



CHARNWOOD LOCAL PLAN 2021-2037

Examination Statement by Charnwood Borough Council

**EXAMINATION HEARING SESSIONS 2023
MATTERS, ISSUES AND QUESTIONS**

January 2023

MATTERS, ISSUES AND QUESTIONS (MIQs) SUPPLEMENTARY QUESTIONS

MATTER 1: DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS

Issue 3 – Whether the Plan has been prepared in compliance with other legal requirements

SUPPLEMENTARY QUESTIONS

<p><i>1. Are any adjustments to the Plan period (2021 – 2037) necessary to accord with NPPF paragraph 22 which states that strategic policies should look ahead for a minimum 15-year period from adoption, having regard to the delays in the Examination process?</i></p>
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MATTER 1 - ISSUE 3 – ANSWER 1

No adjustments to the Plan period 2021 to 2037 are necessary and the plan period remains justified.

The implications of planning for additional year on the plan would have to be considered alongside the conclusions to Matter 3 Assessment of Housing Need, Matter 5 (Employment Development) and Matter 7 (Housing Land Supply), but there are risks that potentially identifying additional allocations will further extend the examination period, and also the period of unplanned growth in Charnwood with no benefits in the short or medium term.

The Council's written statement to Matter 1 question 21 sets out the reasons why it would be reasonable to proceed to adoption in 2023 with the plan period to 2037. In addition, to the points that have already been made, the Council considers its approach to adopt a Local Plan without further delay, is in line with government objectives set in written ministerial statements (EXAM15 Appendix J), it is the most effective means of significantly boosting the supply of housing in the borough and is therefore fully in line with a key objective within the NPPF. The preparation of any Local Plan requires the preparation of extensive range of supporting evidence and making sure this is up to date at submission and over the examination of the Local Plan is challenging. Making adjustments to the plan period would therefore introduce risks that parts of the evidence become out of date.

There are examples of Local Plans being adopted with less than 15-year plan period where the Local Plan inspector in each case will have reached a balanced judgement against paragraph 22 of the NPPF. The Hart Local Plan Inspector's report (February 2020) considered this issue at paragraph 33 – (the wording of paragraph 22 of NPPF at this time was the same 2021 NPPF). (Charnwood Matter 10 Statement Appendix 1). The Local Plan Inspector's report for the Royal Borough of Windsor & Maidenhead Council February 2022 found the Plan to be sound with a plan period running to 2033. (See Appendix 1 to this Statement).

The Charnwood Local Plan accommodates unmet for housing and employment within the HMA and the FEMA and provides a significant proportion of the growth needed for the whole of Leicester and Leicestershire, where infrastructure can be delivered in a planned way. The

benefits of adopting a plan without further delay far outweigh any disbenefits of the marginal reduction in the plan period.

SUPPLEMENTARY QUESTIONS

<i>2. Is an update to the latest Local Development Scheme (Exam 34) necessary to provide an updated timescale for Plan adoption?</i>

MATTER 1 - ISSUE 3 – ANSWER 2

The latest version of the Borough Council's Local Development Scheme was prepared in the period following the submission of the new Local Plan for examination in public on 3 December 2021. It was considered by the Borough Council's Cabinet in March 2022 and published during April 2022. It sets out a timetable for the examination process based on information provided to the Council by the Planning Inspectorate. At the time of its preparation and publication it was reasonably assumed that the examination process would result in a positive outcome leading to adoption by December 2022/January 2023. This timetable cannot be met and consequently an update to the Local Development Scheme is necessary.



The Planning Inspectorate

Report to Royal Borough of Windsor & Maidenhead Council

by Louise Phillips MA (Cantab) MSc MRTPI

an Inspector appointed by the Secretary of State

Date: 26 January 2022

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Royal Borough of Windsor & Maidenhead Borough Local Plan, 2013-33

The Plan was submitted for examination on 31 January 2018.

The examination hearings were held in June 2018 and between October and December 2020.

File Ref: PINS/T0355/429/9

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Abbreviations used in this Report

ASPA	Ascot Strategic Placemaking Area
BMV Land	Best & Most Versatile Agricultural Land
CIL	Community Infrastructure Levy
DtC	Duty to Cooperate
EA	Environment Agency
EDNA	Economic Development Needs Assessment
FEMA	Functional Economic Market Area
FRA	Flood Risk Assessment
FZ	Flood Zone
GI	Green Infrastructure
GTAA	Gypsy & Traveller Accommodation Assessment
HELAA	Housing & Economic Land Availability Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LGS	Local Green Space
MM	Main Modification
MTCAAP	Maidenhead Town Centre Area Action Plan
MTCSPA	Maidenhead Town Centre Strategic Placemaking Area
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need (for housing)
PC Plan	Proposed Changes Plan
PSED	Public Sector Equality Duty
SA	Sustainability Appraisal
SANG	Suitable Alternative Natural Greenspace
SCI	Statement of Community Involvement
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSM	Site Selection Methodology
SWMSPA	South West Maidenhead Strategic Placemaking Area

VSC	Very Special Circumstances
WAGS	Wider Area Growth Study

Non-Technical Summary

This report concludes that the Royal Borough of Windsor & Maidenhead Borough Local Plan 2013-33 provides an appropriate basis for the planning of the Borough, provided that Main Modifications (MMs) are made to it. The Council has requested that I recommend any MMs necessary to enable the Plan to be adopted (RBWM_055).

Following the hearings, the Council prepared a schedule of the proposed MMs and carried out Sustainability Appraisal and Habitats Regulations Assessment of them. The MMs were subject to public consultation over seven weeks during July – September 2021. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the Sustainability Appraisal and Habitats Regulations Assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- The deletion of housing allocations to ensure that the Plan is justified, effective and consistent with national planning policy, having particular regard to issues concerning flood risk and the retention of employment land;
- The addition of new housing allocations following the re-assessment of sites using the Council's Site Selection Methodology;
- Various site-specific modifications to the proformas appended to the Plan to ensure that the allocations are justified, effective and consistent with national planning policy;
- Housing-related modifications including changes to accessibility standards, the requirements for providing affordable housing and custom/self-build units; the approach to assessing density; and the introduction of a stepped-trajectory for housing delivery;
- Insertion of a dedicated policy on climate change;
- Economy/employment-related modifications to reflect changes to the Use Classes Order, to allocate specific sites to meet identified needs for floorspace and to ensure that farm diversification takes place sensitively;
- Introduction of a "master-planning" requirement for large sites;
- Addition of a policy on Building Height and Tall Building Development in response to an increase in proposals;
- The addition of Strategic Placemaking Policies for parts of Maidenhead and Ascot, reflecting the Council's additional place-shaping work;
- A number of other modifications to policies for development management purposes to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Royal Borough of Windsor & Maidenhead Borough Local Plan 2013-33 (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It first considers whether the Plan's preparation has complied with the duty to co-operate and then whether the Plan is compliant with the legal requirements and if it is sound. Paragraph 182 of the National Planning Policy Framework of March 2012 (NPPF) makes it clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised NPPF was published in July 2018 and further revisions were made in February 2019 and July 2021. However, these versions include transitional arrangements (see paragraph 220 of the July 2021 revision) which mean that the policies in the 2012 NPPF will apply to the examination of this Plan because it was submitted before 24 January 2019. Notwithstanding the length of time which has passed since the transitional arrangements were put in place, there are no legal or procedural reasons to depart from them. Consequently, unless stated otherwise, references in this report to national policy or the NPPF are to the 2012 document. Similarly, the versions of the Planning Practice Guidance (PPG) which were extant prior to the publication of the revised NPPF will usually apply.
3. The starting point for the examination is the assumption that the local planning authority submitted what it considered to be a sound plan. The Windsor & Maidenhead Borough Local Plan 2013-33, submitted in January 2018 (CD_001), is therefore the basis for my examination. This is the document which was published for comment from June – September 2017.
4. However, following a first stage of hearings in June 2018, I advised the Council that certain issues of soundness required attention before the examination could proceed (ID-07) and so it was paused while the Council did further work. This work led the Council to propose numerous changes to the submitted Plan in a "Proposed Changes Plan" (the PC Plan), which were consulted upon during November – December 2019 (PC-003). Having reviewed the PC Plan, the supporting evidence and the consultation responses, I decided that the examination could resume. A second stage of hearings took place over five weeks from October – December 2020, having been delayed by the Coronavirus outbreak.

Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the submitted Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendices.
6. The MM Schedule in Appendix 1 is a composite list of all the MMs which I recommend should be made to the submitted Plan. It includes the changes suggested by the Council and consulted upon in 2019 in the PC Plan, as well as those arising from Stage 2 of the examination which were consulted upon

for six weeks during July – September 2021 (BLPMM-001). The Council has carried out Sustainability Appraisal and Habitats Regulations Assessment of all the MMs.

7. Appendix B of the submitted Plan contains a series of maps showing how the boundaries of the Green Belt will be altered by its policies, while Appendix D provides maps of each allocated site and proformas setting out specific requirements for their development. Because the maps and proformas form part of the Plan, the amendments required are recommended as MMs as shown in Appendices 2 (**MM56**) and 3 (**MM58**) to this report. Upon adoption, the versions in Appendices 2 and 3 will replace those in Appendices B and D of the submitted Plan in full.
8. I have taken account of the consultation responses concerning all the MMs in coming to my conclusions in this report and I have amended the detailed wording of some of them. None of the amendments significantly alters the content of the MMs as published for consultation, nor undermines the participatory processes and Sustainability Appraisal/Habitats Regulations Assessment that has been undertaken. Where necessary, I have highlighted the amendments I have made in the report.

Policies Map

9. The Council must maintain an adopted policies map to illustrate geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing how the proposals in the submitted plan would alter the adopted policies map. In this case, the submission policies map comprises of the set of five plans identified as CD_003 (an overview map) and CD_003a – CD_003d (area-specific maps) in the document library. Four revised maps were published and consulted upon with the PC Plan in 2019, with references PC-023 – PC-026, omitting the overview map.
10. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, certain MMs to the Plan's policies, including the deletion of proposed site allocations, require corresponding changes to be made to the submission policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes are needed to ensure that the relevant policies are effective.
11. Changes to the submission policies maps which were not consulted upon alongside the PC Plan were published for consultation alongside the MMs in July 2021 (BLPMM-001a, 001b & 002). In this report I identify any amendments that are needed in light of the consultation responses. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed.

Context of the Plan

12. The Borough lies within the Thames Valley and it has good transport links to London just 30 miles away to the east, as well as to other significant towns including Slough and Reading. It provides a high quality built and natural environment, having a wealth of Conservation Areas, Listed Buildings, Scheduled Monuments, parks and gardens, open spaces, trees and woodlands. The River Thames runs along the northern administrative boundary of the Borough and cuts through parts of it; over 80% is in the Green Belt; and several areas are either nationally or internationally designated for their biodiversity value. These characteristics represent advantages, making the Borough an attractive place to live, work and visit; but they also present challenges for planning and development in terms of locational constraints, environmental sensitivity, flood risk and housing affordability.
13. Upon adoption, the Borough Local Plan 2013-33 will replace the saved policies of the Royal Borough of Windsor & Maidenhead Local Plan 1999 and the Maidenhead Town Centre Area Action Plan 2011 (MTCAAP). Saved Policy NRM6 of the otherwise revoked South East Plan, the Replacement Minerals Local Plan 1995 (with alterations in 1997 and 2001), the Waste Plan for Berkshire 1998 and six made Neighbourhood Plans (NPs) also form part of the development plan for the Borough. Reflecting the passage of time, **MM1** is required to accurately describe the composition of the development plan and to explain the interaction of its respective documents. **MM55** and parts of **MM27** are needed to supersede the saved policies of the current Local Plan and MTCAAP.

Public Sector Equality Duty

14. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. I have considered several matters during the examination, including the housing needs of older people and those with disabilities; and the accommodation needs of gypsies and travellers. Details are provided below but, overall, I conclude that the Plan as modified will minimise the disadvantages which could potentially be experienced by those with a protected characteristic and its policies will not bear disproportionately or negatively upon them.

Habitats Regulations Assessment

15. The Habitats Regulations Assessment (HRA) of March 2020 and the addendum prepared to accompany the MMs, PS/043 and BLPMM-004, build upon screening work done between 2016 and 2019. They also update this earlier work to take account of the *Sweetman* ruling in respect of when mitigation can be offset against any likely significant effects of development identified. The HRA found that the Plan had the potential to undermine the conservation objectives of seven European sites via different pathways of impact and, following screening, each site was subject to a full Appropriate Assessment (AA) in relation to at least one pathway. However, the AA concludes that with the mitigation the Plan provides (as modified), it will not give rise to an adverse effect upon the integrity of any relevant sites, either alone or in combination with other plans or projects.
16. The Plan includes a range of mitigation measures, including in policies for nature conservation, open space, green and blue infrastructure and design;

and Policy NR4 specifically concerns the protection of the Thames Basin Heaths Special Protection Area (SPA) from the harmful effects of public access and disturbance. It includes a requirement for certain developments to provide Suitable Alternative Natural Greenspace (SANG) to divert recreational activities away from the SPA (see Issue 14 further). The policy should be modified to clarify that if insufficient SANG is available to support any relevant development, planning permission will be refused. The problem would then become one of housing delivery (soundness) rather than one of harm to the SPA (legal compliance) (MM39).

Assessment of Duty to Cooperate

17. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed upon it by section 33A in respect of the Plan's preparation. The Council's Duty to Cooperate Compliance Statement (CD_022) identifies the key cross-boundary issues to which the duty applies and summarises the co-operation which took place before the Plan was submitted. This document, together with its work on the Infrastructure Delivery Plan (IDP), demonstrates that the Council has worked with numerous relevant organisations on a range of strategic matters over time, including those referred to in paragraph 156 of the NPPF.
18. In relation to housing, the jointly commissioned Berkshire (including South Bucks) Strategic Housing Market Assessment February 2016 (SHMA) (SD_002), places the Royal Borough of Windsor & Maidenhead in an Eastern Berkshire & South Bucks Housing Market Area (HMA) together with Slough Borough and South Bucks District¹. For various technical and administrative reasons, South Bucks District Council strongly disagrees that it should form part of this HMA and, in October 2015, it decided to take no further active part in matters relating to it. The implications of this for soundness are considered below but, for the purpose of the Duty, genuine efforts were made by the Council to discuss and address the matter within the bounds of what the emerging housing evidence was showing. That it remains unresolved amounts to a failure to agree rather than a failure to cooperate.
19. The Eastern Berkshire HMA grouping also faces the question of how Slough's anticipated housing shortfall will be met. Slough has tightly drawn administrative and Green Belt boundaries, and so the likelihood of it providing for all its own housing needs has been in doubt for some years. Windsor & Maidenhead Council acknowledges its responsibilities in relation to meeting needs within the wider HMA and, to this end, it commissioned a Wider Area Growth Study (WAGS) together with Slough and Chiltern & South Bucks Councils. The purpose of the study is to identify the potential locations which could accommodate the future housing needs of Slough, as well as the Windsor & Maidenhead core urban areas.
20. Part 1 of the Study has indicated that a narrow area of land around Slough, including a small area of Windsor & Maidenhead immediately to the south of Slough, should be the starting point when looking for housing to help meet needs arising in the neighbouring district. However, the Study was published

¹ South Bucks District Council was abolished on 31 March 2020 and its area is now administered by the unitary Buckinghamshire Council.

in June 2019, some 18 months after the Plan was submitted for examination. Other areas outside the Borough have also been identified and no account is taken of supply-side constraints, deliverability or policy considerations. A Part 2 Study is due to consider these issues. Moreover, Slough Borough Council has not yet defined the scale of its unmet housing need and it is at a relatively early stage in its own plan-making process.

21. Slough Borough Council raises no duty to cooperate objection in relation to this matter and takes the position that the WAGS should inform future plans and/or plan reviews in each district. The progress with the WAGS, both before and after the Plan was submitted, represents constructive and ongoing engagement in compliance with the Duty and, given that the Regulations² require local plans to be reviewed at least once every five years, the opportunity for the issue to be resolved should not be missed.
22. The Council's joint working on employment issues began with Slough Borough Council in 2012 and continued via meetings with the other Berkshire authorities and those in Buckinghamshire through 2014. This work led the Berkshire authorities and the Thames Valley Berkshire Local Economic Partnership to commission consultants to identify Functional Economic Market Areas (FEMAs). The FEMA Study was completed in February 2016 (SD_011) and, in October 2016, Economic Development Needs Assessments (EDNAs) were published for each of the FEMAs identified. The Council has used the EDNA as the basis for assessing the need for jobs and employment floorspace in the Borough and, while some have questioned its conclusions, the concerns raised are matters of soundness which do not undermine the cooperation that has taken place.
23. Turning to transport, the Council cooperated satisfactorily with the appropriate authorities from 2012 until the Plan was submitted - via meetings to consider relevant topics, sharing modelling methodologies and making informed assumptions about the likely impact of development in neighbouring areas. Matters such as the effects of development upon the M4, the A308 and A30, rail services and local air quality have been considered from an early stage. Document RBWM_076 provides further detail on the Council's cooperation with Wycombe and Bracknell Forest Councils. It has been mindful of the potential effects of development in these areas upon the Borough's transport network, specifically at Cookham Bridge and concerning the effect of proposals at Jealott's Hill. Having identified the likely relevant issues through transport modelling and cooperation over time, the Council has updated its transport evidence base, including to take account of new sites proposed for inclusion in the PCP. The Strategic Highway Model was published in 2019 (PC-003) alongside that document.
24. Overall, in relation to the matters above as well as those other strategic matters referenced in the Duty to Cooperate Compliance Statement and the NPPF, the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan. I therefore conclude that the duty to cooperate has been met.

² Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Assessment of other aspects of Legal Compliance

Availability of Evidence

25. When the Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), certain evidence which had informed its preparation was not available. This included, but was not limited to, the Level 2 Strategic Flood Risk Assessment (SFRA) and some local "sensitivity testing" of the employment evidence in the EDNA. It has been argued that these documents are "proposed submission documents" which, in accordance with Regulation 19(a), should have been made available for comment before the Plan was submitted.
26. However, in RBWM_018v2, para. 9, the Council confirms that its Members had sufficient information to conclude that the Plan was "sound" and ready for submission as required by section 20(2) of the Act. During the Stage 1 hearings, it also stated that Members had been able to consider draft documents. The decision to proceed to submission was a matter for the Council.
27. Moreover, interested parties who were aggrieved about the Plan's approach to both flood risk and employment land raised their concerns most forcefully at the Stage 1 hearing sessions and these are two of the numerous issues that the Council worked to address during the pause period having regard to my advice and its own detailed consideration of the Regulation 20 objections. Interested parties, including those who did not make representations at the Regulation 20 stage, then had the opportunity to comment upon the Council's revised approach in the PC Plan and upon the evidence supporting it; and then to participate in Stage 2 of the examination, both in writing and in person at the hearings.
28. I have taken account of the comments made at each of these additional stages and so I am completely satisfied that nobody's interests have been prejudiced by certain documents having not being available when the Plan was published under Regulation 19.

Nature and Extent of Modifications to the Plan

29. The MM Schedule appended to my report is lengthy and the changes I am recommending address a wide range of issues. Some are significant, concerning the deletion of proposed development sites and the addition of new ones; the inclusion of "placemaking" policies for growth areas with more onerous master-planning requirements; and the addition of a specific policy on tall buildings.
30. The changes arise from the Council's consideration of the discussions during Stage 1 of the examination and the advice I gave afterwards in ID-07, as well as its more thorough review of the representations made at the Regulation 20 stage. Given the detailed and often complex and technical nature of the issues raised, the extent of the changes required is unsurprising, and they do not go beyond what is necessary to achieve soundness. Moreover, notwithstanding numerous localised and site-specific amendments, the fundamental planning

strategy for the Borough remains unaltered and the changes to the Plan since submission will not amount to a virtual rewriting of it.

