

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 20th February 2014

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WARD(S): All

PART I **FOR DECISION**

WINDSOR & MAIDENHEAD LOCAL PLAN: PREFERRED OPTIONS **CONSULTATION**

1 Purpose of Report

The purpose of the report is to seek Members comments on the preferred option for the Windsor & Maidenhead Local Plan with particular reference to the impact of the likely impact of the proposed policies upon Slough.

Recommendation(s)/Proposed Action

1.1 The Committee is requested to resolve:

- That the comments set out in this report on the Preferred Options for the Windsor & Maidenhead Local Plan are agreed and submitted as this Council's formal response.
- That the Royal Borough of Windsor and Maidenhead be invited to discuss with this Council the implications of the Preferred Strategy for Slough as part of it Duty to Cooperate.

2 Community Strategy Priorities

2.1 The preferred options for the Windsor & Maidenhead local plan could have impact on Slough's ability to implement the spatial element of the Community Strategy and affect the ability to deliver the following emerging priorities:

- **A Cleaner, Greener place to Live, Work and Play**
- **Prosperity for All**

3 Other Implications

(a) Risk Management

The failure to comment on neighbouring Authorities local plan consultations could result in needs generated by a neighbouring authority, for example for affordable housing, over-spilling into Slough.

(b) Human Rights Act and Other Legal Implications

It is considered that there are unlikely to be any significant implications in relation to the Human Rights Act.

(c) Equalities Impact Assessment

It is considered there will be no equality impacts.

(d) Workforce

There are no workforce implications.

4 Supporting Information

Background

- 4.1 The Royal Borough of Windsor & Maidenhead (RBWM) is preparing a Local Plan for the Borough for the period up to 2030. This will replace the previous plan which was adopted in 1999.
- 4.2 Following the publication of a Sites consultation in November 2012- January 2013 they have now produced a "Preferred Options" document for public consultation. The purpose of this is to seek feedback on the preferred approach before finalising the plan. This means that full detailed policies have not yet been drawn up for many topics but alternative "skeleton" versions have been produced for comment.
- 4.3 Suggested comments for this Council to make on the relevant policies are set out in this report for Members to endorse or modify before being sent to the Royal Borough of Windsor & Maidenhead as the formal consultation response.
- 4.4 The plan has a base date of 2012 and covers the eighteen year period up to 2030 and has been prepared in accordance with the National Planning Policy Framework (NPPF).

Strategic Options

- 4.5 The key issue for the plan to address is how much housing should be provided and where it should go. The actual housing numbers are examined in more detail below but the three options put forward for the overall strategy are as follows:

Option 1 "To restrict building to the capacity of existing built up areas, avoiding building in the Green Belt."

- 4.6 It is recognised that this option places emphasis upon environmental protection, specifically the Green Belt, over social and economic consequences and that significantly fewer homes would be built than are projected to be needed.
- 4.7 This could have an effect upon neighbouring authorities but it is admitted that the ability of these to be able to meet unmet need is not presently known.
- 4.8 **Comment:** It is not considered that Option 1, which rules out any Green Belt releases, is an appropriate option for the reasons set out in the document. It would not meet the needs of the local community and put additional pressure on adjoining areas such as Slough.

Option 2 “ To permit sufficient building to meet the projected population growth and economic needs recognising that this would require some building in the Green Belt.”

- 4.9 This option places an emphasis on social and economic needs over environmental impacts. It would allow greater opportunity for young people and families to stay in the Borough and help to ensure more balanced communities with a greater number of people of working age.
- 4.10 The option would require significant development in the Green Belt at a scale that would result in some loss of openness and compromise the purposes of including land in the Green Belt.
- 4.11 **Comment:** It should be noted that this option is not actually being considered in the Preferred Strategy because even if every single site that is being put out for consultation was built this still would not be enough to meet housing needs. There are many more Green Belt sites that have not been considered for development as part of the Preferred Options exercise which means that the option of meeting housing need in full has not been properly explored. Nevertheless this appears to be the best option if sufficient suitable Green Belt sites can be found.

Option 3 “To permit building at a level that strikes a balance between meeting the projected population growth and economic needs and the environmental impacts, including allowing some building in the Green Belt.”

- 4.12 This option seeks a balance between social and economic needs with environmental impacts.
- 4.13 This would allow some development in the Green Belt where the environmental impacts are considered to be limited. However this will not meet the full projected increase in population growth and economic needs.
- 4.14 It would also reduce the demand on neighbouring authorities to help meet unmet housing need.
- 4.15 **Comment:** It is not possible to properly assess this option because it is not clear where the balance is being made between protecting the Green Belt and meeting housing need. Although 23 sites within the Green Belt have been identified in the document we don't know how many will actually be included in the final plan.
- 4.16 If too few come forward as a result of the consultation exercise it may be necessary to go back and look at other sites that have not been considered for a number of reasons.
- 4.17 Critically, as the document acknowledges, this option is being proposed without any knowledge of the ability of neighbouring authorities to meet any unmet housing need.

