



Notes from the Borough Local Plan Regulation 19 meeting

Presentation by MJ Saunders (RBWM Finance), Derek Wilson (RBWM Planning) and Jesse Grey (Borough and Parish Councillor).

Held at Parish Office, 7pm, 18 July 2017.

Attendees: Datchet Parish Councillors, Datchet Neighbourhood Plan Steering Group

MJ Saunders explained that in his former role in Planning, he led RBWM's 2014 BLP Consultation which fed into the draft BLP. He now looks after Planning at Cookham Parish Council (as well as Finance at RBWM). Cookham has a Village Design Statement not a Neighbourhood Plan but Cookham's VDS has been fairly successful in stopping development they don't want.

MJS proposed to divide his presentation into three sections:

1. Why do we need so many houses and how was it decided where to put them?
2. The allocations. What will it mean? How will the plan unfold to meet people's demands/needs?
3. The three Datchet sites: are there conditions and issues attendees would like to influence?

Why do we need so many houses and how was it decided where to put them?

MJS presented a map showing the borough-wide distribution of new houses. The highest concentration is around Maidenhead. He said that his 2014 Plan was rejected because

- a) it didn't consider any housing on any undeveloped green belt and
- b) the amount of housing allocated to Maidenhead was too low when Maidenhead has several brown site suitable for redevelopment.

How did RBWM decide that they needed to build 700 houses per year?

This figure was determined by an independent Housing Needs Assessment commissioned by a group of Berkshire Councils. The numbers were agreed and then allocated to different parts of Berks (and Slough). Slough and Reading have hefty allocations of housing. RBWM is the only borough in the group with the option to develop significantly within urban areas (Maidenhead).

If the allocation is 700 houses, does RBWM have to build all 700?

Without using any green belt, RBWM would be able to build about 500/550 of the houses needed each year. However, pressure from developers could impose a bigger number. Neighbouring councils could also argue with the Planning Inspector that RB should take some of their allocation as well as their own when RB is sacrificing less green belt.

RBWM decided that their strategy should be to go to the Planning Inspectorate demonstrating that they will deliver the allocated quota of houses. They were advised by the DCLG and PI that the Inspector is more likely to be 'deaf' to developers and other councils if they take this approach.

If 550 houses/year can be delivered without using green belt, how do you decide which green belt to use?

There had been a previous call for sites 5-7 years ago, (and the current one is also a legal requirement to 'keep the door open'). Landowners had come forward offering land for housing.

The list of sites was larger than was needed to get from 550 to 700 houses per year. A green belt assessment was undertaken. (Criteria for assessing green belt included openness, recreation, separation between settlements, agricultural value, monuments, natural and historic interest, etc.)

MJS was asked why the GB agricultural status had changed between 2014 and 2017 on the Datchet sites. MJS explained that 2014 was more of a desktop exercise, relying on what they were told about different plots, but the 2017 assessment was more rigorous and tested soil quality.

MJS was asked whether DNP could add sites to the list. It can, but it can't take sites away. Neither can it substitute one site for another. There is a possibility that DNP could say to the Inspector that an allocated site has been misallocated because of, say, an incorrect green belt assessment, but proof would have to be provided.

There was a discussion about a green belt site in Datchet owned by RBWM. MJS said, if there is a site on the green belt that Datchet would like to propose, we would have to demonstrate that it had modest green belt value. If this site was then accepted, there is no guarantee that the site it replaces would be in Datchet. There is a list of sites, and the new site would just dislodge one from the bottom of the list. The site which comes out might not be a Datchet site.

NPs can't move green belt boundaries but MJS said he could come back with more advice about this if we wanted to explore it further.

What reasons can be used to knock out sites from the BLP?

The sites have to be shown to be undeliverable. What makes something undeliverable? Flooding possibly. It is very difficult to deliver on a flood plain. A developer has to demonstrate that they can mitigate flood risk. There is a 'minimum threshold' principle: is it *possible* for a developer to deal with infrastructure issues and flooding? Cookham was unable to use 'lack of sewage capacity' as a reason to claim something was undeliverable because a developer could potentially install new sewerage systems even if they were at high cost.