Sustainability Appraisal

31. The Sustainability Appraisal Addendum of July 2021, prepared to assess the implications of the proposed MMs, summarises the Sustainability Appraisal (SA) work which has been carried out during the plan-making process. It demonstrates that consideration has been given to the social, environmental and economic effects of the Council's proposals at the appropriate points (BLPMM-003, Chapter 2). The SA Report prepared to accompany the PC Plan constitutes the Environmental Report for the purposes of the SEA Directive and Figure 1.2 summarises how it meets the relevant requirements (PC-036).
32. Together, the various SA Reports assess the likely significant effects of different amounts and distributions of development, individual site allocations and subject-specific policies against a consistent set of sustainability objectives identified at the scoping stage (CD_006). The assessments necessarily reflect a degree of individual planning judgement on behalf of the assessor(s) and SA is just one piece of evidence involved in the plan-making process. Overall, acknowledging both these factors, the findings of the SA work and the decisions taken in its light are reasonable.
33. In respect of housing provision, options for growth in excess of the OAN have been tested through the iterative SA process. The same is true of testing additional alternative spatial strategies to accommodate it (see CD_005, Section 3 and paragraph 5.1.2). This later analysis was done largely in response to representations concerning unmet housing needs in Slough. Given the constraints upon development in the Royal Borough of Windsor & Maidenhead itself, the Council's rejection of the higher growth scenarios having regard to the findings of the SA process is understandable and justified.
34. Turning to other issues, the SA Report PC-036 indicated that planned growth in the Borough would be likely to reduce local air quality, giving rise to negative effects upon human health in some areas (page 105). This conclusion was based on high level, generalised assumptions but, in turn, a detailed air quality assessment was undertaken to consider pollutant levels across the Borough (PS/043, Appendix I). Whilst this latter study was largely produced to inform the Habitats Regulations Assessment with its focus on biodiversity, the effects of pollution on human health were specifically considered in Section 3 of the report. This found that by the end of the plan period in 2033, with or without planned growth, all locations in the Borough relevant for human exposure would achieve the nationally set standards for the relevant pollutants. This includes the five Air Quality Management Areas which are designated because exceedances do occur at present. Essentially, background improvements resulting from changes to the vehicle fleet in response to national and European emissions targets are expected to offset the effects of likely increases in traffic on human health.
35. Doubts about the actual vs. projected speed of compliance with these targets were expressed by well-informed objectors who also raised concerns about the lack of ambition in the Plan to look beyond current limits and objectives. I

respect the arguments presented, but I must nevertheless judge the Plan against the standards which are in force now. The balance of the evidence indicates that they are met and the requirements for Plan reviews will ensure that any more stringent standards set in the future are taken into account in due course. Therefore, having regard to the results of the detailed assessment to which it gave rise, the conclusions of the SA in relation to air quality are satisfactory and they were heeded by the Council.

36. Overall, I conclude that the Plan is informed by a systematic and iterative process of SA; and that the requirements of Section 19(5) of the Act and the SEA Regulations have been met.

Strategic Priorities for Development

37. With this Plan, the Development Plan as a whole will include policies to address the strategic priorities for the development and use of land in the area as required by the Act. As explained above, the MMs I am recommending include the addition of some policies which were not in the submitted version. As modified, the Plan will include 48 policies, 26 of which will be identified as "strategic". Their definition as such accords with both national policy in paragraph 156 of the NPPF and with the guidance in paragraph 076 of the PPG (Ref. ID 41-076-20140306) concerning Neighbourhood Planning. The totality of the recommended MMs to the Plan will ensure that the role of Neighbourhood Plans is not undermined by the number of strategic Local Plan policies with which they will need to generally conform. **MM2** is required to provide a current list of Plan policies.

Climate Change

38. The submitted Plan includes policies on the use of natural resources and sustainable transport which, in part, seek to minimise the impact of development upon climate change. However, since the Plan was submitted, the Council generally has sought to give greater emphasis to this matter. In 2019, it declared an Environment and Climate Emergency and in early 2021, it adopted an Environment and Climate Change Strategy. It is intended that this strategy will inform the preparation of a Supplementary Planning Document (SPD) and the determination of planning applications to ensure that consideration for climate change is embedded in the design of all development.
39. For effectiveness (soundness), this expectation should be more clearly referenced in the Plan and **MM6** is required to add a dedicated policy (Policy SP2). I have amended the wording of MM6 to require developers to refer to the Environment and Climate Strategy in preparing planning applications because the document is intended to be a material consideration. Other policies, including those concerning sustainability and placemaking, flood risk, natural resources, open space and air pollution are also relevant. Taken together with additional Policy SP2, they ensure that the Development Plan as a whole includes policies designed to secure that the development and use of land in the area contributes to the mitigation of, and adaptation to, climate change as required by the Act.

Other Aspects of Legal Compliance

40. The Plan was consulted upon, published under Regulation 19 and submitted for examination in accordance with the Local Development Scheme (LDS) adopted in January 2018 (CD_020). It was not adopted in 2019 as envisaged, and a revised LDS was published in October 2019 to take account of the need for consultation on the PC Plan. This took place in November/December 2019 as advertised, but the Plan was not adopted in the spring of 2021. The current LDS is therefore out of date in this respect, but all parties involved in the examination have been kept abreast of progress either by direct communication or via the dedicated website. Thus no prejudice has resulted from the LDS under-estimating the time it would take to complete the process.
41. Consultation on the Plan and the MMs has been carried out in compliance with the Council's Statement of Community Involvement, 2016 (CD_024). It might have been possible to reach more people and to engage more deeply with certain groups during the early preparation stages, but this is true of many consultation exercises and it is inherently difficult to involve those who have not put themselves forward as interested parties. Overall, the number and range of representors is as expected and there has been ample opportunity for meaningful participation.
42. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations (as amended). Therefore, for the reasons above, I conclude that the Plan as modified meets the relevant tests of legal compliance.

Assessment of Soundness

Main Issues

43. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 16 main issues upon which the soundness of this plan depends. The following report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Whether the Spatial Portrait, Vision and Objectives of the Plan adequately inform its policies; whether its policies are capable of being monitored; and whether the Plan is effective in respect of its general content and structure.

44. The purpose of the Spatial Portrait in Chapter 3 of the Plan is to describe the key characteristics of the Borough and set the scene for subsequent policies. This is mainly achieved, but some of the information presented is now out of date and there are a couple of omissions and drafting errors. Changes are therefore required for accuracy and effectiveness - to reference data which has become available since the Plan was submitted; to more clearly express the flood risk situation in the Borough; and to acknowledge the role of private and further education establishments (**MM3**).
45. Similarly, the Plan's Spatial Vision and objectives generally provide a constructive and locally distinctive platform for the policies which follow, but they do not fully reflect the Council's aspirations for ecology and biodiversity,

the Borough's key tourist attractions or its local centres. Modifications are therefore needed, again to achieve effectiveness (**MM4**).

46. The Plan provides an appropriate framework for monitoring the effectiveness of its policies. However, as a result of changes arising from both Stages 1 and 2 of the examination, updates and amendments are required to achieve effectiveness (**MM53**). Similarly, the glossary in the submitted Plan does not define the terms Green Infrastructure, Tall Building or Mixed Use development. These issues have increased significance in the Plan as amended and so they should be added to ensure clarity and effectiveness (**MM54**). Finally, **MM102**, **MM103** and **MM104** are necessary to reflect structural changes to the Plan and to accurately label its appendices.
47. Subject to these modifications, I conclude that the Spatial Portrait, Vision and Objectives of the Plan will adequately inform its policies; that its policies are capable of being monitored for effectiveness; and that the Plan is effective in terms of its content and structure.

Issue 2 – Whether the Plan seeks to provide an appropriate quantity and mix of housing, including affordable housing, specialist housing and Gypsy & Traveller accommodation; and whether it is necessary to include a specific policy on housing density.

Housing Market Area

48. As stated above, the SHMA commissioned by the Berkshire Authorities (SD_002) places the Borough in an Eastern Berkshire HMA along with Slough Borough and South Bucks District. In defining this group, the SHMA took account of the guidance in the PPG on Housing and Economic Development Needs Assessments issued in March 2015 and, accordingly, consideration was given to factors including house prices, migration flows, commuting patterns and the influence of London. The PPG confirms that HMAs might cross local authority boundaries and overlap with others, and so it is unsurprising that alternative groupings were advanced during and after the evidence gathering stage.
49. The Council's own consultants considered defining a single, larger HMA to include all the Berkshire authorities and South Bucks and, as discussed above, South Bucks deems itself part of a Central Buckinghamshire grouping. However, the higher level of self-containment seen in the Western Berks HMA vs. the stronger relationship with London observed in the east justifies splitting the Berkshire authorities; and the work done specifically for Buckinghamshire³ (PS_026) acknowledges that the "best fit" for South Bucks would be as part of the Reading and Slough HMA (i.e. both in Berkshire). Therefore, the evidence justifies the chosen Eastern Berkshire HMA as an appropriate geography for seeking to identify and meet local housing needs.

Objectively Assessed Need and Housing Requirement

³ Housing Market Areas and Functional Economic Market Areas in Buckinghamshire and the Surrounding Areas, ORS and Atkins, March 2015. Ref: PS_026.

50. Having followed the assessment methodology described in the PPG, the SHMA 2016 (SD_002) found the objectively assessed housing need (OAN) for the Plan period to be 712 dwellings per annum (dpa), or a total of 14,240 from 2013-2033. The starting point for this figure is the 2012-based household projections, using the migration trends built into them as standard. It includes an adjustment to take account of the 2013 mid-year population estimates and another for improving affordability, amounting to a 13% uplift from the demographic starting point. No uplift was included for London out-migration, economic growth or for reversing suppressed household formation, but these factors were considered, and adjustments were made for other authorities in the HMA where appropriate.
51. The 13% uplift from the demographic starting point is lower than that made by some local authorities, with some representors quoting 20-30% used elsewhere. However, the adjustments made here are evidence-based, resulting from a consistent approach to modelling across the HMA, and they seem reasonable. The Council acknowledges that if the assessment were to be undertaken today, a greater uplift might well be necessary but that would be set against a different demographic starting point and forecasting methodology. It would not be appropriate to mix methods to seek to justify a higher uplift now.
52. In respect of alternative projections, the 2014-based, 2016-based and 2018-based projections have all been released since the SHMA was prepared. The PPG states that while new projections do not automatically render housing needs assessments outdated, they should, wherever possible, be informed by the latest information available. Therefore, the Council and participants in the examination were invited to consider whether the 2018-based projections represent a meaningful change in the housing situation which might affect the OAN established by the SHMA (ID-15).
53. The 2018-based projections forecast a substantially lower level of household growth in the Borough for the Plan period than did the 2012-based projections, of 319 per annum versus 672 per annum. This represents a continuation of the downward trend seen with the 2014-based and 2016-based sets. However, in RBWM_026, the Council explains that the reduced 2018-based projection is largely due to methodological changes which render it based on a 2-year rather than 5-year migration trend; and on household formation rates in 2001 and 2011 only, rather than those going back to 1971. The analysis shows how the use of short timeframes can present a narrow picture (see Figure 1 in particular) and, overall, it indicates that that the 2018-based projection "locks in" a period of worsening affordability, negative internal migration and consequently low household formation rates.
54. The sensitivity of the projections to methodological changes is demonstrated in part by the government's own variant on the principal 2018-based projection using a 10-year migration scenario. This sees household growth in the Borough rise from 319 to 387 per annum and, while the latter figure remains significantly below the 2012-based projection, RBWM_026 explains that adjustments to the demographic starting point would additionally be required for balancing the labour market, addressing constrained household formation and for market signals. Given the report also finds that a minimum

of 630 new households per annum are needed to serve economic growth, the adjusted figure is likely to be in the region of the 712dpa found by the SHMA.

55. Moreover, if the Plan were to be submitted today, the Standard Method for calculating local housing needs would apply. Substantiating the analysis in RBWM_026, this utilises the 2014-based projections because the Government is concerned that the later sets do not reflect historic under-delivery and declining affordability⁴. The Council calculates that the Standard Method would result in an OAN of 754dpa, which exceeds that found by the SHMA, but is also broadly comparable. Therefore, taking account of the effects of methodological changes, the publication of more recent housing projections does not represent a meaningful change in the housing situation. The assessment in the SHMA remains appropriately evidence-based and robust.
56. Turning to the housing requirement, the Plan adopts the OAN of 712dpa/ 14,240 dwellings in total as the need to be met over the period 2013-33. The foregoing paragraphs establish that the 2018-based household projections do not justify lowering it and, conversely, while the Standard Method results in a higher OAN, it is not meaningfully different to that found by the SHMA. My conclusions in respect of unmet needs in Slough are given in the legal compliance section above, and they also indicate that the housing requirement should not be increased.
57. In support of all this, having tested the likely social, environmental and economic effects of both higher and lower housing numbers, the SA process concludes that providing 14,240 dwellings for the Plan period is the best option. I therefore find that the requirement is justified.

Housing Mix (Policy HO2)

58. Policy HO2 seeks to ensure that the mix of dwelling types and sizes delivered during the plan period will meet the specific needs of the Borough's residents. The Council's analysis in RBWM_078 demonstrates that in recent years, there has been over-provision of 1-2 bedroom units and under-provision of 3-4 bedroom units compared to the needs identified in the SHMA. The Plan aims to address this by making the mix required by the SHMA (or successor documents) the starting point for development proposals and, particularly, by allocating greenfield sites which can generally accommodate more larger, family-type homes than urban brownfield ones.
59. RBWM_078 shows that the Plan will not fully achieve its aim but is likely to deliver a greater proportion of larger homes from now on (Table 3). This expected improvement is sufficient to demonstrate that the Council is seeking to meet the needs of different groups in the community as required by paragraph 50 of the NPPF and, given the need to balance housing provision with Green Belt protection in this area, the policy is justified and effective in this respect. However, flexibility is required to permit departures from the mix recommended by the SHMA where local circumstances require it (**MM17**).
60. Turning to more specialist forms of housing, Policy HO2 requires 5% of dwellings on developments accommodating 20 or more to meet the M4(2)

⁴ PPG 20 February 2019, paragraph 005, Ref. ID 2a-005-20190220.

standard for accessible and adaptable dwellings. This is part of the suite of "optional technical standards" available for local planning authorities to set if they can show evidence of a need for them in their areas and have considered their impact on viability. The evidence in the SHMA on the Borough's ageing population and the forecast increase in those with mobility issues is sufficient to demonstrate a local need for enhanced mobility standards, but it does not clearly inform the actual M4(2) standard set in the Plan. In fact, taken together with national data on the availability of adapted accommodation, the evidence would support setting a higher M4(2) standard as well as introducing one for M4(3) "wheelchair accessible" housing.

61. The Council has reviewed the evidence in consultation with relevant participants (see RBWM_057) and, while it is difficult to arrive at precise figures, this suggests that developments of 20 or more dwellings should and could viably provide 30% of the units to the M4(2) standard. It further suggests that 664 dwellings over the Plan period should be wheelchair accessible, and a requirement for schemes of 20 or more dwellings to provide 5% to the M4(3) standard would deliver them. Again, the viability evidence supports the introduction of this target. **MM17** therefore sets these revised requirements which are necessary for justification and effectiveness. It will also ensure compliance with the Public Sector Equality Duty (PSED) in respect of minimising the disadvantages which could potentially be suffered by disabled or older persons. More generally, given the housing challenges that the Borough's ageing population is likely to present, Policy HO2 as drafted is too restrictive in terms of the circumstances in which care home developments would be permitted. **MM17** therefore includes more flexible provisions in the interests of effectiveness.
62. The Self-build and Custom Housebuilding Act 2015 (as amended) requires local planning authorities to grant planning permission or permission in principle for enough serviced plots of land to meet the demand for self-build and custom housebuilding in its area. The Council's Register shows demand and so Policy HO2 rightly includes provisions to facilitate this. However, the submitted version requires only one allocated site to specifically provide such plots (site HA19) and it is not clear why this is the case. Moreover, for reasons discussed further under Issue 3, it is necessary to modify the Plan to retain this site in employment use. The policy as drafted is therefore neither justified nor effective in this respect.
63. The Council's viability work (CD_026) demonstrates that proposals for 100 or more dwellings on greenfield sites could provide 5% of the market housing as fully serviced plots. The inclusion of such a requirement, along with a permissive approach to provision on other sites, would give confidence that the necessary plots can be delivered without compromising more constrained schemes, such as urban flatted developments. **MM17** sets the relevant requirements and explains how self-build plots should be provided and marketed. Finally, to achieve the Council's objective of allowing for a genuine choice of housing options, **MM17** clarifies that community-led housing schemes will be encouraged on appropriate sites.

Affordable Housing (Policy HO3)

64. The SHMA estimates a need for 434 affordable dwellings to be delivered in the Borough each year, or 8,680 over the plan period. This amounts to more than 60% of the total housing requirement and the Plan justifiably acknowledges that the affordable housing need cannot be met in full.
65. However, while the submitted Plan requires developments of 10 or more dwellings (or 1,000m² floor area) to provide 30% as affordable units, the Council's viability work undertaken between Stages 1 and 2 of the examination tested higher levels on certain categories of sites (see Viability Update Note 2019, BLPSV_PC040). The Viability Update uses the residual valuation approach to assess various development typologies which reflect the sites proposed to be allocated in the Plan. The assumptions made about development value and construction costs are based on up to date information; and the allowance of 17.5% for developer profit, while lower than the 20% used in earlier studies, is in the middle of the range recommended by the current PPG. In view of the Borough's strong housing market relative to elsewhere in the country where the same guidance applies, the use of the mid-point is appropriate.
66. The financial appraisals take account of the Council's adopted Community Infrastructure Levy (CIL), the estimated cost of requirements proposed by the Plan, including optional accessibility standards and self-build units, and the affordable housing tenure mix recommended by the SHMA. Whilst the basic allowance in the valuations for S106 contributions, of £2,500 per unit, is undoubtedly too low for some sites, the study does test a range of contributions up to £30,000 in addition to CIL (Table 5.4).
67. Overall, the Viability Update demonstrates that greenfield sites providing 10 - 500 dwellings can deliver 40% affordable housing, while all other sites can deliver 30%. Within designated rural areas, developments of 5-9 dwellings can also deliver 40%. Therefore, the Plan as submitted will not make optimal provision for affordable housing. There is evidence to show that more can be delivered and, having regard to paragraphs 47(1) and 158 of the NPPF, modifications are required to ensure that delivery is maximised. **MM18** is therefore needed to achieve justification and effectiveness. It includes amendments to reflect the findings of the Viability Update in Policy HO3 in respect of the expected rate of affordable housing provision on different sites and the preferred tenure split. It also clarifies when financial contributions in lieu of on-site provision might be made and how they will be used.
68. The valuations do show that with these enhanced requirements, certain sites might be at the margins of viability, or even not viable. However, the Viability Update represents a recent and robust assessment of viability across the Borough, which demonstrates that the cumulative impact of national and local standards will not put the implementation of the Plan at serious risk (see NPPF, paragraph 174). In the event that certain proposals are unviable due to site specific circumstances, the supporting text to Policy HO3 describes how open book financial appraisals can be used to negotiate alternative provision in relevant cases.

Accommodation for Gypsies & Travellers (Policy HO4)

69. Policy HO4 of the Plan is a criteria-based policy for the assessment of proposals for Gypsy & Traveller accommodation. It provides criteria to guide the determination of planning applications which are equally applicable to the location of land supply allocations. Reflecting the passage of time, **MM19** is necessary to clarify that a Gypsy & Traveller Accommodation Assessment (GTAA) was published in 2018 after the Plan was submitted (PS_030).
70. The GTAA identifies an unmet need for both Gypsy & Traveller pitches and Travelling Showpeople plots⁵ for the remaining years of the Plan period, but the Plan does not identify specific sites to meet this and thus maintain the land supply required by paragraph 10 of the Planning Policy for Traveller Sites 2015 (PPTS). However, both the LDS in force at the time of submission and the update of 2019 state that a separate Traveller Local Plan will be prepared to comply with this aspect of national policy.
71. Whilst some would prefer that the Plan now at examination had addressed this matter, the Act (Section 17(3)) permits the preparation of separate local development documents and indeed, national policy on Gypsies and Travellers is itself provided separately in the PPTS. It is unfortunate that the Traveller Local Plan has been delayed, but the 'main' Local Plan has been delayed too and good progress has been made with the former document since Stage 1 of the examination. Most recently, an Issues and Options Report and a Site Assessment Methodology were published for consultation.
72. Until the Traveller Local Plan is adopted, Policy HO4 requires that planning applications are "considered positively"; and, moreover, national policy includes a presumption in favour of sustainable development where the policies most important for determining the application are out of date. Therefore, the Plan will provide an appropriate policy framework to guide this type of development and so Gypsies & Travellers with protected characteristics under the Equality Act 2010 should not be at any disadvantage in respect of their ability to secure new accommodation versus the general population.