Spatial Strategy

- 4.18 RBWM have developed Option 3, which is its preferred option, into a Spatial Strategy which is based upon the following main components:

1. providing a balance between homes and jobs;
2. maintaining the special qualities of the Borough's environment and places;
3. focusing the majority of development within towns and villages; and
4. promoting a strong network of town, district and local centres.

- 4.19 **Comment:** It is considered that the Spatial Strategy is appropriate for the preferred approach for Local Plan subject to understanding where the balance will eventually be drawn between the competing social environmental and economic demands. A key element of this strategy is to increase the amount of development in Maidenhead town centre over and above that already planned in the Area Action Plan. Members may be interested to note that in order to deliver an extra 700 dwellings the preferred Policy on Design PLA 1, would allow greater flexibility on building heights in Maidenhead town centre provided they exhibit "exceptionally high quality design and do not cause unacceptable impacts".

Housing Numbers

- 4.20 As explained above in the Strategic Options section, the critical issue for the whole plan is how much housing should be built. The NPPF states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for housing as far as is consistent with the policies in the Framework.
- 4.21 In order to do this RBWM have carried out a Housing Market Assessment of the wider area, including Slough, in order to identify the scale of housing needed to meet household and population projections taking account of net inward migration and outward migration.
- 4.22 The result of this is that the Borough will need to build 700 houses a year or 12,000 houses over the 18 year plan period.
- 4.23 Although there is a reference to this in the consultation document it is not made explicitly clear what the housing target actually is. Assuming it is 700 a year this is much higher than the current target of 346 a year from the South East Plan and much higher than current annual average building rates of 364. When all known sources of supply from existing permissions, continuing small site completions, other identified sites and proposed housing allocations are added up there could be a total of 7,415 dwellings which is significantly short of the need.
- 4.24 As a result 23 sites have been identified in the Green belt which could deliver 4,125 dwellings. Details of all of these sites are set out in the document for consultation. If all of these sites came forward there could be a total of 11,540.
- 4.25 The Preferred option in Policy HOU1 is to have a housing target based upon 7,415 plus some building on the Green Belt. How much this might be is not quantified at this stage.
- 4.26 **Comment:** It is considered that the preferred approach of building upon previously developed land with selective Green Belt releases should be supported. This is a similar approach to the one that this Council adopted in the Local Plan for Slough.

- 4.27 It is considered that the housing target should reflect the objectively assessed need as far as possible but it not clear to what extent this will be achieved. There is some doubt as to whether all of the predicted sites will come forward. The plan assumes for example that every site with planning permission will come forward and that small site completions will continue at the same rate. Whilst it is recognised that other windfalls will come forward to compensate this is still a risk.
- 4.28 An even bigger risk is that because all of the proposed housing allocations are the subject of public consultation there can be no certainty at all that they will come forward in the final plan. This is a particular problem where ownership and technical constraints have not been tested. For example the largest Green Belt site is Maidenhead Golf Course which could have between 250 and 955 dwellings upon it. This may well not be available for development because the golf club still has a lease to 2039.
- 4.29 None of the proposed Green Belt releases are close to Slough and so it is not considered appropriate to comment upon any individual sites.
- 4.30 It is considered that failure to provide sufficient housing to meet housing need in Windsor and Maidenhead will put unacceptable pressure upon Slough which has its own pressing housing needs. It is also considered that given the inter relationship with the jobs market, failure to supply sufficient housing would also hamper prospects for economic development in the Thames Valley region.

Affordable Housing

- 4.31 The plan acknowledges that there is an annual need for 427 affordable homes over the next ten years if the current backlog is to be met during this period. Even if the backlog is not to be tackled, there would be a need for 401 affordable houses a year.
- 4.32 Taking account of the fact that on average only 93 new affordable houses have been built a year, which equates to a net gain of 80 units per annum, it is suggested that it is unrealistic to set a target for affordable housing.
- 4.33 The preferred approach is therefore to maximise the amount of affordable housing that comes forward whilst making sure that housing schemes are deliverable. Preferred Policy HOU 4 therefore proposes to lower the threshold at which affordable housing is sought from 15 to 5 dwellings and require that up to 30% of dwellings will be provided as affordable housing.
- 4.34 The text makes it clear; however, that the only form of affordable housing that will be sought is shared equity and staircased home ownership.
- 4.35 **Comment:** The proposal to lower the threshold for the size of sites where affordable housing will be sought is supported. The other parts of the preferred approach raise major concerns which this Council should object to.
- 4.36 It is acknowledged that viability is an issue when it comes to the delivery of affordable housing but the plan does not appear to recognise the opportunities that will arise to capitalise on the up lift in land values when major Green Belt releases

are proposed. It is therefore suggested that the percentage of affordable housing should be increased on these sites.

