

**Royal Borough of Windsor and Maidenhead  
Borough Local Plan 2013-2033  
Response to Main Modifications Consultation (July  
2021)**

**Submission  
from the following organisations:**

Ascot, Sunninghill and Sunningdale Neighbourhood  
Plan Delivery Group  
Bray Parish Council  
Bray Neighbourhood Plan Steering Group  
Braywick Action Group for Maidenhead's Greenbelt  
Fisheries Residents Association  
Horton Parish Council  
Oakley Green & Fifield Residents Association  
Old Windsor Parish Council  
Old Windsor Neighbourhood Plan  
RBWM Residents Action Group  
Rushington Area Residents Association  
Society for the Protection of Ascot & Environs

Prepared by Peter Lerner MA (Oxon), MRTPI,  
Chartered Town Planner  
peterjlerner@gmail.com  
07939 081299

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## **1. Introductory Note:**

1.1 Throughout the course of the RBWM Borough Local Plan Consultations and Examination, representations were jointly submitted by a number of local organisations - comprising Parish Councils, Neighbourhood Plan Groups, Residents Associations etc, generally referred to as “The Thirteen Local Organisations”. Regrettably, these are now reduced in number to 12, as SportsAble closed down in May 2021, a casualty of the pandemic.

1.2 This submission is therefore on behalf of the Twelve Local Organisations which are listed on the cover sheet.

## **2. Opening Statement:**

2.1 The 12 Local Organisations wish to congratulate RBWM on the extent and scope of the work which they have undertaken, to respond to the Inspector’s post-Hearing Advice. They remain committed to working positively and cooperatively with RBWM to deliver the best possible Borough Local Plan, for the benefit of current and future residents and these consultation responses are submitted in this spirit.

## **3. Introduction:**

3.1 The 12 Local Organisations have taken note of the guidance provided by RBWM on the scope of the consultation, and the process for responding to the consultation.

3.2 We wish to make comment in 3 broad areas - some general points, responses on various specific issues, and identification of possible errors and/or discrepancies.

3.3 It is our contention that the issues which we raise in this response must be addressed before the revised BLP and the proposed Main Modifications can be regarded as both sound and effective.

3.4 For avoidance of doubt, please note also that the previous representations made by the 12/13 Local Organisations on the Borough Local Plan, at its various stages, continue to represent the views of those organisations, except where they have been specifically withdrawn.

## **4. Consultation Response:**

### **4.1 Supplementary Planning Documents**

4.1.1 We remain concerned that the BLP cannot be considered sound because of the lack of any detail on a number of important Policies, coupled with a lack of detail on the content and timing of the relevant SPDs. The three Placemaking SPDs (QP1a, QP1b and QP1c), the new Building Height and Tall Buildings SPD (QP3a), and the Parking SPD are all fundamental to the way development will be shaped in our area within the Plan Period, and there is no published schedule for when these vital documents will be produced, consulted on, or adopted.

4.1.2 You should be aware of recent QC's advice (*Suzanne Ornsby QC and Katherine Barnes, 26<sup>th</sup> January 2018*), reference ED128R: *Vale of Aylesbury Local Plan - Use of Supplementary Planning Documents*. This advice ([https://www.aylesburyvaledc.gov.uk/sites/default/files/page\\_downloads/ED128%20QC%20Advice%20on%20VALP%20SPDs.pdf](https://www.aylesburyvaledc.gov.uk/sites/default/files/page_downloads/ED128%20QC%20Advice%20on%20VALP%20SPDs.pdf)) discusses, with reference to the legislation, the intended and proper relationship between Development Plan Policies, Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). It refers specifically to the Vale of Aylesbury Local Plan (VALP) but the advice is relevant in the context of each and every Local Plan. It concludes "*The key is to ensure that the SPDs develop the policies in the VALP by providing detail on the way in which they will be implemented in practice. They should not seek to impose new or additional policy requirements because these must be made by way of a DPD*".

