters, equally need to be housed in the Royal Borough as they do elsewhere, and the Plan does not make it clear how such housing will actually be provided.

9.5 Indeed, there is every good reason to suggest that much of it is unlikely to be provided. Paragraph 7.7.12 of the Plan suggests that the provision of affordable housing will be balanced against “the provision of other planning elements necessary and reasonably related to the scheme” (reflecting the requirements of NPPF paragraph 173 and updated 2014 planning guidance) Policy HO3 introduces the possibility of the provision of affordable housing being sacrificed to “the financial viability of the site”. The Plan is not clear about the level of determination of the Council to meet the target it has set, or whether affordable housing will be one of a number of competing considerations when a planning application is under review. Even when the allocated site is Council owned, such as the Maidenhead Golf Course (HA6), there is no indication that the Council will use its negotiating strength with any subsequent developer or developer partner to ensure that the 30% target is realised on this site. Indeed, the Council could have made a clear commitment to this and declared on the Proforma for this, and other sites in their ownership, that the provision of (at least) 30% affordable housing on the site would be a requirement.

9.6 A further impediment to achieving the 30% target is that smaller sites will not be required to provide any sort of affordable housing, nor to contribute to its provision elsewhere.

9.7 The question of tenure of any affordable housing to be provided is one which has occupied, in particular, the neighbouring Slough Borough Council, and Appendix D2 provides some of the press coverage of that Council’s views of this aspect of RBWM’s Plan.

9.8 Slough Borough Council’s Planning Policy Lead Officer summarises this issue well in his report to the Council’s Planning Committee of 2nd August 2017 (also in Appendix D2). He comments that one of Slough’s main objections to the emerging BLP has been its failure to require development for affordable housing for rent. This concern is sustained in his analysis of the Regulation 19 consultation, which points out that the only mentions of “social housing” or “affordable housing for rent”, in the document, are in the Glossary.

9.9 The Slough report notes that paragraph 7.7.3 of the Plan states that “the SHMAA shows that there is a need for an additional 434 affordable homes in the Borough every year”, but fails to recognise that the SHMAA estimates that around 80% of this need is for rented accommodation. The BLP, the report argues, only addresses the needs of those who want to buy or rent on the open market. “It does not address the issue of what happens to those people in the most acute housing needs who cannot afford to buy or rent a house in the Royal Borough”.

9.10 The report also adds that Slough has consistently raised the issue of affordable housing as a Duty to Co-operate matter with “significant cross-boundary implications” – see relevant section in paragraphs 21-22 in Appendix B_Duty to Cooperate.

9.11 This demonstrates a further failure of RBWM to comply with the Duty to Co-operate, especially given the requirement in Paragraph 47 of the NPPF that “local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market **and affordable housing in the housing market area.**”

10. Employment (BLP Chapter 8)

10.1 The BLP Chapter (8) on the Economy is relatively short and is descriptive rather than strategic or visionary.

10.2 The Plan recognises (Paragraph 3.2.4) that the employment geography of the Royal Borough is complex, with large numbers of residents commuting to Slough, Reading, London and elsewhere for work. The future patterns will be even more complex, with the opening of the Elizabeth Line (Crossrail) with its station at Maidenhead, and the likely major expansion of Heathrow Airport.

10.3 How these changes will impact upon the Royal Borough as a location for employees and employers is not tackled by the Plan, and this is a major omission. Are the employment patterns of the Royal Borough’s existing residents going to continue broadly as they currently are, until 2033? Are there proposals to attract major new employers, employing local people or people commuting into the Borough? Is the Elizabeth Line going to draw more people out of the Royal Borough with easier access to many places, will it bring in more people to Maidenhead simply to park their cars and make use of the Station and its connections, or will Maidenhead and its environs become an attractive centre for those seeking to take their business away from the bustle of London? The BLP unfortunately provides no vision for the future, nor strategy to help answer these fairly obvious and very important questions.

10.4 One response in the BLP is to allocate a number of existing employment/mixed use sites as locations for future housing. 18 of the 50 sites allocated for new housing include land previously (or indeed currently) used for employment, totalling some 33 hectares. This is potential employment land which will be largely lost.

10.5 Nevertheless, the Plan argues that it will make provision for 11,200 net new jobs during the Plan period (BLP Policy ED1). Whether these jobs are intended for existing residents, thus reducing commuting and congestion, for employees displaced by the redevelopment of existing employment sites, or for the occupiers of the 14,240 planned new homes, is not made clear.

