

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Planning Committee      **DATE:** 2<sup>nd</sup> August 2017  
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**WARD(S):** All

### **PART I** **FOR DECISION**

#### **RESPONSE TO WINDSOR & MAIDENHEAD BOROUGH LOCAL PLAN 2013-2032** **(Regulation 19) SUBMISSION VERSION**

#### **1 Purpose of Report**

The purpose of the report is to agree the Council's formal response to the Submission version of the Windsor and Maidenhead Borough Local Plan.

#### **2 Recommendation(s)/Proposed Action**

The Committee is requested to resolve that:

- a) The proposed representations on the Windsor and Maidenhead Borough Local Plan (Regulation 19) Submission Version set out in paragraphs 5.20, 5.24 and 5.43 of the report be submitted to the Council.
- b) The Royal Borough of Windsor and Maidenhead be invited to agree a bilateral Memorandum of Understanding as a way of seeking to resolve outstanding issues with the Submission version of the Windsor and Maidenhead Borough Local Plan.

#### **3 The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

##### **3a. Slough Joint Wellbeing Strategy Priorities**

Ensuring that needs are met within the local area will have an impact upon the following SJWS priorities:

- *Health*
- *Economy and Skills*
- *Regeneration and Environment*
- *Housing*

##### **3b. Five Year Plan Outcomes**

Ensuring that right type of housing is built in the wider area will contribute to the following Outcome:

- 2     *There will be more homes in the borough with the quality improving across all tenures to support our ambition for Slough.*

#### **4 Other Implications**

- (a) Financial

There are no financial implications of the proposed action in this report which can be achieved within existing budgets.

(b) Risk Management

It is considered that the risks can be managed as follows:

<i>Recommendation</i>	<i>Risk/Threat/Opportunity</i>	<i>Mitigation(s)</i>
That the Committee makes representations on the Windsor and Maidenhead Local Plan Submission Version.	The failure to make representations on neighbouring Authorities' local plans could result in needs generated by a neighbouring authority, for example for affordable housing, over-spilling into Slough.	Agree the recommendations.

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications as a result of this report.

(d) Equalities Impact Assessment

There are no equality impact issues.

**5 Supporting Information**

Introduction

- 5.1 The Royal Borough of Windsor and Maidenhead has been preparing a Borough Local Plan for some time in order to replace the current plan which was adopted in 1999. It has now produced the Submission Version of the Plan which is out for public consultation for eight weeks ending on 26<sup>th</sup> August 2017.
- 5.2 This Council has commented upon previous versions of the Plan and raised concerns about the way it which it was being produced through the required channels including Duty to Co-operate and responses to public consultations. Members will recall that at the report to this Committee on 3<sup>rd</sup> August 2016 highlighted these and as a result the Royal Borough was informed that it was considered to have failed to comply with the Duty to Cooperate in the preparation of the plan, particularly with regard to meeting it's objectively assessed housing need.
- 5.3 In response to this and other advice the Royal Borough produced a revised Consultation Draft which was the subject of public consultation in December 2016.
- 5.4 This included proposing release of additional Green Belt Sites at Dedworth, Datchet, Horton, Wraysbury, Old Windsor, Cookham, Ascot and Sunningdale. This meant that the Plan was now proposing to meet the Objectively Assessed Housing Needs in full over the lifetime of the plan (equivalent to 712 dwellings a year. This Council welcomed this because it will relieve some of the pressures in the wider Housing Market Area which includes Slough.
- 5.5 We did, however, strongly object to the lack of any clear policy requirement to provide affordable housing for rent in the Borough Local Plan as the joint Strategic Housing market assessment (SHMA) had identified a high need for this tenure.
- 5.6 This Council also requested that there should be a housing distribution within the Borough Local Plan to guide the preparation of Neighbourhood Plans, and that Windsor and Maidenhead should take a more strategic view about how it could deal with the problems of traffic congestion and promote modal shift.