4.1.3 For clarity and soundness, therefore, it would be very helpful for the term "SPD" to be defined in the Glossary.

*Suggested Amendment. Glossary Text: Supplementary Planning Document (SPD) - A document adopted by RBWM which provides additional detail on one or more Policies forming part of the BLP. An SPD must support the Policies in the Local Plan rather than introduce new ones.*

4.1.4 Further, there is at present no mechanism, far less specific milestones, to monitor the production, consultation and implementation of these important documents.

*Suggested Amendment: Relevant Monitoring Indicators should be modified to state a specific date by which each of the SPDs for the Policies referred to above will be published for consultation and then adopted.*

Note: the relevant Main Modifications to which the above recommendations relate are MM5, MM8, MM9, MM10, MM13, MM46, MM53 and MM54, and the relevant Policies are SP1, QP1a, QP1b, QP1c, QP3a and IF2.

## 4.2. Ascot Terminology

4.2.1 Inconsistency in the terminology used for Ascot was raised at the examination by local resident Martin Baker. The 12 Local Organisations are firmly of the opinion that Mr. Baker is best placed to comment further and we have seen and agree entirely with successive drafts of his consultation response on these matters.

4.2.2 We endorse his proposals in respect of further amendments which will provide clarity, consistency, aid effectiveness, and prevent unnecessary confusion. While we do not intend to repeat Mr. Baker's comments in full at this point we make it clear that these refer to Main Modifications MM5, MM6, MM7, MM10, MM13, MM16, and MM36.

4.2.3 Our key points can be summarised as follows:

- Consistency in the use of the term 'Ascot Growth Location';
- Amendments to the boundary of the Ascot Strategic Placemaking Area;

- Greater clarity about the part of South Ascot that is within the Placemaking Area;
- Consistency in the use of the term 'Ascot District Centre' rather than Ascot Town Centre;
- Resolution of inconsistencies in terms of the maximum height of buildings in Ascot Centre.

#### **4.3. QP1c, QP3a Building Height and Tall Buildings policy - with specific reference to Ascot**

4.3.1 Towards the end of the Examination, the Inspector received a great deal of evidence concerning the application of specific Policies to Ascot (as opposed to Maidenhead). The Council has recognised some of the issues that were raised, but we continue to have severe doubts about the interpretation and effectiveness of various Policies. These are detailed below.

- **Policy QP1c**

4.3.2 Policy QP1c does not sufficiently address the issue of Tall Buildings in Ascot Centre as identified by the Inspector in her Stage 2 Post Hearing Advice (IP 33 paragraph 16) in which she makes it clear that this issue should not be left to an SPD. The amendment proposed in Policy QP1c paragraph 4(c) does not accurately reflect the Inspector's advice and requires further amendment.

4.3.3 We note that there is a reference to the maximum height of buildings in the Site Proforma for AL16 and that this forms part of Policy QP1c, but it is not supported by context or explanation, which diminishes its value and potentially leaves it open to challenge. We would suggest an addition to paragraph 4 of Policy QP1c which would state: *'In order to preserve and enhance the character and appearance of the Area no building within Ascot Centre shall exceed four storeys'*.

- **Policy QP3a**

4.3.4 Paragraph 1 of QP3a leaves it open for 'large developments' to increase building heights, although 'not normally' by more than one storey. There is no definition of what constitutes a 'large development' or what exactly is meant by 'not normally'. A tighter definition would assist developers and the public in their understanding of the Policy.

4.3.5 Paragraph 3 of QP3a for tall building development on large greenfield sites is dependent on a Placemaking SPD which has not yet been produced, or a Stakeholder Masterplan.

4.3.6 Paragraph 5 states that 'Other than in Maidenhead Town Centre, building heights of above 2.5 times the contextual height will not generally be appropriate'. With Ascot having a contextual height of 3 storeys, this could mean up to 7.5 storeys. This is hopefully not the Council's intention, and we request further clarity within this Policy.