Housing Density (Policy HO5)

73. Policy HO5 of the submitted Plan specifically concerns housing density, and the supporting text specifies a minimum level of 30 dwellings per hectare other than in circumstances where this would clearly cause harm. However, as a result of its place-making work undertaken after Stage 1, the Council proposes a more refined, site specific approach in the PC Plan to make density an output of the design process rather than an input to it. Such an approach is necessary to take account of the distinctive characteristics of different parts of the Borough and also to achieve consistency with paragraph 47(5) of the NPPF. Therefore, for effectiveness, **MM20** is required to delete Policy HO5 to avoid duplication and potential conflict with other revised policies in the Plan.

Conclusion on Issue 2

⁵ For those meeting the definition of Gypsies and Travellers in the PPTS, the unmet need found by the GTAA amounts to 21 pitches for the period 2017/18 – 2032/33. For Travelling Showpeople, 14 plots are required over the same period.

74. I have found that the Plan's housing policies are based on a suitable HMA geography and that both the OAN for housing and the housing requirement are justified by robust evidence. The approach to providing Gypsy & Traveller accommodation will suffice until the Traveller Local Plan is adopted. Modifications are required to ensure that delivery of affordable, specialist and self-build housing will be optimised; and to remove the density policy which would otherwise conflict with the Council's improved approach to site assessment. Consequently, with the necessary MMs, I conclude that the Plan will provide an appropriate quantity and mix of all types of housing; and that the inclusion of a specific density policy is unnecessary.

Issue 3 – Whether the Functional Economic Market Area upon which the Plan is based is appropriately defined; and whether the Plan will deliver sufficient job growth through the provision of suitable employment land.

Functional Economic Market Area (FEMA), Job Growth and Employment Floorspace Requirements

75. The Berkshire FEMA Study 2016 (SD_011) was undertaken on behalf of the six Berkshire authorities and the Thames Valley LEP. It was prepared in accordance with the PPG extant at the time and took account of the evidence in the SHMA. Windsor and Maidenhead was found to straddle two FEMAs, the Central Berkshire FEMA (with Reading, Wokingham and Bracknell Forest) and the Eastern Berkshire FEMA (with Slough and South Bucks), reflecting the varied economic role of different parts of the Borough and its strong relationship with several different areas. However, the Economic Development Needs Assessments (EDNAs) which followed the FEMA Study placed the Borough in the Central grouping as a "best fit" for plan-making purposes (SD_012). This decision did not affect the findings of the EDNA in relation to the employment needs identified for the Borough itself. It was simply pragmatic, and the FEMA is justified.
76. The EDNA utilised labour supply forecasts based on Cambridge Econometrics modelling dating from 2013 to calculate that an additional 11,200 jobs would be needed over the Plan period 2013-33. Having regard to the Inter-departmental Business Register, approximately 60% of these were expected to be within the office, industrial and warehousing sectors, with office jobs making up the majority – 52%. In 2019, these projections were checked against the 2018 Cambridge Econometrics forecasts and the 2019 Experian forecasts (PC008). Notwithstanding some variations, particularly within the industrial sector, the review found that the overall and sectoral job growth projections remain robust. They continue to represent appropriate targets for the Plan, but Table 12 requires amendment to reflect the revised classifications in the Use Classes Order 2020 (**MM21**).
77. Turning to floorspace, the submitted Plan includes figures which are based on the Council's own sensitivity testing of the estimates in the EDNA. This is because the national-level assumptions used in the EDNA about how firms use space appeared to be at odds with local observations of demand. As noted in the Legal Compliance section above, the absence of this sensitivity testing upon submission caused significant concern during Stage 1 of the examination, with some participants arguing that the Council had underestimated the need for floorspace. However, now that the information is

available, there is general agreement that its method is robust and, if anything, the most recent job forecasts indicate that the requirements could be even lower. Overall, it is justified for the Plan to utilise the Council's figures as an alternative to those recommended by the EDNA.

78. Monitoring data since 2013 shows that approximately 7,000 of the total 11,200 jobs needed remain to be delivered. The Council's calculations find a need for 26,583sqm of office floorspace and 78,876sqm of industrial/warehousing floorspace. The method takes account of losses from the existing stock, developments in the pipeline, the need for some level of vacancy and for market choice as well as how firms use space. Taking account of the relevant plot ratios for each use, approximately 4.4Ha of land is needed for offices and 20Ha is needed for industrial uses. For clarity and effectiveness, **MM21** includes modifications to update the supporting text with how many additional jobs and how much additional land should be provided.

Meeting Employment Needs

79. The submitted Plan makes no specific allocations for new employment land but rather relies entirely upon the intensification of existing sites. This approach drew significant criticism at Stage 1 and, for town centre offices uses, it is contrary to paragraph 23(6) of the NPPF which requires that suitable sites are allocated to meet identified needs in full. The Council's review of its employment evidence following Stage 1 also found that the vacancy rate for industrial uses was too low to allow for sufficient choice in the market, and new allocations are required to address this.
80. Consequently, the allocation of specific sites for employment uses is necessary for consistency with national policy and effectiveness but, due to the uncertainty surrounding the longer term demand for commercial space (as a result of the Covid epidemic and other factors), a flexible approach to provision is required. The revised approach in the Plan should therefore allow for the protection, intensification and redevelopment of existing uses, alongside the allocation of land.

Site Allocations (Policy ED1)

81. Policy ED1 as submitted encourages the intensification and upgrading of existing sites and it was always expected that some emerging schemes known to the Council would provide new space. However, having regard to the above, the relevant sites should be identified to provide confidence of delivery. Starting with offices, **MM21** includes modifications to allocate space on mixed use sites AL1 (Nicolson Centre) and AL7 (Railway Station) as well as site AL8 (St Cloud Gate), all in Maidenhead. They will be allocated for a total of 22,500sqm net additional space and will thus provide most of the identified need (26,583sqm). The Council's analysis of the employment land likely to be delivered on other mixed-use allocations across the Borough (RBWM_083), taken together with the Plan's general support for intensification/redevelopment, demonstrates that the full requirement is capable of being delivered. The merits of other aspects of site allocations AL1 and AL7 are discussed elsewhere but, fundamentally, they are deliverable from an employment perspective.

82. Turning to industrial uses, the submitted Plan identifies the "Triangle Site" on the southern edge of Maidenhead as a site in the Green Belt protected for potential future employment needs (Policy ED2). However, following from the above, land is required to meet identified needs now. The Triangle Site is a large greenfield site measuring approximately 25Ha. The Council's latest modelling shows that approximately 28% of the site lies in Flood Zone 2 while 37% lies in Flood Zone 3; and the Environment Agency (EA) has expressed concern about the lack of information presently available in respect of managing flood risk and the effect of development upon the flood plain.
83. However, in the absence of alternative sites available to provide industrial floorspace (except for the small site discussed below), the Triangle Site passes the sequential test for flood risk in paragraph 100 of the NPPF and, as a "less vulnerable use", industrial development is appropriate in Flood Zones 2 and 3a subject to the findings of a site-specific Flood Risk Assessment (FRA) at the planning application stage. Therefore, the allocation is justified in principle and the requirement for an FRA ultimately safeguards against unsuitable/unsafe development being permitted. Moreover, it is not necessary to build upon the entire allocated site to deliver the quantum of industrial floorspace required by the Plan, and this increases the opportunity to provide mitigation. For effectiveness, **MM72** clarifies this latter point, and I have added the same wording to Table 14 in Policy ED1 (**MM21**). MM72 also includes modifications to make explicit the expectations in respect of addressing flood risk. The matter of the site's location in the Green Belt is considered further under Issues 4 and 7 below, but for the purpose of providing employment land, it is very likely to be deliverable.
84. The promoters of the Triangle Site currently estimate that it could provide a little over 80,000sqm of industrial floorspace which alone would meet the need identified for the remainder of the Plan period. However, a smaller site of 1.2Ha, identified after Stage 1 of the examination at Crossrail West Outer Depot in Maidenhead, should also be allocated to assist in meeting the need for floorspace and to provide some choice and flexibility in the market. To ensure that the Plan is positively prepared and effective, **MM21** includes modifications to allocate the Depot Site and the Triangle Site as sites AL11 and AL14 respectively. With these changes and those above, the Plan will include suitable allocations to support job growth.

Protection of Existing Sites (Policy ED2)

85. Policy ED2 seeks to protect the Borough's existing employment sites and to encourage the provision of new floorspace within them. Having regard to paragraph 22 of the NPPF, the Council reviewed the suitability of the existing stock in 2018 (SD_010) and 2019 (PC008) and the summary of the evidence presented in RBWM_084 indicates that overall, it remains fit for purpose. Losses from the existing stock would require new land to be found because the vacancy rate is low and so the protective approach is justified in view of the constraints upon development in the Borough.
86. Contrary to this approach however, the submitted Plan proposed to allocate some existing employment sites for housing: HA2; HA12; HA17; HA19; HA24; HA33; HA49; and H50. Upon reviewing its employment evidence after Stage 1, and following changes to the SSM, the Council's suggested modifications in

the PC Plan sought to delete the housing allocations and retain the sites for employment uses.

87. This decision was supported by the Council's site visits in early 2019, which found them to be appropriately located for employment purposes with well-occupied, suitable buildings (RBWM_084). There is a vacant laboratory building on site HA19, but the balance of the evidence suggests that it has not been strongly marketed for employment use since the possibility of housing development arose. Moreover, the most recent flood risk evidence in RBWM_044 demonstrates that site HA19 is not sequentially preferable for housing development, a finding which also applies to sites HA2 and HA24.
88. Site HA50 benefits from planning permission for a mixed-use development and is also allocated for housing in the Hurley & The Walthams Neighbourhood Plan. Nevertheless, the evidence detailed above justifies the protection of existing employment sites and so, in the event that this permission were not to be implemented, it is appropriate to retain the site in employment use. The modification is therefore necessary and justified. This matter was discussed in principle at the Matter 11 hearing on 18 November 2020, and it is not necessary to hold another hearing to be able to understand the position of the relevant parties.
89. For the reasons above, the Plan's general aim to protect the existing stock of employment land is justified, and conversely, the allocation of sites HA2, HA12, HA17, HA19, HA24, HA33, HA49 and HA50 for housing is not. **MM22** makes the necessary additions to the list of protected employment sites, **MM16** removes them from the list of housing allocations and **MM58** deletes the relevant site proformas.
90. The designation of Lower Mount Farm Cookham as an Established Employment Site in the Green Belt is justified on account of the uses present, but modifications are required to explain the provisions which apply to these types of sites and to give confidence that Green Belt policy will continue to apply. **MM22** includes the necessary additions, along with amendments to clarify that educational uses will be supported at Silwood Park and to reflect the changes to the Use Classes Order. These latter modifications are required for clarity and effectiveness.

Other Sites and Loss of Employment (ED3)

91. Policy ED3 encourages new employment development on sites currently in employment use and, in appropriate circumstances, on sites presently in other uses. It also sets out how proposals involving a loss of employment will be considered. The policy is essentially justified but, for effectiveness, additions are needed to provide greater detail about the nature of the marketing evidence expected and how it will be used (**MM23**).

Farm Diversification (ED4)

92. Similarly, the intention of Policy ED4 to enable diversification to sustain farm businesses is justified in principle. As drafted, however, it would potentially

permit the reuse of buildings or even the construction of new ones for uses inappropriate to, or disconnected from, their rural setting. In addition, the Council intends that developments permitted under this policy should take the opportunity to deliver environmental improvements, but this is not explicit in the wording. Modifications are therefore required for effectiveness (**MM24**).

Conclusion on Issue 3

93. The foregoing establishes that the Plan is based on an appropriately defined FEMA; that its target for job growth is evidence-based and up to date; and that the Council's method for translating the job target into a floorspace requirement is robust. However, modifications are needed to clearly express the relevant requirements in the Plan. In terms of delivery, a change of approach is necessary, from one of reliance upon the intensification and redevelopment of existing sites to one that includes land allocation. Modifications are therefore needed to identify new sites, but also to retain certain existing ones in employment use. Several other modifications are needed to clarify detailed points and thereby achieve effectiveness but, with all the necessary changes, I conclude that the Plan will deliver sufficient job growth through the provision of suitable employment land.

Issue 4 – Whether the spatial strategy pursued in the Plan is justified by comparison to the effects of other reasonable alternatives; whether, at the strategic level, there are exceptional circumstances to justify altering the boundaries of the Green Belt to deliver it; and whether the Borough's transport and other infrastructure can accommodate it at the strategic level.

The Spatial Strategy & Consideration of Alternatives

94. Policy SP1 sets out the Plan's spatial strategy, which is to focus development in three strategic growth areas – Maidenhead, the Borough's main centre, Windsor and Ascot. These towns contain most of the Borough's existing housing and employment; they are well served by transport links; and they are the three largest areas inset from the Green Belt. The strategy is consistent with the core planning principles in the NPPF, particularly principles 5, 8 and 11, which require that planning should respect the roles and characters of different areas, encourage the reuse of previously developed land and make full use of sustainable locations.
95. The chosen strategy is Option 4 ("urban sites and brownfield sites and moderate Green Belt release") out of 16 potential options tested through the SA process⁶. Together, these enabled the effects of different levels of housing delivery, intensification and Green Belt release, as well as a new settlement, to be compared. Widely dispersed development was correctly discounted as an unreasonable approach early on because it would direct growth away from the principal towns, reduce the opportunities to reuse brownfield land and change the character of the smaller villages and rural areas significantly (CD_004, Section 2.9). Such an option would conflict with the core principles of the NPPF

⁶ See summary in PC-036, section 5.3; and detailed assessments in CD_007, section 6 and CD_005, Section 3.

outlined above and it was not supported by consultees at the Regulation 18 Stage.

96. Therefore, Option 4 pursued by the Plan is clearly informed by the consideration of reasonable alternative strategies. It aims to deliver the full OAN for housing and would achieve the best balance between meeting housing and employment needs, and respecting environmental constraints. It is the most appropriate strategy for these reasons, and so it is justified. However, amendments to Policy SP1 are required to reflect localised changes made to site allocations and assembly since submission, and revised terminology for referring to the Maidenhead and Ascot growth locations which has emerged from the Council's placemaking work. **MM5** includes the modifications necessary for clarification and effectiveness.

Whether there are Exceptional Circumstances to justify altering the Green Belt Boundary

97. Whilst the Plan's overall strategy is one of urban focus, it nevertheless includes "moderate Green Belt release" to deliver the full OAN for housing and identified employment needs. In arriving at it, the Council has grappled with the tension in the NPPF between its guidance to make every effort to meet the housing, business and other development needs of an area (core principle 3 and reflected elsewhere); and also to protect Green Belts (core principle 5 and paragraph 79 in particular).
98. Documents SD_001 (particularly Section 6) and RBWM_006 explain the Council's reasons for concluding that, at the strategic level, there are exceptional circumstances to warrant altering the boundaries of the Green Belt through the preparation of the Plan. Critically, they include the need for a quantity and mix of housing and employment land which cannot be delivered without the use of Green Belt sites. In this respect, the "Triangle Site" discussed above was the only large site proposed for industrial purposes, and it is unlikely that another of this size could be found within the urban area. The Council's reasons also include the poor ratio of house prices to earnings, which is already limiting the ability of younger, working age people to reside in the Borough; the inability of neighbouring authorities to assist the Council with housing delivery; and indeed, the likelihood that other authorities within the HMA will not be able to meet their own needs for development without removing land from the Green Belt.
99. Coupled with these drivers for Green Belt release, the Council has sought to maximise the use of previously developed land by pursuing an urban spatial strategy. The Housing & Economic Land Availability Assessment 2019 (HELAA) demonstrates how it was proactive in its efforts to identify potential development sites (PC-011, paragraph 2.6) and, as explained above, it has taken an appropriate approach to calculating site densities. Consequently, it is very unlikely that the capacity of brownfield land has been underestimated to the extent that Green Belt release would be unnecessary.
100. In addition, a series of assessments have been undertaken to establish that the boundary alterations proposed are those which will least compromise the purposes of the Green Belt (SD_015 – SD019). Consistent with paragraph 84 of the NPPF and with the Plan's spatial strategy, the assessments concentrate

on parcels of land adjacent to the larger settlements which are themselves excluded from the Green Belt. Thus, they do not specifically consider whether any of the villages washed over by the Green Belt should now be excluded from it, but such an analysis is unnecessary given that a dispersed development strategy was rightly rejected. The assessments are otherwise robust, and they have informed the Council's site selection process in the HELAA (Paragraph 2.23).

101. Essentially, the scale and type of housing and employment needed in the Borough cannot be met on non-Green Belt sites. Whilst the need for such development is not unique to Windsor & Maidenhead, the socio-economic effects of not providing it, taken together with the inability to accommodate it elsewhere, do amount to the exceptional circumstances necessary at the strategic level to justify altering the established Green Belt boundaries through the Local Plan. The Plan does not identify safeguarded land to meet development needs arising beyond the Plan period, but the WAGS is due to inform decisions about the future direction of growth across the wider HMA. Consequently, it is neither necessary nor appropriate for the Plan to determine this now.

Effect on Transport & Infrastructure

102. The Council has overseen the preparation of numerous studies to inform the Plan and to demonstrate that the quantity and distribution of development proposed is deliverable. The Infrastructure Delivery Plan 2019 and its accompanying Schedule of infrastructure requirements (IDP) (PC-017 and RBWM_064) and the Strategic Highway Model Report 2019 (Highway Model) (PC-033) consider the cumulative effects of the growth strategy upon the Borough's infrastructure at the strategic level.
103. The IDP Schedule is intended to provide an informed overview of the key types and pieces of infrastructure that are likely to be required over the Plan period. Changes are bound to be needed in response to currently unknown or uncertain factors, and it is quite appropriate for the Council to update it regularly to maintain a useable reference document. The need for school places, for example, is sensitive to short-term fluctuations in the birth rate and so this is reviewed annually as a matter of course. The IDP can only ever reflect the latest information and, accepting this position generally, there are no significant omissions from the Schedule.
104. The Schedule was updated during Stage 2 of the examination to reflect the latest information available about the funding and prioritisation of the projects listed. The Council confirms that all the infrastructure identified should be delivered regardless of how it is prioritised but, in practice, it is both necessary and justified to give precedence to those items essential to support delivery. The site allocation proformas in Appendix C of the Plan (as proposed to be amended) have been reviewed to reflect the IDP Schedule in its entirety (as part of **MM59-MM101**). They do not duplicate its entries, but rather highlight the issues to be considered through the planning application process because, in most cases, the solutions are neither finalised nor prescribed. This approach is justified and, overall, the IDP demonstrates that there is a reasonable prospect of the infrastructure required to support the Plan being delivered.

105. The Highway Model is a technical assessment, prepared by specialist consultants, to test the impact of the Plan upon the highway network. It was prepared in accordance with the relevant guidance issued by the Department for Transport, and it makes allowance for development proposed outside the Borough boundaries in the accepted way. It finds that planned development outside the Borough plus committed development within it would cause a "step change" in traffic impacts by 2033 compared to the 2016 baseline, and that adding the growth in the Plan would cause a further worsening. 19 failing junctions were identified under this latter scenario, but mitigation was included in the modelling for 12 of these and there are now proposals to improve the problems affecting the other seven (RBWM_028, paragraph 5.5.4). The mitigated scenario does not fully address the worsening caused by planned development, but Tables 4.3 and 4.4 in the Report show that the worst effects remain a 4% increase in over-capacity queues and a 2% increase in total network delays in the morning peak. All other indicators show no more than a 1% worsening.
106. On the basis of these results, the Council's specialist advises that the residual, cumulative impacts of development across the highway network as a whole would not be severe (NPPF, paragraph 32(3)); and paragraph 5.3.4 of RBWM_028 confirms that the Strategic Road Network operated by Highways England would operate satisfactorily. Moreover, Highways England has signed a Statement of Common Ground with the Council clarifying that while certain issues will require further consideration in the future, it neither objects to the Plan nor considers it to be unsound (PS_056). Therefore, the Council's conclusions are robust at the strategic level.
107. At the more localised level the modelling does highlight some potentially material issues, such as the worsening by 13 seconds of an existing 102 second delay northbound across Cookham Bridge in the morning peak. However, the balance of the evidence suggests that this situation is not unusual at such "pinch-points" in the road network, and that it would not have a wider knock-on effect for the network as a whole. Therefore, while undeniably frustrating for both residents and commuters in the area, the additional impact of development could not be described as "severe".