- 5.7 We also formally request that the site south of Austin Way, Langley, should be proposed for housing development in the Borough Plan in order to help meet housing needs in the area.

#### Submission Version

- 5.8 RBWM has now produced a Submission version of the Borough Plan which takes account of some of the responses that it received at the consultation stage. Changes to the plan have included increased high density development in Maidenhead town centre; increasing the capacity of some of the allocated sites; and lowering the affordable housing threshold to 10 units. The size of the site west of Windsor has been reduced from 650 to 450 dwellings because some of the land is no longer available. The policies and proposals in the plan that most directly affect Slough remain generally the same.
- 5.9 Following consultation, the Royal Borough intends to submit the Borough Plan to the Planning Inspectorate in October along with objections that have been received and a schedule of proposed changes which are considered necessary to meet these objections. It will then be the subject of an Examination at the beginning of next year. It should be noted that the process does not allow the Borough to make further changes themselves.
- 5.10 At the Examination the Inspector will first consider whether or not the Plan is legally compliant and has met the tests of soundness. One of the key elements of legal compliance is whether it has met the Duty to Cooperate. The tests of soundness are whether the plan is:
- *Positively prepared* – being based upon a strategy that aims to meet objectively assessed needs for development and infrastructure
  - *Justified* – being the most appropriate strategy
  - *Effective* – being deliverable over the plan period based upon joint working
  - *Consistent with national policy* – enabling the delivery of sustainable development in accordance with the NPPF
- 5.11 The Inspector will also consider whether the preparation of the plan has complied with the Duty to Cooperate. This Council previously raised serious concerns about the failure of Windsor and Maidenhead to comply with the Duty to Cooperate. This was mainly in relation to the failure to meet its housing needs which has now been resolved as explained below.
- 5.12 The key issues which affect Slough are set out below.

#### Meeting Objectively Assessed Housing Need

- 5.13 The plan has been prepared on the basis of the Strategic Housing Market Assessment (SHMA) that was commissioned jointly by the Berkshire Authorities and the LEP. This shows that Windsor and Maidenhead is in the same Housing Market Area as Slough and South Bucks and has an Objectively Assessed Housing Need for 712 dwellings a year which amounts to 14,240 over the plan period from 2013 to 2032.
- 5.14 The early “Publication” version of the Windsor and Maidenhead Plan that was produced in June 2016 did not propose to meet these needs. The current Submission Version of the plan follows the previous consultation version in proposing to meet needs in full which is to be welcomed. Policy HO1 states that it will provide for at least 14,240 new dwellings and allocates 48 major sites which between them will provide 8,286 houses.
- 5.15 These, along with completions since 2013, extant commitments, and a small sites/windfall allowance are estimated to provide 14,260 dwellings over the plan period. The annual target for each year will be increased from 420 at present up to 850 a year from 2023.

- 5.16 The figures suggest that there must be some doubt as to whether this gives sufficient flexibility to ensure housing delivery.
- 5.17 Nevertheless it is considered that the overall approach within the Borough Plan of seeking to meet its Objectively Assessed Needs should be welcomed.
- 5.18 This Council has previously expressed concern that large number of Neighbourhood Plans being produced in the Royal Borough may actually hamper the delivery of housing proposed in the Local Plan. Bray has, for example, just produced a Neighbourhood Plan which seeks to prevent the major site west of Windsor coming forward. At the same time there is a general concern that non strategic policies within Neighbourhood Plans will reduce the number of small sites that come forward.
- 5.19 We have previously requested that a housing distribution should be included in the Borough Plan in order to guide the preparation of Neighbourhood Plans. This has not been provided. It is, however, considered to be all the more important now so that Neighbourhood Plans can be properly assessed as to whether they are providing sufficient housing.
- 5.20 It is considered that we should object to the lack of a housing distribution within the Borough Plan on the basis that this is needed in order to be effective in delivering the objectively assessed housing needs; and to enable the neighbourhood plans to contribute positively to implementing the Local Plan.