10.6 Additional provision for employment will, according to the Plan, be achieved through greater flexibility in the use of land, and by intensification of use of existing sites (other than those which will be lost to housing). There is little or no indication of what might be the drivers to make this happen, but an FOI response (ER 71221 – to be found in Appendix G, Document 5) indicates that there have been “discussions with several landowners and developers informally”, which indicate that intensification of “some” employment sites “is being actively considered.”

This is not the basis for a convincing policy and it is not clear how the Council can make these changes happen within the Plan period, other than on land in its ownership (and then, without risk of severe disruption to businesses). A particular failing of the Plan is that it does not recognise that sites for smaller / starter businesses are more likely to be attractive for redevelopment than larger business parks with institutional owners; and the continued availability of sites for small / starter businesses is a particular concern if specific policies aimed at achieving this are not incorporated in the Plan.

10.7 Policy ED2 reserves a large area of Green Belt land (termed 'the Triangle Site') for "potential future long term employment uses", but quite clearly this is not a proposal which is expected to happen in the current Plan period nor designed to meet known or predicted demand.

10.8 There is no evidence, in the available records of RBWM's consultations on the BLP, that there has been any targeted consultation with the business community since 2012. It is therefore not surprising to note that only 12 pages of the Plan relate to the Royal Borough's economy, two of which are devoted to Farm Diversification.

11. Transport Infrastructure (BLP Chapter 14)

11.1 This section, and the next on Non-Transport Infrastructure, require reference to the Infrastructure Delivery Plan (IDP) which was provided only as part of the Regulation 19 supporting documents. The previous IDP was acknowledged as being long out of date, and until Reg 19, there was no other information provided by RBWM on the important issue of infrastructure. It is therefore impossible not to conclude that the BLP was prepared without being informed by up to date evidence on infrastructure.

11.2 Paragraph 1.5.6 of the IDP remarks that "It is important to note that the IDP is a mechanism for identifying the future infrastructure requirements of development proposed as a result of the BLP. It does not address existing deficiencies in infrastructure provision which should be the subject of specific institutional responses as appropriate" It is not possible to relate this statement to what should be an overarching vision about infrastructure needs in the Borough. Para 2.3.6 of the IDP worryingly adds: "A number of infrastructure partners and service providers are still to provide information requested..."

11.3 The conclusion must be drawn that the IDP may (or may not) identify some infrastructure needs within the Borough, but it does not set out how they will be delivered or funded (other than by broad statements of intent). This conclusion is supported by Paragraph 2.4.4 which states: "The Infrastructure Reference Group will produce an Infrastructure Investment plan which will set out the details of how the identified infrastructure requirements for the BLP will be funded."

11.4 There is furthermore no evidence that infrastructure needs have been discussed and shared across the Borough boundaries, as required by Duty to Co-operate.

11.5 An expectation of a Local Plan is that, along with imaginative and far-seeing proposals for new developments and facilities, there will be an analysis of existing infrastructure (in particular transport infrastructure) including its strengths and weaknesses, followed by proposals to tackle existing infrastructural weaknesses and provide bold solutions to cater for the new development.

11.6 The BLP at paragraph 14.4.3 concedes that “Transport networks in the Borough are under pressure”, giving rise to issues of congestion on strategic and local networks, in urban areas, and associated with tourist attractions and major events. These are linked with problems of poor air quality, traffic noise, road safety risks, and carbon emissions.

11.7 BLP Paragraph 14.6.1 explains that the Council’s transport policy “is currently set out in the Local Transport Plan”. This document is dated July 2012 and it is difficult to understand how this outdated document can have influenced the current version of the BLP, or vice versa. It is clear that the strategic thinking behind the land allocations in the Plan are not influenced by contemporary thinking or policy on transport planning – a task which should be relatively simple in a Unitary Authority.

11.8 Cross-boundary transport issues within the Plan are likewise not influenced by current thinking or strategy. The BLP says at paragraph 14.4.8 that the Borough “is working with neighbouring local authorities..... to study and address sub-regional issues”, but evidence from the Duty to Co-operate records indicates that very recently, two neighbouring highway authorities (Surrey and Buckinghamshire County Councils) have said that they are not aware of any discussions on transport related issues with RBWM.

11.9 Highways England (HE) advised, in response to an FOI request via a communication dated 5th June 2017, that they “did not receive notification of the Regulation 18 consultation” from RBWM, although they were now “in regular and ongoing dialogue”. It is clear that, given the timescales, HE have been in no position to contribute to the strategic development of RBWM’s land use policies, although they have in the latter stages been able to comment upon them.

