



Report to The Royal Borough of Windsor & Maidenhead

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REPORT ON THE EXAMINATION OF THE WINDSOR AND MAIDENHEAD CORE STRATEGY AND POLICIES DEVELOPMENT PLAN DOCUMENT

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Abbreviations used in this report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
2004 Act	Planning and Compulsory Purchase Act 2004
BREEAM	Building Research Establishment Environmental Assessment Method
BSP	Berkshire Structure Plan
CS	Core Strategy
DPD	Development Plan Document
Dph	dwellings per hectare
ELR	Employment Land Review
GOSE	Government Office for the South East
Ha	Hectare
LDF	Local Development Framework
LDS	Local Development Scheme
¶	Paragraph
PDL	Previously Developed Land
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement
Regulations	Town and Country Planning (Local Development) (England) Regulations 2004
RPG9	Regional Planning Guidance for the South East, 2001
RPS	Regional Planning Strategy
SANG	Suitable Alternative Green Space
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEERA	South East England Regional Assembly
SEP	South East Plan
SoS	Secretary of State
SPA	Special Protection Area
SPD	Supplementary Planning Document
Sq.m.	Square metre

Tests of Soundness (PPS12, ¶4.24)

Procedural

1. Prepared in accordance with the local development scheme.
2. Prepared in accordance with statement of community involvement.
3. Plan and policies have been subject to sustainability appraisal.

Conformity

4. It is a spatial plan consistent with national planning policy (a) and in general conformity with the regional spatial strategy for the region (b) ...and has properly had regard to any other relevant plans, policies and strategies relating to the area or to adjoining areas (c).
5. It has had regard to the authority’s community strategy.

Coherence, consistency and effectiveness

6. The strategies and policies are coherent and consistent within and between development plan documents prepared by the authority and by neighbouring authorities where cross boundary issues are relevant.
7. The strategies and policies represent the most appropriate in all the circumstances having considered the relevant alternatives and they are all founded on a robust and credible evidence base.
8. There are clear mechanisms for implementation and monitoring.
9. The plan is reasonably flexible to enable it to deal with changing circumstances.

1. Introduction

1.1 I have been appointed by the Secretary of State for Communities and Local Government to carry out an independent examination of the Royal Borough of Windsor and Maidenhead Core Strategy under Section 20 of the 2004 Act. My task is to determine:

- a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations relating to s36 in respect of the preparation of the document, and
- b) whether it is sound.

1.2 This report contains my assessment of the Core Strategy with regard to the above matters together with my recommendations and the reasons for them as required by Section 20(7) of the Act. In particular I focus on whether the Core Strategy is sound in terms of the tests of soundness set out in PPS12 (¶4.24). I start from the premise that the Core Strategy is sound unless the examination process demonstrates otherwise.

1.3 In arriving at my conclusions and recommendations, I have taken into account the written representations made during the six week period following the submission of the Core Strategy for examination as well as the representations submitted at a later date. I have also taken account of the oral evidence and other material presented at the hearing sessions arranged as part of the examination. Those took place on 7 days between June 12th and June 27th in Maidenhead at either the Town Hall or St Mary’s Church Hall. At the hearing sessions I asked participants to focus on the matters that seemed to me to be central to my conclusions regarding the soundness or otherwise of the Core Strategy. The matters themselves were grouped into topics such as “Housing” and “Spatial Strategy” and were circulated to participants well in advance of the hearing sessions. For its part the Council prepared 12 Examination Topic Papers setting out its response to the matters that I had identified, including, often, a brief summary of the points raised by respondents and any proposed changes. The Council’s response to all of the individual representations appears in Document CR005.

1.4 Prior to the hearing sessions I held a pre-examination meeting at Maidenhead Town Hall on 27th March to consider procedural matters and a meeting at the GOSE offices in Guildford on 22nd February to clarify certain issues. Notes of both meetings were posted on the Council’s website.

1.5 At these meetings the Council agreed that a number of Position Papers would be prepared to set out its current stance on certain issues. In particular the respective Position Papers were intended to clarify how the Core Strategy related to the several items of Government guidance that were published at or about the time the Core Strategy was submitted for examination. In the event the following Position Papers were prepared:

- Travel
- PPS25 and flood risk
- PPS3

- Gypsy and traveller provision
- Appropriate Assessment

- 1.6 To take account of concerns raised by respondents and the fact that the Core Strategy could not anticipate the detailed content of the new national policy guidance, the Council has put forward a large number of changes for consideration. Other changes favoured by the Council address typographical errors, improve clarity and, occasionally, up-date the evidence base. In total over 300 changes are put forward. The Planning Inspectorate’s Guide to the process for assessing the soundness of a Core Strategy notes that the scope for making changes is normally limited. In this instance, however, it seems to me that rather more changes than normal could be appropriate bearing in mind the volume of recently published guidance. I have also borne in mind that changes might overcome legitimate concerns that soundness tests are not met. As such the changes might avoid the delay and disruption to the Council’s plan making programme that would inevitably flow from a conclusion that the Core Strategy is unsound. That comment is qualified inasmuch as any changes to the submitted Core Strategy should not materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and the participatory processes already undertaken.
- 1.7 At my request the Council prepared a composite schedule containing all of its suggested changes to the Core Strategy; those put forward at the hearing sessions as well as those put forward before or immediately after they had taken place. The composite document refers to suggested changes, further suggested changes and examination changes but for convenience I refer to them all as suggested changes. As I understand it, all of suggested changes in the composite document have been published on the Council’s website and have been agreed by the Council’s LDF Member Working Group. By and large the suggested changes are helpful and would merit support if I had not found the Core Strategy unsound. I would add that my report also mentions some other changes that could have overcome other soundness concerns.
- 1.8 My report begins by considering whether the Core Strategy satisfies the so-called procedural tests in PPS12. I then consider whether the document is sound in terms of the conformity, consistency and effectiveness tests. Having considered the overall soundness of the Core Strategy against these tests, I then examine it on a more detailed topic basis.
- 1.9 While the report takes account of all of the written and oral evidence I do not normally identify individuals or parties by name. Furthermore the report does not address all of the detailed points raised by respondents. Rather it focuses on matters that are directed at the soundness or otherwise of the Core Strategy. My task is to judge the soundness of the Core Strategy not whether changes might make it better.
- 1.10 **My overall conclusion is that the Core Strategy is not sound and cannot be made sound by way of changes that I could put forward in a binding report. This is because the necessary changes would require additional public consultation and/or sustainability**

appraisal. In summary I consider that the Core Strategy is unsound for the following main reasons:

- * **The heavy reliance on an uncertain supply of unidentified windfall opportunities to satisfy the strategic housing requirements and ensure the continuous delivery of housing completions over the plan period in accordance with PPS3 guidance.**
- * **The failure to identify broad locations or areas where sustainable housing and employment development might take place and the difficulties this will cause for subsequent DPDs.**
- * **Defects in the housing trajectory as a consequence of the above.**
- * **Resistance to a local review of Green Belt boundaries as a consequence of the above.**
- * **That the affordable housing thresholds are unduly onerous.**

Overview of tests of soundness

Procedural tests

Test 1: Consistency with the Local Development Scheme (LDS)

- 2.1 The Core Strategy is the first in a series of documents that in concert will form the Local Development Framework for the Royal Borough. It is listed as “high priority” in the latest LDS that was adopted by the Council as recently as May 2007. I note also that the Core Strategy is moving towards adoption in accordance with the timetable set out in the LDS.
- 2.2 The LDS mentions that the Core Strategy will have regard to the Berkshire Structure Plan. While this has a 2016 end-date, the Core Strategy looks ahead to 2026, the same end-date as the draft South-East Plan. Bearing this in mind and the fact that PPS12 mentions that the Core Strategy should have a time horizon at least 10 years ahead of its adoption date (¶2.14), I consider 2026 to be the more appropriate end-date for the Core Strategy and I am therefore satisfied that test 1 is met.

Test 2: Compliance with the Statement of Community Involvement (SCI)

- 2.3 Amongst other things, a SCI sets out the arrangements for involving the community in the development plan making process. The SCI for the Royal Borough was adopted by the Council in June 2006 having been found sound by the Secretary of State. It clearly indicates that in preparing the Core Strategy the Council has undertaken all of the necessary consultations and procedures. Indeed it seems to me that the pre-submission arrangements for consulting and involving the community far exceed the minimum requirements set out in the 2004 Regulations. Accordingly I am satisfied that test 2 is met.

Test 3: Sustainability Appraisal (SA)

- 2.4 To help secure sustainable forms of development, the 2004 Act requires a Council to undertake a SA when it prepares a Core Strategy. Having

published a Scoping Report in April 2005, the Council published an Initial SA in June 2005, a draft SA in January 2006 and the final SA in November 2006. While my remit does not require me to assess the adequacy of the SA itself, it seems to me that SA process adopted by the Council accords with the national guidance relating to the sustainability appraisal of Regional Spatial Strategies and Local Development Documents (ND044). I also note that as the Core Strategy has evolved it has clearly been informed by the SA process.

- 2.5 The Council has also prepared an Appropriate Assessment (AA) Report in association with the Core Strategy. AA Reports are required where sites designated as being of international and national importance may be affected by a DPD. A number of such sites are located within the Royal Borough. A draft AA report was published for consultation towards the end of 2006 and a final report was published in June 2007 having been validated by specialist consultants. Bearing the above in mind I am satisfied that there would be no harm to sites of significant importance as a consequence of the Core Strategy and that test 3 is met.
- 2.6 Given my conclusions in respect of the 3 procedural tests, it follows that I am satisfied that the Core Strategy is not subject to any overriding procedural deficiencies. No one argues otherwise.

Conformity tests

Test 4: Spatial plan having regard to other relevant plans, policies and strategies

- 2.7 The Core Strategy should be more than a land-use plan. It should, rather, integrate policies for the development and use of land with other social, economic and environmental policies and programmes. It seems to me that in preparing the Core Strategy the Council has not limited itself to land-use matters. It sets out a future vision for the Royal Borough which is carried forward into a wide range of spatial objectives. While I do not doubt that the Core Strategy takes account of the guidance on spatial planning found in PPS1 and PPS12, the lack of clear locational framework to guide subsequent DPDs is a weakness of the document.
- 2.8 The Core Strategy should also conform to national planning policy unless local circumstances dictate otherwise. I appreciate that the Core Strategy has been prepared with this in mind and I recognise that many of the suggested changes now favoured by the Council aim to bring it into line with recently published policy guidance. Unfortunately these changes do not overcome my concerns regarding the way the Core Strategy relates to some elements of the policy guidance. In particular, as detailed later in the report, I am concerned at the way the Core Strategy seeks to take account of the guidance on housing land supply set out in PPS3. It follows from the above that I am not convinced that soundness test 4a is satisfied.
- 2.9 Furthermore, I am not convinced that all of the changes now favoured by the Council to take account of recent policy guidance (and others that I

additionally consider might be made to address soundness concerns) are possible given the constraints imposed by the 2004 Regulations. Some of the suggested changes are significant in spatial terms – examples include the suggested introduction of phasing arrangements, the residential density map and assumptions about building heights in Maidenhead Town Centre – and it seems to me that these require a full sustainability appraisal and more effective public consultation. I am not persuaded that such matters can be introduced at this late stage in the DPD process.

- 2.10 So far as conformity with regional policy is concerned, I note that the Regional Assembly (SEERA) considers that the Core Strategy is in general conformity with RPG9 and its Alterations as well as the emerging Regional Spatial Strategy – the South-East Plan. On that basis I accept that soundness test 4b is met. That conclusion may need to be re-visited in the wake of the examination of the South-East Plan, for example if that exercise led to a significant increase to the housing requirement figure for the Royal Borough. Significant in that context being an increase of 1,000 or so units over the plan period. Indeed, during the hearing sessions the Council acknowledged that if that was to be the outcome of the South-East Plan, the Core Strategy itself may need to be reviewed. In passing I note that the LDS does not make provision for this.
- 2.11 Chapter 2 of the Core Strategy provides a brief account of other relevant plans, policies and strategies. The list is not exhaustive and my attention was drawn to a number of omissions. Some at least seem to me to have been overlooked in error. Where this happens I am satisfied that the omissions can be addressed without difficulty by changes to the relevant text. As I see it, the necessary changes do not go directly to the question of soundness. It follows that soundness test 4c is met.