Conclusion on Issue 4

108. The spatial strategy pursued by the Plan is informed by consideration of reasonable alternatives and it properly balances the competing objectives of meeting development needs and respecting environmental constraints. In particular, there are exceptional circumstances for altering the boundaries of the Green Belt at the strategic level; and, with mitigation where necessary, the Borough's transport and other infrastructure networks are likely to be able to accommodate planned growth. For these reasons, with the modifications indicated above, I conclude that the spatial strategy is justified.

Issue 5 – Whether the process of allocating sites for development is justified, robust and consistent with national planning policy.

Background and General Issues

109. As explained above, my advice to the Council following Stage 1 of the examination set out several points to be investigated before proceeding further. These included how flood risk had been factored into the site selection process. Documents ID-07, RBWM_018v2, RBWM019 and ID09v2 explain the issues in full but, essentially, the Council's sequential test for flood risk was not robust and this had implications for some proposed allocations. Therefore, a revised Sequential and Exception Test was undertaken for sites in the HELAA in October 2019 (PC-030).
110. Having regard to the flood risk and other matters raised in ID-07, the Council decided to implement a formal Site Selection Methodology (SSM) to guide its review of allocations (see PC-016, Appendix B). This describes a staged process for filtering the long list of potential sites in the HELAA to arrive at the preferred set of allocations as expressed in the PC Plan. The sequential test for flood risk is now rightly prominent, and the assessment also draws upon information provided by site promoters along with other important evidence about environmental constraints, Green Belt and conformity with the spatial strategy. Sites passing successfully through the main filtering stages were then assessed for deliverability and sustainability. Methodologically, the SSM provides a logical process for consistently evaluating candidate sites.
111. In summary, applying the SSM to the HELAA sites resulted in the Council suggesting the deletion of 22 allocations in the PC Plan. This included sites which failed the sequential test for flood risk, sites which were considered suitable for continued employment use (as referred to above), sites now under construction and sites considered contrary to the spatial strategy. They are: HA2, HA12, HA13, HA15, HA16, HA17, HA19, HA22, HA23, HA24, HA26, HA29, HA33, HA35, HA41, HA43, HA45, HA46, HA47, HA48, HA49 and HA50. Each allocation is considered in detail elsewhere in this Report.
112. By contrast, certain sites which were not included in the submitted Plan were found to meet the requirements for allocation and others were found to require modification in the interests of effectiveness. Nine new sites were proposed to be allocated in the PC Plan for residential and/or mixed-use development: AL1, AL2, AL3, AL6, AL10, AL12, AL23, AL31 and AL32. Additional employment sites AL8, AL11 and AL14 were also put forward as having met the criteria for allocation.

Flood Risk

113. Re-running the site selection process using the SSM and the revised Sequential Test resulted in several of the housing allocations in the submitted Plan failing the sequential test set out in paragraph 100 of the NPPF. The following sites are now inconsistent with national policy and it is therefore necessary to delete/modify them: HA2, HA19 and HA24 referenced in paragraph 87 above; and HA14 (now proposed as AL27 for Green Infrastructure), HA23, HA26, HA41, HA43, HA46, HA47 and HA48. **MM16** updates the list of sites allocated in the Plan and **MM58** removes/alters the relevant site proformas. Other sequentially preferable sites are proposed to be added and, where necessary, their merits are discussed below.
114. The October 2019 sequential test (PC-030) was prepared using the most up to date data available but new information was released in January 2020, before

the examination resumed under Stage 2. The new data was unlikely to affect the sequential ranking of sites overall, but it could have site specific implications. Therefore, RBWM_044 was prepared to apply the new data to the sites proposed to be allocated in the PC Plan *and* those proposed to be deleted from the submitted version.

115. Report RBWM_044 demonstrates that 14 of the sites proposed to be allocated in the PC Plan for housing or mixed use are not wholly in Flood Zone 1 (FZ1); and five sites are required to pass the Exception Test. However, all these sites sequentially out-perform those which are proposed to be deleted, even taking account of the more optimistic assessments provided by some site promoters. Therefore, notwithstanding that some of the deleted sites might well be capable of passing the Exception Test in principle, they do not pass the sequential test. Their allocation in the Plan is not justified and they should be deleted as proposed (**MM16** plus consequential amendments elsewhere).

Green Belt

116. Stage 4 of the SSM provides that sites rejected as a result of the Council's "edge of settlement work", essentially its Green Belt Assessments referred to in Issue 4 above, will be filtered out as unsuitable. The HELAA clarifies that sites falling partially or completely into parcels of land found by that work to make a "strong" or "very strong" contribution to one or more Green Belt purpose will be classified as "not developable within the next 15 years" – i.e. as unsuitable (paragraph 2.23). A couple of exceptions have been made in Ascot for specific reasons (see below) but otherwise, the principle has been followed consistently.

117. The Edge of Settlement Part 1 Study (SD_018) sets out how the parcels of Green Belt land for assessment were identified and maps their extent. They do vary considerably in terms of size and shape and so it is certainly possible that one part of a parcel might, individually, have a different effect on Green Belt purposes than another. However, the Council was faced with assessing a very large number of sites and so a methodological approach which starts with a strategic overview is reasonable and proportionate. Moreover, such an approach allows for Green Belt boundaries to be assessed in terms of their overall coherence, whereas a very site specific one is more likely to lead to incremental encroachment. For both these reasons, the way in which Green Belt constraints have been considered in the site selection process is justified.

Best & Most Versatile Agricultural Land

118. Sites ranked wholly as Grade 1 or 2 agricultural land were generally filtered out of the site selection process according to Stage 5 of the SSM. Best & Most Versatile (BMV) land also includes Grade 3a, and no specific filter was applied for this category. However, Grade 3a land was clearly taken into account because Box 14.1 of the SA (PC-036) identifies 7 proposed allocation sites which include land in any of the three categories. One of these sites, AL27, is allocated for Green Infrastructure and much of the existing open space will be retained. Productive farming on the other six is already constrained to a greater or lesser extent by factors including their size, location relative to other uses or their own current or previous use. Where relevant, the site allocation proformas (as amended) require provision to be made for small

scale food production and/or allotments to offset any further loss of productive land (**MM79, 82, 84, 97, 98 & 99**). With these modifications, the site selection process is justified and consistent with national policy insofar as it takes account of the benefits of BMV land (NPPF, paragraph 112).

Site Proformas

119. Appendix D of the submitted Plan contains site proformas for each of the proposed allocations. Policy HO1 explains that their purpose is to provide the key requirements and considerations for development at the planning application stage, and they are intended to constitute policy rather than guidance. Given the depth of evidence gathering, assessment and consultation that goes into plan preparation, including at the site-specific level, their policy status is justified in principle.
120. After Stage 1 of the examination, the Council reviewed the proformas in light of the Regulation 19/20 representations and made them more detailed in the PC Plan as a result (see Appendix C). Mostly, the revised versions provide necessary clarity thereby achieving effectiveness, but some seek to prescribe solutions to issues which are rightly still under investigation. This introduces an element of inflexibility which is not justified, and so some proformas should be amended to set objectives for development rather than specific requirements. Policies HO1 and ED1 should also be amended to clarify that some flexibility might be necessary when responding to the proformas (**MM16 & MM21**).
121. In addition, the revised proformas in the PC Plan exhibit some general discrepancies and inaccuracies which require correction to ensure their effectiveness. Some repeat the requirements of other policies (such as for affordable housing) while others do not; the heritage entries do not consistently use the wording of the relevant statutory tests; the entries concerning groundwater protection and SUDS do not meet the Environment Agency's requirements; and, as discussed above, the proformas do not always draw upon the findings of the IDP across all priority levels. This is not an exclusive list of issues, and the Council has now conducted a general review of the proformas in the PC Plan to address these and similar matters. The necessary modifications are included in **MM59-MM101**.
122. However, in translating parts of Policies HO2 and HO3 into the proformas, the Council has unintentionally set more onerous requirements for self-build plots and affordable housing in the latter. I have addressed this by modifying the relevant proformas to require 5% of the "market" housing only to be provided as custom and self-build plots; and by deleting the requirement for sites to provide "at least" the applicable percentage of affordable housing. Conversely, while individual developers have argued that certain standard requirements in the proformas should not apply to their sites (such as those requiring minerals investigations or the passing of the Exception Test for flood risk), these should not be deleted. The requirements have been consistently applied for good reason (see, for example, RBWM_034, paragraphs 1.1.1 – 1.1.5) and demonstrating compliance is a matter for the planning application stage.
123. With the necessary changes, the proformas will be both justified and effective and so **MM58** deletes the versions in Appendix D of the submitted Plan.

Conclusion on Issue 5

124. The SSM introduced to support the preparation of the PC Plan provides a logical approach for site assessment and it has been followed consistently. It gives appropriate weight to the sequential test for flood risk and, as a result, some of the allocations proposed in the submitted version of the Plan are not justified and should be deleted. The level at which both Green Belt and BMV land constraints are considered in the SSM is justified and proportionate. For all these reasons, I conclude that the process of allocating sites for development is justified, robust and consistent with national planning policy.

Issue 6 – Whether the Plan's policies for "Quality of Place" (excluding the area-specific place-making policies QP1a-c) are justified, effective and consistent with national policy.

125. The submitted Plan includes a series of policies with either an "SP" or a "IF" prefix aimed at maintaining and, if possible, enhancing the overall quality of the Borough's towns, villages, hamlets, spaces and countryside. As a result of the alterations and general structural changes proposed after Stage 1 of the examination, the policies were grouped into a section dedicated to "Quality of Place" in the PC Plan and given a "QP" prefix.

Policy SP2/QP1 - Sustainability and Placemaking

126. This policy provides an overarching set of requirements designed to ensure that all developments respond to the nature of the places they are in and/or create successful new places, depending upon their scale. The submitted version omits the criteria necessary to deliver the Plan's vision and objectives for biodiversity, green and blue infrastructure and the historic environment, and these should be added to achieve effectiveness.

127. The policy is clearly important for influencing larger proposals but, as drafted, it would be difficult to assess whether it had been applied holistically in the manner necessary to shape the function, look and feel of a place. Similar concerns were expressed by respondents at the Regulation 19/20 stage and so a requirement for larger schemes to be supported by a stakeholder masterplan was added to the PC Plan. The masterplans should be prepared by site promoters in consultation with the Council and local communities. As they will be developer-led, they should not stretch Council resources and because they will formalise the existing practice of pre-application discussion/consultation and be proportionate, they should not over-burden developers. It is not expected that sites within the "Strategic Placemaking Areas" (see below), where Supplementary Planning Documents (SPDs) are required, should also prepare a masterplan under this policy.

128. Essentially, the proposed requirement for master-planning will resolve the problem identified above and so it should be included for effectiveness. Additions to the supporting text are needed to clearly explain the intended purpose of masterplans and the process for preparing them. **MM7** includes the necessary amendments.

Policy IF3/QP2 – Green and Blue Infrastructure

129. This policy sets out the Council's requirements for the provision of green and blue infrastructure with development. Its aims are essentially justified, but it lacks the strategic focus necessary to ensure that the wider network of assets is enhanced. Its phrasing also lacks force, "encouraging" rather than "requiring" improvements, and both these issues diminish its effectiveness. Finally, some updating is necessary to refer to new and emerging evidence in the Green and Blue Infrastructure Study 2019 (PC-010) and SPD respectively. **MM11** is therefore required.

Policy SP3/QP3 – Character and Design of New Development

130. This is a strategic policy intended to draw together the main design principles for new development rather than to set specific standards. Other policies serve the latter purpose (e.g. new Policy SP2, NR2/NR3 and IF4) and when the Plan is read as a whole, the approach in SP3/QP3 is justified. As drafted, however, the policy makes no reference to the role of design in supporting resilience to climate change, to biodiversity or addressing crime and fear of crime. These omissions should be corrected to ensure effectiveness. Conversely, the policy includes a clause on tall buildings, but the Council now intends to deal with this issue separately (see Policy QP3a below). The references here should therefore be deleted to avoid duplication and potential confusion. **MM12** will make the necessary changes.

New Policy QP3a – Building Height and Tall Buildings

131. The PC Plan proposed to include a new, detailed policy on building height and tall buildings instead of dealing with this matter as one of the strategic design principles covered in Policy SP3/QP3. This is because the issue was raised as a concern in the Regulation 19/20 representations; and because there has been a notable increase in proposals for and/or inquiries about taller buildings. This is partly a consequence of the drive to make optimum use of urban sites but probably also reflects current architectural trends. Therefore, while some participants are worried that adding Policy QP3a to the Plan will invite controversial tall building applications, it rather represents a necessary response to an issue with the potential to significantly affect the character of the Borough.

132. The Council's proposal for Policy QP3a was informed by the collection of thorough evidence about existing building heights across the Borough and how and where taller development might be accommodated successfully (see Tall Building Study/Strategy 2019, PC-038 & 039). In summary, the policy is intended to convey that tall buildings should be exceptional; defined and height-limited relative to the existing "context height" in any given place; confined to urban settings and sites where they can aid intensification and/or mark somewhere important in an area; and be acceptable in respect of the usual factors including townscape, landscape, heritage and amenity etc. The Council intends to prepare an SPD to support the policy by providing further detail on locational opportunities for tall building development, together with any site-specific requirements.

133. The version of the policy in the PC Plan was discussed extensively at the hearings and in ID-33, I advised the Council that changes would be needed to

properly express the intentions above. **MM13** includes the revised policy with the amendments necessary to achieve justification and effectiveness.

Policy SP4/QP4 – River Thames Corridor

134. This policy aims to promote use of the River Thames in ways compatible with its character, setting and ecology. It was sound as drafted in the submitted Plan and is generally well supported but, reflecting the passage of time, some references in the supporting text require updating for accuracy and effectiveness by **MM14**.

Policy SP5 – Development in the Green Belt/QP5 – Development in Rural Areas and the Green Belt

135. This policy sets out principles for development in the Borough's rural area. The whole of the rural area lies within the Green Belt and it includes villages with defined settlement boundaries washed over by the designation, and small hamlets with no defined boundaries. It is intended that national Green Belt policy should apply in the rural area, supplemented by local provisions applicable to specific rural uses. Maidenhead, Windsor and Ascot, along with a number of larger villages, are excluded from the Green Belt and so Policy SP5/QP5 is not intended to apply within them.

136. Policy SP5 in the submitted Plan (and indeed Policy QP5 as proposed in the PC Plan) is not clear about which areas, settlements and designations its different clauses apply to. In particular, it is not clear that its provisions concerning limited infilling could apply both within and outside the boundaries of excluded and washed-over villages in the Green Belt. This position is justified by case law, but the lack of clarity renders the policy ineffective. In addition, certain clauses fundamentally repeat national policy, but do not duplicate it exactly, potentially causing confusion. Therefore, changes are required for clarity and effectiveness (**MM15**).

137. Several participants in the examination argued that Policy SP5/QP5 (or alternatively Policy VT1 on Visitor Development) should include local criteria to support development on large, significant sites in the Green Belt such as Ascot Racecourse, Legoland, Eton College, various hotels and educational establishments. These sites are undeniably very important to the local and even national economy. However, national policy is deliberately protective of Green Belts, reflecting the "great importance" the Government attaches to them; and it is particularly restrictive of inappropriate development which is, by definition, harmful, and not to be approved except in "very special circumstances" (VSC).

138. VSC must be case specific and so it is difficult to conceive of a local policy which could set generic criteria for demonstrating them and still be consistent with national policy. Moreover, while VSC might well seem a hurdle or barrier to necessary and beneficial development on occasion, there is no specific evidence that the Council takes a particularly harsh position. Indeed, I heard that the very large grandstand at Ascot Racecourse was approved on a VSC case, as was chalet accommodation at Legoland. Of course, the NPPF also allows for a range of development in the Green Belt which is not inappropriate.

On balance, therefore, there is no compelling case for overriding the provisions of national policy in the Local Plan.

Conclusion on Issue 6

139. The foregoing explains that the addition of a master-planning requirement to Policy QP1 is necessary and justified, as is the addition of Policy QP3a on building height and tall buildings. Policy QP5 requires some redrafting for clarity, but no specific provisions for large, developed sites in the Green Belt are needed. Policies QP2-QP4 require some relatively small modifications to meet the tests of soundness and, with the amendments referenced above, I conclude that the Plan's policies for "Quality of Place" are justified, effective and consistent with national policy.

Issue 7 – Whether the addition of Strategic Placemaking Policies QP1a-c are necessary; and whether the Plan's strategy for Maidenhead, including the allocations it makes there, is justified, effective and consistent with national planning policy.

Introduction/General Issues

140. Concerns were raised in the Regulation 19/20 representations that the submitted Plan focuses on individual sites and lacks a comprehensive approach to development to take account of its impact on nearby areas. The Council therefore undertook a programme of "placemaking" work for the growth areas proposed in Maidenhead and Ascot. This was also driven by its recognition that the Plan proposes significant development in these areas and that nearby clusters of sites, often in multiple ownerships, would need to work together on a range of issues to deliver sustainable development.

141. Placemaking Studies were prepared for Maidenhead Town Centre (PC-021), South West Maidenhead (PC-022) and Ascot Centre (PC-020) and their findings informed proposed new strategic placemaking policies in the PC Plan (Policies QP1a-c respectively). These seek to set a framework for development in each area, looking beyond the requirements for the individual site allocations therein, to draw the Plan's proposals together in a way which reflects the distinctiveness of each place. To assist this, the policies require development to be guided by SPDs prepared by the Council in consultation with stakeholders and local communities, drawing on the full range of relevant evidence.

142. Whilst these policies are substantial additions to the Plan, they represent a change of emphasis towards joined-up development rather than any significant change of strategy. They are necessary to realise the Plan's Vision for the Borough to remain a place with varied and distinct characteristics and to ensure that the additional infrastructure required is delivered alongside development. They also represent a genuine effort to address issues that many representors saw as shortcomings in the submitted Plan. For these reasons the policies are necessary in principle and, for effectiveness, they should be added to the Plan via **MM8** and **MM9** in Maidenhead and **MM10** in Ascot. These modifications include changes arising from Stage 2 of the examination, particularly to clarify the role and status of the intended SPDs. The SPD for Ascot is discussed further below.

Site Allocations in the Maidenhead Town Centre Strategic Placemaking Area (Policy QP1a)

143. The Maidenhead Town Centre Strategic Placemaking Area (MTCSPA) includes 12 site allocations for a mix of residential, retail, employment and community uses. The majority are in single ownership and there is no evidence to indicate that the delivery of those in multiple ownerships is at risk. Separately from its planning role, the Council has property interests in five of the sites allocated for regeneration and it is working to assist the development process, either on behalf of private developers or through its Joint Venture partner, which provides residential and commercial property development expertise. Overall, therefore, there is a reasonable prospect of development coming forward as anticipated.

144. No sites within the MTCSPA are in the Green Belt. The sites referenced AL1, AL2, AL3, AL6, AL8, AL10 and AL12 are all "new" allocations proposed in the PC Plan after Stage 1 of the examination, while those referenced AL4, AL5, AL7 and AL9 were included in the submitted version with an "HA" prefix. The boundaries of Site AL4, AL5 and AL9 were altered in the PC Plan. The additions of and alterations to the site allocations in the PC Plan reflect the Council's review of site selection between Stages 1 and 2 of the examination, which included a "call for sites" and the application of its SSM discussed under Issue 5 above. For the reasons given under Issue 5, the changes are necessary in principle to achieve justification and effectiveness and so **MM8** includes them as allocations in Policy QP1a.