11.10 Three strategic highway documents supporting the BLP refer to traffic modelling. These are:

Strategic Highway Model - Data Collection Report

Strategic Highway Model - Local Model Validation Report

Strategic Highway Model - Local Plan Assessment

11.11 These three documents are all dated June 2017, and clearly it must be concluded that the relevant assessments were carried out in order to relate to the proposals in the Regulation 19 version of the Plan, and that traffic impacts were not regarded as an input into the Plan preparation process. Indeed, the Final Version of the Local Plan Assessment is dated 29th June 2017 – just one day before the Regulation 19 Plan was launched.

11.12 The situation where the development of strategic land use allocations in the BLP has been unable to be influenced by strategic transport (in particular highways) advice means that

opportunities to make use of the Plan to improve existing pinch points and problems, and to create a much improved network to service the new houses and jobs, cannot be and are not linked to BLP policies as firm proposals. The result will inevitably be a patchwork of unrelated works, financed where achievable by individual developments. This is far from the vision of a better future which is the hope of many local communities.

11.13 Again, the Plan makes reference at Paragraph 14.4.3 to the problems caused to communications by “major events”. These include Ascot Week, horse racing at Windsor, and Legoland during any sunny school holiday. Local communities have an expectation that these issues – major congestion, delays to business and urgent transport – might be resolved or certainly mitigated by robust policies in the Plan. However these are not tackled; this is a missed opportunity, and is a further example of the Plan’s failure to contribute positively towards enhancing the quality of life in the Royal Borough.

11.14 The question of parking is one which continually occupies the minds of the sections of the community who live or work in or near already congested areas, within walking distance of transport hubs, or within range of tourist and visitor attractions especially when these are at peak periods. Many Maidenhead residents fear that there will be inappropriate on-street parking in residential areas within walking distance of the town’s railway station, when the Elizabeth Line is fully in operation.

11.15 The BLP offers little or nothing to address existing problems or to manage likely issues arising in the future.

11.16 BLP Para 14.6.3 states “In terms of car parking, development proposals should incorporate appropriate and effective parking provision and vehicle servicing arrangements consistent with the Council’s Parking Strategy which will be used to negotiate the number of parking spaces which are provided. This should be read in conjunction with any locally specific parking standards included in Neighbourhood Plans. A Supplementary Planning Document will be produced, which will include parking standards and parking design and be in line with the Parking Strategy.”

11.17 Paragraph 2 of BLP Policy IF2 Sustainable Transport says “The Council will develop and implement revised parking standards. Transport and parking proposals including any varied parking standards set out in Neighbourhood Plans that have been made will also be supported.”

11.18 Policy IF2 paragraph 4 adds “Development proposals should show how they have met the following criteria where appropriate:

4g. provide car and cycle parking in accordance with the current Parking Strategy,....”

11.19 It is not clear from these paragraphs how a decision maker on a planning application will reconcile the reference in 4g to ‘current Parking Strategy’ with an NP which has different standards?

11.20 Additionally, there are no meaningful references to parking within the Design policies, which is a major concern for many sensitive and characterful parts of the Borough. A reference in the Regulation 18 consultation version to the need to “provide car parking which is convenient and accessible and close to the housing being served” has been deleted. The remaining reference

to this issue in the Regulation 19 version of the BLP is in Policy SP3 1(h) which refers to the visual impact of parking and traffic.

12. Non-Transport Infrastructure (BLP Chapter 14)

12.1 Some infrastructure issues which concern local communities within RBWM are:

- a) Education and the need for new schools
- b) Flooding and flood alleviation
- c) Sewerage capacity
- d) Hospitals and health

12.2 The communities might reasonably expect RBWM to tackle these issues in the Local Plan, on the basis that if there are problems now, these will be exacerbated by 2033 given the extent of development proposed, unless there are clear and robust policies which not only recognise the problems, but make clear, implementable (and costed) proposals to resolve them.