Test 5: Regard to the Council’s Community Strategy.

- 2.12 Chapter 2 also explains how the Core Strategy gives spatial expression to the Community Strategy. In particular I note that a number of the Community Strategy’s key objectives and actions are carried forward into the Core Strategy’s Spatial Vision. I therefore see no reason to doubt that the Core Strategy has had regard to the Community Strategy and that soundness test 5 is therefore met. No-one has suggested otherwise. Finally, I note that at ¶2.19 the Core Strategy mentions that the Community Strategy is currently being reviewed by the Local Strategic Partnership. I do not know if that exercise has been completed and, if it has, what implications it might have for the Core Strategy.

Coherence, Consistency and Effectiveness tests

Test 6: Relationship to other DPDs, including those prepared by neighbouring authorities where cross-border issues are relevant

- 2.13 Under this head it may be helpful to mention at the outset that the Core Strategy adopts a logical format. After a general introduction it includes a chapter that rehearses the relationship of the Core Strategy to other strategies from national down to local level. It then provides an introduction to the Royal Borough and identifies a number of key issues.

This leads to the identification of spatial objectives and in turn the respective Core Strategy policies. Technical material is included in a number of appendices.

- 2.14 So far as test 6 is concerned, the Council acknowledges that additional text to clarify its participation in a number of cross-border issues would be helpful. A change to ¶2.26 is put forward accordingly together with a new paragraph to refer to cross-border working in connection with the 2012 Olympics. The main concern under this heading relates to the need for cross-border collaboration in respect of the River Thames corridor. This is clearly an important point though it appears to me that it is already recognised in the policy specifically concerned with the River Thames (Policy CR8).
- 2.15 Reference is also made to the need for cross-border working on transport matters. Again I am satisfied that this has not been overlooked and the Council’s response (Examination Topic paper 2, ¶4.4.4) mentions that a Cross-boundary Transport Policy Statement has been agreed with neighbouring authorities. Additionally a Berkshire Strategic Transport Forum looks at strategic transport issues within the County and a number of other matters such as Windsor Park and Ride and Crossrail are the subject to cross-border collaboration.
- 2.16 The Core Strategy is the first DPD prepared by the Council. It will provide the context for the other DPDs that are listed in the LDS to follow. It almost goes without saying that the Royal Borough’s DPDs need to be both internally coherent and consistent with one another. Until the follow-up DPDs are prepared it clearly will not be possible to gauge whether they are consistent with the Core Strategy. Furthermore, as this is the first Core Strategy to have been prepared in Berkshire, so far as I am aware, it is not possible to gauge its relationship with DPDs prepared by neighbouring authorities. That said, there is no evidence before me suggesting that the Core Strategy is in some way at odds with other emerging DPDs. Other than the concerns raised by Spelthorne District Council and Wokingham District Council in respect of Policies CS10 and CS22 respectively, none of the neighbouring authorities consulted on the Core Strategy claim the contrary. I address the CS10 and CS22 matters later in the report.
- 2.17 Subject to some detailed concerns addressed later in the report, I am satisfied that the Core Strategy satisfies test 6.

Test 7: Appropriateness of Core Strategy policies and acceptability of evidence base

- 2.18 I deal with the key policies under topic heads later in this report. At this point I offer some broad observations. The strategic vision and objectives for the Royal Borough and the policies in the Core Strategy that flow from them, are all the product of the extensive consultation exercises that were undertaken to satisfy the 2004 Regulations. Not surprisingly, the preferred strategy reflects the fact that spatial options are limited due to the policy and environmental constraints that affect the Royal Borough.

- 2.19 I have some concerns regarding the detailed wording of the spatial objectives but in the main they reflect community aspirations that few could take issue with. By and large I support the Council’s vision for the future of the Borough which seems to enjoy a wide measure of community support.
- 2.20 In particular I support the emphasis on promoting sustainable settlements, the protection of the natural and built environment and the aim to satisfy work, leisure and accommodation needs. I also support the aim to maximise the use of previously developed land.
- 2.21 However, I am less certain than the Council that the long term development needs of the Royal Borough can be satisfied within the defined settlement boundaries. As discussed in detail later in the report, I am not convinced that the significant housing, employment and other development needs for the period up to 2026 can almost entirely be met on previously developed land within existing built-up areas. Apart from my doubts concerning the likely supply of previously developed land I am also concerned that the supply is largely unidentified and therefore subject to uncertainty.
- 2.22 While the Core Strategy recognises that the expected supply of previously developed land may not actually materialise in practice, the brief reference to a possible future review of existing policies (¶5.17 and elsewhere) does not represent an adequate response in my opinion. Even under the current LDF arrangements, policy reviews take time and do not guarantee that shortfalls in provision can be readily overcome. A more pro-active stance is required at the outset. In my opinion the Core Strategy needs to adopt a more positive approach to the identification and delivery of land in order to provide greater certainty that strategic requirements will be met. I am also conscious that if urban sites do not come forward as expected, it could mean that development will occur in a piecemeal manner and at far less sustainable locations than might otherwise be the case, not least because of the need to satisfy PPS3 land supply requirements.
- 2.23 I appreciate that this is a difficult matter for the Council to address. Identifying suitable and available sites within the built-up areas will be challenging and development beyond settlement boundaries is likely to affect the Green Belt. This protective policy has kept extensive tracts of countryside largely free of built development in the face of the intense development pressures that occur along the M4 corridor. Nonetheless, if the Council is to satisfy its housing, employment and other regional obligations, in my view the Core Strategy must adopt a more pro-active approach to the delivery of land. PPS3 is, after all, predicated on front loading and certainty.
- 2.24 To my mind the Core Strategy’s heavy reliance on an unidentified and uncertain supply of previously developed land within existing settlement boundaries is a major failing. Of itself it renders the Core Strategy unsound. I have given careful consideration to mechanisms that might introduce additional flexibility and more certainty that development requirements will be met over the plan period but I am not convinced that they could be introduced within the constraints imposed by the 2004

Regulations. It must follow, it seems to me, that soundness test 7 is not met.

- 2.25 PPS12 emphasises that DPDs should be supported by a robust evidence base. While some of the early DPDs prepared elsewhere in the country may have been deficient on this score, I am satisfied that it is not a serious failing of the Core Strategy. Table 3 in the recently adopted LDS is a list of documents and other material that forms the evidence base supporting the Core Strategy. Many of the items were prepared in-house but the Council has been prepared to commission specialist work as and when deemed necessary, for example a Retail and Leisure Study, an Affordable Housing Financial Viability Study and a Strategic Flood Risk Assessment. I am in no doubt, therefore, that the Council recognises that LDF documents should only be brought forward where they are supported by a robust and credible evidence base. That conclusion is qualified insofar as the Council itself recognises that in some areas further work is required, for example to produce an up-to-date open space audit, and that there is an on-going need for much of the evidence base to be regularly monitored and updated.

Test 8: Mechanisms to assist implementation and monitoring

- 2.26 Appendix B of the Core Strategy sets out a framework for measuring the outcome of the Core Strategy. In a comprehensive schedule it identifies the indicators to be used to measure policy impacts. Supporting text mentions that relevant material will be compiled and published in the Council’s Annual Monitoring Report (AMR). It seems to me that the monitoring framework itself is thorough and well conceived. It has attracted few criticisms and I note that GOSE is broadly content.
- 2.27 I note also that the Council’s recent AMRs are detailed and comprehensive documents that include policy performance assessments related to a range of targets and measures. Including these in the AMR ensures that they can be amended and altered as necessary without the need to review the Core Strategy itself. Appendix 4 of Examination Topic Paper 12 and the revision ED051 help to explain how this could be achieved. No doubt other targets and measures will emerge as other DPDs are prepared. Overall, I am satisfied that the monitoring framework together with the AMRs provide an effective mechanism for monitoring the Core Strategy’s performance.
- 2.28 The arrangements for implementing and monitoring the Core Strategy also rely on a housing trajectory (Appendix 4). These are required by PPS12 (¶4.25) and provide a mechanism for tracking past and future housing supply. For reasons detailed later in the report, not least its reliance on unidentified windfall sites in the medium and long term, I consider the current housing trajectory to be defective.
- 2.29 With that notable exception I am broadly satisfied that the arrangements for monitoring the performance of the Core Strategy take proper account of the relevant guidance in PPS12 and that soundness test 8 is therefore met.

Test 9: Flexibility

- 2.30 Under test 7 I mentioned that the Core Strategy needs to be more flexible. As submitted it anticipates that the Royal Borough’s longer term development needs can be met largely from an unidentified supply of previously developed land. If this land does not materialise in the quantities and locations expected, the Council’s vision for the Royal Borough will not be achieved. It seems to me that the Core Strategy should pay more attention to this possibility. If it did it would help the subsequent Site Allocations and Policies DPD to consider where land could best be brought forward to satisfy development requirements. Rather than simply respond to developer initiatives, the Council should identify where development might suitably be located to best satisfy sustainability criteria and wider community needs.
- 2.31 Accordingly, I am not convinced that soundness test 9 is met. Moreover I am not convinced that the raft of changes that would be needed to ensure that the Core Strategy has the ability to respond to changing circumstances can be brought forward given the constraints imposed by the 2004 Regulations. Significant changes are required to introduce additional flexibility and these need to be exposed to a full sustainability appraisal and effective public consultation.

Spatial Strategy (Policy CS1)

- 3.1 Policy CS1 is a broad over-arching policy that indicates, in essence, that development will be focussed on previously developed land in settlements taking into account a hierarchy that reflects the ability and suitability of settlements to accommodate additional growth. It also reflects the fact that much of the land in the Royal Borough outside the defined settlement boundaries is subject to significant environmental and/or policy constraints. The settlement hierarchy has Windsor and Maidenhead as the top tier where most development is anticipated and a second tier that simply includes all of the other settlements that are excluded from the Green Belt. A suggested change would introduce a third tier consisting of recognised settlements in the Green Belt. The Council also promotes changes to the text supporting CS1.
- 3.2 I see no particular difficulty with the reference to development being focussed on previously developed land in (or adjacent to) settlements. It does, after all, essentially reflect the guidance in PPS3 (¶36). I note also that the amount of housing constructed on previously developed land in the Royal Borough in recent years exceeded the 60% target in PPS3 (¶41) and the emerging South-East Plan (¶1.4.2). Almost all of this development has taken place in urban areas. Policy CS1’s strategic thrust does not therefore seem wholly inappropriate and unrealistic given recent experience and the emphasis in national guidance on the use of previously developed land. Unfortunately, as detailed later in the report, I doubt if this source of supply can satisfy the current strategic requirements and ensure the continuous delivery of developable land over the plan period.
- 3.3 That said, the use of the word “focussed” in CS1 is presumably intended to convey that not all development will necessarily take place within the

defined settlement boundaries. The Council recognises (Examination Paper 4, ¶3.13) that Policy CS1 does not rule out development outside or at the edge of settlements where fully justified. Much of this peripheral land is in the Green Belt. Replacing the word “in” by the word “at” in the first sentence of CS1 would help to clarify the point. This seemingly minor textual change would also help to address my concern that additional flexibility is required to satisfy soundness test 9. Unfortunately even the seeming acceptance that some development beyond existing settlement boundaries may exceptionally be justified at some future date does not provide the necessary certainty that development requirements will be met. In the light of my land supply concerns, not least the heavy reliance on unidentified windfall sites, it seems to me that CS1 is defective. In my opinion it should indicate where development might be appropriate beyond settlement boundaries in order to ensure a continuous delivery of land for housing and other purposes for the remainder of the plan period.