145. **MM59-MM70** show the changes needed to the proformas for all the site allocations in the MTCSPA, including those general amendments discussed under Issue 5. The proformas for sites AL4, AL9 and AL10 include a further "general" addition requiring development to support the implementation of the Maidenhead Waterways Project. This was omitted in error and is required for consistency and effectiveness. The sites discussed below are those about which significant issues were raised at Stage 2 and/or which require further significant changes beyond those shown in the PC Plan.

AL1 – Nicholsons Centre

146. This is a large and important redevelopment site in the Town Centre, allocated in the PC Plan for a mix of residential and commercial uses. In relation to access, the Council's suggested proforma goes into some detail about the requirements for public transport and cycle and scooter parking, but it makes no mention of the need to provide car parking. It is not intended that this should be a "car-free" development and so the proforma is neither justified nor effective in omitting reference to this significant matter. **MM59** includes the necessary additions.

AL3 – St. Mary's Walk

147. The site is allocated in the PC Plan for a mixed-use development including approximately 120 residential units. However, the site promoter contends that housing here is not viable because it would inevitably have an uncomfortable

relationship with the commercial uses owing to the various constraints upon the site. In seeking to reduce or indeed eliminate the residential element of the allocation, the promoter took a unique position amongst the developers represented at the hearings and this seems good reason to doubt the deliverability of the scheme. Therefore, while it would be reasonable for the proforma to state that a mix of uses including housing would be desirable, the housing element should not be required. **MM61** includes the changes necessary to justify the allocation and ensure its effectiveness.

AL7 – Maidenhead Railway Station

148. This site is allocated in the submitted Plan for a mix of uses and is seen a key "gateway" to the town. Consequently, the proforma requires a high quality, distinctive design, incorporating a "landmark building" fronting Grenfell Park. No specific height is mentioned, but a building of up to 13 storeys (or 40m) is envisaged as recommended by the Tall Buildings Strategy (PC-038).

149. However, a building of this size would utterly dominate and be incompatible with the scale of the 2-storey dwellings to the immediate north of the site and the low-rise flats to the south across the railway line. Therefore, notwithstanding the nature and status of this site individually, the impact of such a tall building upon the neighbouring uses would be incompatible with the Council's wider place-shaping agenda. Future development proposals on the site should reflect the character and appearance of the area, and **MM65** is necessary to ensure that the policy is effective in this regard. It requires a modest tall building, respectful to neighbouring uses, as part of an outstanding and distinctive design.

AL9 – St. Cloud Way

150. This mixed-use site is allocated in the submitted Plan. The Council's flood risk report RBWM_044 has identified that a small area of this site now lies in FZ3a. An Exception Test has been carried out to support its continued allocation in the Plan (RBWM_086) but, for justification and effectiveness, the proforma should be updated to reflect the latest information and to clarify that the Exception Test must also be passed at the planning application stage (**MM67**).

The South West Maidenhead Strategic Placemaking Area, including Site Allocations (Policy QP1b)

151. The South West Maidenhead Strategic Placemaking Area (SWMSPA) is a large area of land to the south of Maidenhead Railway Station, extending to the A404 and M4. In the PC Plan, it includes three allocated sites: AL13, Desborough, which was included in the submitted version as three separate parcels, HA6, HA7 & HA8; AL14, the "Triangle Site" discussed under Issue 3; and AL15, Braywick Park, a "new" site allocated in the PC Plan for Green Infrastructure. All three sites are in the Green Belt, with AL13 and AL14 to be removed and AL15 to remain therein.

152. As stated above, **MM9** provides the overarching policy for the SWMSPA. This contains a schematic map of the area and a footnote to explain that it is intended for indicative purposes. However, it should be clarified that the full extent of the AL13 allocation is not shown. I have amended the wording of the

modification to achieve effectiveness. **MM71-MM73** show the changes needed to the proformas for the site allocations in the SWMSPA, with the discussion below focussing on the issues raised at Stage 2 of the examination.

AL13 - Desborough

153. This large site comprises Maidenhead Golf Course and further greenfield land to the south of Harvest Hill Road. It is expected to provide approximately 2,600 homes and associated infrastructure, including schools, open space and a local centre. It therefore represents a very substantial allocation which is understandably controversial, attracting significant objection at the Regulation 19/20 Stage and during consultation on the PC Plan. An E-petition was also submitted, signed by 4,448 people seeking the creation of a new park on the Golf Course land. Document RBWM_087 indicates that the Council dealt with the petition correctly and I have taken it into account in examining this issue, along with the representations on the Plan.

154. The objections centre upon the loss of the open space provided by the site and its role as a "green lung" in an otherwise built-up area. This will undoubtedly be a consequence of the allocation, but the golf course is not presently accessible to the public other than via a single east/west footpath, which provides a functional link from the existing development on Braywick Road to that on Shoppenhangers Road. Indeed, the requirements in the proforma for various new access points, green infrastructure networks, green spaces, formal play areas and playing pitches etc. will significantly increase the value of the land to most people in terms of recreation and connectivity. Moreover, this part of Maidenhead is already well-served by alternative open spaces, including Braywick Park and Ockwells Park. Essentially, while development here might be regarded by some as a lost opportunity to create another park, it will not result in an actual loss of open space useable by the general public.

155. Clearly, an urban extension here will significantly change the character of the area, but the golf course is well enclosed by mature vegetation to the east and west, and by Harvest Hill Road to the south. This will limit the extent to which the change is perceived beyond the site boundaries and mitigate against any potential clash between the type and density of old and new development. The land to the south of Harvest Hill Road is more visible, but it feels detached from the town already by virtue of being both lower lying and bounded by motorways. Thus its "loss" to the community will not be so significant.

156. Turning to delivery, the main freehold owners of the constituent parts of AL13 have signed a Statement of Common Ground (SOCG) confirming that they support the objectives for the site and that there are no unresolved ownership issues which might affect its availability. The parties agree to work together to deliver the broad form, scale and mix of development required in a timely manner (PS/061). Nevertheless, to ensure effectiveness, an amendment to Policy QP1b is needed to clarify that planning applications on individual land parcels could come forward separately (**MM9**). Similarly, while **MM71** amends the proforma to state that the development is required to provide 30% affordable housing, it is not clear that this should apply to individual planning applications for residential development. I have amended the wording of the modification to address this.

157. Several participants in the examination, backed up by stories in the press, asserted that the golf course land is undeliverable due to complications concerning the present lease to the Club. However, the Council has the controlling interest in the land which is subject to a lease surrender contract signed by the Club in 2016⁷. It seems that the Club does not intend to break the contract but, rather, if the allocation did not proceed, would prefer to stay until the lease expires in 2039. The Council's evidence in the SOCG and RBWM_074 provides confidence that the availability of the land is not at significant risk.
158. The Council has confirmed that the SOCG with Highways England (PS_056) on strategic matters covers their agreement that site AL13 can be accommodated by the transport network. Indeed, it only raises specific issues about site AL14 and these relate to the scope of additional work to be done collaboratively and do not constitute objections. The local effects of the AL13 and AL14 allocations have been explored in some detail with a VISSIM model and a scheme of mitigation is being designed for the Braywick Roundabout where, otherwise, additional queueing would be experienced. This is included in the IDP Schedule as a high priority project with funding committed (A15 – RMWM_064). The IDP also lists other projects linked specifically to the development of sites AL13 and AL14, including the north/south green spine from the station to the Triangle Site; and the need for green spaces, a primary school, secondary school and a new local centre within Desborough. These are reflected in the site proformas in the Plan, together with other relevant requirements. Overall, the evidence base demonstrates that transport and infrastructure have been properly considered in allocating these sites.
159. I concluded under Issue 4 that there were exceptional circumstances for altering the boundaries of the Green Belt at the strategic level. Considering allocation AL13 specifically, the Edge of Settlement Study (SD_018) found that the parcels of land within which the site lies (M20, 21 & 23) generally make either no contribution or a lower contribution to the five purposes of the Green Belt, although Parcel M21 immediately to the south of Harvest Hill Road makes a moderate contribution to restricting urban sprawl and safeguarding against encroachment. The study refers to the urban fringe character of the site, particularly to the north near to Maidenhead Station. Its findings reflect my own observations on my site visit and I also found that the boundary vegetation and roads have an enclosing effect. Overall, the effect of removing this site from the Green Belt would be limited, notwithstanding its large size.
160. Set against the limited harm to the Green Belt, the analysis above demonstrates that the site would make a substantial contribution to delivering the Borough's housing needs in a location consistent with the spatial strategy without reducing public access to open space or significantly eroding the character of the locality. It would provide other supporting infrastructure likely to be of wider benefit and, of course, development here would itself benefit from the full range of services and facilities available in Maidenhead. On

⁷ Inspector's Note – The surrender agreement is currently being renegotiated, and if agreed, would potentially extend the date by which the Club must vacate the golf course, from 2023 under the terms of the original surrender agreement, to December 2025.

balance, therefore, AL13 is a suitable site for release from the Green Belt and there are exceptional circumstances to justify it.

161. In addition to the "general" amendments required to the proforma (see Issue 5), further modifications are required to provide greater flexibility over the location of the new local centre needed to serve the southern neighbourhood; and the means of providing pedestrian, cycle and public transport access over the A308M between Sites AL13 and 14. **MM71** includes all the changes necessary for justification and effectiveness.

AL14 – Triangle Site

162. Under Issue 3 above, I found that the allocation of this site for industrial purposes is necessary, justified and deliverable from the perspective of providing employment land, taking account of flood risk. There is a need for employment land now and the Triangle Site could provide approximately 80,000sqm in Maidenhead. While the site makes a moderate contribution to restricting urban sprawl and to safeguarding the countryside from encroachment, its contribution to Green Belt purposes is otherwise limited (see SD_018, parcel M22). The new Green Belt boundaries would be clearly defined and durable, marked by major roads including the M4 motorway and/or mature vegetation. Taken together, these factors constitute the exceptional circumstances necessary to justify its removal from the Green Belt.

163. Nevertheless, the Council does not propose to release the entire allocated site from the Green Belt because this is not necessary to deliver the quantum of employment land required. Land remaining within the Green Belt is likely to be needed for other purposes, such as mitigating against flood risk. As indicated under Issue 3, it should therefore be clarified that the whole site should not be built upon (**MM72**). **MM72** also includes other general amendments discussed elsewhere in this report, and the same modification concerning access over the A308M as is required for Site AL13. I have amended bullet point 14 of **MM72**, which incorrectly suggests that the site borders the A404(M).

AL15 – Braywick Park

164. This site was added to the PC Plan as a Green Infrastructure allocation and it is necessary to reflect the Council's increased focus on the importance of the GI network to place-shaping, biodiversity and resilience to climate change. The flood risk issues associated with the site are considered under Issue 14 below, but the allocation otherwise meets the tests of soundness and should be allocated by Policy QP1b accordingly (**MM9**). **MM73** includes the amendments to the proforma resulting from the Council's general review, which are necessary for effectiveness.

Site Allocations Elsewhere in Maidenhead

165. Outside of the MTCSPA and the SWMSPA, the PC Plan proposes five further allocations for housing and/or mixed uses (AL23-AL26), and GI allocations, AL27 and AL28. For effectiveness, additional and/or updated proformas are required for each site by **MM81**, **MM82**, **MM83**, **MM84**, **MM86** and **MM87**.

Site AL26A is also required to be added and **MM85** provides the relevant proforma. These allocated sites are discussed below as necessary.

166. Conversely, development on sites HA13 and HA15 has been completed and so their allocation serves no purpose. The allocations are no longer necessary or effective and so they should be deleted from the Plan. The allocation of site HA22 for 100 dwellings conflicts with its designation as a Local Green Space (LGS) in the Hurley and the Walthams NP. The soundness issue is explained in detail in my advice following Stage 1 of the examination (ID-07, paragraphs 8-11), and the Council's proposed response is to delete the site from the Borough Plan. Given the level of protection conferred by a LGS designation, this solution is necessary to resolve the conflict identified. **MM16** and **MM58** remove these sites accordingly.

AL23 – St Marks Hospital

167. This site consists of two parcels of land within the built-up area of Maidenhead which form part of the hospital complex. They were promoted for housing development by the NHS during the 2019 "Call for Sites" because they are unsuitable for the delivery of clinical services.
168. The PC Plan seeks to allocate the site for approximately 54 dwellings, with 46 envisaged for the larger southern part. This area contains buildings of different ages, styles and quality associated with the current hospital use, including four Grade II Listed Buildings and various curtilage buildings. Upon review, the heritage and capacity assessments submitted by the site promoters, together with the sensitivities I observed on my site visit, indicate that 46 units could not be accommodated here without causing harm to the designated heritage assets (see RBWM_066). In particular, the Council acknowledges that the Chapel and the Pavilion appear to have very limited capacity for residential conversion, and the Vicar has stated that the former would not be available in any case.
169. The allocation as proposed is therefore not justified, but the evidence gives confidence that a smaller scale residential development of 40-50 units across both parcels would be both justified and achievable. **MM16** and **MM81** include the site in the Plan and establish the appropriate capacity. For effectiveness, **MM81** also requires that the setting of St Marks Church is conserved or enhanced and that a Heritage Assessment is submitted at the planning application stage. Thus, it is not necessary to remove the church from the allocation in order to protect it.

AL24 - Land east of Woodlands Park Avenue and north of Woodlands Business Park

170. This site is allocated in both the submitted Plan (as HA20) and PC Plan for approximately 300 dwellings, sports pitches and open space. It adjoins development on the southern edge of Maidenhead and so it is well located in respect of the spatial strategy. The site is in the Green Belt and was assessed in the Edge of Settlement Study as two parcels, M16 and M17, separated by a central tree belt (SD_018). The westernmost parcel, M16, was found to make a relatively limited contribution to the purposes of the Green Belt, being well-related to the built-up area and visually quite contained, whereas parcel M17

to the east of the tree belt was found to make a strong contribution to restricting sprawl and safeguarding against encroachment.

171. The submitted Plan proposed to remove the whole of the site from the Green Belt, but the release of the eastern parcel would be contrary to the site selection methodology implemented after Stage 1 of the examination. Moreover, it is envisaged that the housing will only be provided on the western parcel anyway, with the eastern parcel accommodating open space and sports facilities compatible with the Green Belt designation. Therefore, while the release of the western parcel is justified for the reasons given above, the release of the eastern parcel is not and so the tree belt should mark the new boundary as proposed in the PC Plan. **MM56** shows the necessary change, which is also reflected in **MM82**. On this basis, there are exceptional circumstances to release the westernmost part of the site from the Green Belt due to the contribution that it would make to meeting housing needs, the limited harm it would cause to Green Belt purposes and its consistency with the spatial strategy.

AL25 – Spencer's Farm

172. This site is allocated for housing and educational facilities in the submitted Plan (as HA21) and the PC Plan, although the latter proposes to reduce the area by redefining the land to the east as a separate GI allocation, AL28. Consistent with the spatial strategy, AL25 is located on the north-eastern edge of Maidenhead and is bounded by housing on two sides. The north and eastern boundaries are also clearly defined by a combination of mature trees and an existing watercourse. The oral evidence given at the hearing provided comfort that localised transport/access issues are capable of being addressed and, for the purpose of plan-making, nearby development outside the Borough has been appropriately accounted for in the Highway Model (PC-033 – see Issue 5). Issue 5 highlighted how AL25 passes the sequential test for flood risk, but the latest evidence shows that 2% of the site lies within FZ3a (RBWM_044). The Exception Test will therefore need to be passed at the planning application stage and so **MM83** adds this requirement to the proforma.
173. The Edge of Settlement Study (SD_018) assessed sites AL25 and AL28 together as Parcel M2. It found them to make a moderate contribution to safeguarding the countryside from encroachment, but only a limited contribution to the other purposes of the Green Belt. The visual and physical containment of the site, its relationship to Maidenhead and consistency with the spatial strategy and the contribution it would make to meeting housing needs provide the exceptional circumstances necessary to release it from the Green Belt. However, this does not apply to the area proposed as GI, which should be identified as such and retained within the Green Belt.
174. Whilst the eastern boundary of AL28 does benefit from a well-defined tree line, because the boundary of the Green Belt is now to be further to the west, it will be necessary to strengthen it as part of the scheme on AL25. **MM56** shows the position of the new boundary and **MM83** requires it to be strengthened accordingly.

AL26 – Land between Windsor Road and Bray Lake

175. This site is located on the A308 Windsor Road leading south out of Maidenhead, consistent with the spatial strategy. As submitted, the allocation encompassed a parcel of land between Windsor Road and Bray Lake with residential development on both sides, but a new hospice has since been built on the easternmost part of the site. This area can no longer be used for general purpose housing and so the boundary of the allocation in the PC Plan excludes it accordingly.
176. Notwithstanding the removal of the hospice land, the site is still expected to deliver approximately 100 dwellings. It was assessed as part of Parcel M35 in the Edge of Settlement Study (SD_018) and, while it was found to make a moderate contribution to safeguarding the countryside from encroachment, it is now very well contained by the lake and other development. These features will provide clearly defined boundaries on the ground. Combined with the contribution that the allocation will make to meeting housing needs, exceptional circumstances therefore exist to release the site from the Green Belt.
177. However, the allocation presently excludes a small triangle of land to the north west of the site and its inclusion would both deliver a more easily recognisable Green Belt boundary and allow for improvements to the footpath link around the lake. For justification and effectiveness, it should therefore be included within the site boundary. **MM56** shows the position of the new Green Belt boundary, and **MM84** includes an amendment to ensure that it is clearly defined.

AL26A – Osbourne's Garage

178. This site was allocated in the submitted Plan for 20 residential units on previously developed land within Maidenhead (HA16). The PC Plan proposed to delete it because planning permission has been granted. However, development has not yet commenced and so it is possible that it might not come forward as expected. The allocation remains in accordance with the spatial strategy and the SSM and so it is not necessary to delete it. In the interests of effectiveness, **MM16** therefore clarifies that the site is allocated for residential development with a new prefix, AL26A, and **MM85** provides a proforma at the level of detail common to the other allocations in the PC Plan.

Conclusion on Issue 7

179. The addition of Strategic Placemaking Policies QP1a-c is necessary to deliver development which retains the distinctive character of Maidenhead and Ascot, where significant growth is planned. With the MMs discussed, Policies QP1a and QP1b relating to Maidenhead are justified, effective and consistent with national policy. Similarly, except for HA13, HA15 and HA22⁸, the site allocations made in the MTCSPA, the SWMSPA and elsewhere in Maidenhead (as amended) meet the tests of soundness; and there are exceptional circumstances for releasing sites AL13, AL14, AL24, AL25 and AL26 from the Green Belt. Site HA16 should not be deleted from the submitted Plan, but rather retained as Site AL26A. Consequently, I conclude that the addition of

⁸ Note that the deletion of sites HA12, HA14, HA17, HA19, HA23 and HA24, also in Maidenhead, is addressed elsewhere in this report.

Strategic Placemaking Policies QP1a-c is necessary; and that the Plan's strategy for Maidenhead, including the allocations it makes there, is justified, effective and consistent with national policy.

Issue 8 – Whether the Plan's Strategy for Ascot is justified, particularly in respect of its relationship to proposals in the Neighbourhood Plan; and whether the allocations it makes there are justified, effective and consistent with national planning policy.