- 4.37 The main concern is the failure of the plan to seek any social housing or houses for affordable rent. There is no explanation how those people with the most acute housing needs will be accommodated.
- 4.38 The plan therefore will fail to create sustainable, inclusive and mixed communities as required by the NPPF or meet in full the objectively assessed need for affordable housing.
- 4.39 This will put considerable pressure on adjoining areas and Slough in particular which has a large private rented sector and the lowest house prices in the sub region. As a result it is considered that this Council should raise the strongest objections to Windsor and Maidenhead failing to take the available opportunities to obtain affordable housing for rent in its proposed policy for affordable housing.

Neighbourhood Plans

- 4.40 Neighbourhood plans are being prepared throughout the Borough to complement the Local Plan. These are community-led plans which are intended to allow local people have more say about their area. Neighbourhood Plans are not allowed to constrain the delivery of important development set out in the Local Plan. In order to ensure that this doesn't happen, Neighbourhood Plans were intended to come forward after the Local Plan was produced in a way in which they could demonstrate that they were in conformity with strategic policies.
- 4.41 The Ascot, Sunninghill and Sunningdale Neighbourhood Plan has, however, come forward in advance of the Local Plan and the Hearing was held before the current Preferred Options document was made public.
- 4.42 This Council raised concerns that this was premature and highlighted the fact that the cumulative effect of the policies in the Neighbourhood Plan could have implications for the future supply of housing.
- 4.43 Now that the Local Plan document has been published it can be seen that the Ascot, Sunninghill and Sunningdale Neighbourhood Plan is much more restrictive. For example where Preferred Policy Option NE3 in the Local Plan states that the impact of proposed development on trees should be carefully considered, the Neighbourhood Plan has a "presumption that they will be retained." Similarly where the Preferred Policy Option HOU 11 is to support the erection of new dwellings in gardens, the Neighbourhood only allows this where there is not an unacceptable reduction in green space.
- 4.44 At the Hearing into the neighbourhood Plan RBWM acknowledged that there could be a reduction in completions in the Ascot, Sunninghill and Sunningdale area but said that this would be compensated for by making allocations elsewhere. This does not, however, appear to be reflected in the proposed Local Plan which assumes a higher rate of development in the Ascot area than has been achieved in the past before any new allocations are factored in.

- 4.45 This is significant because Ascot, Sunninghill and Sunningdale is a significant part of the Borough and it will set a precedent for subsequent Neighbourhood Plans to adopt a similarly restrictive approach. If this is the case the cumulative effect of introducing new detailed local policies could thwart the overall strategy in the Borough wide Plan.

Economy

- 4.46 Plan recognises that the Royal Borough contributes to the workforce of Slough, London and other nearby employment centres including Reading and that one in ten of East Berkshire's jobs are in Slough Trading Estate.
- 4.47 The document recognises that the Windsor and Maidenhead area has a strong economy with several headquarters offices, a range of small and medium sized companies and an important tourist sector.
- 4.48 No major structural changes to the local economy are expected over the plan period although there is a trend away from industrial uses towards higher value office based employment uses.
- 4.49 As a result the Preferred Policy option EC1 is to promote sustainable economic growth by making more efficient use of existing sites and premises.
- 4.50 A number of Business Sites, Industrial Sites and Mixed Use Sites are identified in Policy EC2 where employment uses will be supported. One of these Business areas is Ditton Park. Elsewhere, Policy EC3 requires proposals for any change of use from economic use to demonstrate that this will not harm the local economy.
- 4.51 **Comment:** It is considered that the preferred approach to employment should be supported. It should be noted, however, that many of the sites allocated for housing in the Plan are existing employment sites and in some cases Industrial Estates such as Reform Road in Maidenhead and Vale Road in Windsor.

Town Centres and Retail

- 4.52 The plan identifies a retail hierarchy with Maidenhead and Windsor at the top. No new allocations are proposed and the preferred option in Policy RET1 is to support the existing retail hierarchy. One way in which it is proposed to do this is to lower the threshold at which retail impact assessments are required for developments outside centres from the national level of 2,500m² to 1,000m². There is, however, no policy which explicitly seeks to prevent development out side of centres or apply the sequential test.
- 4.53 The plans preferred option for tourism in Policy TM1 is to identify Windsor, Ascot and the river Thames as the main locations for major tourist development. Legoland is recognised as a Major Developed Site in the Green Belt in Policy CBC 6 which would allow for some development to take place.
- 4.54 **Comment:** It is considered that the preferred approach to retailing should be supported but the plan should include stronger policies to prevent inappropriate out of centre retail development.