- 3.4 Reflecting the fact that much of the development over the plan period is anticipated at as yet unidentified locations, CS1 does not say how much development is likely to occur at individual settlements. In practice most windfall opportunities are likely to emerge at the two largest settlements, Windsor and Maidenhead, but the scale, location and timing of this development is obviously uncertain. Furthermore at this time it is not known which of the UPR sites, or any alternatives that might be promoted in due course, are suitable and available for development. The technical appraisal of the UPR sites indicates that many have the potential to accommodate development over the plan period but it is not clear to me that they necessarily satisfy the stringent requirements of PPS3, ¶54.
- 3.5 The failure to provide a clear view of the likely scale and broad locations of future development for at least the main settlements in the Royal Borough is a fundamental weakness of the Core Strategy and renders it unsound in terms of soundness test 7. In effect the decisions regarding the scale and location of future development over the plan period are delegated to subsequent DPDs. In my view the Core Strategy should itself determine the main elements of the spatial framework for the next 20 years. This should in turn inform and influence future decisions regarding the suitability or otherwise of individual sites for development. The need for locational specificity is not a matter that can be addressed by making changes to the submitted document at this late stage in the process. I appreciate that ¶5.143 sets out the Council’s expectations based on the known commitments and the UPR exercise but even that falls well short of providing the certainty that subsequent DPDs require for site selection purposes.
- 3.6 Nothing I have read or seen suggests that the hierarchy should not set Windsor and Maidenhead above the other settlements in the Royal Borough. They are the largest settlements by far and it is generally agreed that they have better sustainability credentials than their smaller neighbours. They are identified in the Issues and Options and the Preferred Options consultation exercises as the most sustainable settlements and this was later confirmed in the final SA Report. In the past they have both been subject to high levels of windfall development and they also contain the bulk of the potential development sites identified in the Council’s 2006

Urban Potential Review (UPR) exercise.

- 3.7 That said not all previously developed land in these settlements will be suitable for development. Potential sites will need to be appraised in the light of their individual sustainability and the social, economic and environmental implications of their development. Land for housing will need to be assessed in the light of PPS3 guidelines – not least the considerations set out in ¶138.
- 3.8 In terms of Windsor and Maidenhead’s equal billing in the settlement hierarchy, I note that this arrangement reflects their equal status as Secondary Regional Centres in the South-East Plan. Nevertheless I consider that there are compelling grounds for placing Maidenhead above Windsor in the hierarchy. Put simply, Maidenhead is a much larger and to my mind more sustainable location for additional development. The Core Strategy itself anticipates that about half of the total housing provision up to 2026 will take place in the town and it also has a much higher affordable housing need. It is also more important in business and economic terms. Maidenhead’s selection as the terminus for the Crossrail project could further emphasise its relative importance in years to come. To my mind, identifying Maidenhead as the top tier in the hierarchy more accurately reflects the Core Strategy’s spatial objectives and the evidence base. As such it helps ensure that at least this element of CS1 is sound.
- 3.9 It is also said that Sunningdale and/or Ascot should be set above the other excluded settlements in the settlement hierarchy. At first sight this suggestion also has some merit. Unfortunately determining the relative sustainability of the excluded settlements and their suitability for additional development is not straightforward. Much depends on the relative weight given to, say, access to public transport services, community facilities and the availability of secondary schools. Rather than elevate Sunningdale and/or Ascot above the other excluded settlements, it seems to me that it would be more sensible to simply accept that all of the excluded settlements have the potential to accommodate some modest additional development. The acceptability or otherwise of any proposals or land allocations at any of these settlements will turn on the sustainability merits or otherwise of the individual sites in question. I am not convinced therefore that development proposals in Sunningdale and/or Ascot should necessarily be preferred to any proposals at other excluded settlements.
- 3.10 I note also the suggestion that “brownfield” sites that lie beyond settlement boundaries could be an additional tier in the settlement hierarchy. Such sites may make a contribution to development needs but I am not convinced that they should be given the status of settlements.
- 3.11 For the reasons set out above, I consider that Policy CS1 is defective and accordingly fails soundness tests 4 and 7. While I accept that changes could be introduced to refine the settlement hierarchy, other more fundamental concerns remain. I am not convinced that changes could be introduced at this late stage in the process to address them.

Housing Provision (Policies CS15, CS16, CS17, CS20)

Level of provision

- 4.1 Policy CS15 states that provision will be made for 5,620 net additional dwellings between 2006 and 2026. It adds that if in due course the South East Plan allocates a different figure to the Royal Borough, that figure should be satisfied by adopting the general approach set out in the Core Strategy.
- 4.2 The 5,620 figure is in fact taken from Policy H1 in the draft South-East Plan. Many respondents claim that this figure is likely to be increased in due course, not least to reflect the Government’s aim to achieve a step-change in housing delivery.
- 4.3 While an increase in the Royal Borough’s housing figure may be the outcome of the current Examination of the South East Plan, it is far from certain. Even if the regional and sub-regional requirements are increased, the Royal Borough’s contribution may be unaltered. Other locations in the South-East may be deemed more appropriate places to accommodate additional housing development. In any event, ¶153 of PPS3 states that local authorities should base their policies and strategies on the figures set out in any emerging regional guidance. In the light of the above I consider that Policy CS15 properly adopts the housing provision figure set out in the draft South-East Plan, namely 5,620. It follows that in respect of this matter test 4c is satisfied.
- 4.4 That said, if the figure in CS15 was qualified by the words “at least” it seems to me that it would better reflect the thrust of current national guidance to achieve a step change in housing provision. As GOSE puts it, strategic housing requirements should be seen as a “floor not a ceiling” – letter 6.6.2007. And even with that qualification, if the outcome of the South-East Plan is a significant increase in the housing requirement for the Royal Borough, the Council accepts that it would be necessary to undertake an early review of the Core Strategy. I would add that in my view it would not be possible to accommodate any increase in the requirement figure by continuing with the general approach set out in the Core Strategy. Indeed, as mentioned previously, I am not convinced that the current approach will satisfy the current requirement.
- 4.5 Even if I am wrong about that, the possibility that the requirement figure might be increased in the near future underlines the need to ensure that the Core Strategy has the flexibility to accommodate changing circumstances. I return to this later in the report. At this time I would simply add that I am not convinced that the suggested change seeking to introduce phasing is helpful in this respect. In practice it might constrain rather than facilitate flexibility. I am also doubtful if such a significant change should be introduced without sustainability appraisal in any event.

Sources of supply

- 4.6 The Council is confident that it will be able to meet its strategic housing requirement. It notes that the 5,620 figure translates into an annualised requirement of 281 dwellings per annum which is virtually the same as the annualised requirement of 274 dwellings set for the 2001 to 2016 period in the Berkshire Structure Plan. In the first 5 years of the latter period housing completions in the Royal Borough exceeded the requirement figure by 313. The Council has carried this surplus forward as part of the 2006 to 2026 provision. There is some doubt as to whether this is appropriate given the Government’s commitment to a step change in housing delivery but ¶2.1 of the South-East Plan seemingly supports the Council’s approach. I have therefore assumed that the carry forward is appropriate.
- 4.7 The housing trajectory (Appendix D) details how the Council expects the housing requirement to be delivered. It indicates that housing completions over the plan period are expected to arise from the following sources. Firstly, sites with planning permission are likely to provide 1,768 net dwellings (minus an assumed 10% lapse rate); secondly, 1,612 dwellings are expected from the pool of 97 sites having the potential to accommodate 5 or more units that are identified in the 2006 Urban Potential Review; thirdly, 3,350 net dwellings are expected from non-identified windfall sites; fourthly, 200 net dwellings are likely to occur in rural areas.
- 4.8 I have little doubt that land having the benefit of planning permission will in practice form a reliable source of housing completions. Because of the high land and house prices in the Royal Borough, planning permissions are likely to be implemented. A lapse rate of about 10% is assumed by the Council – a rate commonly applied to allow for non-implementation - and in this instance the rate is virtually identical to the actual lapse rate in the Royal Borough since 1991 (Examination Paper 4, ¶6.1.3). I am also conscious that the stock of planning permissions would have been even higher but for the temporary restraints imposed by the Council’s 2005 Restraint Policy and the Thames Basin SPA difficulties.
- 4.9 I am also confident that many of the 97 sites identified in the 2006 UPR exercise can make a significant contribution to housing supply in due course, albeit that they have not been exposed to a thorough PPS3 ¶54 type assessment. The fact that 15 of the 22 UPR sites identified in the housing trajectory for development in the 2006 to 2011 period have already been granted planning permission tends to support that conclusion. Moreover I readily accept that many of the UPR sites occupying central and seemingly sustainable locations could well accommodate more dwellings than the UPR scenario 1 calculation assumes. I note also that the UPR sought to exclude sites that are constrained by ecological and landscape considerations, flood risk or are located within recognised employment areas. To a large degree, therefore, the UPR properly takes account of the constraints that make many parts of the Royal Borough ill-suited to additional residential development. In summary, I am satisfied that the UPR exercise provides robust evidence of the ability or potential of the built-up areas in the Royal Borough to accommodate additional housing on larger sites.

- 4.10 Of course the UPR itself recognises (¶198) that it is highly unlikely that all 97 sites within settlement boundaries will actually make a contribution to the supply of housing. Some will continue in their current use, others are likely to be developed for non-housing purposes. Even if all 97 sites were developed for housing purposes, their contribution (together with the known commitments) falls well short of the overall requirement figure. It is also notable that the only sites identified in the UPR with the potential to accommodate over 100 units are both heavily constrained. Badnells Pit suffers serious contamination problems and Maidenhead Football Club is dependent upon the relocation of the club to another ground. It is likely to be many years before they are developed. I am doubtful if either site satisfies the current requirements for inclusion in housing supply estimates (PPS3, ¶154 and 55).
- 4.11 The 2006 UPR exercise also provides the evidence base for the assumed contribution from non-identified windfall sites. These are small sites with a potential to accommodate less than 5 dwellings together with a limited allowance from some larger sites not identified in the UPR. This source is expected to provide more units than the known commitments and the UPR sites combined. Clearly, the supply from this source is crucial to housing delivery and the satisfaction of the housing requirement figure.
- 4.12 The past supply of housing from windfall sites has been scrutinised in fine detail by the Local Planning Authority. Since 1991 at least windfall development has been a major component of housing supply. Only 17% of the housing completions in the Royal Borough over the 1991 to 2006 period were on allocated sites and of the 1,768 outstanding planning commitments at March 2006, 1,702 were previously unidentified windfalls (Position Paper: PPS3, ¶4.13 and 4.14). I have little doubt therefore that windfalls will continue to form a significant component of housing supply. As and when windfall development takes place it will of course count against the overall land requirement.
- 4.13 The housing trajectory builds on the historical evidence and indicates the anticipated contributions from different sources of supply for each year up to 2026. The trajectory reveals that the housing requirement set out in the South-East Plan will be comfortably exceeded (6,762 units anticipated against a requirement of 5,307 (5,620 minus 313)). Most of the development is expected to occur within existing settlements with only a small contribution from rural areas.
- 4.14 While the trajectory suggests that the strategic housing figure can be met without difficulty, the supply of housing from previously developed sites within the main settlements may prove to be significantly less than the Council anticipates. There are a number of reasons for this.
- 4.15 Firstly, as mentioned above, there is no certainty that the UPR sites will deliver their assumed contribution. Although the UPR exercise adopted a rigorous approach to both the selection of sites and the assessment of their residential potential, it was a theoretical exercise. There is therefore no certainty that the 97 sites deemed suitable for residential development will come forward at the times and at the locations expected. Some sites may

never come forward.

- 4.16 Secondly, past rates of windfall development may not be sustained in the future. Windfall opportunities are a finite resource and it seems to me that the contribution from this source is likely to diminish as the supply of suitable sites is progressively developed. Because the long-standing Green Belt boundaries tightly define the larger settlements there has been a heavy reliance on sites within settlement boundaries for a considerable period of time. I am also conscious that in years ahead, sites that may once have been re-developed for housing purposes may no longer be deemed suitable for that use; for example because of the sustainability criteria in Policy CS16 or more demanding flood risk safeguards. It also seems to me that the affordable housing and SPA requirements (Policies CS18 and CS6 respectively) could also dampen the rate at which windfall sites come forward. In addition to all of the above, many of the sites that might have contributed to the supply of unidentified windfall provision are already identified in the UPR exercise. The anticipated provision may therefore be inflated due to double-counting. For all of these reasons it seems to me the anticipated supply from the UPR sites and unidentified windfall sites is optimistic and unlikely to materialise.
- 4.17 It follows from the above that I consider that there is a real risk that the Policy CS15 housing requirement figure will not be met. In particular I consider that the number of housing completions in the mid and later years of the plan period could well fall short of the required numbers. Accordingly, I consider that the housing trajectory is unsound, at least insofar as it relates to the medium and long term. I return to this matter in my consideration of PPS3.

