

Royal Borough of Windsor and Maidenhead

Hurley and the Walthams Neighbourhood Plan Decision Statement

1 Summary

- 1.1 Following an Independent Examination, the Royal Borough of Windsor and Maidenhead's Cabinet has now confirmed that the Hurley and the Walthams Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.

2 Background

- 2.1 The Hurley and the Walthams neighbourhood area was designated by Cabinet in March 2013, under the Neighbourhood Planning (General) Regulations (2012).
- 2.2 Hurley Parish Council, as the Qualifying Body, with the support of White Waltham and Waltham St Lawrence Parish Councils and Shottesbrooke Parish meeting, submitted the Hurley and the Walthams Neighbourhood Plan ('The Plan') to the Borough in June 2016. The Plan was published for a 6 week consultation during July and August 16.
- 2.3 The Borough, in discussion with the Qualifying Body, appointed an Independent Examiner, Nigel McGurk, to review whether the plan met the Basic Conditions as required by legislation. Mr McGurk issued his report to the Borough on 2nd January 2017 which recommended that the plan, subject to some modifications, met the Basic Conditions and should proceed to referendum.

3 Decision

- 3.1 The Borough's Cabinet considered the recommendations at its meeting on 27th July 2017. The Panel voted unanimously to accept the Examiner's proposed modifications and approve the plan to proceed to referendum. The Head of Planning was given delegated powers to issue a decision notice.
- 3.2 The Plan, with the Examiner's modifications meets the Basic Conditions as required in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990, and is compatible with the Convention rights and complies with provision made by or under Section 38A and B of the 1990 Act.
- 3.3 The meeting of Cabinet provided delegated authority to Executive Director Place, in consultation with the Principal Member for Neighbourhood Planning, to make minor, non material, amendments to the Neighbourhood Plan prior to the referendum being announced.

3.4 The changes to the plan are needed to ensure the Plan meets the Basic Conditions and in line with the Examiner's recommendations are as follows:

Hurley and the Walthams Neighbourhood Plan

Examiner's Recommended Changes and Officer Recommendations

Location of change	Page of Plan	Proposed Change	Commentary on examiner's view	Officer recommendation
Plan A	Page 3	Legend, delete "Proposed"	The Legend to map provided is confusing (and incorrect) as it refers to a "Proposed" Neighbourhood Area.	Accept the change.
Forward	2	Second paragraph, change last sentence to "That is, Neighbourhood Plans must have regard to national policy and advice, and be in general conformity with local strategic policy."	Parts of the Foreword introduce forms of wording that do not fully reflect the legislation	Accept the change.
Forward	2	Third paragraph, change last sentence to "The Plan can be reviewed in the future, to take account of changing circumstances."	Parts of the Foreword introduce forms of wording that do not fully reflect the legislation	Accept the change.
Para 1.2	3	delete "In some cases...of the parishes."	The existing wording detracts from the clarity of the Neighbourhood Plan	Accept the change.
Para 1.4	4	Change bullet points to: "- Does the Plan have regard to national policy and advice ? - Is the Plan in general conformity with the strategic policies of the local	The basic conditions are misinterpreted in Paragraph 1.4.	Accept the change.

			development plan ? - Does the plan contribute to the achievement of sustainable development ? - Does the plan meet European obligations and environmental requirements ?”			
Para 1.6	4		Delete Paragraph 1.6		Has been overtaken by events.	Accept the change
Para 1.28	7		Change to “The National Planning Policy Framework(NPPF) and Planning Practice Guidance set out national planning policy and advice. These documents...the country.”		An earlier version of the BLP is referenced and is not appropriate.	Accept the change
Para 1.31	8 and 9		Delete Paragraph 1.31 and all bullet points on pages 8 and 9.		An earlier version of the BLP is referenced and is not appropriate.	Accept the change
Para 1.39	11		Change to “...submission documentation shows that the policies contribute to...”		Paragraph 1.39 has been overtaken by events.	Accept the change
Para 3.5	14		Delete second sentence “For all other...to be used.”		The original wording would have led to confusion on how the Neighbourhood Plan will be used to make planning decisions.	Accept the change
Para 3.6	14		Change to “The Policies Maps are contained at the end of the Neighbourhood Plan. Where a policy...then it is shown on the main Policies Map and/or an inset map.”		The policies maps are to be moved into the main body of the document as they are referred to in the plan.	Accept the change