Transport

- 4.55 Objective 9 of the plan is to “reduce the need to travel by car in the Borough and encourage sustainable modes of transport”.
- 4.56 There is, however, only a very short section in the document on transport in which the Preferred Policy Option INF simply states that “accessibility to the Borough’s centres will be optimised across all modes of travel”.
- 4.57 The policy states that it will support proposals that aid pedestrians, cyclists and public transport, but there is no requirement for developments to do this or, conversely, no requirement to restrict the use of the private car though measures such as parking restraint.
- 4.58 The text of the plan recognises the need to improve rail access to Heathrow and refers to several proposals under consideration which would provide new rail links from the Great Western Main Line and the Windsor to Waterloo Line. It then states that the Council will consider proposals for rail access to Heathrow on their merits.
- 4.59 The plan also refers to a proposal for a Slough to Windsor tram link but there is no mention of the former park and ride proposal.
- 4.60 **Comment:** it is considered that the preferred policy option will not deliver the objective of reducing the need to travel by car because it does not have sufficient restraint to compliment the encouragement of other forms of transport.
- 4.61 It is considered that this Council should object to the failure of the plan to endorse WRAtH even though this being promoted by Network Rail.
- 4.62 It is considered that RBWM should be encouraged to discuss and develop proposals for cross border transport proposals with this Council and the Berkshire Strategic Transport Forum.

Minerals and Waste

- 4.63 The plan does not seek to review the Replacement Minerals Plan for Berkshire which was adopted in 1997 and altered in 2001. As a result no policy options are presented. The document continues to identify the three Preferred Areas for future working which were included in the Berkshire Plan which includes Riding Court Farm, Datchet and the area north of Horton.
- 4.64 The plan takes the same approach to waste which is to retain the Waste Local Plan for Berkshire which was adopted in 1998 and so once again no other policy options are considered. The document continues to support the Preferred Areas identified in the plan for new waste facilities which also include Riding Court Farm and the Horton site.
- 4.65 **Comment:** It is not considered that this approach raises any issues which is consistent with the one adopted by this Council

Duty to Cooperate

- 4.66 Under the Localism Act 2011 the Royal Borough has an obligation to fulfil its “Duty to Cooperate” which requires a local planning authority to engage constructively, actively and on an on going basis to maximise the effectiveness of plan preparation in taking account of strategic cross boundary matters.
- 4.67 Failure to demonstrate that an Authority has complied with the Duty to Cooperate will result in a plan being found unsound and therefore prevent it being approved.
- 4.68 The NPPF states that cooperation should be a continuous process of engagement from initial thinking through to implementation .The guidance also makes it clear that Councillors and officers are responsible for leading discussions and negotiations about the strategic matters in their local plans.
- 4.69 This has not, however, happened so far apart from two initial meetings to discuss housing numbers. None of the adjoining authorities have been involved in the preparation of the Strategic Housing market Assessment which was only published two weeks after the consultation began.
- 4.70 The anticipates neighbouring local authorities working together to see whether any unmet need in one area can be met in another. This is particularly pertinent in this case where the need for housing in general and for affordable housing in particular is not planned to be met in the preferred strategy. In order to do this the plan making authority should have considered whether this could be met elsewhere in the housing market area. The document admits however that the extent to which other local authorities can assist in meeting unmet housing need is presently unknown.
- 4.71 **Comment:** It does not appear that the RBWM has met its Duty to Cooperate so far, despite getting a long way through the plan making process. It is not clear how far this can be remedied on a retrospective basis but it is recommended that the Royal Borough should be invited to engage in discussions with this Council about the implications of the plan for Slough as soon as possible.

5 Conclusion

- 5.1 The RBWM has made considerable progress in producing its preferred option for the new Local Plan for the Borough. Many aspects of the plan, such as the proposal to release selected sites from the Green Belt to provide housing are to be welcomed. There are, however a number of aspects of the proposed strategy which could have implications for Slough. It is considered that objections should be made about the failure of the plan to meet its local housing needs and the need for affordable housing in particular. It is also recommended that RBWM should be invited to discuss the implications of this for Slough as part of its Duty to Cooperate.

6 Background Papers

1. RBWM Sites Consultation 2012
2. Supporting documents to RBWM Local Plan- Preferred Options consultation