4.3.7 Paragraph 6 of QP3a includes a site-specific exception ( AL1 Nicholsons Centre). If Ascot were similarly included as an exception to the general policy this would help to avoid conflict, or alternatively, the *'no more than four storeys'*

amendment could be included in QP1c Ascot Placemaking Policy, as suggested above.

4.3.8 Supporting text Paragraph 6.14.6 draws attention to Windsor Castle and church spires as historic examples of tall buildings which 'landmark' town or village centres. This is disingenuous. The majority of proposals for tall buildings that will come forward to planning will be for residential or employment use and are most unlikely to be present or future heritage assets.

#### **4.4 HO1 Housing Development Sites policy**

4.4.1 An amendment is proposed by the Council at the end of paragraph 4 of this Policy. It states: "In meeting the proforma requirements, flexibility may be applied to allow for material changes in circumstances as a result of the passage of time or to enable alternative solutions that will deliver the same, or preferably, a better planning outcome." We believe that it is possible that this sentence has been added as a misinterpretation of the Inspector's comment (paragraph 29, 2<sup>nd</sup> bullet point, ID-33) which states: 'It should be clear whether the points listed in the proformas are requirements or objectives for which there might be multiple solutions'.

4.4.2 We are of the opinion that this is entirely new sentence could be interpreted to mean that most, if not all, site specific amendments required by the Inspector can be easily avoided. The 12 Local Organisations object to this unwarranted and most unhelpful addition in the strongest terms: it should be deleted in order to ensure soundness and compliance with the Inspector's advice.

#### **4.5. Errors, Omissions and/or Discrepancies**

4.5.1 Following on from the 13 Local Organisations' detailed comments regarding the site proformas at the BLPSV-PC Stage 2 Hearings Week 3, we sent a copy of our notes to Ian Gillespie at the Council, at his request. RBWM had already proposed some changes and/or additions in response to the MIQs dealing with the site proformas, which we fully endorsed. We are cognizant that the context for further change to the site proformas was set by the Inspector when she said this was not the time to completely rewrite the site proformas. That said, in reviewing the work that has been done we have the following observations.

4.5.2 AQ and Air Pollution - The inconsistent approach to air pollution and air quality in the site proformas has been corrected but the proformas for two sites still do not contain specific references to AQ (either air pollution or air quality) which we believe may simply be an error. These are:

- AL8 - St Cloud Way: 'Ensure that adjoining developments do not suffer from poor residential amenities as a result of the proposals.' It would be better to specifically reference AQ as a potential adverse impact on residential amenity and also user amenity, e.g. office users.
- AL18: Ascot Station Car Park which is a mixed use scheme providing approximately 50 residential units, public car parking and ancillary retail: 'Provide appropriate noise and vibration mitigation to ensure a high quality

living environment for new residents'. The proforma does not specifically mention AQ which must be an error owing to the proximity to the railway, car parking etc.

- The proformas for AL40, and AL40A include a reference to the impacts of noise and air quality issues associated with Heathrow Airport and we would suggest the wording is revised to make it clear that the potential AQ issues are not only those likely to result from proximity to Heathrow. We propose the following revised text: *'Provide appropriate mitigation measures to address the impacts of noise and air quality issues including those associated with Heathrow Airport.'*

4.5.3 Key Worker Housing - We are concerned that there is still only one site (AL20) which specifically references key-worker housing despite RBWM's stated commitment to its provision. It may well be that there is a general expectation that affordable housing will also include key worker housing but if so, this should be made explicit and specifically referenced as one of the tenure types for affordable housing.

4.5.4 Duplications - Proformas for two sites (AL16 and AL17) each included duplicate statements regarding public bus routes albeit using slightly differing language. The duplication in the proforma for AL16 was noted by the Inspector in her letter to RBWM (point 35) and the duplicate statement in the proforma for AL16 has been removed; however, it still exists in the proforma for AL17. We assume this is an oversight and it can easily be removed.