#### Meeting Slough's Unmet Needs

- 5.21 The results of the Review of the Local Plan Issues and Options consultation show that there is no reasonable option, or combination of options, that can accommodate all of Slough's housing and employment needs with the Borough boundary.
- 5.22 One of the options that was considered in the Consultation Document (Option J2) was for a Southern Expansion of Slough into Windsor and Maidenhead. Because of major physical constraints such as the M4 motorway and Jubilee River, in practical terms this would consist of just two sites. One of these is described as south of Austen Way in Langley the other as west of Crown Meadow in Brands Hill.
- 5.23 Both of these sites were considered by RBWM but only the site at Brands Hill has been included in the Submission version of the Local Plan. The land at Austen Way was rejected because it is not considered to be available for development and contains a number of Listed Buildings.
- 5.24 It is considered that we should object to the failure of the Borough Plan to allocate the land at Austen Way as part of the southern expansion of Slough on the grounds that it has not been sufficiently positively prepared to meet the objectively assessed housing needs in the wider area as lack of 'availability' over the plan period has not been sufficiently evidenced.
- 5.25 Another option in the Slough Issues and Options document was to build in other areas outside of Slough (Option K). As a result this Council has been asking all of the authorities in the area whether they have the scope to meet some of Slough's unmet housing needs.
- 5.26 As part of this process this Council formally requested that Windsor and Maidenhead should consider releasing more land in order to meet some of Slough's unmet need on the basis that it is within the same Housing Market Area. RBWM have replied that the Borough is severely constrained in terms of Green Belt designations, international nature conservation designations, nationally significant heritage assets and flooding. The housing target in the Regulation 19 Borough Local Plan is ambitious and challenging in the light of these constraints. As a result RBWM is very unlikely to be in a position to meet any demonstrated unmet need arising in Slough.

- 5.27 With exception of not agreeing to a southern expansion of Slough in the form of an urban extension, it is considered that the strategy in the Borough Plan is justified. Providing more housing within the Royal Borough would have to take the form of further Green Belt releases in locations which would not meet our objective of rebalancing Slough's housing market and meeting need as close as possible to where it arises. Releasing Green Belt sites which are not functionally related to Slough would not be the most sustainable in terms of meeting Slough's unmet housing needs.
- 5.28 As a result it is not considered that this Council should object to the failure of the Windsor and Maidenhead Borough Plan to propose additional Green Belt releases to meet some of Slough's unmet housing needs.

#### Affordable Housing

- 5.29 One of this Council's main objections to the emerging Borough Plan has been its failure to require development to provide affordable housing for rent. These concerns have not, however been suitably addressed in the Submission version of the Borough Plan.

Policy H03 (Affordable Housing) states:

- 1 *A minimum of 30% affordable housing units will be sought on sites providing over 10 net additional dwellings or have a combined gross internal floor area over 1000m<sup>2</sup>. The tenure, size and type will be negotiated on a site by site basis, having regard to housing needs, site specifics and the following factors:*
  - a. *Development proposals that provide a wide range of affordable housing products in line with government initiatives*
  - b. *Constraints on the development of the site imposed by other planning objectives*
  - c. *The need to achieve a successful housing development in terms of the location and mix of affordable homes*
  - d. *The costs relating to the development; in particular the financial viability of developing the site (using an approved viability model) in which case the Council will consider off site contributions in lieu of on site provision.*

- 5.30 Whilst on the face of it this may seem to be a reasonable policy, it will not result in very many affordable houses for rent if the Council continues to take the same approach that it has over the last few years. The Local Plan has failed to make the case for "social housing" or "affordable housing for rent" by not mentioning them at all in the document apart from in the glossary.
- 5.31 Paragraph 7.7.3 of the plan states that "*the SHMAA shows that there is a need for an additional 434 new affordable homes in the Borough every year*" but it fails to make the point that the SHMA also estimates that around 80% of this need is for rented accommodation.
- 5.32 The Local Plan only considers the problems of affordability for those who want to buy or rent on the open market. It notes that the cost of an average house in the Borough is over twelve times the average salary. It also recognises that the high cost of renting on the open market leaves many people unable to afford this tenure. 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.
- 5.33 Policy H03 states that the type of affordable housing will be negotiated on a site by site basis. The Plan does not however provide any justification for seeking to negotiate affordable housing for rent.