	Several pages	Move Policies Maps from Appendices to main body of the Neighbourhood Plan, immediately after the Policies	Policies maps are an important part of interpreting the policy.	Accept the change
Policy ENV 1	14	Change to: <i>“Development proposals should: i) respect the intrinsic character and beauty of the countryside and Parishes and the need to support thriving rural communities; ii) maintain and where practicable and appropriate, enhance biodiversity; and iii) not give rise to harmful disturbance from noise. The use of renewable and low-carbon or zero carbon technologies to reduce energy use will be supported.”</i>	Several of the clauses of the original policy would have imposed to onerous a burden on smaller applications and elsewhere it needs to be amended to comply with national guidance and advice.	Accept the change
Paras 3.7 and 3.8	14 & 15	Delete Paragraphs 3.7 and 3.8	Consequential amendments following changes to Policy ENV 1.	Accept the change
Policy ENV2	15	Delete and replace with: <i>“Development must not increase flood risk elsewhere. The inclusion of Sustainable Drainage Systems as part of a new development will be supported.”</i>	The original policy lacked clarity and went beyond national guidance with clear evidence or justification, it would have been difficult to implement.	Accept the change
Paras 3.11 and 3.12	15 and 16	Delete Paragraphs 3.11 and 3.12	Consequential amendments following changes to Policy ENV 2.	Accept the change
Policy SP1	16	Delete Policy SP1	The original Policy lacked clarity and went beyond	Accept the change

					national policy on the Green Belt.	
Paras 3.13 to 3.15	16	Delete Paragraphs 3.13 – 3.15			Consequential amendments following deletion of Policy SP1	Accept the change
Policy HUR1	16	Policy HUR 1, criterion iv), delete “and enhance” delete criterion iii)			The examiner felt that the policy as drafted was too restrictive and these changes would make it comply with national policy.	Accept the change
Appendix 2	End of the Plan	Move the Maps in Appendix 2 to the end of the Neighbourhood Plan, to follow on from the Policies Maps			To ensure the related maps form part of the Plan.	Accept the change
Para 3.16	17	Delete “and 2014 Borough Local Plan Policy GBC3.”			This is factually incorrect	Accept the change
Policy HUR2	17	Delete Policy HUR 2			Policy HUR 2 would support unrestricted extensions, subject to them relating to educational use, in the Green Belt.	Accept the change
Para 3.19	17	Delete Paragraph 3.19			The paragraph makes assertions which are not supported by evidence.	Accept the change
Policy HUR3	18	Delete Policy HUR 3			The policy sort to control development outside the Royal Borough.	Accept the change
Replace Policy HUR3	18	Replace the deleted Policy with a Community Action “Hurley Parish Council will seek to work with third parties, with the aim of ensuring that proposals related to			This can be treated as a project within the Neighbourhood Plan.	Accept the change

Para 3.20	18	Star Works in Wokingham demonstrate that their impacts on Hurley's highway network are satisfactorily mitigated." Change to "Star Works is located within neighbouring ... Neighbourhood Area. In addition, the majority ...business uses on the site. Hurley Parish Council would like to ensure that any future proposals for additional... Knowl Hill."	Consequential amendments following deletion of Policy SP1 and the new community project.	Accept the change			
Policy WSL1	18	Delete Policy WSL 1	Policy WSL 1 presented an unduly restrictive approach that may have prevented sustainable development from coming forward.	Accept the change			
Paras 3.21 & 3.22	18	Delete Paragraphs 3.21 to 3.22	Consequential amendments following deletion of Policy WSL1	Accept the change			
Policy WW1	19	Delete and replace with "Proposals for the redevelopment of Grove Park, to provide housing, will be supported, subject to: i) the majority of dwellings comprising smaller 2 and 3 bedroom houses of no more than two storeys in height; ii) providing for a range of housing, including dwellings for downsizers and first time buyers; iii) having a positive impact on	The policy is considered positive but the rewording aims to make it more effective.	Accept the change			