Managing Delivery

- 4.18 The Core Strategy itself recognises that land may not come forward in the manner anticipated. ¶5.144 mentions that if monitoring undertaken for the AMR reveals that housing requirements are not being met, a review of land-use policies, use of employment land and urban extension(s) are possible means of addressing any shortfalls. I note also that the Core Strategy contains a policy – Policy CS20 – specifically concerned with managing the delivery of housing. Amongst other things it mentions that a “plan, monitor and manage” approach will be adopted. Having identified requirements, sites will be allocated to meet requirements and delivery will be monitored and adjusted as necessary. It assumes that housing requirements in the medium and longer term will be met from a portfolio of specific sites identified in subsequent DPDs together with, more especially, an allowance for unidentified windfall sites. It is said that if supply falters, allocated sites could be brought forward, subject to market conditions. Planning permissions would only be granted in exceptional circumstances if the strategic requirement figure is likely to be exceeded.
- 4.19 The Council accepts that CS20 and its supporting text do not fully reflect current guidance. A number of changes are put forward accordingly. Amongst other things these introduce a reference to the allocation of sites to ensure a continuous 5 year supply of deliverable sites and the comment that planning permission will normally be refused if the strategic

requirement figure is likely to be exceeded is deleted. The changes also introduce a commitment to prepare a Housing Delivery Plan. To my mind the suggested changes are generally helpful and the arrangements for monitoring and managing housing supply seem well founded. To a degree the suggested changes overcome the CS20 soundness concerns. Unfortunately, I am not convinced that the suggested changes provide the certainty that is required of a Core Strategy. Rather than rely on monitoring mechanisms and possible reviews to address emerging shortfalls, the Core Strategy should facilitate a more certain housing supply from the outset. Accordingly, I consider that CS20 fails to satisfy soundness test 7. Guidance in the recently published PPS3 is also relevant.

PPS3

- 4.20 PPS3 provides detailed and up-to-date guidance on the delivery of housing provision. It seems to me that the available stock of planning permissions probably satisfies the PPS3 requirement for a 5 year supply of deliverable sites. Few dispute that a 5 year supply of deliverable sites is available although I note that a recent Inspector’s decision expressed some doubts on this score (A/05/1195435 and A/06/1198805). I share that Inspector’s concerns regarding the housing restraint element of Policy CS20 but, on balance, I am satisfied that a 5 year deliverable supply is available and that this element of soundness test 4b is therefore met.
- 4.21 However, PPS3, ¶155, additionally seeks a supply of developable sites for years 6 to 10 and, where possible, for years 11 to 15. It adds that sites critical to housing delivery should also be identified. Over the 6 to 10 and 11 to 15 year periods the Core Strategy relies largely on provision from the various UPR sites and more especially from unidentified windfall opportunities. ¶159 of PPS3 mentions that an allowance for windfalls should not be included in the first 10 years of land supply unless Local Planning Authorities can provide robust evidence that prevents specific sites being identified.
- 4.22 To my mind no compelling evidence has been provided. I am not convinced that GOSE’s objection to the preparation of a Site Allocations and Policies DPD in parallel with the Core Strategy and the perceived lack of large sites warrant the heavy reliance on windfalls in the 10 year developable land assessment contrary to PPS3 expectations.
- 4.23 While the UPR identifies a good number of potential housing sites it seems to me that to satisfy the developable land test in PPS3 some of the UPR sites may need to be developed much sooner than the trajectory expects. More importantly, even this source is unlikely to satisfy the rolling requirement for at least a 10 year supply of developable land largely excluding windfall sites unless additional land is identified for development. In practice some of this land is likely to be located beyond settlement boundaries and possibly within the Green Belt. I say that in the knowledge that many if not most of the larger potential housing sites within the boundaries of the main settlements have already been identified in the UPR exercise.

- 4.24 In my view the Core Strategy needs to countenance a more extensive review of potential housing sites to ensure that development requirements are satisfied and to reduce the reliance on an uncertain and possible optimistic supply of unidentified windfall sites. Adopting this approach should provide a much clearer picture as to where development can be expected over the plan period and the likely implications this might have for the provision of services and supporting infrastructure.
- 4.25 As well as my doubts about the likely contribution from the UPR and windfall sites, it also seems to me that the Core Strategy should ensure that future development occurs at the most suitable and sustainable locations; locations where other strategic imperatives might also be better met (see ¶11.5 and 11.6 for further details.) As GOSE notes in its letter dated 6.6.2007, “Housing delivery is about more than meeting the strategic requirement. It is, *inter alia*, also about meeting need such that the right amount of housing of the right type is located in the right places at the right time in a sustainable way”.
- 4.26 I am also conscious that any failure to meet the strategic housing requirement raises the prospect of piecemeal development at locations across the Royal Borough; locations that might be far less sustainable than others that might be available. The heavy reliance on unidentified windfall sites to meet housing requirements may also have implications for the supply of land for employment and other purposes and the supply of affordable housing. I return to these matters later in the report – see ¶ 9.4 and 5.2 respectively. In the light of the above I have concluded that the Core Strategy’s approach to housing provision fails to satisfy soundness tests 4a, 7 and 9.
- 4.27 I have given careful consideration to the possibility of recommending changes that might address the Core Strategy’s failure to meet these soundness tests. Unfortunately, it seems to me that binding recommendations in support of either specific sites or general locations for future growth beyond settlement boundaries, or the release of Green Belt land generally, are inappropriate at this late stage in the DPD process. These are all significant matters that require sustainability appraisal and effective public consultation.

Scale and Densities

- 4.28 PPS3, ¶46, lists the matters that housing density policies should have regard to. ¶47 adds that Local Planning Authorities may wish to set out a range of densities but should not normally seek densities below 30 dwellings per hectare (dph). The Core Strategy does not actually set density targets though the UPR refers to a range from 30dph in less accessible locations to over 200dph in highly accessible town centre sites. In addition a map showing density guidelines is put forward as a suggested change (new Appendix H). This provides indicative guidance in respect of possible densities across the Royal Borough. Other textual changes are put forward to clarify the density guidance in CS16 and to mention that the Council is to devise more detailed policies in due course.

- 4.29 The suggested changes all seem to me to be helpful and overall I am satisfied that the Core Strategy’s treatment of this matter is generally consistent with PPS3 guidance and that test 4b is met albeit that the new Appendix H is a significant change that, arguably, should not be introduced at this late stage in the process. Finally, under this heading, I note the concern that the reference to the scale and density of development being appropriate to its setting could discourage the more efficient use of urban land. On balance I am not convinced that the concern is well founded given that ¶5.149 highlights the need for residential schemes to make efficient use of land resources.

Accessibility

- 4.30 Policy CS16 identifies a range of accessibility considerations that are to be taken into account to create sustainable communities. In the main they reiterate the considerations identified in PPS1 and PPS3 – for example in ¶27 and ¶38 respectively. That said, there is little guidance as to how the respective considerations will be interpreted when they are applied in practice. It is not clear, for example, what access to health care facilities or centres of employment actually means. I understand, however, that the forthcoming Site Allocations and Policies DPD will provide more detailed guidance in due course, building on the work undertaken as part of the recent UPR exercise. As I understand it, this material would be used to assess the relative accessibility of potential allocations and to gauge the suitability of windfall proposals. Notwithstanding my concerns regarding the vagueness of the accessibility criteria, on balance I do not consider that this concern makes the Core Strategy unsound.

Affordable Housing (Policies CS18 and CS19)

- 5.1 Policy CS18 and its supporting text sets out the Council’s expectations in respect of affordable housing. Amongst other things it mentions that the policy applies to sites and buildings capable of providing 5 or more units gross and that the expected minimum level of provision should be 40% of habitable rooms unless it is independently validated that such provision would not be economically viable. It also notes that business developments may be required to provide affordable housing as part of a mixed use scheme. Few changes are suggested to the policy and its supporting text other than to introduce additional commentary to clarify how the contribution from business development might work.
- 5.2 A Housing Needs Survey undertaken in 2005 and the more recent 2007 Berkshire Strategic Housing Market Assessment both identify a very high need for affordable housing in the Royal Borough. The latter document is still in draft form but the Council has had access to it and so far as I can see it is consistent with the guidance in Annex C of PPS3 and generally supports the wider evidence base. Against this background it is hardly surprising that the Council seeks to maximise affordable housing provision at suitable sites. In principle I see no objection to this, indeed I welcome it, but I am concerned that the Policy CS18 thresholds could be inappropriate and counter-productive. More precisely I consider that if the affordable housing requirements are unduly onerous, sites allocated for

development in subsequent DPDs, and/or potential windfall sites suitable for housing (or indeed business purposes), may not be developed. Not only would this diminish the supply of affordable housing but it could also undermine the Council’s ability to satisfy other global housing (and employment) objectives. It is a particular concern in this instance due to the heavy reliance on small windfall sites within the main settlements. In my view these are more likely to be held back because of the affordable housing requirements than larger scale developments on previously developed land or elsewhere.

- 5.3 So far as the 40% threshold for qualifying sites is concerned, I understand that this broadly equates with the overall 35% target set out in the South-East Plan. In support of the CS18 requirements the Council commissioned a detailed study that looked at the ability of property development proposals to deliver affordable housing and planning obligations within the Royal Borough - an “Affordable Housing Financial Viability Assessment”.
- 5.4 Amongst other things this concluded that there is scope for 30% affordable housing, and in some circumstances 40% with, where necessary, some level of cross subsidy provided by the developer. Whilst the study contains useful insight into the ability of schemes to provide affordable housing, I am not convinced that the findings of the study actually support a 40% minimum affordable housing requirement. And even if the summary conclusion in the report had been framed in more supportive terms, it seems to me that the assumed 15% profit figure used in the assessment may be rather low and the assumed exceptional costs often will be somewhat higher than anticipated.
- 5.5 My understanding of the study together with the discussion on this matter at the examination hearings persuades me that a 40% minimum requirement could be a disincentive to the development of many potential sites. If CS18 is to include the 40% threshold I consider that it should be expressed as an aspiration or aim rather than as a minimum requirement. To my mind this more properly reflects the evidence base. While the fact that a lower contribution might be accepted if a 40% contribution would make a scheme unviable introduces a measure of flexibility, it does not overcome my concern on this point.
- 5.6 So far as the 5 unit threshold is concerned, I note that this is well below the PPS3’s indicative minimum site size figure of 15 dwellings. On the other hand ¶29 of PPS3 does not rule out affordable housing provision from smaller developments in certain circumstances. I have no doubts that some schemes providing less than 15 dwellings could reasonably make a contribution to the supply of affordable housing. Expressing the 40% figure as an aspiration rather than as a minimum requirement should help to encourage developers to bring some smaller schemes forward. Even so I consider that the 5 unit threshold is excessive. If the bar is set at that level many sites that might otherwise be usefully re-developed for housing or other purposes will not come forward. It follows that I consider this element of the policy to be unsound. While a threshold of 10 has been suggested as being more reasonable (and seems to me to be about the right order) there is no robust evidence to support that number or any

other alternative figure.