12.3 With regard to education, The BLP (paragraph 3.4.8) says that “more (primary school places) are likely to be needed in the early part of the plan period”. It goes on to say (paragraph 3.4.9) that “significant numbers of new secondary school places will be required from 2017 onwards”. New primary and secondary schools are proposed to be provided, for example, on the Maidenhead Golf Course site, although the timescale for this is not clear and there must be doubt as to whether those schools will provide for the current stated needs. It is also not clear whether the new schools proposed are intended to replace existing schools which may be closed, or whether they will be designed to meet current needs, or whether they are designed to meet anticipated needs both of the existing population and of the 14,420 proposed new households. The BLP should give confidence that it has capably estimated future education needs for the Plan period and beyond, and that appropriate allocations have been made, where necessary, in the Plan. Once again, this should not be too difficult a task in a Unitary Authority.

12.4 The Royal Borough has suffered from severe flooding in recent years, and accepts that the likelihood of flooding will increase in coming years. This submission questions the wisdom of allocating a total of 18 sites which are known to present flooding problems for new housing,. To expect the potential developers of these sites to work out and implement a mitigation strategy in conjunction with the relevant authorities goes part way towards a solution for these particular sites (if one is indeed possible), but will do little to improve the confidence of local residents and businesses in the ability of the Council to seek and provide – in partnership with others as necessary – more robust and lasting solutions.

12.5 Doubt has been expressed in some parts of the Royal Borough over whether adequate capacity exists with regard to the proper disposal of sewage. The Plan (paragraphs 14.18.5 to 14.18.11) carefully avoids comment on this but suggests that discussion with “the major statutory undertaker” has informed preparation of the Plan and that if the undertaker needs to increase

capacity, this should be done. The issue is especially serious in Old Windsor, where the Parish Council doubts the level of remaining capacity (if any) at the local Sewage Treatment works, and is concerned that any further development is not timely until either its capacity has been increased or until there is a clear statement that this is not necessary. The issue has been raised many times by the Parish Council with RBWM, the Environment Agency, and with Thames Water, and given the level of concern locally, it can be argued that the BLP should tackle the issue head on. Rather than leaving it for developers to have discussions with the statutory undertaker, the Plan could consider an embargo on development within a stated area until adequate capacity is proven to be available.

12.6 This course of action has indeed been recommended to Old Windsor Parish Council by the Stilwell Partnership, Consulting Engineers, in their report to the Parish Council dated October 2015. The Stilwell report concludes:

“11.2 From the limited information provided it must be concluded that Windsor STW is operating at full capacity for much of the time, has limited capacity for storm flows and does not have the storage capacity to deal with any excess flow for an extended period of time.

11.3 In the absence of better information, it must be concluded that flows to Windsor STW should not be allowed to increase until such time as Thames Water fully detail the capacity and constraints of the Sewage Treatment Works.

11.4 Without this information the only conclusion that can be drawn is for the Parish Council to request that the RBWM restrict all development that contributes an increased combined sewage flow to the Windsor STW.”

The complete Stilwell Partnership report is appended to this submission, at Appendix G, Document 6.

12.7 Similar doubts are expressed about sewerage capacity in Cookham, as can be seen from responses to FOI ER 71319 (to be found in Appendix G, Document 7).

13. Sustainability Appraisal

13.1 At Paragraph 1.3.2 of the BLP, RBWM draws attention to the requirement that the BLP is accompanied, as part of its evidence base, by a Sustainability Appraisal (SA).

13.2 Appendix F (Sustainability Appraisal) is a report prepared by a resident of the Royal Borough who is a planning consultant and expert on sustainability appraisals. This report explains why an SA is required and what it must comprise. It emphasises, quoting from the Inspector’s Report on the Soundness of the East Riding Local Plan, that a function of the SA is to assess alternative options, and that a Plan can only be declared sound when this task has been properly done.

13.3 The report criticises the RBWM's SA both for the absence of information, and its unreasonableness in failing to present meaningful analysis of realistic options. Added to this, it argues that the alternative options tested are out of date, in that these were formulated in 2016, prior to the formal Regulation 18 consultation. There has been no reconsideration or refinement of options since then.

13.4 The report's clear conclusions are that the lack of required information and evidence of appraisal of alternative options, calls into question the legal compliance and soundness of the BLP. It helpfully indicates what might be done to remedy this situation.

13.5 This submission supports the report at Appendix F, its conclusions and recommendations.

14. Conclusion

14.1 This submission argues strongly that the current BLP is not fit for purpose. It provides no real vision for the Borough nor recognisable strategy; no-one reading it can be confident that, by 2033, the quality of life or environment for those living or working within the Royal Borough will be at least the same, rather than worse, than it is now. There will be more homes and more people as a result of the Plan, but the Plan gives no reassurance that the impact of this on already overstretched infrastructure and services has been thought through.