Introduction/General Issues

180. Under Issue 7, I concluded that the addition of Policy QP1c, a "Strategic Placemaking Policy" for Ascot, was necessary, justified in principle and should be added to the Plan by **MM10**. The area to which the policy applies is shown in Figure 5 of the PC Plan and is centred on the railway station. It includes the High Street, several proposed development sites, Ascot Business Centre and green and blue infrastructure sites, including SANG sites.
181. As discussed above, the purpose of the place-making policies is to look beyond individual site allocations to ensure that development is compatible with the character of the wider area. However, because none of the proposed development sites are in "South Ascot", it is not immediately apparent why and how Policy QP1c is intended to apply there. The Council explained that the boundary is drawn to recognise the importance of public transport and to improve connectivity of greenspace for biodiversity (see Ascot Centre Placemaking Study (PC-020)), including by linking spaces such as Allen's Field and the South Ascot recreation ground. These objectives are consistent with those of the place-making agenda and so the policy area is justified, but, for effectiveness, the rationale for its boundaries should be explained in the Plan (**MM10**).
182. In relation to the placemaking area and more generally, the PC Plan uses various descriptions to refer to different parts of Ascot. This has caused confusion about which policies apply where and so it needs resolving to ensure clarity and effectiveness. In consultation with local participants, the Council reviewed its use of terminology in RBWM_045v2. In summary, the area covered by Policy QP1c should be termed the "Ascot Strategic Placemaking Area"; the three sites upon which most development is focussed, AL16 – AL18, should collectively be termed the "Ascot Growth Location"; while site AL16, referred to separately, should be called "Ascot Centre". Policies TR1 and TR4 in the PC Plan appropriately define Ascot (in its wider sense) as a "District Centre" in the Borough's hierarchy of centres but, taking account of national policy on town centres, it is justified for the Plan to continue to refer to the specific area shown on the Policies Map as "Ascot Town Centre" by that name.
183. Several policies require modification to reflect the revised terminology and Appendix 1 of RBWM_045v2 summarises the position. Some very detailed responses to the MMs consultation suggest that further changes are needed, but the Plan as modified will be sufficiently robust. The occasional inconsistency should not be significant and, indeed, it is important to read the Plan as a whole. Undue focus on individual words is not helpful and tends to impart significance where none is meant. Therefore, no further changes are necessary in respect of this matter.

184. Upon adoption, the Borough Plan will sit alongside the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2014 (the NP) as part of the development plan for that area. The Council does not intend for the Borough Plan to supersede the NP in any way; and my own assessment of the relevant policies in each document did not reveal any fundamental or unwarranted conflicts. Nevertheless, the SPD to be prepared under Policy QP1c for the Strategic Placemaking Area will represent guidance on top of that already provided by the Plan itself, the NP and the development briefs required by the NP. Therefore, to ensure effectiveness, Policy QP1c should be clear that it does not supersede the NP and explain the interrelationship between the various relevant documents (**MM10**). For the same reasons, some site proformas need amending to achieve the intended consistency between the Plan and the NP. These are covered below.

Site Allocations in the Ascot Strategic Placemaking Area (Policy QP1c)

185. The PC Plan allocates five sites within the Ascot Strategic Placemaking Area (ASPA), sites AL16 – AL20, all of which were included in the submitted Plan. Significant issues and changes arising from Stage 2 of the examination in particular are discussed below.

Ascot Growth Location: AL16 – Ascot Centre; AL17 – Shorts Waste Transfer & Recycling Facility; and AL18 – Ascot Station Car Park

186. The submitted Plan allocates sites AL16 and AL17 as a single site - HA10, while the PC Plan splits them in recognition of the different planning considerations which apply to each one. The changes, achieved by **MM10**, **MM58**, **MM74** and **MM75** are necessary for effectiveness and Policy QP1c will ensure that common issues are dealt with in a complementary fashion. Having regard to the latest information provided by the site promoters, the PC Plan also increases the estimated capacity for residential development across the two sites from 300 to 431 dwellings. The Council has critically reviewed the effects of doing so, and the figures seem reasonable given the proximity of the sites to services and facilities and their consequent location within a defined growth area.

187. Part of Site AL16 and the entirety of site AL17 (and also AL18) are currently within the Green Belt and were found to make a strong contribution to the purpose of preventing the neighbouring towns of Ascot and South Ascot from merging (see SD_018, parcels A6-A8). The allocations are therefore contrary to the SSM, which generally classified sites making a strong contribution to one or more Green Belt purpose as not developable within the next 15 years. The exceptions made here reflect the role that sites AL16-18 are expected to have in the sensitive regeneration of the Ascot High Street area as expressed in the NP. It follows that for their release from the Green Belt to be justified, they must achieve this objective.

188. The allocation of the Green Belt element of AL16 accords with the identification of the "Ascot Green" project area in the NP, and AL18 coincides with the "Ascot Station Site" project. The sites are not formally allocated in the NP, but this is because the NP could not, at the time it was made, release land from the Green Belt. The AL18 allocation for approximately 50 dwellings, car parking and retail is consistent with the aspirations of the NP, and **MM76**

shows the changes to the proforma which have arisen from Stages 1 & 2 of the examination.

189. The AL16 allocation broadly reflects the vision in the NP for housing, community and retail uses on the site alongside open space, but the proforma does not include certain requirements which are important to the community. Changes are needed to ensure that development will retain the prevailing green and leafy character of the area and provide sufficient High Street parking. Whilst the proforma rightly requires development to respect local character and to ensure it is sensitive to the scale and height of existing properties, this will not be achieved by the construction of a five-storey building as envisaged in the Tall Buildings Strategy. Therefore, the proforma should be amended to safeguard against a building of this height. **MM74** includes the necessary changes.
190. Site AL17 equates to allocation NP/SS3 in the NP. The latter encourages the redevelopment of the site for alternative uses, but it does not specify a preferred use. Given the Borough's identified housing needs, the residential development proposed is justified in principle, and it would not conflict with the NP. **MM75** shows the revised site proforma, but the version consulted upon at the main modifications stage includes errors. First, bullet point 2 should cross-refer to site AL16 rather than AL17, and so I have amended it accordingly. Second, the requirement for custom and self-build plots is not justified because this aspect of Policy HO2 only applies to greenfield sites. I have deleted bullet point 17 to address this. Third, there is duplication between bullet points 8 and 10 in respect of the requirements for bus routes etc and this could cause confusion. Bullet 10 is more detailed and is consistent with the requirements for site AL16. I have therefore deleted bullet 8.
191. Returning directly to the issue of Green Belt release, development on sites AL16-18 would contribute significantly towards meeting the Borough's housing needs in a sustainable location and, with the modifications referenced above, it would be consistent with local aspirations for the regeneration of the area as expressed in the NP. The Edge of Settlement Assessment found each of sites AL16-18 to have durable boundaries, which would mitigate to some extent the harm that would be caused by reducing the gap between the two parts of Ascot. Taken together, these site-specific factors amount to the exceptional circumstances necessary to justify the alteration of the Green Belt boundaries around these sites despite the conflict with the SSM. The allocations are otherwise justified, effective and consistent with national policy and they should be included in the Plan accordingly.

AL19 – Englemere Lodge

192. This site is proposed to be allocated in both the submitted Plan (as HA31) and the PC Plan for approximately 10 dwellings and, in RBWM_067, the Council proposes to increase the estimated capacity to 20 dwellings. However, Englemere Lodge is an attractive building set in a mature landscaped plot which is visible in the street scene on the London Road approach into Ascot. Indeed, RBWM_067 indicates that it could be considered a local heritage asset subject to the constraints of national policy, while the landowner disputes its

heritage status having undertaken a professional assessment⁹. Whether or not the building should qualify for local listing in the future, it certainly contributes positively to the character and appearance of the area and to redevelop the site for housing would likely diminish this benefit.

193. The site is also in the Green Belt along with the land surrounding it to the south of London Road. It was not assessed in the Edge of Settlement Study, but its removal from the Green Belt would leave an odd "hole" in the designation (albeit in close proximity to the existing boundary), particularly now that the adjacent site, AL20 Heatherwood Hospital, is to remain within it. The western boundary would only be defined by the driveway of the adjacent property, and so there is no strong boundary that would distinguish the altered Green Belt boundary in this location.
194. My attention has been drawn to existing examples of "tongues" of development extending into the Green Belt, but exceptional circumstances must exist to justify the creation of another in this case. Similarly, it is true that the boundaries of certain sites to be released from the Green Belt are not well-defined at present, but these are required to be strengthened as necessary and it is not clear that the same could be achieved at this site. Overall, the creation of a hole in the Green Belt, the absence of a strong boundary to the west and potential for harm to the character and appearance of the area would be for relatively little housing benefit. Consequently, the exceptional circumstances necessary to alter the Green Belt boundary do not exist in this location.
195. **MM16** and **MM58** delete the site from the list of allocations and the site proformas respectively. However, **MM10** retains it in error in Figure 5 and I have therefore amended it in the schedule of accompanying this Report. Upon adoption, the Council should ensure that the site is removed from the Policies Map.

AL20 – Heatherwood Hospital

196. This site is allocated in the submitted Plan (as HA32) and the PC Plan for housing and retained health uses, but the proposals form part of a wider scheme including the provision of a replacement hospital and a SANG on the land to the immediate south. The extent of the site allocated in the submission Plan benefits from outline planning permission, while the hospital and SANG have full planning permission and development has commenced.
197. Whilst the proforma in the PC Plan refers to all the aforementioned uses, there is presently nothing to tie the two schemes together, notwithstanding that development on the allocated site would not be justified in the absence of the development taking place to the south. Therefore, the boundary of the allocation should be extended to include the land to the south as proposed by the Council in RBWM_068. This would be consistent with the planning application boundary.
198. To avoid the potential spread of housing onto the land intended for the SANG, the proforma should specify the southernmost extent of residential

⁹ Objection to Local List Nomination, HCUK Group, 13 August 2021.

development; and, for consistency with the planning permission granted, the estimated housing capacity should be reduced from 250 to 230 dwellings.

MM78 makes the changes to the proforma, which are necessary for justification and effectiveness. The revised site boundary is shown correctly, but the site area has not been increased to match. I have amended the proforma to record this as 16.25Ha.

199. The submitted Plan proposed to remove the northernmost part of the allocation from the Green Belt. However, outline planning permission was granted on the basis that there were very special circumstances to justify the development and so there is no need to alter the Green Belt boundary now to deliver it. London Road currently provides a clearly defined, defensible Green Belt boundary to this part of Ascot, and the fact that the site has planning permission alone does not represent the exceptional circumstances necessary to alter it. The PC Plan rightly proposes to retain the site within the designation accordingly (**MM56**).

Allocations in Ascot outside the ASPA: AL32, Sandridge House

200. Outside the ASPA, the PC Plan allocates Sandridge House within the built-up area of Ascot for 25 residential units. The site was not included in the submitted Plan, but its location is consistent with the spatial strategy and development here would make use of a previously developed site outside the Green Belt. Thus, its addition to the Plan is justified in principle and so **MM16** adds it to the list of allocations while **MM91** includes a site-specific proforma.
201. Turning to matters of detail, Sandridge House is a red brick, gabled building beneath a slate roof which Historic England describes as a "Curate's House" or "Clergy House" in the tradition of the Gothic revival (RBWM_053B). It is essentially an attractive building, but it has been significantly altered over time and some of the additions are not particularly sympathetic. Nevertheless, it has group value with the adjacent Grade II Listed All Saints Church, and it is of a style and scale in keeping with its generally leafy residential surroundings.
202. The additions and alterations to Sandridge House are a consequence of its interesting history. It was built for the curate of the neighbouring church, but it has also been the home of an explorer (Jephson); a military hospital during the First World War; a children's home; and, most recently, a nursing home. Whilst English Heritage found that neither the architectural nor historic interest of the building meet the listing criteria, it did recognise its local interest and how it has served the community over time. Overall, Sandridge House is a local heritage asset worthy of retention, but its redevelopment presents an opportunity to improve the appearance of some of the modern alterations and additions to the building.
203. Therefore, the proforma should be modified to require the original building to be retained while allowing for its sympathetic extension. With this criterion, the capacity of the site should be reduced to 20 dwellings. The density will still be higher than that of the adjacent houses on Geffers Ride to the north and west, but to retain the original Sandridge House, a flatted development is likely to be necessary. Moreover, a flatted development lies immediately to the east (Grand Regency Heights) and is part of the context for the site. This development does not respect the character of the area, but on account of its

detailed design and scant landscaping rather than its density *per se*. To avoid similar issues on AL32, the proforma should require the development to reflect the leafy character of the area. **MM91** includes the necessary changes and, with them, the allocation is justified.

The Existing Green Belt Boundary

204. The Council's review of the Green Belt is based on a high-level assessment of the role and function of land parcels against the purposes of the designation and it does not include a detailed study of the existing boundaries. Whilst some 'anomalies' have been identified by participants, paragraph 85 of the NPPF applies specifically to boundaries which are being defined through the Plan.

205. In the case of Coronation House, Ascot, the Plan proposes no alteration to the Green Belt boundary. The site was considered in the HELAA and, using the SSM, the Council determined that it should not be allocated for housing on account of its small size (see RBWM_037, paragraph 1.6.5). It is not needed to deliver planned development and there has been no change of circumstances to diminish its contribution to Green Belt purposes. Consequently, there are no exceptional circumstances for altering the Green Belt boundary here, notwithstanding that it does not follow a readily recognisable physical feature on the ground.

206. Similarly, the boundary in the vicinity of Ascot Racecourse was not redrawn following the construction of a new grandstand in 2004 and the Council does not propose to alter it now. Planning permission was granted because there were very special circumstances to justify the scheme which outweighed the harm that would be caused. Thus, the Green Belt designation did not frustrate justified development and so there is no need to alter the boundary now. Whilst the removal of more land from the Green Belt might benefit the racecourse by providing operational flexibility in the future, it would also represent encroachment into an area found to contribute strongly or very strongly to three of the five purposes of the Green Belt (see SD_018, parcel A2). Overall, therefore, there are no exceptional circumstances for altering the boundary of the Green Belt here.

Conclusion on Issue 8

207. With the recommended modifications, the strategic placemaking area covered by QP1a is justified and it does not conflict with the strategic approach set out in the NP. Indeed, as amended, site allocations AL16-18 will help to achieve the objectives of the NP and this in turn justifies their release from the Green Belt. The allocation of sites AL20 and AL32 is also appropriate, but there are no exceptional circumstances to justify altering the Green Belt boundary around site AL19. It should be deleted from the Plan accordingly. Similarly, there are no exceptional circumstances for altering the boundary at either Coronation House or Ascot Racecourse. For these reasons, I conclude that the Plan's Strategy for Ascot is justified, including in respect of its relationship to the Neighbourhood Plan. I further conclude that, with the exception of AL19, the site allocations are justified, effective and consistent with national policy.

Issue 9 – Whether the Plan's strategy for Windsor, including the allocations it makes there, is justified, effective and consistent with national planning policy.

Introduction/General Issues

208. Notwithstanding that Windsor is identified in the spatial strategy as one of the three strategic growth areas, the PC Plan justifiably does not propose to include a strategic placemaking area or policy for it. This is because most of the development proposed in the West of Windsor Growth Area is expected to be provided on a single site (AL21), by a single developer. The Stakeholder Masterplan required by Policy QP1 will ensure that the developer engages with the Council and local interest groups on complex and sensitive issues.
209. The West of Windsor Growth Area is in the Green Belt, and promoters of the Windsor Link Railway (WLR) suggest that the development is not justified because alternative sites associated with their project are available within the urban area. Four sites were submitted into the HELAA process in 2015, but they were found to be "not developable within the next 15 years" due to uncertainty about the progress of the WLR scheme, doubts about their availability, and concerns about heritage and flood risk. No further information was submitted to resolve these issues and so the sites were quite reasonably excluded from the 2019 version of the HELAA. Moreover, the WLR project is a privately promoted scheme at an early stage of development, which is not required to support the development proposed in the Plan (see RBWM_079, paragraph 15). Consequently, it is not necessary to refer to it to achieve soundness.

Allocations in the West of Windsor Growth Area: Sites AL21 – North & South of the A308; and AL22 – Squires Garden Centre

210. The submitted Plan allocates sites AL21 and AL22 together as site HA11. The PC Plan splits them because they are being promoted by separate developers and the planning application process has started on AL22. They also each have a different character in that AL21 largely comprises of open fields, while AL22 is occupied by a garden centre. The splitting of the sites is justified, necessary for the effectiveness of the Plan and achieved by **MM16**, **MM79** and **MM80**.
211. Site AL21 is a large greenfield site which straddles the A308 Windsor Road. It is on the edge of a substantial built-up area to the east, and the northern element is also bounded by existing development on all sides. The Edge of Settlement Study finds that both parcels (W1 and W2) make a moderate contribution to restricting sprawl, preventing neighbouring towns from merging and safeguarding against encroachment, but Oakley Green Road running north/south to the west represents a strong physical boundary to mitigate against the threat of further spread.
212. Following subdivision of the site, the PC Plan proposes approximately 450 dwellings on AL21 together with open space, playing pitches, a community hub and educational facilities. The modified proforma wrongly gives the site area as 27.76Ha, which is the area of the original HA11 allocation. However, even with the correct area of 20.52Ha, the residential development would be at a density of approximately 22dph, which will allow for the construction of

family houses with gardens and be compatible with the character of the surrounding development. For accuracy and effectiveness, I have corrected the site area in the schedule of MMs accompanying this Report.

213. The land adjacent to the site to the south-west is occupied by a private mental health hospital, the Cardinal Clinic. This was founded in 1974 by a family which still runs it and lives on-site in a Grade II* listed property, the Old Farmhouse. The Cardinal Clinic is a long-standing, well respected institution, and the owners clearly care deeply about the welfare of their patients. Their fear of losing a tranquil environment for treatment and recovery is understandable but, with the space available around the clinic and within AL21, it will be possible to achieve a satisfactory relationship between the new and existing uses. However, the proforma in the PC Plan omits this important requirement and it must be added to achieve justification and effectiveness.
214. Similarly, while the boundary of the site is close to the Old Farmhouse, its connection to the farmland of AL21 is already largely broken by the presence of the hospital buildings to the north and west, and a large garden centre to the immediate east. The garden centre already has planning permission for a new supermarket and, if this development did not proceed, the housing envisaged on AL21 would likely make a better neighbour for the Old Farmhouse than would either the existing or consented uses. For these reasons, the allocated development should not harm the significance of the listed building or its setting but, again, this requirement must be added to the proforma.
215. Whilst the allocation crosses the A308, it is expected that the principal access to the site will be onto the Dedworth Road via a shared arrangement with the new supermarket. Nevertheless, the Council acknowledges that the A308 is a busy road and that this and other development in the vicinity could contribute to delays. It has commissioned a study of the A308 corridor accordingly and, while it is unfortunate that this has been postponed, the iterative nature of the IDP process provides flexibility for solutions to be investigated as necessary. Therefore, on balance, it is neither necessary nor helpful to prescribe access or transport infrastructure requirements now. Moreover, the Statement of Common Ground between the Council and the developer provides comfort that the identified need for mitigation at the Oakley Green Road/A308 junction is in hand (PS_060, paragraph 1.7). However, the proforma's requirements in respect of the community hub are vague and this should be addressed to achieve effectiveness.
216. **MM79** includes the changes to the proforma discussed above and, with them, the allocation of the site will be justified and will deliver significant housing in accordance with the objectives and spatial strategy of the Plan. Given the relationship of the site to the existing built-up area and the presence of a new defensible boundary to the west, there are exceptional circumstances to justify removing the land from the Green Belt.
217. AL22 is a previously developed site occupied by disused garden centre buildings and a carpark. The PC Plan allocates it for approximately 39 dwellings and the resultant density, at around 53dph, would exceed that of the surrounding development by some margin. However, the site is on the A308 adjacent to a roundabout and, in this context, it could potentially

accommodate a low-rise, flatted development without appearing cramped or incongruous. Whilst a development of this type was refused planning permission in 2019, there is no specific analysis to support the concerns expressed about the scale and bulk of the scheme and it is possible that a different design could overcome them (see RBWM_051). Nevertheless, development close to the boundary with the A308 could threaten the retention of a row of trees outside the site if they overhang or overshadow the new properties. The trees provide attractive landscaping and so, while the developer cannot ultimately control what happens to them, the amenity issues can be factored into the design. The proforma should require this for justification and effectiveness (**MM80**).

218. The site is in the Green Belt but it was not included in the Edge of Settlement Study. However, it is adjacent to AL21 and, given its situation described above, it is reasonable to conclude that it makes no greater contribution to the purposes of the designation than does the latter. Its boundaries are clearly defined by roads and existing built development and, in time, it will be viewed in the context of the new development proposed on AL21 to the south and west. Overall, this allocation will make good use of a previously developed site located in accordance with the Plan's spatial strategy without causing undue harm to the purposes of the Green Belt or otherwise. There are exceptional circumstances to justify the alteration of the Green Belt boundary.