- 5.7 I have also considered the suggestion that different locations within the Royal Borough might be subject to different requirements. This notion has some appeal but it is not supported by the recent viability assessment and, on balance, I do not favour it.
- 5.8 The CS18 requirements regarding the affordable housing contribution from business developments attracted a lot of opposition; some of this related to the principle, some to the detailed arrangements. Significant changes are put forward to clarify how the policy would be applied in practice. To my mind the additional text is helpful and merits support as it clarifies how this element of the policy would operate. While I can envisage circumstances where business developments might reasonably be expected to make a contribution to the Borough’s pressing need for more affordable housing, proposals need to be considered on their individual merits.
- 5.9 Notwithstanding my conclusion that some elements of Policy CS18 are unsound and accordingly fail to satisfy soundness test 7, I accept that the policy probably would increase the supply of much needed affordable housing in accordance with national policy aims. It might allow the Council to meet the 35% regional target for affordable dwellings though that is unlikely given that small sites (of which many fall below even the Council’s 5 unit threshold) will make little or no contribution.
- 5.10 Policy CS19 is a rural exceptions affordable housing policy. It has not attracted any adverse comments and to my mind reflects guidance in PPS3 (¶130) and, accordingly, satisfies test 4b.

Travel (Policy CS4)

- 6.1 Policy CS4 is a general over-arching policy that lists considerations relevant to the issue of travel. Detailed policies for highways, public transport and parking will be set out in a subsequent DPD. Although this section of the Core Strategy attracted few comments a significant number of changes are put forward by the Council. The Council also prepared a Position Paper “Travel” to clarify its approach to this matter. As I understand it, the changes and the Position Paper are mainly intended to address concerns raised by GOSE and more especially the Highways Agency. The Agency has since confirmed (letter 2 April 2007) that subject to these changes it considers the Core Strategy to be sound.
- 6.2 It seems to me that the suggested changes to Policy CS4 and its supporting text are helpful insofar as they clarify policy intentions. They address strategic concerns raised by the Highway Agency as well as some of the more detailed points raised by other parties. Subject to the suggested changes I am satisfied that soundness tests 4 and 7 are met. Not all of the detailed concerns raised by parties are addressed but I see no difficulty with this as they would be addressed in the forthcoming DPD. They are not central to issues of soundness in any event.

Natural Environment (Policies CS5, CS6, CS7, CS8, CS9 and CS10)

The Natural Environment and Conservation (Policy CS5)

- 7.1 Policy CS5 provides a framework that is intended to conserve and enhance the Royal Borough’s biodiversity and geological interest. GOSE, Natural England and the Environment Agency deem the policy and its supporting text to be unsound on a number of counts. However, prior to the hearing sessions the parties met the Council at my suggestion and a Statement of Common Ground has now been agreed. This promotes a number of changes to both the policy and its supporting text. Subject to their acceptance, the parties all accept that Policy CS5 satisfies the tests of soundness.
- 7.2 I am in no doubt that CS5 as framed is defective and extensive changes would need to be made to overcome a number of concerns. To my mind the agreed changes do precisely that. In particular I am satisfied that soundness test 4a is now satisfied. I note also that the Council has taken the opportunity to put forward other changes to address detailed matters raised by other parties. While these are not central to issues of soundness the changes seem helpful insofar as they clarify the way the policy would be applied in practice.

Thames Basin Heaths Special Protection Area (SPA) (Policy CS6)

- 7.3 Policy CS6 indicates, in essence, that development having an adverse effect on the integrity of the SPA will not normally be permitted. Suggested changes are put forward to both the policy and more especially to the supporting text. Most of the changes promoted by the Council are for the purposes of clarification but they also seek to address concerns raised by Natural England and other parties. A Statement of Common Ground has now been agreed with Natural England indicating that subject to the acceptance of the suggested changes, it considers that the Council’s Appropriate Assessment and Policy CS6 are both sound.
- 7.4 At the outset it is necessary to note that I accept that the Core Strategy should not ignore SPA issues. I do not accept that the policy is unnecessary on the ground that it simply replicates guidance in PPS9. The SPA has significant implications for the spatial strategy, not least the delivery of housing, and the absence of any policy guidance would create uncertainty. At the same time I am conscious that the SPA issues are complex and that the Council may need to review CS6 and other elements of the Core Strategy in the near future in the light of decisions taken on the South-East Plan.
- 7.5 In respect of the latter, the Secretary of State appointed an Assessor to consider the likely implications of the SPA on the Western Corridor and Blackwater Sub-region. The Assessor reported initially to the South-East Plan Panel in February, 2007, and followed this with an addendum report in March, both dates well after the Core Strategy had been submitted for examination. Obviously the Core Strategy could not anticipate their contents. While the reports are helpful, at this time they should be treated

with caution; the Assessor’s detailed package of recommendations may variously be altered or rejected in due course. Much work remains to be done to establish the appropriate mechanisms for the delivery of the necessary avoidance and mitigation measures. Against this uncertain background, it is clearly important that Policy CS6 has in-built flexibility.

- 7.6 It seems to me that with the benefit of the suggested changes the policy and its supporting text sets a broad framework able to accommodate the package of avoidance and mitigation measures that are eventually agreed and at the same time protect the integrity of the SPA. To my mind the Appropriate Assessment provides some reassurance in this respect. It concludes that the Core Strategy is capable of implementation in ways that need not adversely affect the integrity of the SPA and other sites of international importance to nature conservation. Importantly, neither the UPR exercise nor the housing trajectory anticipates that sites situated within 400m of the SPA will make a contribution to housing supply. Sites situated between 400m to 5km of the SPA (thresholds favoured by the Assessor) would need to provide appropriate avoidance and mitigation measures.
- 7.7 I note that the Assessor considered that small schemes within 1km of the SPA could come forward without mitigation in any event. I am not persuaded, however, that this somewhat controversial conclusion should be reflected in CS6 or its supporting text.
- 7.8 To allow time for the avoidance and mitigation strategy to be formulated in detail, and in particular to establish a network of Suitable Alternative Green Space (SANGS), the Council assumes that housing development at sites within the 400m to 5km band would not take place until 2009 at the earliest. The timeframe appears challenging given the work that needs to be done to establish an agreed SPA strategy. If the timetable slips and the supply from within the 400m to 5km band is delayed as a consequence, alternative sites would need to be identified and brought forward. It almost goes without saying that that this situation would need to be monitored closely in the AMR.
- 7.9 The Council’s suggested changes also recognise the role of other avoidance and mitigation measures that might appropriately be used instead of SANGS and, arguably, in preference to them. To reflect this possibility, the words “and/or” should appear before the word “access” in the penultimate sentence of ¶5.64. Other changes that I would have endorsed if I had found the Core Strategy to be sound include additional text to indicate that alternative open space could be provided beyond the Borough boundary and recognition that mitigation measures should be proportional to the risk.
- 7.10 As I understand it, the reference to 5km in ¶5.63 is a reference to linear distance. Some argue that travel distance is a more appropriate measure. I am inclined to agree though overall it appears to matter little in practice. Natural England calculates that if travel distance is used, it equates to a linear distance of 5.2km. It is also said that distance from nearby car-parks is a more relevant consideration. The point has some merit but it would be difficult to establish where these might be and they are also likely

to change over time. I do not favour their use for measuring purposes.

- 7.11 Subject to the Council’s suggested changes and the others that I mention above, I am satisfied that policy CS6 meets test 4a and the other relevant tests of soundness. Although the respective changes are extensive, on balance I accept that they can be made within the terms of the 2004 Regulations.

Landscape (Policy CS7)

- 7.12 In concise terms Policy CS7 mentions that development should protect and, where possible, enhance the quality and character of the landscape. Other than 2 typographical errors no changes are suggested to either the policy or its supporting text. Detailed policies relating to landscape quality are to be set out in a subsequent DPD.
- 7.13 I am not entirely convinced that the policy adds much to national guidance albeit that the supporting text helpfully draws attention to the Council’s Borough-wide Landscape Character Assessment (LCA). The LCA ensures that the quality and character of the rural landscape is taken into account in the development control and forward planning processes. This should provide some comfort for those concerned that the landscape designations in the adopted Local Plan – namely the Areas of Special Landscape and the Setting of the Thames – are not carried forward into the Core Strategy. I can understand why this might seem to put locally important landscapes at risk but to my mind Policy CS7 and the LCA together provide appropriate safeguards. Adopting the LCA approach, as commended in PPS7, also allows landscapes to be considered comprehensively and in detail whereas the landscape designation approach is more selective and tends to undervalue non-designated landscapes.
- 7.14 I note the concerns that the words “where possible” weaken the policy but it seems to me that the qualification is necessary as development cannot always enhance landscape quality.
- 7.15 To summarise; while I consider the policy to be of limited value, its inclusion does not make the Core Strategy unsound and I accept that it meets soundness test 4a.

River Thames Corridor (Policy CS8)

- 7.16 Policy CS8 recognises the importance of the River Thames as a landscape feature and sets out the considerations to be taken into account in considering development proposals within the river corridor. Suggested changes are put forward to both the policy and more especially the supporting text. To a large degree the suggested changes improve clarity and by and large appear to overcome the concerns raised by respondents. I note, for example, that a Statement of Common Ground has been agreed with the Maidenhead Waterways Restoration Group. This identifies agreed changes to address the concerns raised by the Group and others that CS8 should also refer to tributaries of the Thames.

- 7.17 The land subject to the policy is not defined in the Core Strategy. Reference is made to further work that might define the corridor at some future date (probably via a supplementary planning document) but the timing of that exercise is uncertain. In the meantime the text supporting CS8 gives some guidance as to the areas that might be affected. This is helpful in the interim but in my view the Council should define the corridor as a matter of urgency. It might be possible, for example, to take this on board as part of the proposed Development Principles DPD but it could be addressed in other ways. The lack of definition may not itself make the Core Strategy unsound but in my view it is a weakness of the document and the Council should take steps to address the point.
- 7.18 Self evidently the River Thames Corridor raises cross border issues. It is therefore important that authorities within the corridor work together and adopt a broadly consistent policy approach. The reference in CS8 to working with partner organisations is clear recognition of this. However, this Core Strategy cannot require other authorities to adopt or agree a particular policy or define the corridor as a whole.
- 7.19 I note the claim that the public access reference in CS8 is at odds with Policies CS14 and CS21. While I accept that in certain circumstances efforts to enhance public access would not be sensible, this is already recognised by the use of the words “where appropriate”. I am not convinced, therefore, that the public access reference raises a concern as to the internal coherence of the Core Strategy.
- 7.20 Notwithstanding that the corridor is not closely defined, in my view CS8 satisfies soundness tests 4 and 7.

Pollution and Nuisance (Policy CS9)

- 7.21 Policy CS9 indicates that development should not give rise to unacceptable levels of pollution and nuisance and that these matters will be considered when proposals sensitive to pollution and nuisance are promoted. Other than to address typographical errors, the only change suggested by the Council introduces text to indicate that where possible the Council will seek to improve or maintain environmental quality.
- 7.22 It seems to me that the suggested change is appropriate and I therefore support it. The other change sought by respondents relates to the impact of traffic pollution on sites of international importance for nature conservation. This could be a significant issue but it seems to me that ¶5.88 effectively covers the point.
- 7.23 In summary, I am satisfied that, with the change proposed by the Council, CS9 is broadly consistent with PPS9 and meets soundness tests 4 and 7.

Flood Risk (Policy CS10)

- 7.24 Policy CS10 indicates, in essence, that development will only be permitted where an appropriate flood risk assessment has been carried out; an assessment that demonstrates that flood risk is acceptable in planning

terms and that development would not materially exacerbate or create flood risks. The consultative response from the Environment Agency stated that the policy was in line with draft PPS25 and was, all in all, a “model policy”. The final version of PPS25 has since been published.