14.2 The well-informed public of the Royal Borough expect their Council to develop strategies in accordance with a shared and understood vision, informed by researched evidence, meaningful consultation, proper cross-boundary cooperation with neighbouring authorities, and with full transparency.

14.3 Rather than present a bold vision and strategy, the process of plan-making has been one of reaction to immediate needs, typified by the three about-turns on the possibility of major development in the Green Belt. The current drivers would appear to be, first, to get a Plan approved whatever the content, and second, to meet 100% of OAN within the Borough boundary in order to stop neighbouring authorities objecting. The reactive nature of the plan-making seems to have led to hasty decision-making, the cutting of corners, and a lack of sensible evidence to support the emerging policies.

14.4 The result is a Plan which has at best frustrated, and often infuriated local people, who feel that they deserve better. This submission argues that the Plan is not simply disappointing and poorly evidenced, but it fails the basic tests for a successful Local Plan, that is it is not legally compliant (as the Duty to Co-operate has clearly not been carried out properly), and is also unsound because of the poverty of consultation and lack of engagement with the Royal Borough's communities. As will also be seen from Section 13 above and Appendix F, the Plan also fails on important technical grounds, as the Sustainability Appraisal accompanying the Plan fails to provide evidence of reasonable and up to date testing of alternative strategic options.

14.5 On the important matter of consultation, the Royal Borough was very keen to be seen as a front runner in the assembly of Neighbourhood Plans, when these were introduced in the Localism Act of 2011. For a few years, RBWM encouraged and supported Neighbourhood Plan groups, which had established and flourished in most parts of the Borough, with time and assistance devoted by Council Members and officers. By 2014, one NP was adopted, and others were well on their way through the necessary process.

14.6 In the last two years, however, RBWM's attitude has changed, and the lack of engagement by the Council with NPs and NP Groups is striking. The promise in the Localism Act of engagement and co-operation has been replaced by a top down approach, and the Council has been perceived, to the amazement of NP groups, to be in the process of undermining the Neighbourhood Plans and imposing its own version of local policies without consultation.

14.7 For this reason it is hoped that the Royal Borough will withdraw the Plan as soon as practicable, and that it will resolve to produce a fresh Plan fully involving local people, organisations and communities, and truly engaging with them. The BLP notes with pride that the Royal Borough has an affluent and well qualified population, and very many people within it would be very pleased indeed to add their own experiences, expertise and ideas to the mix, in order to produce a Plan which is successful and fit for purpose.

14.8 RBWM admits that one of the reasons for wanting its Plan to be adopted quickly would be to avoid any possibility, given the Council's current housing land supply of less than 5 years, of the Government intervening and taking over the Council's planning functions, with potentially dire consequences. The belief of those who are making this submission, however, is there is a strongly held view now, within the Royal Borough, that the possibility of some other body than the Council taking over the preparation of a high quality Local Plan is not one to be feared at all; indeed it might be welcomed, as all attempts that have been made to discuss the divergence between the emerging Local Plan, and the understanding of local people and organisations, have been met with flat refusal to implement any suggestions for change.

14.9 Some analysis of the problems besetting the BLP can be found in the Council's own Report to Cabinet on 29th September 2016 (to be found at Appendix G, document 8), in which the Strategic Director, Russell O'Keefe outlines the legal advice which had been given to the Council about the lack of soundness and compliance of the Borough Local Plan at that time (less than a year ago, at the time of preparation of this Submission), and presented the Cabinet with three options for completion of the BLP. The report analysed the risks to the Council contained in each of the options. In his analysis of the second option (which, in simple terms, was to take sufficient time to prepare the Plan properly), Mr O'Keefe admitted that even this option presented risks:

"In practical terms this would mean if there was a significant negative reaction at Regulation 19, the Council would need to change the plan and re-do both Regulation 18 and 19 consultations."

14.10 Our view is that the negative reaction to the Council's Regulation 19 consultation is indeed significant, and that the Examiner should advise the Council that they do indeed "need to change the Plan and re-do both Regulation 18 and 19 Consultations, but this time engaging in full

compliance with the Duty to Co-operate, and in collaboration with the many local organisations and individuals who have a genuine desire to participate in an effective plan-making process.

14.11 As matters stand, however, and for the reasons evidenced in this Submission, the Examiner is respectfully requested (should the Plan not previously have been withdrawn), formally to find it legally non-compliant and fundamentally unsound.