			<i>local character; and iv) ensuring safe and secure access onto Waltham Road.</i>			
Paragraph 3.23,	19	Delete the paragraph.		Consequential changes as the result of changes to White Waltham Policies.	Accept the change	
Paragraph 3.24,	19	Delete the last two sentences.		The examiner suggested that the wording be amended to clarify the text and the last sentence to be deleted. The text to be amended was from an old BLP consultation and so is now out of date and factually incorrect; the second sentence has been deleted.	Accept the changes	
Policy WW2 and Plan	21	Delete Policy WW 2 – Housing at Sawyers Crescent, Woodlands Park as well as associated plan.		The Policy is imprecise and does not meet the basic conditions. The site also has a planning consent.	Accept the change	
Para 3.25	22	Delete first two sentences “The two...acceptable.”		Consequential changes as the result of changes to Policy WW2	Accept the change	
Policy WW3	22	Change to “Proposals for the redevelopment of land at Smithfield Road, to provide housing, will be supported, subject to dwellings not being more than two storeys in height; maintaining a set back from Smithfield Road no less than that of neighbouring dwellings to the		This rewording is intended to make the policy clearer and more effective.	Accept the change	

			east; the provision of off-road parking spaces within the site; and the satisfactory resolution of any ground contamination issues.”			
Policy WW4	22	Delete Policy WW 4 Infill in Woodlands Park		Policy WW 4 does not meet the basic conditions.	Accept the change	
Para 3.26	23	Delete Paragraph 3.26		Consequential amendment following deletion of Policy WW4	Accept the change	
Policy WW5	23	Change to “...airfield use, conserve heritage assets and are appropriate in the Green Belt.” Delete final sentence		This is to ensure that the policy complies with national policy.	Accept the change	
Para 3.27	23	Delete final sentence.		A consequential amendment following changes to Policy WW5	Accept the change	
Policy Gen 1	24	Delete “(Settlements set-out in maps in Appendix 1)” Change criterion ii) to “10 dwellings...” Delete criterion (iv) and criterion (v)		These changes are to make the policy more in line with national policy. The maps are to be moved into the body of the plan.	Accept the change	
Para 3.32	25	Delete “as set out...Appendix 1.”		The maps are to be moved into the body of the plan from an appendix.	Accept the change	
Para 3.28	24	Delete “...and 2014...HOU5”			Accept the change	
Policy GEN2	26	Line four, delete “...and enhance...” Line 5, change to “ <i>Innovative design solutions that enhance the appearance</i> ”		The revised wording brings the policy more in line with national and local policy as well as making it more positively worded.	Accept the change	

			<i>of the street scene will be supported.</i>		
			Criterion i), delete “, especially if located... Building” Criterion ii) change to “...appropriate to their immediate surroundings”		
Para 3.37	26		Delete final sentence, which references an emerging policy subject to change	This was a reference to a draft policy in an earlier BLP consultation.	Accept the change
Policy GEN 4	27		Delete first paragraph “Development... Settlement.” Delete “Proposals to expand... Green Belt.” Start Policy “ <i>With the exception of land at Grove Park (see Policy WW 1), proposals that... viable.</i> ” Delete Paragraph 3.39	These revisions seek to clarify the policy and minimise unintended adverse effects from as well as make it more in compliance with national policy.	Accept the change
Para 3.39	27			As drafted the paragraph refers to emerging policy that is not adopted and is therefore subject to change.	Accept the change
Policy GEN 5	28		Policy Gen 5, Change first paragraph to “ <i>Development proposals to provide new community facilities, or that will sustain or extend the following existing community facilities, will be supported.</i> ” Delete “In respect of these sites, proposals will only... noise and lighting.” Penultimate paragraph, add	The proposed changes are aimed at making the policy more precise and effective as well as compliant with national policy.	Accept the change