- 7.25 Conscious that the final version differs from the draft in a number of respects, the Council agreed at my request to produce a Position Paper to examine the relationship of the Core Strategy to the latest PPS25 guidance. The Council also reviewed the Strategic Flood Risk Assessment (SFRA) that had been commissioned to support the Core Strategy in order to confirm compliance with the latest PPS25 guidance and the accompanying “Practice Guide Companion to PPS25”. Having reviewed this material it seems to me that the Core Strategy benefits from a robust evidence base albeit that further work is anticipated. I note, for example, that detailed flood modelling has not been done for all of the tributaries of the Thames. My understanding of the evidence base is highly significant given the importance of flood risk as a planning issue in the Royal Borough and beyond. The widespread flooding suffered by large tracts of this country as I write this report pays testimony to its importance.
- 7.26 Having considered the latest PPS25 guidance and the representations and objections that have been lodged to CS10, the Council now promotes a package of suggested changes to both the policy and its supporting text. Though extensive, the Council claims that they do not alter the substance of the Core Strategy or its overall soundness. I tend to agree. As I see it the changes essentially clarify the way the policy would operate in practice and confirm which elements of Local Plan guidance are “saved”. In addition to the CS10 related changes, the Council promotes other changes to the Core Strategy to emphasise the importance of flood risk. Flood risk is, for example, now specifically mentioned as a key planning consideration in spatial objective 2. A Statement of Common Ground has also been agreed with the Environment Agency and Spelthorne Borough Council. This indicates that they both support the suggested changes albeit that the latter considers the change to the floodplain reference in CS10 to be somewhat vague. That may be so but on balance I prefer it to Spelthorne’s suggestion.
- 7.27 In the light of the above it seems to me that the suggested changes to CS10 and other text in the Core Strategy take proper account of current PPS25 guidance. Changes are suggested that provide better cross-referencing to the national guidance without seeking to replicate the guidance in its entirety. Many of the concerns raised by respondents relate to material in PPS25 that is absent from the Core Strategy. As I understand it, more detailed guidance on matters such as the implementation of CS10, the definition of flood plains and the application of the sequential test will also be available in a forthcoming supplementary planning document. That document will also provide an opportunity for “dry access” and “safe access” provisions to be reviewed. Policy in respect of these matters is evolving and the discussion at the examination hearings suggests that the Council’s understanding may not reflect current Environment Agency policy. The current LDS indicates that the preparation of the supplementary planning document is seen as a high priority.

- 7.28 There is a concern that the Core Strategy has not taken full account of flood risk considerations, in particular in reaching conclusions on the ability of the urban areas to satisfy the strategic housing requirements. As I understand it, the UPR exercise discounted sites at risk of flooding based on the best evidence then available. When potential development sites are considered in due course - either as windfall proposals or potential allocations in the Site Allocation and Policies DPD - flood risk can be looked at afresh on a site specific basis and in the light of the CS10 and PPS25 requirements and the then available best evidence. That may rule out some of the land where development currently appears possible but that is not certain. I note the suggestion by one party that the Council should undertake a sequential assessment of windfall proposals. However that notion is not supported by PPS25, as I understand the guidance, and it would be very difficult to operate in practice.
- 7.29 Criticisms are made of the content of the SFRA and the consultative arrangements. I am not convinced that these concerns are well founded but they largely fall outside my remit in any event. It is also relevant that the SFRA is viewed as a “living” document to be reviewed and up-dated annually. Indeed I understand that if and when inaccuracies are identified – see the list set out in the letter dated 25.6.2007 from the River Thames Society for example - they will be addressed ahead of the next annual review. So far as the consultative arrangements are concerned, I note that the public was largely excluded but like other technical exercises that is not of itself unusual.
- 7.30 At this time it may also be helpful to mention that while I see few difficulties with the long list of changes promoted by the River Thames Society, I am not convinced that they are necessary in order to make the Core Strategy sound. To a large degree they carry forward guidance in PPS25 or set out the flood risk material in a different order. I am also aware that many of the Council’s suggested changes take account of concerns raised by the Society at an earlier stage in the Core Strategy process.
- 7.31 Before setting out my conclusions it is appropriate to refer to climate change. This is addressed in general terms as part of the text supporting CS10. Suggested changes aim to provide additional guidance. In addition I note that the importance of climate change is recognised elsewhere in the Core Strategy (see ED048 for details) and I note that it is also addressed in the SFRA. Amongst other things the latter mentions that wherever flood risk assessments are undertaken the impact of climate change should be taken into account. Reflecting the importance attached to this issue I would have favoured a new spatial objective on climate change and other consequential changes along the lines suggested by the Maidenhead and District Friends of the Earth if I had found the Core Strategy sound.
- 7.32 While I see a need for changes additional to those promoted by the Council, as indicated above I am satisfied that Policy CS10 and its supporting text is consistent with the thrust of PPS25 guidance and accordingly meets soundness tests 4 and 7.

Built Environment

Renewable Energy (Policy CS11)

- 8.1 Policy CS11 broadly supports renewable energy initiatives unless they would have an undue landscape or other impact. In principle I see few problems with the policy albeit that I consider that it should be strengthened to echo the messages in PPS22. As worded the support for renewable energy initiatives is somewhat muted.
- 8.2 It is also said that the policy would be more effective if it set targets for energy generation from renewable sources. I note that a suggested change to the text supporting CS11 would include a reference to the regional target set out in the South-East Plan but no targets are suggested for inclusion in the policy itself. That said I note that a suggested change to the text supporting Policy CS13 refers to targets and mentions that the matter will be addressed in a supplementary planning document. It adds that in the meantime the Council will adopt the same renewable energy target as the South-East Plan. A Statement of Common Ground agreed with SEERA indicates that it is content for CS13 to deal with this issue albeit that they would like a policy commitment setting out targets and thresholds. I return to Policy CS13 later in the report. For the moment I would simply say that subject to a change to the detailed wording of CS11 and the changes suggested by the Council, I consider that CS11 is consistent with PPS22 and meets soundness tests 4 and 7.

Enhancing the Historic Environment (Policy CS12)

- 8.3 Policy CS12 notes that to protect the historic environment development will only be permitted if it protects the integrity of buildings and their settings and incorporates high quality design. Changes are suggested to ensure that the protection of non-listed buildings reflects national guidance and to address a concern that poorly managed land and buildings should be improved. The suggested changes are helpful and persuade me that Policy CS12 reflects PPG15 and the emerging guidance on Heritage Protection and on that basis I accept that it satisfies soundness tests 4 and 7.

High Quality Design (Policies CS13 and CS14)

- 8.4 Policy CS13 requires all development to be high quality in design and in that regard it identifies 9 specific quality tests. Suggested changes are put forward to both the policy and the supporting text. To my mind these are generally helpful and do not materially alter the substance of the Core Strategy.
- 8.5 Before looking at some of the specific concerns it may be helpful to comment on the claims that the policy is too detailed. I accept that the quality tests could be relegated to the supporting text or even another development plan document. On balance, however, I favour their retention. They provide a useful checklist for decision makers and others when development proposals are being considered.

- 8.6 Earlier in the report (¶8.2) I mentioned that suggested changes introduced references to renewable energy targets in text accompanying CS13. To my mind the changes are helpful – indeed without them this element of the Core Strategy could be deemed unsound. However the Council is not convinced that a policy reference to a target of 10% (or some other figure) is appropriate. In its view it would duplicate the South-East Plan and might also be misleading if subsequent work suggested that a different target(s) would be more appropriate. PPS22 accepts that targets can be included in development plan documents in certain circumstances, but so far as I am aware it is not a requirement. Bearing this in mind I am not convinced that the target needs to be included in CS13 in order to make it sound. The proposed changes set out the Council’s interim expectations in the light of current regional guidance. In due course the proposed Sustainable Design and Construction supplementary planning document will establish if the regional 10% target or some other figure is more appropriate in the Royal Borough.
- 8.7 In the same way I am not convinced that the specific reference to BREEAM should be included in the policy in advance of the supplementary planning document. Text supporting CS13 mentions that it is only one of the methodologies that might be adopted in due course.
- 8.8 The wording of several of the quality tests is criticised. By and large the criticisms do not relate to the soundness or otherwise of the Core Strategy and, with one exception, I make no comment on them. The exception is the concern that tests 1 and 4 should not require development to respect the character of a locality. It is said, for example, that this could rule out further flatted or apartment development in residential areas. Given the extent to which such development has taken place in the Royal Borough in recent years this seems highly unlikely. Be that as it may, I am not convinced that the concern is well founded. To my mind the character of an area should be part of any quality assessment. I am also conscious that the word “respects” is very different in meaning to “replicate” or some other word that might effectively constrain development options.
- 8.9 Policy CS14 simply states that development should be designed to create safe and accessible environments. The Council puts forward suggested changes to the supporting text but not the policy. The changes are helpful and I note that further guidance on safe and accessible environments will be available in a separate development plan document. While CS14 adds little to national guidance and might conveniently have been combined with CS13, the policy does not itself make the Core Strategy unsound and I therefore see no reason to delete it.

Local Economy

Business (Policy CS21)

- 9.1 Policy CS21 notes that the centres of Maidenhead and Windsor will be the main locations for office developments and that other business areas may be acceptable as locations for additional business development in certain

circumstances and as indicated in the policy.

- 9.2 Appendix E of the Core Strategy sets out a calculation of the amount of additional employment land required in the Royal Borough by 2026 - about 19ha in total. As I understand it the calculation relies on an Employment Land Review (ELR) commissioned by the Council supplemented by an Addendum that up-dated the evidence base. In particular the latter extended the study period from 2018 to 2026 in order to ensure consistency with the Core Strategy end-date. A second addendum was produced for the examination hearings to address certain errors and concerns raised by respondents.
- 9.3 The Council claims that the employment land requirements to 2026 can be met under the CS21 policy provisions. In that respect I note that it appears to be generally accepted that the estimated 19ha land requirement is of the right order based on the constrained growth scenario in the Berkshire Structure Plan. While I support the use of the constrained scenario on the ground that it provides a more sustainable jobs/workforce balance, it inevitably results in a conservative estimate of the overall employment land requirement figure. If the Structure Plan’s alternative higher growth scenario was used it would translate into a substantially higher land requirement.
- 9.4 Doubts are expressed as to whether even the constrained land requirement can be met. I share some of the concerns. The Council assumes that the B1 floorspace requirement can be accommodated at some combination of the 19 sites identified in Windsor and Maidenhead town centres in the ELR. In due course the preferred sites will be allocated for development in subsequent DPDs. In concert the 19 ELR sites clearly have the potential to satisfy the employment land requirements albeit that over half are also expected to make a contribution to the supply of land required for other uses, notably housing or retail or both. Unfortunately until further work is undertaken it is not known if any (or all) of the sites suffer ownership or other constraints and, significantly, it is also assumed that much of the new development in Maidenhead town centre will involve buildings 6.5 storeys or more tall, twice the current average building height. In advance of the Maidenhead Town Centre DPD that assumption needs to be treated with caution, particularly as it has not been subject to sustainability appraisal or any public consultation, so far as I am aware. Some office windfall developments may additionally come forward but this source is unlikely to provide a significant supply of sites able to meet modern day requirements.
- 9.5 Although the Council’s approach includes a seemingly generous 50% allowance for sites not coming forward, I am not entirely convinced that the B1 land requirement will be met at the identified town centre sites alone. The examination document “Further Clarification on Capacity for B1 Floorspace” provides additional evidence on the possible contribution from individual sites but it does not entirely overcome all of my doubts. On balance I am not convinced that soundness test 7 is satisfied. I would add the rider that the situation will ease if the definition of Maidenhead town centre is extended to include some additional land that might have business or commercial potential. Definition of the boundary is a task to be

undertaken as part of the town centre DPD.