Other Allocations in Windsor

219. Outside the West of Windsor Growth Area, the PC Plan proposes to allocate three sites for housing and/or a mix of uses: AL29 - Minton Place; AL30 - Windsor & Eton Riverside Station Carpark; and AL31 - King Edward VII Hospital. Sites AL29 and AL30 were included in the submitted Plan as sites HA25 and HA28 respectively. Site AL31 is a "new" allocation arising after Stage 1 of the examination which involves the redevelopment of previously developed land within the urban area and complies with the SSM. Its inclusion in the Plan is both necessary and justified.

220. The proforma for site AL30 does not reflect the potential for the development to affect views of the Grade I Registered Windsor Home Park and this should be added to ensure that this important heritage asset is given appropriate consideration. The allocations are otherwise justified, effective and consistent with national policy and so **MM16** includes them in the list accordingly. **MM88**, **MM89** & **MM90** provide the proformas. Site HA29, which was allocated in the submitted Plan, is removed from the PC Plan because it is no longer available for development. **MM16** therefore deletes it for effectiveness.

Conclusion on Issue 9

221. The inclusion of a growth area in the Green Belt is necessary to deliver development in Windsor in accordance with the Plan's spatial strategy and there are exceptional circumstances to justify altering the Green Belt boundary to accommodate it. With the modifications discussed, the allocations both within and outside the Growth Area will meet the tests of soundness. I therefore conclude that the Plan's strategy for Windsor, including the allocations it makes there, is justified, effective and consistent with national policy.

Issue 10 – Whether the Plan's strategy for locations beyond Maidenhead, Ascot and Windsor, including the allocations it makes within them, is justified, effective and consistent with national planning policy.

222. The PC Plan proposes to allocate several sites across the Borough in locations beyond Maidenhead, Ascot and Windsor. Sites AL34 – White House Ascot, and AL36 – Gas Holders Cookham, are allocated in the submitted Plan as HA37 and HA38 respectively. They are not in the Green Belt, and their redevelopment would make use of previously developed land. The allocations are justified and the modified proformas in the PC Plan are necessary to ensure that the allocations are clear and effective (**MM94** and **MM96**). **MM16** includes the sites in the updated list of allocations under their new reference numbers. The other sites proposed to be allocated outside the main growth areas are discussed below.

AL32A – Gas Holders, Sunninghill

223. This site was allocated in the submitted Plan for approximately 53 residential units on previously developed land as HA35 but, like HA16/AL26A discussed above, it was proposed for deletion in the PC Plan because planning permission has been granted. Again, however, development has not started and the allocation remains justified. It should not be deleted. **MM16** is necessary to rename the site in the list of allocations as AL32A, and **MM92** provides an updated proforma with a clearer, and thus effective list of development requirements consistent with other allocations.

AL33 – Broomhall Car Park, Sunningdale

224. This is included as HA36 in the submitted Plan. It is also allocated in the Ascot, Sunninghill and Sunningdale NP as site NP/SS5. The NP allocation favours, but does not require, the provision of a new medical facility whereas the proforma for AL33 is silent on the matter. However, at the time of the hearing, the East Berkshire Clinical Commissioning Group was investigating a different site for such a facility and there is no evidence to suggest that AL33 would be preferable. It would not, therefore, be justified for the Borough Plan to require one, but neither would the omission of a requirement preclude one coming forward under the NP. The respective Plan policies are not in conflict. **MM93** modifies the necessary proforma for the site in the interests of effectiveness and the safe and efficient operation of the highway network.

AL35 – Sunningdale Park, Sunningdale

225. This site is included in the submitted Plan (as HA34) and in the PC Plan for residential development which might include specialist accommodation for older people. Under the submitted Plan, the site would have been removed from the Green Belt, whereas the PC Plan proposes to retain it within the designation. This is because planning permission was granted in 2019 on the basis of "very special circumstances". The housing is under construction and so it is unlikely that an alternative proposal will come forward. Consequently, there is no need to remove the site from the Green Belt now to achieve the desired development. It follows that there are no exceptional circumstances which would justify altering the boundary. For effectiveness, **MM95** updates the site proforma and provides more detailed, site-specific policy

requirements; and, for justification, **MM56** deletes the Green Belt alteration shown in the submitted Plan.

AL37 – North of Lower Mount Farm

226. This site is allocated in the submitted Plan (as HA40) and the PC Plan for approximately 200 dwellings. It is the largest of three sites proposed in Cookham and it is controversial locally on account of its size, its location in the Green Belt and for other reasons primarily relating to the character of the area and traffic congestion etc. The latter transport related concerns centre upon the impact of development on Cookham Bridge and I found under Issue 4 that, at the strategic level, this would not be severe. Similarly, there is no convincing evidence that traffic flow through the narrow stretch of The Pound to the north of the site would be severely affected. The potential effects of development on other aspects of infrastructure, including education and sewerage, were considered through the preparation of the IDP and there are no significant barriers to delivery.

227. Turning to character, the settlement of Cookham is comprised of three distinct areas – Cookham Rise being the largest and accommodating a range of housing types and styles including relatively modern development, a train station and a shopping area. Cookham Village to the north-east and Cookham Dean to the west are more historic. Site AL37 is at the southern end of Cookham Rise, surrounded by development including housing, a road with bus stops and some pavements, a water treatment works and an industrial estate. It adjoins agricultural land to the west, but the boundary here follows that of the built-up area to the north and south and is defined by trees and other vegetation. Thus the site is well-contained and, in this context, it is reasonable to expect that a development compatible with the character of the surrounding area could be provided.

228. From a Green Belt perspective, the Edge of Settlement Study found that the site makes a moderate contribution to checking sprawl, safeguarding against encroachment and preventing neighbouring towns from merging (Parcel C9). However, the extent to which it is contained will mitigate against its loss to a significant extent and, because the site boundaries are well defined and durable, the threat of incremental spread is minimal. Development here would provide housing in a location consistent with the spatial strategy and which could accommodate it without significant detriment to infrastructure, character or the role of the Green Belt. These factors amount to the exceptional circumstances necessary to justify altering the Green Belt boundary. Accordingly, **MM16** renames the site in the list of allocations and **MM97** provides necessary changes to the site-specific proforma for clarity and effectiveness.

AL38 – Strande Park

229. The site is allocated in the submitted Plan (as HA39) and the PC Plan for approximately 20 dwellings. It adjoins a caravan park to the west, the housing area of Bass Mead to the north, woodland to the south and a footpath with some trees and other planting along it to the east. The site is well-contained with clearly defined boundaries and, from a Green Belt perspective, the Edge of Settlement Study finds it to be well related to the built-up area with an

urban fringe character (Parcel C12). Overall, it makes a limited contribution to the purposes of the designation.

230. The Council's latest flood risk evidence in RBWM_044 recommends further investigation to establish whether Lightlands Lane could provide a safe vehicular evacuation route during extreme flood events. In response, a Technical Note (dated 26 November 2020) was provided by Water Environment Limited on behalf of the prospective purchasers of the site. Detailed modelling undertaken to consider the hazard posed by flooding on the road concludes that there would be "very low hazard" for both vehicles and pedestrians on account of the water being both shallow and still. It is therefore likely that the Exception Test can be passed at the planning application stage, although this requirement should be specified in the proforma to ensure effectiveness. The allocation is justified in respect of other matters and, taking account of the above analysis and the contribution that the site would make to meeting housing needs, there are exceptional circumstances to remove it from the Green Belt. **MM16** includes it in the list of allocations and **MM98** provides the proforma.

AL39 – Riding Court Road, Datchet

231. This site is allocated in the submitted Plan as HA42, with an estimated capacity for 150 dwellings. This is lowered to approximately 80 dwellings in the PC Plan. The reduction reflects the Council's more detailed analysis of the potential constraints affecting the site through the SSM/HELAA process in 2019. These include fluvial flood risk on the eastern side of the site; pockets of surface water/groundwater flood risk elsewhere; the need to provide a buffer to the M4 motorway and a density compatible with the character of nearby housing; and the possible need to mitigate against the loss of farmland and mineral resources.

232. All these factors represent important considerations for the planning application process and so it is both necessary and appropriate for the proforma to refer to them. They also have the potential to limit the capacity of the site and so it is right that the Plan should include a figure based on a consistent approach to site assessment across its allocations. On balance, the capacity estimate in the submitted Plan is too high and it should therefore be replaced with the lower figure in the PC Plan. **MM16** and **MM99** include the changes necessary for justification.

233. With these changes, the site will make a valuable contribution to the Borough's housing land supply on the edge of a village excluded from the Green Belt where the Plan allows for limited Green Belt release. While the site was found to make a moderate contribution to restricting sprawl, its contribution to the other purposes is limited and its boundaries are durable, marked by roads and existing properties (SD_018, Parcel D6). Overall, there are exceptional circumstances to justify altering the Green Belt boundary here.

AL40 – East of Queen Mother Reservoir, Horton

234. The site is allocated in both the submitted Plan (as HA44) and the PC Plan for approximately 100 residential units. It excludes the Grade II Listed Mildridge Farmhouse in the south-east corner, but includes an area of woodland which

forms part of its setting. The woodland could be excluded from the site, but the developer does not dispute its importance in respect of heritage matters and the wider contribution it makes to the character and appearance of the area. Indeed, the Council considers that the opportunities for enhancing its value will be greater if it is retained within the allocation. The proforma already requires the setting of the listed building to be conserved or enhanced, and existing trees to be retained and reinforced where possible. For effectiveness, however, a specific requirement to retain the band of woodland around the farmhouse should be added.

235. To the north, the site boundary is with Springfield Road, an unadopted road in Slough Borough. To integrate the new development with the existing housing in this area, the requirement in the proforma to provide a vehicular access and active frontages onto Springfield Road is justified. If this were to be the principal vehicular access, Slough Borough Council considers that the road would require upgrading. However, a further access onto Horton Road to the south already exists and the proforma requires that this should be improved. The question of which access should be the main one is a matter for the planning application process to resolve and, in doing so, the issue of whether the southern access would provide a safe means of escape during a flood can be assessed. For present purposes it is sufficient to know that an emergency evacuation route could be provided via Springfield Road if necessary.

236. The site is in the Green Belt and the Edge of Settlement Study found that it makes a lower contribution to its purposes (see Parcel H2). It has durable boundaries consisting of roads, property boundaries and the reservoir embankment to the west. Therefore, with the modifications discussed above, this site would provide necessary housing development on the edge of a built-up area excluded from the Green Belt and there are exceptional circumstances to justify its removal from the designation. **MM100** provides the amended site proforma.

AL40A – Coppermill Road, Horton

237. This site was allocated for housing in the submitted Plan as HA45, but the PC Plan proposed to delete it on account of the Council's revised assessment that it represents an isolated site in the Green Belt, not in accordance with the spatial strategy. However, it is a long, narrow piece of land on the eastern side of Coppermill Road, which lies between and opposite strips of residential development. Thus it is not isolated, and it is also bounded to the east by the embankment of the Wraysbury Reservoir. The site is therefore visually and physically contained by existing built uses and its development would not cause any demonstrable harm to Green Belt purposes. For these reasons, a modest housing development here would make efficient use of unused land surrounded by houses.

238. As submitted, no changes are proposed to the Green Belt boundary because the allocation is located on the edge of a washed-over village. To amend the boundary here would result in the awkward situation of a single site being excluded from a much wider area of Green Belt. Moreover, it seems likely that the modest housing development envisaged could accord with national planning policy, notwithstanding its Green Belt location. Therefore, the

allocation remains justified and, for effectiveness, **MM16** clarifies that the site (re-named as AL40A) is allocated for residential development.

239. Turning to matters of detail, the site is a little narrower than the strips surrounding it and so the estimated capacity in the submitted Plan of 27 dwellings seems optimistic given that only 24 lie opposite. Furthermore, the adjacent development comprises of primarily 1-1.5 storey detached and semi-detached houses and a future scheme should reflect this prevailing character. A flatted development such as that previously reviewed by the Parish Council is unlikely to achieve this objective. **MM101**, which updates the site proforma, reduces the estimated capacity to 24 dwellings and requires the development to respect the character of the neighbouring residential units.

Conclusion on Issue 10

240. The Plan's allocations beyond Maidenhead, Ascot and Windsor will provide necessary development in a manner consistent with the spatial strategy. Those sites to be released from the Green Belt are on the edge of larger villages excluded from the designation and there are exceptional circumstances for altering the boundaries. With modifications where necessary, there is a reasonable prospect of achieving development which can be accommodated by the local infrastructure and without significant harm in respect of other considerations such as flood risk and character. Therefore, with the modifications discussed, I conclude that the Plan's strategy for other places, including the allocations it makes within them, is justified, effective and consistent with national policy.

Issue 11 – Whether the Plan will provide a land supply sufficient to deliver the housing requirement of at least 14,240 dwellings from 2013-33; and whether there is a reasonable prospect of a five-year land supply being achieved upon adoption and thereafter.

Housing Land Supply for the Plan Period, 2013-33

241. I concluded under Issue 2 that the housing requirement for the Plan period should be set at 14,240 dwellings. In preparation for, during and after the Stage 2 Hearings, the Council prepared several notes to explain and refine the components of its housing trajectory to demonstrate how this requirement would be met. The key documents are PS_058; ID-26; and RBWM_049, and these were discussed at an additional hearing session on 9 December 2020. RBWM_073, 073a and 073b were produced after that session in response to specific matters which arose, and these were available for comment through the MM consultation process.

242. Drawing upon the evidence in these documents, particularly the latest information in RBWM_073b), the Plan (as modified) includes a total land supply of 15,948 dwellings, exceeding the requirement by 1,708 dwellings. The supply includes completions from the start of the Plan period to 31 March 2021 (4,018 dwellings); "committed" development with planning permission (2,937 dwellings); a windfall allowance (1,934 dwellings); and the allocations in the Plan (7,059 dwellings).

243. In estimating the “commitments” component of the supply, the Council made an individual assessment of the likely delivery rate on sites with planning permission for 50 or more dwellings. It also assumed that 5% of all permissions on sites upon which development has not started will lapse. This is an appropriate rate taking account of the recent low level of non-implementation in the Borough itself and the rates applied by other nearby local authorities. The contribution of the remaining commitments has then been spread over the years 2021/22 – 2024/25 according to when planning permission was granted and whether or not development has started.
244. The total windfall allowance of 1,934 dwellings includes 131 expected to come forward on small sites each year from 2023/24 – 2032/33, and 208 expected on larger unidentified sites in each of the last three years of the Plan period. These rates exclude development on garden land and discount the estimated contribution from large sites by 15%. The result is that the assumed windfall allowance in the trajectory is significantly lower than the actual contribution from this source in recent years (see RBWM_029 further). It is a realistic and modest allowance based on compelling evidence that windfall sites have provided, and will continue to provide, a reliable source of supply.
245. Turning to allocated sites, the Council contacted landowners/promoters in November 2020 to update its assessment of when they are likely to come forward. Most responded helpfully and, in the few cases where no response was received, a cautious estimate was made. This review has resulted in certain sites being pushed back in the trajectory, including site AL13 (Desborough), which is now expected to deliver approximately 130 of the total 2,600 dwellings after the end of the Plan period.
246. Taking account of all the factors above, there is a reasonable prospect that the Plan will deliver the 14,240 dwellings necessary to meet the housing requirement. The buffer of 1,708 dwellings over and above the housing requirement provides the flexibility needed to ensure that the Plan is effective in meeting identified housing needs should one or more of the allocated sites not come forward as expected. The scale of the buffer is justified given the extent of under-delivery (against the average requirement of 712 dwellings per annum) which has already accumulated since the start of the plan period; and I have had regard to the need for it in determining that exceptional circumstances exist to justify the removal of the relevant housing allocations from the Green Belt.
247. Moreover, the case law to which I have been referred¹⁰ does not support the position taken by some that it cannot be justified to release more Green Belt land than is strictly necessary to deliver the housing requirement. Indeed, it tends to clarify that the calculation of the OAN for housing and the question of whether exceptional circumstances exist to justify altering the Green Belt boundary to deliver housing, are matters of judgement for the decision-maker. The issue for the Courts is whether those judgements are appropriately made. In this respect, my reasons for concluding that the OAN (and housing

¹⁰ *Calverton PC v Nottingham City Council* [2015] EWHC 1078 (Admin); *Compton PC v Guildford BC* [2019] EWHC 3242 (Admin); *Keep Bourne End Green v Buckinghamshire Council* [2020] EWHC 1984 (Admin); and *Aireborough NPDF v Leeds City Council* [2020] EWHC45 (Admin).

requirement) is justified are given under Issue 2 above; and my reasons for concluding that there are exceptional circumstances to justify Green Belt release, both at the strategic and site-specific levels, are given under Issues 4 and 7-10.

Five-year Requirement and the Supply of Deliverable Sites

248. The Plan is likely to be adopted before 31 March 2022 and so the relevant period for the purpose of calculating the five-year requirement and supply upon adoption is 2021/22 – 2025/26. This represents Years 9-13 of the Plan.
249. The total housing requirement of 14,240 dwellings amounts to an average requirement of 712 dwellings per annum (dpa), or 3,560 in any given five-year period. However, the housing trajectory on page 5 of RBWM_073b shows that this rate of delivery has not been achieved in any year since the start of the Plan, leaving a past shortfall of 1,678. Dealing with the undersupply over the first five-year period following the adoption of the Plan would increase the requirement for Years 9-13 to 1,048dpa, or 5,238 in total.
250. In addition, the NPPF requires that a buffer, moved forward from later in the Plan period, should be added to the five-year requirement to ensure choice and competition in the market for land. Following the adoption of the Plan, the size of the buffer will be determined annually having regard to the Housing Delivery Test in the current NPPF. Taking account of recent delivery, and acknowledging that future delivery requires development to start on several large sites, there is some risk of a 20% buffer being imposed early on. It is therefore prudent to calculate the five-year requirement on this basis, which takes it to 1,258dpa, or 6,288 dwellings in total, for Years 9-13 of the Plan.
251. Notwithstanding that housing delivery is expected to rise sharply from Year 9 to Year 13, the trajectory referred to above indicates that only 5,963 dwellings will be provided over this period. There would be a shortfall against the five-year requirement and so, to leave it unchanged would set the Council up to fail. Therefore, in light of the significant change in the level of housing needed between emerging and previous policies (712dpa versus the 346dpa required by the South East Plan) and the need for key sites within the Strategic Placemaking Areas to be released from the Green Belt before development can begin, a stepped trajectory is justified.
252. Turning to the detail of such a trajectory, in RBWM_049 (and explained further in RBWM_073a), the Council proposes a total five-year requirement for Years 9-13 of the Plan of 4,800 dwellings. This rises to 5,760 if a 20% buffer is added, which is not far below the 5,963 dwellings expected to be delivered during that period. 4,800 therefore represents an appropriate "total" five-year requirement. The Council then proposes an annualised target for each of Years 9-13 which tracks projected delivery as shown in the trajectory, taking account of the potential need to add a 20% buffer. This results in an annual stepped requirement of 200, 400, 1,400, 1,400, and 1,400 dwellings for Years 9-13 respectively, amounting to the 4,800 required overall. Thereafter, from Year 14 to Year 20 of the Plan (2026/27 – 2032/33) the Council expects to be able to deliver against an even annualised requirement of 775dpa to provide the total 14,240 dwellings needed.

253. Having regard to the factors above which justify a stepped requirement, and to the additional advice in the PPG that the steps themselves should not unnecessarily delay meeting identified development needs, the steps proposed by the Council represent an appropriate balance between addressing the past shortfall in supply as quickly as possible and being realistic about what can be achieved in practice. They are suitably ambitious, and they are justified. Applying them with a 20% buffer, the Council can demonstrate a five-year housing land supply upon adoption (see RBWM_073b, paragraph 20). Projected delivery is expected to exceed the annualised requirement of 775dpa in Years 14-16 and, if the trajectory is followed, the buffer to be added will be reduced. Consequently, there is a reasonable prospect of a five-year supply being maintained on a rolling basis to the end of the Plan period.
254. To give effect to the above, **MM16** includes amendments to the supporting text to reflect the latest housing monitoring data and the contribution of commitments, windfalls and allocations to the land supply. It also inserts tables showing the stepped requirement for the remaining years of the Plan period in both the supporting text and the policy itself. **MM57** replaces the housing trajectory shown in Appendix B of the Plan and PC Plan with the version provided in RBWM_073b.