4.5.5 Non-Designated Heritage Assets - We note the Inspector's comments (paragraphs 19 and 20 of the Inspector's Advice After Hearings) which state that MMs should be made to the supporting text of Policy HE1 to explain what non-designated heritage assets are, as well as how they will be identified, in order to ensure that Policy HE1 is fully effective in advance of development of the Heritage Strategy SPD. We do not believe that these instructions have been fully complied with as there is no explanation/definition of what constitutes a non-designated heritage asset. We would suggest that a definition of NDHA's should be added to both the Glossary as well as to Policy HE1, particularly if one of the routes for identifying NDHA's is through the Planning Process which means all the criteria for identifying and recognising an NDHA should be abundantly clear to developers, residents and Planning Officers as soon as possible, bearing in mind that the Heritage Strategy SPD and the proposed list of Heritage Assets (including NDHA's) does not yet exist. Note: MM 34 refers.

## **5. A308 Issues**

5.1 We have illustrated in section 4.1 above our serious concerns about the lack of certainty regarding the timetabling and publication of the various key Supplementary Planning Documents (SPDs), whose adoption will be integral to the eventual success of the Plan.

5.2 We have similar, and growing concerns, regarding the various allocated sites adjoining and close to the A308, a major road whose levels of congestion, noise and air pollution were discussed frequently at the BLP Examination and where it

appeared that all parties were agreed that major improvement and remedial strategies were necessary.

5.3 It was widely accepted at the Examination that a major step forward in understanding the major issues around the A308 had been made, with RBWM joining in with a number of other authorities to conduct, with Government backing, a study of the A308. This was reported to have commenced around the time of the first stage of the Local Plan Examination, although concern was being expressed, at the second stage of the Examination, that little further progress had been made. All parties had understood that this relatively costly study would inform the development of the various allocated sites in the vicinity of the A308.

5.4 Although some of the parties, including the 13 Local Organisations, considered that it would have been preferable to have undertaken the A308 Study and learned from its conclusions prior to the selection of sites for allocation, it was accepted that “we are where we are” and that the Study could still be a major influence upon the detail of the development of the allocated sites.

5.5 We now understand that little or no further progress has been made with the A308 Study, which is not merely disappointing, it is potentially catastrophic for the A308, its nearby residents and its users. It now seems inevitable that transport issues for the A308 will have to be addressed piecemeal by the various developers. We consider that addressing these issues on a site by site basis is untenable, and that developers cannot be expected or relied upon to produce solutions for public or private services over which they have no control.

5.6 The standard bullet points in the Site Proformas for the various sites in proximity to the A308 include the following:

“Be supported by an appropriate Travel Plan”

“Develop and implement a robust residential travel plan to manage travel to and from the site and reduce instances of single-occupancy car trips”

“Ensure that the development is well-served by public bus routes / demand responsive transport / other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys, including local leisure facilities”

5.7 The 12 Local Organisations do not consider it possible that, even with the best of goodwill on the part of the site developers, these measures will begin to approach the resolution of the problems associated with the A308 within the Royal Borough.

5.8 Our view is that the Local Plan Inspector has been seriously misled regarding the A308 Study, and that further Main Modifications are required to the plan to ensure that it is made clear to developers of allocated sites in the vicinity of the A308 that construction works should not proceed until the A308 Study has been completed, and a timetable for the implementation of its recommendations together with the necessary monitoring obligations, has been agreed.

## **6. Conclusion**

6.1 The 12 Local Organisations thank the Council for this opportunity to comment upon the Council's Main Modifications to the BLP, and ask that our comments be given full consideration.

6.2 As always, we will be happy to discuss our views with the Council's Members and Officers.

6.3. We request the Council to note that we shall be forwarding a copy of these comments to the Local Plan Inspector, whose final Report on the Plan is awaited.