- 9.6 I am also doubtful if the B2/B8 requirements can be met by relying largely on an intensification of existing employment sites. Of the 17 identified employment areas that are listed in the ELR, 5 are said to offer scope for intensification. Research undertaken by Kennet Properties suggests, however, that even if they are all redeveloped more intensively, which is far from certain, these sites would not be able to satisfy the B2/B8 land requirement. To my mind some additional land will need to be identified in subsequent DPDs to satisfy the land requirements. In practice this is likely to mean land situated beyond the existing settlement boundaries. If land is not identified to meet future requirements, some local companies may be forced to leave the Royal Borough, contrary to PPS1 guidance on the promotion of sustainable development and the ELR. I return to this later in the report.
- 9.7 For the moment I simply say that CS21 and/or its supporting text should confirm that all of the employment land requirements for the period up to 2026 will be met, if necessary by allocating sites in subsequent DPDs. In the absence of any such commitment, and notwithstanding the use of “smart growth” initiatives, I consider that there is a distinct possibility that they will not be. For the avoidance of doubt I would add that notwithstanding my concerns regarding employment land requirements I do not accept that the Core Strategy should give unqualified support for employment proposals in the Green Belt. Any proposals need to be considered in the light of CS2.
- 9.8 So far as the policy framework generally is concerned, in line with national and regional policy I fully support the notion that Maidenhead and Windsor town centres should be the main locations in the Royal Borough for additional office developments. The identification of specific sites and judgements about their ability to accommodate high-rise development and so on are matters that can be considered via the forthcoming town centre DPDs and/or the Site Allocations and Policies DPD. All are identified in the LDS as high priority.
- 9.9 Reflecting guidance in the South-East Plan (and the ELR) I also support the aim to avoid harm to employment opportunities by protecting land allocated for employment purposes as well as existing employment sites. If employment areas are used to satisfy housing needs (or for other non-business uses) the buoyant local economy could be harmed. In this instance, and contrary to the PPS3 suggestion that such land often might be better used for housing purposes, I accept that the existing employment areas in the Royal Borough should generally remain in business use.
- 9.10 The supporting text (¶15.217) indicates that employment impact statements will be required in support of employment proposals. I think this is unduly onerous for small scale proposals but support the requirement where larger scale development is in prospect. The Council has since clarified that it never anticipated impact statements for all employment proposals. The ELR Addendum suggests that statements could be required for sites over about 0.5ha in size. That appears about right but there is little evidence to

support such a threshold, so far as I am aware.

- 9.11 To summarise: while the suggested changes promoted by the Council appear helpful, I am not convinced that Policy CS21 satisfies soundness tests 4 and 7. Other changes are required and I am not convinced that these should be introduced without a sustainability appraisal and further public consultation.

Retail (Policy CS22)

- 9.12 Policy CS22 notes that the town centres of Windsor and Maidenhead will be the main locations for new retail development and that retail development of an appropriate scale will be acceptable in principle at other centres. The policy adds that as and when retail proposals are proposed they will be judged against a list of considerations. The Council puts forward suggested changes to the text supporting CS22 but not to the policy itself.
- 9.13 It seems to me that Windsor and Maidenhead town centres should be the focus for any additional new retail development. This stance reflects existing and emerging regional guidance and the Council’s own Retail and Leisure Study. The latter indicates that up to 2016 the comparison goods floorspace requirement at Maidenhead is significant (17,753 sq.m.) but limited at Windsor and the other smaller centres. Convenience floorspace needs are relatively modest at both main towns. The Study concludes that only in Maidenhead is there a need to identify sites for further comparison/convenience floorspace. The Retail and Leisure Study is criticised on a number of counts but to my mind it provides a relatively robust evidence base albeit that it only looks ahead to 2016. This end-date might be deemed unfortunate but in this instance I am not convinced that it makes the retail element of the Core Strategy unsound.
- 9.14 The Retail Study and the ELR identify a number of town centre sites that might accommodate further retail development. However material produced for the examination hearings suggests that of these, only the so-called M1 site at Maidenhead, is currently a serious contender. The suitability and availability of that site will be considered further in the town centre DPD.
- 9.15 If retail needs to 2026 cannot be accommodated in the main town centres for some reason, CS22 properly reflects PPS6 guidance (¶2.44) and requires a sequential approach to the selection of alternative sites. The supporting text needs to be changed however to delete the unqualified rejection of out-of-centre sites. CS22 also indicates a wide range of factors that additionally will be taken into account in determining the acceptability or otherwise of any retailing proposals. To my mind the policy provides an appropriate framework against which any future retailing proposals can be considered. I am not convinced that the Core Strategy needs to identify alternative edge or out-of-centre sites that might be suitable for retail development in the absence of town centre sites.
- 9.16 Wokingham Borough Council argues that the policy is unsound as it fails to have proper regard to possible impacts beyond the Royal Borough boundary. Subject to a small change to CS22 to address the point, I am

satisfied that soundness test 4a would be met. The change does not of itself alter the substance of the policy. Likewise I support the change suggested by the Council that identifies the local centres subject to the policy (new appendix G). This provides useful clarification and does not alter the substance of the Core Strategy.

- 9.17 The representations from Maidenhead Civic Society and others identify a number of matters that might support the regeneration of the town centre. I do not discount their value but I consider that they can more properly be addressed in the town centre DPD. The failure of the Core Strategy to address them does not make it unsound. Similarly I am not persuaded that the Core Strategy needs to define the physical extent of the town centre. In my view this is also a matter more properly addressed in the town centre DPD.
- 9.18 In sum, subject to the changes proposed by the Council and those that I mention above, I am satisfied that CS22 satisfies soundness tests 4 and 7.

Tourism and Leisure (Policy CS23)

- 9.19 Policy CS23 expresses support for a sustainable tourism and leisure economy. Maidenhead and Windsor are identified as the main locations for tourist and leisure development but other settlements may also be appropriate locations subject to the range of considerations listed in the policy. Tourist and leisure developments in rural areas will be permitted where they support the rural economy and do not conflict with Green Belt and other policies. A number of changes have been put forward to the supporting text by the Council. All of these appear to me to provide helpful clarification of the way CS23 is intended to operate and therefore merit support.
- 9.20 Tourism is the largest employer and the largest income generator in the Royal Borough. Windsor Castle and Legoland are two of the country’s top visitor attractions and the South-East Plan identifies Windsor and the Thames as tourism “hotspots”. That CS23 should express support for a sustainable tourism and leisure economy is hardly surprising and, in my view, is wholly appropriate.
- 9.21 There is a concern that the policy is itself too detailed and that much of the content could be relegated to the supporting text. I have some sympathy with the suggestion but, on balance, I am not convinced that the inclusion of the material makes the policy unsound. Including the detail does at least provide decision makers and others with a clear check list of the matters that the Council will consider in determining planning applications.
- 9.22 Whilst the policy expresses support in principle for the retention and improvement of existing tourist and leisure uses, in rural areas development proposals should not conflict with Green Belt or countryside protection policies. Many of the large tourism and leisure uses in the Royal Borough are situated within rural areas, often on land designated as Green Belt. Examples brought to my attention include Royal Windsor Racecourse, Ascot Racecourse and Legoland.

- 9.23 I recognise the potential conflict between proposals to update and enhance existing facilities and the raft of countryside protection policies, not least those that apply within the Green Belt. However, any such proposals would also fall to be considered in the light of the recently published ODPM Good Practice Guide Planning for Tourism. Amongst other things this indicates that the planning system should help facilitate the development and improvement of tourism in appropriate locations – see ¶3.18 for example. Similarly the South-East Plan exhorts local planning authorities to encourage the enhancement and upgrading of existing visitor attractions. It is also relevant that PPG2 itself recognises that some tourism/leisure proposals need not be “inappropriate” development in the Green Belt in any event.
- 9.24 It seems to me, therefore, that the CS23 policy provisions in respect of existing tourist and leisure uses necessarily would be applied in the light of the high level policy support for tourism and leisure development. Moreover, there may be instances where enabling development is also justified as a “very special circumstance” in the Green Belt in order to ensure that an existing facility remains viable. In effect, ¶5.247 already recognises this possibility. On balance, however, I am not convinced that CS23 needs to refer to this possibility explicitly as any such proposals necessarily fall to be considered on their individual merits.
- 9.25 Legoland is a large and very popular leisure complex located at the southern edge of Windsor. It lies within the Green Belt but benefits from the more relaxed provisions that flow from its identification in the adopted Local Plan as one of 6 “Major Developed Sites in the Green Belt”. The relevant policy in respect of these sites – GB9 - is identified in the LDS as a saved policy and will be reviewed in due course in the Development Principles DPD. A proposed change to ¶5.247 confirms that infilling or redevelopment within the development boundary defined in GB9 would not be considered “inappropriate” development in the Green Belt. Legoland and the Royal Windsor Racecourse are also subject to another saved policy – TM7. This policy is generally supportive of proposals that would diversify their recreational use. In the light of the above it seems to me that the Core Strategy and the saved policies together indicate clear in-principle support for proposals to enhance and upgrade visitor attractions at both sites. Any proposals to expand the existing sites beyond their existing boundaries would need to be considered on their merits and in the context of national, regional and local policies.
- 9.26 In sum, I consider that the Core Strategy generally achieves the right balance between support for tourist and leisure uses and the protection of rural areas and the Green Belt. On that basis I accept that Policy CS23 generally satisfies soundness tests 4, 7 and 9. My only concern is that the Core Strategy may not fully recognise the very significant economic and social value of the several major visitor attractions in the Royal Borough. To that end I have considered carefully whether any major attractions should be specifically identified in CS23 as locations where leisure and tourism development is acceptable in principle subject to the environmental and other considerations listed in the policy. On balance I have concluded that this is unnecessary. The fact that a raft of planning permissions that have been granted over the years at these sites tends to support that conclusion.

Community Matters

Community Facilities (Policy CS24)

- 10.1 Policy CS24 notes that new and improved community facilities in accessible locations will be supported. New development will be expected to make appropriate provision for community facilities and the loss of existing facilities will only be permitted where they are either no longer needed or suitable alternative provision is offered.
- 10.2 The policy attracted little adverse comment and my only concern relates to the wording of clause 3b. This seeks to prevent the loss of community buildings or land unless alternative provision is made in “equally or more accessible locations”. I understand the sentiment and I accept that it reflects the emphasis in spatial objective 3 and the Core Strategy generally to minimise travel distances and encourage non-car modes of travel. Unfortunately I consider that the requirement might rule out otherwise beneficial community proposals simply because they would be in less accessible locations than the facilities they would replace. Equally or more accessible locations may not be available. To my mind it would be more appropriate to include a more general reference to acceptable alternative provision elsewhere.
- 10.3 Concerns regarding the arrangements for financial contributions towards community facilities are addressed under Policy CS26.
- 10.4 Subject to the comment in ¶10.2 above, I accept that Policy CS24 satisfies soundness tests 4 and 7.

Open Spaces (Policy CS25)

- 10.5 Policy CS25 notes that proposals need to make appropriate provision for public open space. It adds that development resulting in the loss of open space will not be permitted if it would result in a shortfall in provision now or in the future and unless facilities to meet a particular need would not otherwise be provided or the community would benefit from the provision of alternative open space elsewhere. Other than some additional commentary referring to the creation of new open spaces in Windsor and Maidenhead, no significant changes are proposed to either the policy or the supporting text.
- 10.6 There is a concern that the widespread open space deficiencies in the Royal Borough cannot be overcome by financial contributions from developers. That is probably correct but it would be unreasonable for the Core Strategy to make a unilateral commitment to additional public expenditure to address the existing deficiencies. That is a matter for the Council to consider in the light of the many calls upon its financial resources.
- 10.7 The policy could set out minimum levels of open space provision or standards as suggested by the Forestry Commission and others but this is a complex topic and in my view assessments of the Borough’s quantitative

and qualitative open space provision are better set out in a supplementary planning document where they can be reviewed regularly. In that regard the Council adopted guidance that addressed this matter in 2005 and it is shortly to undertake an open space audit that will be used to up-date its open space strategy. This may form part of the Development Principles DPD or a new SPD. Even if I considered that it would be appropriate in principle for CS25 to set open space targets, it would be premature to include them at this time in advance of the open space audit.

- 10.8 While some respondents seek changes that fall outside the Circular 5/2005 provisions other argue that the requirements for financial contributions are excessive. Much will depend on the detail in the supplementary documents but so far as the Core Strategy is concerned, it seems to me that it properly accords with current national guidance. If and when the national guidance changes that can be addressed by a review of the relevant supplementary planning guidance and/or, if necessary, by a limited review of CS24, 25 and 26.
- 10.9 Subject to the changes suggested by the Council, I accept that Policy CS25 satisfies soundness tests 4 and 7.