Para 3.40	29	“... facilities are provided, or the existing community facility is demonstrated to be unviable in its current use.” Delete “...Borough Local...and with...”	“... facilities are provided, or the existing community facility is demonstrated to be unviable in its current use.”	Paragraphs 3.40 and 3.41 refer to an emerging policy that has not been adopted and is therefore subject to change.	Accept the change	
Para 3.41	29	Delete “... Borough Local...and with...”	“... facilities are provided, or the existing community facility is demonstrated to be unviable in its current use.”	Paragraphs 3.40 and 3.41 refer to an emerging policy that has not been adopted and is therefore subject to change.	Accept the change	
Policy GEN 6	29	Delete criterion iii) Criterion iv) delete “...ancillary services and...”	“... facilities are provided, or the existing community facility is demonstrated to be unviable in its current use.”	The proposed changes are aimed at making the policy more precise and compliant with national policy.	Accept the change	
Para 3.42	29	Delete “Borough Local...and with”	“... facilities are provided, or the existing community facility is demonstrated to be unviable in its current use.”	Paragraph 3.42 refers to emerging policy	Accept the change	
Para 3.43	29	Delete Paragraph 3.43	“... facilities are provided, or the existing community facility is demonstrated to be unviable in its current use.”	Paragraph 3.43 refers to emerging policy	Accept the change	
Policy GEN7	30	Change opening paragraph to “...locations, as shown on the accompanying plans.” Final paragraph, change to “New development in a Local Green Space is ruled out other than in very special circumstances.”	“... facilities are provided, or the existing community facility is demonstrated to be unviable in its current use.”		Accept the change	
Para 3.44	30	Delete “...and Borough...Policy R1.”	“... facilities are provided, or the existing community facility is demonstrated to be unviable in its current use.”	In this case it is not appropriate to refer to Local Green Space and a Local	Accept the change	

Policy T1	31	Change wording to "Development proposals requiring access must demonstrate safe and suitable access; and development proposals that would have severe residual cumulative impacts on highway safety will be refused." Delete Policy T2	Plan Policy. The proposed changes are aimed at making the policy more precise and effective as well as compliant with national policy.	Accept the change
Policy T2	31	Delete Policy T2	There is no evidence to demonstrate that the proposed local parking standards have considered the explicit requirements of national planning Policy.	Accept the change
Paras 3.46 to 3.48	31	Delete Paragraphs 3.46 to 3.48	Consequential changes from deletion of Policy T2	Accept the change
Policy T3	32	Change to "Development generating additional HGV/LGV traffic movements should ensure that any harm arising from noise and dust is satisfactorily mitigated." There will be a need to update the contents page as a result of the changes to the plan.	The proposed changes are aimed at making the policy more precise and effective as well as compliant with national policy. Noted	Accept the change

- 3.5 The area for the referendum is confirmed as that originally designated as the Hurley, White Waltham and Waltham St Lawrence Neighbourhood Area, covering the parishes of Hurley, White Waltham, Shottesbrooke and Waltham St Lawrence .
- 3.6 To meet the requirements of the Localism Act 2011 a referendum which poses the question: *'Do you want the Royal Borough of Windsor and Maidenhead to use the Neighbourhood Plan for Hurley and the Walthams to help it decide planning applications in the neighbourhood area?'* will be held in the parishes of Hurley, White Waltham, Shottesbrooke and Waltham St Lawrence.
- 3.7 The date on which the referendum will take place is agreed as **Thursday 23 November 2017.**

Jenifer Jackson

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