Conclusion on Issue 11

255. The Borough's housing land supply is expected to come from various sources, and their contribution has been estimated appropriately. The total housing requirement is likely to be delivered over the Plan period, and the prospect is improved by there being a modest buffer which is justified by the need to provide some flexibility in the land supply. Having regard to the shortfall in housing delivery since the start of the Plan period, as well as to the advice in the PPG, a stepped trajectory is justified for Years 9-13 of the Plan and, on this basis, the Council can demonstrate a five-year land supply as required by the NPPF. Overall, therefore, I conclude that the Plan will provide a land supply sufficient to deliver the housing requirement of at least 14,240 dwellings from 2013-33; and that there is a reasonable prospect of a five-year land supply being achieved upon adoption and thereafter.

Issue 12 – Whether the Plan's policies for Town Centre, Retail & Tourism development are justified, effective and consistent with national planning policy.

Town Centres and Retail

256. Policies TR1 – TR8 in both the submitted Plan and PC Plan set out the approach to development in the Borough's centres. Drawing upon evidence of the scale and mix of uses present as gathered for the Retail Study 2015 (SD/025), Policy TR1 defines the hierarchy of centres required by paragraph 23(2) of the NPPF. This seems reasonable and **MM25** is needed only to ensure that the terminology used in relation to Ascot is consistent throughout the Plan (see Issue 8); to refer to hotels as a relevant town centre use; and to require town centre proposals to respect the existing character of the area.
257. Policies TR2 and TR3 concern development within Windsor Town Centre and Maidenhead Town Centre respectively, and they rely upon town centre

boundaries defined on the Policies Map. The boundaries have been drawn having regard to the definition of a "town centre" in the NPPF's glossary. On this basis, the exclusion of the Windsor Central Station and Alma Road Car Parks from Windsor Town Centre is justified, as is the exclusion of site AL8 from Maidenhead Town Centre. These sites fall outside the areas predominantly occupied by main town centre uses and they are physically separated by significant roads.

258. Policy TR2 otherwise meets the tests of soundness and **MM26** is required only to reflect the changes to the Use Classes Order and to refer to Windsor Yards as part of the visitor development area. Policy TR3 as submitted includes references to the Maidenhead Town Centre Area Action Plan, which will be superseded when the Plan is adopted. These require deletion. Also, the use of the term Maidenhead "Retail" Centre to refer to the "Town" Centre could cause confusion and so the latter term should be used to ensure effectiveness. **MM27** includes the necessary amendments.
259. Policy TR6, Strengthening the Role of Centres, rightly intends to direct retail and other main town centre uses to the Borough's defined centres, including by applying the sequential and impact tests in the NPPF. However, the Policy TR6 tests are more onerous in that the sequential test prioritises the centres highest in the hierarchy, while the impact test will apply to proposals within centres if they exceed identified needs. There is no clear justification for this position and so amendments are required to achieve consistency with national policy (**MM30 & MM31**).
260. In addition, Paragraph 23(6) of the NPPF requires sites to be allocated to accommodate the full need for main town centre uses but, as drafted, the Plan is not clear about the scale of development necessary. The Retail Study Update 2019 (PC-029) identifies a need for 2,700sqm of comparison retail floorspace and 2,350sqm of convenience floorspace across the Borough and, for effectiveness and consistency with national policy, these figures should be included in Policy TR6 (**MM30 & MM31**). RBWM_082 gives confidence that sufficient sites are allocated to meet the identified need.
261. Policies TR4, TR5, TR7 and TR8 concern District Centres, Local Centres, Shops & Parades Outside Defined Centres and Markets respectively and they are essentially sound as submitted. However, **MM28** and **MM29** (relating to TR4 and TR5) are necessary to ensure that proposals take adequate account of local character; and **MM32** (relating to TR8) is required to clarify that development should not adversely affect the amenities of nearby residential or business premises. I have also amended the wording of MM29 to clarify that Policy TR5 should apply to the new Local Centre on site AL13.

Visitors and Tourism

262. Policy VT1 sets out the Plan's approach to supporting visitor development across the Borough. In respect of whether a local stance is needed on proposals for large/important sites in the Green Belt, I concluded under Issue 6 above that it is not (see Policy SP5/QP5). My findings there apply equally to the question of whether a hotel should be permitted on Green Belt land at Ascot Racecourse. Nevertheless, Policy VT1 is supportive of hotel developments at both Ascot and Windsor Racecourses provided there are very

special circumstances to justify the harm which would be caused to the Green Belt and, in this respect, an amendment is required to ensure consistency with the wording of national policy. For clarity and effectiveness, further amendments are needed to update the contextual information in the supporting text and to remove references to a park and ride scheme which is no longer going ahead (**MM33**).

Conclusion on Issue 12

263. For the reasons above, and with the recommended modifications, I conclude that the Plan's policies for town centres, retail and tourism development are justified, effective and consistent with national policy.

Issue 13 – Whether the Plan's policies for the historic environment are founded on robust evidence, and whether they are otherwise justified, effective and consistent with national planning policy.

264. The Borough benefits from an interesting history, which is reflected in a range of heritage assets including Listed Buildings, Registered Parks and Gardens, Scheduled Ancient Monuments, Conservation Areas, Archaeological Sites and a variety of non-designated assets. This important context is not clearly conveyed in the Plan as drafted and it should be added for effectiveness. However, the Council has consulted numerous sources of information related to the historic environment in preparing the Plan (see RBWM_033, paragraph 1.1.2), and has taken them into account in making allocations through the SSM/HELAA process, and the SA. Thus, the evidential basis for the Plan's policies is robust.

265. The submitted Plan includes three detailed policies for managing the effects of development upon the historic environment, Policies HE1 – HE3. The PC Plan proposes to delete Policy HE3 on Local Heritage Assets and transfer its provisions into Policy HE1 to deal with the historic environment comprehensively. This approach will ensure that the status of non-designated assets is not diminished and avoid unnecessary repetition. It is therefore necessary and justified, and **MM35** deletes Policy HE3 accordingly. At present, however, the Council does not have a local list of non-designated heritage assets and the Plan is not clear about how they will be identified. The intention is to develop a local list as part of the Heritage Strategy in preparation, but also to recognise that assets might be discovered through other processes, such as the making of NPs or through the consideration of planning applications. For effectiveness, this should be explained in the supporting text to Policy HE1.

266. Finally, while it is not necessary for the Plan to repeat the requirements of national policy in respect of how planning applications should be assessed, it should nevertheless be clear about how developers should respond to its policies. Policy HE1 as drafted does not include the Council's requirements for recording justifiable losses of heritage, or for preparing archaeological assessments or heritage statements. These should be added for effectiveness. **MM34** includes the necessary amendments to Policy HE1, while Policy HE2 which specifically concerns development affecting Windsor Castle and Great Park, is sound as submitted.

Conclusion on Issue 13

267. I conclude that the Plan's policies for the historic environment are based on robust evidence and that with the modifications included in MM34 and MM35, they will be justified, effective and consistent with national policy.

Issue 14 – Whether the Plan's policies for managing the Borough's natural resources are justified, effective and consistent with national planning policy.

268. Policies NR1 – NR5 in both the submitted Plan and PC Plan concern the management of the Borough's natural resources in relation to flood risk, nature conservation and biodiversity, trees, the Thames Basin Heaths Special Protection Area (TBHSPA) and renewable energy. The PC Plan reorders some of the policies and, to avoid confusion, the references below are those used in the PC Plan.

Policy NR1 – Managing Flood Risk and Waterways

269. This policy intends to reflect the requirements of national policy and guidance, including the Sequential and Exception Tests for site selection, site specific Flood Risk Assessments (FRA) and the sequential approach to locating development within a site. With the additions proposed in the PC Plan it is largely successful but, as drafted, the Sequential Test would be required for all sites in areas at risk of flooding – including allocated sites. This is contrary to paragraph 104 of the NPPF, which provides that developments on sites allocated in Plans through the Sequential Test need not apply it again.

270. For the reasons given under Issue 5, the Council's flood risk evidence in RBWM_044 demonstrates that the allocations in the PC Plan pass the Sequential Test. Site AL15, allocated for Green Infrastructure but also a leisure centre and a school, was omitted from the process undertaken to support the Plan but it has since been tested through site specific FRA. Indeed, planning permission has been granted, the leisure centre is now open and the school is nearing completion (see RBWM_065). I have added a note to the proforma provided by **MM73** to clarify this. Therefore, for practical purposes, all the allocations in the PC Plan have passed the Sequential Test and Policy NR1 should be modified accordingly.

271. Notwithstanding the above, the PC Plan does include allocations which are required to pass the Exception Test, and this must be demonstrated at the planning application stage. Some windfall sites might also be subject to this test. Policy NR1 does not include a specific requirement for development to pass the Exception Test where necessary and, for justification and effectiveness, it should be modified to do so. Conversely, the necessary addition to the policy to require safe access and egress for all development is not exclusively an Exception Test point, and I have amended the wording of MM36 to clarify this.

272. In response to representations made by the Environment Agency (EA), Policy NR1 was amended in the PC Plan to require the provision of an undeveloped, 8m buffer zone alongside river corridors. The EA confirmed at the hearing that the 8m distance only applies to main rivers and so **MM36** includes a

modification intended to provide flexibility in relation to other watercourses. However, the modification could have the effect of providing flexibility in relation to main rivers where none is intended. I have therefore amended the wording in relation to this matter.

273. Finally, in relation to Policy NR1, land is required to be safeguarded for various flood relief measures, including a stretch of the River Thames Scheme which falls within the Borough. At present, the Council is unable to contribute the necessary funding for the project to proceed, but it remains committed to it if the financial climate improves. The scheme represents the optimum solution to address flood risk in the area and, consequently, it is justified for the land to remain safeguarded for now. However, it is not marked on the Submission Policies Map or the Legend and this should be done upon adoption to ensure that the policy is effective. The relevant area is shown on MapMod1 in Document BLPMM-002, which was published for consultation alongside the MM Schedule. Otherwise, **MM36** includes all the necessary modifications to Policy NR1.

Policies NR2 – Nature Conservation & Biodiversity; NR3 – Trees, Woodlands & Hedgerows; and NR4 -Thames Basin Heaths Special Protection Area

274. Paragraph 117 of the NPPF requires planning policies to plan for biodiversity at a landscape scale and to identify and map components of the ecological network. In addition to international, national and locally designated sites of importance, these components include the wildlife corridors, stepping-stones and opportunity areas which connect them. Taken together, Policies NR2-NR4 (and to some extent QP2 and QP3) provide appropriate 'headline' requirements for development proposals, but they presently lack a clear connection to the evidence base which is necessary to assess compliance. Amendments are therefore needed to achieve effectiveness.

275. The evidence which underpins the policies in the Plan exists in the form of the Green & Blue Infrastructure Study, October 2019 (PC-010). This substantial document presents a baseline of the GI assets in the Borough; considers the threats to and opportunities for biodiversity and green and blue infrastructure; and makes recommendations about next steps. It also begins to define the scope of an SPD, which is seen as the vehicle for putting these recommendations into practice. Therefore, **MM37** and **MM38** (concerning policies NR2 and NR3 respectively) include modifications to properly reflect this document in the Plan so that it can be referred to by developers. **MM37** further amends Policy NR2 to refer to habitats, Local Wildlife Sites, Local Nature Reserves and Biodiversity Opportunity Areas as assets to be considered through the planning process. These additions are necessary to ensure that development takes account of the full ecological network as required by national policy.

276. Policy NR4 seeks to protect the integrity of the TBHSPA, which is designated for the special habitat it provides for birds. To guard against the potentially harmful effects of recreation, the policy requires a minimum of 8Ha of SANG per 1,000 new occupants to be provided in perpetuity. This is to be secured from developers either by financial contribution or direct provision. The Council's evidence in RBWM_027 (paragraphs 5.3.1 – 5.3.8) gives comfort that sufficient SANG will be delivered, and it has also been agreed that

developments falling within the SANG catchment applied by Bracknell Forest Council can benefit from SANG sites there. Nevertheless, as discussed in relation to legal compliance above, Policy NR4 should clarify that planning permission for development requiring SANG will be refused if insufficient land is available. For justification, MM39 includes this restriction and, for effectiveness, it explains the point about the use of SANG land in Bracknell Forest.

Policy NR5 – Renewable Energy

277. This policy is sound as submitted but the PC Plan introduced a paragraph on mineral safeguarding which fits better here than under Policy NR1 as proposed. The paragraph is needed to reflect the requirements of the emerging Minerals and Waste Plan and so, for effectiveness, **MM40** adds it to the supporting text.

Conclusion on Issue 14

278. For the reasons above, I conclude that with the modifications discussed, the Plan's policies for managing the Borough's natural resources are justified, effective and consistent with national policy.

Issue 15 – Whether the Plan's policies for environmental protection are justified, effective and consistent with national planning policy.

279. Policies EP1 – EP5 in both the submitted Plan and the PC Plan seek to protect the Borough's environment from the effects of air pollution, light pollution, noise and contamination. Policy EP1 is a general policy, and it is sound as submitted. Policy EP2 concerns air pollution and, in relation to legal compliance, I concluded that the nationally set standards for the relevant pollutants would be met by 2033, including in the currently designated AQMAs. However, the Plan has a role in managing development to ensure that the trajectory of general improvement leading to this outcome is not disrupted and this is not clearly expressed. Therefore, for effectiveness, Policy EP2 should identify the present AQMAs and the types of mitigation which could be required (**MM41**).

280. Policies EP3-EP5 are largely sound as submitted but, for effectiveness, additions are needed to ensure that river and wildlife corridors are protected from the effects of artificial light; that there is flexibility to depart from the general noise standards where specifically justified; and to explain where water Source Protection Zones are likely to be found. **MM42**, **MM43** and **MM44** include the necessary additions. With these amendments, together with those set out in MM41, I conclude that the Plan's policies for environmental protection are justified, effective and consistent with national policy.

Issue 16 – Whether the Plan's detailed policies for infrastructure provision and local green spaces are justified, effective and consistent with national planning policy.

281. Policies IF1-IF7 of the PC Plan (some of which have different reference numbers in the submitted Plan) provide detailed criteria for development

management purposes and these are discussed below as necessary. Strategic issues concerning infrastructure are covered under Issue 4 above.

282. Policy IF1 in both the PC Plan and the submitted Plan seeks contributions from development proposals towards the infrastructure for which they generate a need. Its requirements are appropriately linked to the Council's CIL Schedule and IDP and they are essentially justified. However, the wording is insufficiently strong to require contributions in all relevant cases and this should be addressed to ensure effectiveness (**MM45**).
283. Policy IF2 (in both versions of the Plan), Sustainable Transport, includes criteria on parking provision and it sets out the Council's intention to develop and implement revised standards in an SPD. However, the SPD has not been forthcoming and, while the supporting text indicates that minimum standards will apply to new residential developments, the Plan is not particularly clear about how these will be determined. Thus it is ineffective, and so **MM46** proposed using the standards in the 2004 Parking Strategy as the starting point for determining the appropriate level of provision.
284. However, the 2004 Strategy sets maximum standards and, while MM46 requires some flexibility in their application, their use would be contrary to the Plan's own intention to move to minimum standards. It would also be contrary to the Government's Statement in March 2015 that the imposition of maximum parking standards led to blocked and congested streets and pavement parking¹¹; and that the market is best placed to decide if additional spaces should be provided. I have therefore amended the wording of the modification to clarify that while the 2004 Strategy can be used as a guide to the appropriate level of parking, it should not be used to set a maximum level.
285. Policy IF3 in the PC Plan (SP6 in the submitted Plan) designates "Poundfield" in Cookham as a Local Green Space (LGS) as permitted by paragraph 76 of the NPPF in certain circumstances. It is the only site proposed to be designated out of numerous others nominated during the Regulation 18 stage and there is no specific evidence to explain why this is so. However, the designation of LGS is not a comparative exercise, but one which requires each site to be assessed on its merits against the criteria in paragraph 77 of the NPPF. In this respect, there is evidence to support the designation of Poundfield in paragraphs 6.10.6 – 6.10.8 of the submitted Plan and paragraphs 14.8.6 – 14.8.8 of the PC Plan; in the Statements submitted by the Council and others in response to my pre-hearing questions; and in the oral representations made at the hearings themselves.
286. In summary, the space is undoubtedly close to the community it serves, and the level of local interest in its protection from development demonstrates that it holds a special value (see in particular REP-1234988-010). It is significant to the people of Cookham for the contribution it makes to the character of the settlement as an open space between built up areas, for the public rights of way it provides between the village and the countryside, for its heritage contribution, being within the Conservation Area and part of the setting of nearby Listed Buildings and for the flora and fauna it supports. Whilst the land

¹¹ Written Ministerial Statement Ref. UIN HCWS488, by Mr Eric Pickles, 25 March 2015.

covers an area of approximately 5Ha, it is a well-contained space which does not resemble an extensive tract of land.

287. For these reasons, Poundfield meets the criteria in paragraph 77 of the NPPF and so its designation as a LGS is justified. It does not matter that it has not been previously incorporated into the Green Belt because the latter is a different designation required to fulfil different purposes. Nevertheless, the NPPF requires that local policy for managing development within a LGS should be consistent with policy for Green Belts and so, for effectiveness, cross reference is needed to Policy QP5 (**MM47**). This sets local Green Belt policy and I have concluded under Issue 6 that, as amended, it is justified, effective and consistent with national policy. Therefore, MM47 also deletes the specific Green Belt provisions in Policy SP6 of the submitted Plan which are now covered in Policy QP5.

288. Policy IF4, in both the submitted Plan and PC Plan, seeks to manage the effects of development upon the various types of open space across the Borough. The submitted version was based on evidence in a 2008 assessment which has been superseded by the Open Space Study 2019 (PC-019), and so modifications are required to reflect this. Similarly, it refers to a scheme at Ockwells Park which has been implemented, but not to the GI allocations now included in the PC Plan. Further updating is therefore required. In addition, the submitted policy seeks open space provision from allocated sites only and not from windfall development; and it singles out certain types of open space for protection over others. The lack of comprehensive coverage is neither intended nor justified and so amendments are needed. **MM48** includes the modifications necessary to achieve justification and effectiveness.

289. Policy IF5, Rights of Way and Access to the Countryside, is essentially justified but, for effectiveness, the supporting text should define the key elements of the route network to which its provisions apply (**MM49**). Policy IF6, Community Facilities (Policy IF7 in the submitted Plan), is also justified, but there is duplication in the supporting text of the PC Plan which should be addressed (**MM51**). Policy IF6 in the submitted Plan allocates land for a new sports and leisure development at Braywick Park which is now built and open to the public. The policy is therefore redundant and so it should be deleted. **MM50** deletes the policy and **MM105** deletes the site proforma. Finally, Policy IF7, Utilities (Policy IF8 in the submitted Plan), requires amendment to address concerns raised by Thames Water as discussed under Issue 4. Additions are needed to ensure that developers liaise with the company at the planning application stage to identify and respond to any necessary infrastructure upgrades (**MM52**).

Conclusion on Issue 16

290. With the modifications discussed above, I conclude that the Plan's detailed policies for infrastructure provision and local green spaces are justified, effective and consistent with national planning policy.

Overall Conclusion and Recommendation

291. The Plan has a number of deficiencies in respect of soundness. In accordance with Section 20(7A) of the 2004 Act, I therefore recommend that it is not adopted as submitted for examination. The relevant deficiencies are explained in the main issues set out above.

292. However, the Council has requested that I recommend MMs to make the Plan sound and legally compliant and so capable of being adopted. I conclude that the duty to cooperate has been met and that with the recommended Main Modifications set out in the Appendices, the Royal Borough of Windsor and Maidenhead Borough Local Plan, 2013-33, satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Louise Phillips

INSPECTOR

This report is accompanied by three Appendices containing the Main Modifications.