5.34 Paragraph 7.7.5 of the document makes it clear what the Council's priorities are when it states:

*"The Council has a corporate policy to encourage affordable housing, including key worker housing. The Council seeks to encourage more residents to invest in securing their own housing in the Borough and thus the provision of a broader range of affordable housing products to meet the demand across the whole local housing market,"*

5.35 This "corporate policy", as set out in the Corporate Strategy, is to "increase the range of housing available". This is based upon the manifesto commitment to *"Deliver home ownership through shared equity and other models where the resident has a stake in their property"*.

5.36 The Plan states that the Council will prepare a Supplementary Planning Document to provide detailed information as to how the affordable housing policy will be implemented. This cannot, however, be used to change the policy. The list of what the SPD will contain, which is set out in paragraph 7.7.15 of the plan, does not include any consideration of the tenure of affordable housing.

5.37 This Council strongly objected to the lack of any requirement to provide affordable housing for rent in the previous Consultation version of the Windsor and Maidenhead Local Plan. The report to the RBWM Full Council meeting which considered the Borough Plan referred to the fact that *"Neighbouring authorities have raised the supply of affordable housing (defined as affordable rent, social rent and intermediate housing in the plan) as being an issue for the Borough."* There was, however, no response to this in the report.

5.38 This is important because we have consistently raised the lack of affordable housing as a Duty to Cooperate matter which could have significant cross boundary implications.

5.39 Failure to provide for people in the most acute housing need in Windsor and Maidenhead could have a significant impact upon Slough. House prices and rents are cheaper in Slough than elsewhere and we already have a very large private rented sector. There is evidence that Councils are relocating their homeless families to Slough. The lack of affordable housing for rent in Windsor and Maidenhead will further increase the pressure on the Slough housing market and result in even more people looking to rent in the Borough. At the same time the policy of encouraging more home ownership in the Royal Borough will accentuate the divide between the two areas.

5.40 RBWM has produced a Duty to Cooperate Compliance Statement. The purpose of the Statement is to set out the strategic issues that have been given consideration through the Duty to Cooperate process and how they discussions have affected policy preparation.

5.41 Paragraph 3.5 shows that affordable housing was one of the agreed topics to be discussed under the Duty to Cooperate. The notes of meetings in the appendix record that Slough had a major concern about RBWM's manifesto commitment to only provide shared equity housing.

5.42 The Compliance Statement does not, however, include a section on affordable housing which is indicative of the fact that the Royal Borough has failed to properly consider this important cross boundary issue.

5.43 As a result it is considered that this Council should strongly object to the lack of any requirement to provide affordable housing for rent in Policy H03 or the supporting text. This means that it has not been positively prepared in a way which seeks to meet the objectively assessed needs of people in the most acute housing need within the Plan area. This will result in unmet needs putting more pressure upon Slough's private rented sector housing market.

## **6 Conclusions**

- 6.1 It is considered that the progress that Windsor and Maidenhead have made in planning to meet its objectively assessed housing needs should be welcomed. It is recommended that this Council should make formal objections to the Submission Version of the Borough Local Plan.

## **7 Background Papers**

- RBWM Local Plan: Preferred Options Consultation (2014)
- Draft RBWM Local Plan (June 2016)
- Borough Local Plan 2013-2032 (Overview and Scrutiny Vn November 2016)
- Borough Local Plan 2013- 2033 Submission Version (2017)
- Berkshire 'SHMA' and East Berkshire 'EDNA'