Community and Physical Infrastructure (Policy CS26)

- 10.10 Policy CS26 states that before development is permitted, necessary infrastructure and/or other facilities must be provided or in prospect. In certain circumstances a contribution to the costs of provision may be acceptable in lieu of on-site provision. No changes are suggested to the wording of the policy but the Council puts forward a number of changes to the supporting text.
- 10.11 CS26 and its supporting text sets out the Council’s general approach to the provision of necessary physical and social infrastructure. Details, including any financial contributions, are delegated to a raft of supplementary documents. These include a Developers’ Guide supported by an Infrastructure and Amenity Requirements Programme and an Open Space SPG. I see no conflict between this approach and the guidance in Circular 05/2005.
- 10.12 There are concerns that the Council may seek contributions that are unlawful and/or in conflict with national guidance, notably the policy tests in Circular 05/2005. In that regard it seems to me that the notion of pooling financial contributions can be justified where small scale developments may have a cumulative impact. This notion is recognised in the Circular and is of especial importance in the Royal Borough as small sites make a substantial contribution to housing supply. The Core Strategy also recognises that contributions will only be sought where they are made necessary by the proposed development and are required in planning terms. Where contributions are sought for outside bodies the Council will take legal advice to ensure that they are not unlawful.
- 10.13 A different concern is that the policy should ensure that adequate water supply and sewage infrastructure is in place before development is permitted. New policies and supporting text are suggested accordingly.

The point at issue is not in dispute. I see no difficulty with the suggested changes but I am satisfied that the policy and its supporting text already address the concern.

- 10.14 SEERA argues that the definition of infrastructure should be the same as that used in the South-East Plan. I understand the point but, on balance, see no need to change the Core Strategy definition. The wider definition adopted in the Core Strategy does give the Council some additional flexibility and might help ensure that contributions are more attuned to the particular needs of the Royal Borough.
- 10.15 Berkshire East Primary Care Trust and Heatherwood and Wexham Park Hospitals NHS Trust seek explicit recognition of primary healthcare requirements. More precisely they argue that healthcare could be added to the list of facilities set out in the last sentence of ¶15.265. I am not convinced that this is necessary given that possible contributions towards healthcare facilities is mentioned in ¶15.269. I note also that the list in ¶15.265 is not exhaustive and simply sets out examples of local authority managed services and facilities.
- 10.16 So far as school provision is concerned, the Council clarified at the examination that there is the capacity within the school system to cater for the additional housing growth anticipated, albeit that there may be some localised problems.
- 10.17 In sum, I am not convinced that the Council’s approach is at odds with national guidance. I say that conscious that the suggested changes provide useful clarification of the way CS26 would be applied in practice and help to confirm compliance with Circular 05/2005 guidance. In my opinion Policy CS26 satisfies soundness tests 4 and 7.

Green Belt (Policy CS2)

- 11.1 Policy CS2 indicates the general extent of the Green Belt in the Royal Borough and sets out the limited range of development that may be granted within the Green Belt as well as the need to protect visual amenities and the appearance of the countryside. It adds that changes to the boundaries of the Green Belt will only be made in exceptional circumstances. No changes are suggested to the policy but a number of changes are suggested to the supporting text.
- 11.2 As indicated earlier in the report, the Council is satisfied that there is no need for a strategic review of the Green Belt in order to ensure that development requirements up to 2026 are satisfied. It adds that if monitoring reveals that they are not being satisfied, or if the requirements increase, a review of the Green Belt may be undertaken at some future date.
- 11.3 Unfortunately, I am doubtful if the strategic land requirements to 2026 can be almost entirely satisfied by re-cycling previously developed land within settlement boundaries. As mentioned previously, the Council places a heavy reliance on unidentified windfall provision to supplement provision

from the allocated sites that it is assumed will emerge from the UPR exercise. Windfall opportunities are, however, a finite resource and the future supply is likely to be constrained by flood risk and SPA considerations and the sustainable community and affordable housing requirements set out in Policies CS16 and CS18 respectively. Because the Green Belt is hard up to the boundaries of the largest settlements in the Royal Borough, there has been a heavy reliance on windfall opportunities for a considerable period of time. These opportunities are likely to be more difficult to identify as the years go by. In town centres, where I accept there is scope to develop land at higher densities, many uses will be competing for the available land. The evidence base suggests that even if B1 land requirements can be met within the main town centres, which is far from certain, satisfying B2/B8 requirements will require the use of land beyond settlement boundaries.

- 11.4 My doubts regarding the land supply arrangements are reinforced by the recently published PPS3. While I accept that the existing stock of planning permissions probably satisfies the current 5 year deliverable land supply requirement, the 10 year (and 11 to 15 year) developable land test is not met from specific developable sites. While the Council’s UPR exercise identified a number of potential housing sites that might make a contribution to this requirement, not all will satisfy the stringent PPS3 guidelines. If additional sites are to be identified to ensure compliance with the rolling developable land test in my judgement it will be necessary to look at land resources beyond existing settlement boundaries – much of this land enjoys Green Belt status.
- 11.5 Satisfying the housing and employment land requirement figures is not the only reason for signalling a review of Green Belt boundaries at this time. There is no dispute that the Royal Borough has a very considerable need for more affordable housing. In recent years these have been provided at disappointingly low levels – well below the 35% target in the South-East Plan. There may be many reasons for this but one factor is the limited contribution made by small windfall sites. The new affordable housing requirements in Policy CS18 would improve provision but they are unlikely to increase the supply significantly. Larger more easily developed sites at the periphery of the built-up areas are much more likely to make a difference.
- 11.6 I am also conscious that in recent years much of the windfall development has involved a significant amount of apartment or flatted development on relatively small urban sites (about 60% of the total housing units). Small parcels of previously developed land are often ill-suited to family housing. A better choice and mix of housing more responsive to market needs is likely to be on offer if the supply of housing includes a wider range of development opportunities. Relying on a relentless supply of high density apartment developments from small sites within established residential areas to meet land supply requirements may also have adverse townscape implications, as noted in the Core Strategy at ¶15.133. And although the Council claims otherwise, I am also concerned that resistance to a review of the Green Belt boundaries at this time might exacerbate pressures for development on land with poor sustainability credentials and, possibly, land that is subject to higher levels of flood risk and/or affected by SPA

considerations.

- 11.7 For the reasons briefly outlined above I therefore consider that the Core Strategy should adopt a more pro-active stance towards a review of Green Belt boundaries. In my view these reasons collectively amount to the “exceptional circumstances” that PPG2, ¶2.6, accepts can justify a change to an established Green Belt boundary. Arguably the failure to meet the 10 year developable land test does on its own. While the Green Belt obviously enjoys widespread support from the local populace, I am not convinced that a slavish adherence to boundaries established over half a century ago is now in the best interests of the local community. It is important not to lose sight of the fact that the Green Belt is a policy constraint, it is not reliant on landscape quality considerations or the nature conservation value of the land in question.
- 11.8 To my mind the preparation of the Core Strategy is an opportune time to consider possible revisions to the defined Green Belt boundary in order to ensure a better and more sustainable spatial strategy up to 2026 and indeed beyond (PPG2, ¶2.12). The Core Strategy would retain its focus on previously developed land but would embrace the possibility of some development on peripheral sites beyond existing settlement boundaries.
- 11.9 The review can also address any obvious anomalies or inconsistencies in the existing Green Belt boundaries (as anticipated by the Council in the suggested change to ¶5.25) and provide greater certainty that future development land requirements to 2026 will be met in accordance with PPS3 guidelines and at the most accessible and appropriate locations. I see no need to alter the general extent of the Green Belt in the Borough but the available evidence persuades me that the release of some of the designated land could probably be countenanced without undermining important Green Belt objectives. Rather than signal a possible review of the Green Belt at some future date, in my opinion the Core Strategy should itself countenance a limited review.
- 11.10 For the avoidance of doubt I would add that the review should be undertaken irrespective of whether the South-East Plan increases the current strategic housing land requirement for the Royal Borough. If a significant increase in development requirements was to emerge from the examination of the South-East Plan, a more extensive review of Green Belt land might be necessary, indeed as mentioned previously in ¶2.9, the Core Strategy itself may need to be reviewed.
- 11.11 While resistance to a review of the Green Belt is the focus of most of the representations on CS2, it is also said that the policy should be more supportive to some other types of development. In that regard I note that the CS2 list of uses that are not “inappropriate” reflects long standing guidance in PPG2. I am not persuaded that development to meet the needs of visitor and tourists should be identified as an additional item in that list. Clause CS2(1)(f) recognises that some development is acceptable at the major developed sites in the Green Belt in any event – Legoland being one such site.

- 11.12 Similarly, I am not persuaded that CS2 should say that the redevelopment of previously developed land within the Green Belt will also be acceptable. In certain circumstances redevelopment might be appropriate but I do not accept that there should be a policy presumption in favour of it. In the same way I do not favour a policy presumption in favour of infilling or limited extension of employment sites. A review of Green Belt boundaries may, of course, lead to some previously developed land and/or any redundant employment sites at the edge of the urban areas losing that protective designation.
- 11.13 Like the Council I also oppose the inclusion of wind turbines or other renewable energy devices in the CS2 list of development that is not “inappropriate”. Inclusion would be contrary to guidance in PPG2 and PPS22. That said I see no difficulty with the suggested change to ¶15.26 to recognise that the sustainability benefits of producing energy from renewable sources will be taken into account when considering the merits of “inappropriate” development.
- 11.14 Finally, a number of respondents identify parcels or tracts of land that it is said could be released from the Green Belt to help meet strategic requirements without undermining wider Green Belt objectives. Heatherwood Hospital is also identified as a major developed site in the Green Belt where a reorganisation of healthcare provision would provide scope for additional housing provision. I note the various site specific suggestions but I am not persuaded that the Core Strategy needs to comment on whether such sites should be released for development. In practice any releases are likely to be at the 2 main settlements, and in particular perhaps at Maidenhead to accord with Policy CS1, but this is a matter more properly for the Council to consider as part of the boundary review that I consider to be both appropriate and necessary in order to ensure that strategic land requirements are met.
- 11.15 In sum, while I accept that Policy CS2 generally satisfies soundness test 4, I consider that changes are required to both the policy and the supporting text to ensure that soundness tests 7 and 9 are satisfied. Significantly, Policy CC10a in the South-East Plan allows for reviews of existing Green Belt boundaries via the LDF process. However, a review of current Green Belt boundaries is obviously a significant change that necessarily should be exposed to sustainability review and effective public consultation. It is not a matter that can reasonably be introduced at this late stage in the DPD process.

Other Matters

Gypsy and Traveller provision

- 12.1 The Council’s approach to the provision of accommodation for the gypsy and traveller community is set out in a Position Paper. It mentions that an assessment undertaken in 2006 concluded that there is an indicative need for an additional 15 pitches in the Royal Borough over the 2006 to 2011 period.

- 12.2 Spatial objective 4 refers to meeting the needs of gypsies, travellers and others and Policy CS17 mentions that their needs will be met. However, the Core Strategy does not actually include a criteria based policy to guide future provision; instead a policy to address this matter and any land allocations will form part of the Site Allocations and Policies DPD.
- 12.3 Arguably the Council’s approach fails to reflect guidance in Circular 01/2006. However, I am not convinced that this necessarily makes the Core Strategy unsound. Rather than impose a criteria based policy, the Council can work with the newly formed Gypsy and Traveller Network Group to develop policy that can then be fed into the forthcoming DPD. This programme would also provide an opportunity to consider the separate needs of Travelling Showpeople. The DPD itself is listed in the LDS as a high priority.

Restoration of Maidenhead Waterways

- 12.4 I have considered the suggestion that the Core Strategy might be changed to support the restoration of the waterways that run through Maidenhead by the inclusion of a new policy or by some other means. As I understand it, the viability of such a project is currently uncertain. As a consequence neither the Council nor the Environment Agency supports the inclusion of a new policy. I see no reason to disagree. Supporters of a scheme to restore the waterways may find some comfort in the fact that the Council will consider the matter further in the Maidenhead Town Centre DPD. The Council also promotes some minor changes to the Core Strategy to clarify that in principle the Council will support proposals that enhance the waterways that run through the town. In my view the suggested changes are helpful.

OVERALL CONCLUSIONS

- 13.1 Having completed the examination of the Core Strategy my conclusion under section 20(5)(b) is that this development plan document is **unsound**. Consequently I recommend that it is **not adopted** under the provisions of section 23 of the Planning and Compulsory Purchase Act 2004 and is **withdrawn** in accordance with section 22 of that Act.

Robert Parry

Inspector