Some of the allocated sites have infrastructure challenges but a planning application has to demonstrate that all infrastructure issues will be dealt with before the application is passed.

There is no implicit RB support for any of the strategic sites. Each application will have to be assessed individually by a planning panel. The applicant (developer) has to demonstrate that they will facilitate the necessary infrastructure development.

Timescale

MJS said that the Datchet developers don't *want* to develop within the first five years but they *could*. The owners/developers of the two large sites have expressed no particular view when they develop between year 6 and year 20. The owner/developer of the smaller site has expressed a preference to develop between years 6 and 10.

Houses and/or flats?

One of the conditions for the Datchet sites is that the housing should be of high quality and design. They must be compatible with the surrounding area.

MJS was asked about flats. The Strategic Housing Assessment indicates a need for 2/3 bedroom houses in East Berks. The Housing Policies, HA41, 42, 43, indicate 'homes'. The Strategic Highways Assessment refers to houses *and flats*: Churchmead 138 houses/37 flats; St Augustine's 26 houses/9 flats; London Road, 150 flats, no houses. (This also has an impact on the number of cars and traffic predictions.)

MJS and DW said we could find the proposed mix of houses and flats listed in a 'blue table' in the Submission Version of the BLP, the HEELA table

<http://consult.rbwm.gov.uk/portal/blp/blpr19/blpr19?tab=files>

(I can't find it in that table 18.7.17- AC).

How could we remove a site from the BLP?

The way to do this is to explain why it is not possible to deliver. Are the parameters described for each site meaningful?

GTAA

The GTAA (Gypsy Traveller Accommodation Assessment) survey was raised. What influence could it have on the traveller site and current planning applications in Datchet? DW explained the history. RBWM had commissioned a survey by consultants Atkins and ORS as part of the BLP. (See "*Windsor & Maidenhead Gypsy and Traveller Accommodation Needs Assessment, Final Report, April 2013*" - AC.) RBWM were not impressed by the survey and a new body is now doing a site assessment. RB has a list of 'settled' travellers, ie those who don't travel around. DW explained RB's policy of 'Positive Enforcement' ie not taking action against settled travellers who have occupied, long-term, unlawful sites. Mill Place is a recognised site.

DW was asked if RB are turning a blind eye to the Welley Road settlement.

ACTION: DW will check if Welley Road is a 'positive enforcement' site.

DW explained there was also a need to provide pitches for travelling travellers. He described a situation where he'd asked the police to move a group of travellers, which they did, but the travellers just moved to another site and caused a problem there. The police refused to move them from this second site because there was nowhere for them to go; the RB did not have any pitches they could be moved to. There will be a Regulation 18 process on the GTAA part of the BLP.

Current online survey

DW was asked who is a 'stakeholder' in the context of the current GTAA survey questionnaire. Is it anyone paying Council Tax? DW said he *thought* it was open to all but will check. He was reminded that the closing date is 28 July.

ACTION: DW to check if survey is open to all council tax payers.

Challenging the BLP, Reg 19

MJS said that at this stage, the Inspector is only interested in 'soundness' and 'legality'. To make a successful challenge, you have to 'unwind' where the story has got to, or contradict the evidence. Just repeating what has been said previously is unlikely to change anything.

Enhanced protection of the green belt

MJS & DW explained that the mass of green belt in RB has been reduced from 83% to 81.5%. 1.5% is being taken out for development. They are hoping this will allow them to give the rest of the green belt enhanced protection. The timescale for building is over 20 years.

Request to take more time

MJS and DW talked about the request (from NPs and PCs) to take more time. They said that this would only give developers and other councils more time to challenge RB's plan. DW said that the BLP had already taken lots of time, since 2007, adding that further delays wouldn't be helpful.