

# **ASCOT, SUNNINGHILL AND SUNNINGDALE NEIGHBOURHOOD PLAN 2011-2026**

## **EXAMINATION VERSION**

A Report to the Royal Borough of Windsor and Maidenhead  
of the Examination into the  
Ascot, Sunninghill and Sunningdale Neighbourhood Plan

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## 1. Introduction

### The Neighbourhood Plan

This Report provides the findings of the Examination into the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*

(Paragraph 183, National Planning Policy Framework)

Sunninghill and Ascot Parish Council, with the support of Sunningdale Parish Council, is the *qualifying body*<sup>1</sup> for leading a neighbourhood plan, in line with the aims of neighbourhood planning, set out in the Localism Act (2011) and recognised in the National Planning Policy Framework (2012).

The Neighbourhood Plan was produced by a group of around 50 local residents from Ascot, Sunninghill, Sunningdale and the surrounding area, who formed into a Neighbourhood Plan Steering Group and Topic Groups, and worked in partnership with the two Parish Councils. The Neighbourhood Plan is a “Front Runner” and as such, is the first of such plans to come forward in the Royal Borough of Windsor and Maidenhead and one of the first tranche of neighbourhood plans to come forward in the country.

This Examiner’s Report provides a recommendation as to whether or not the Plan should go forward to Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by the Council of the Royal Borough of Windsor and Maidenhead. The Plan would then be used to help determine planning applications and guide planning decisions in the Ascot, Sunninghill and Sunningdale Neighbourhood Area.

### Role of the Independent Examiner

I was appointed by the Royal Borough of Windsor and Maidenhead, with the consent of Sunninghill and Ascot, and Sunningdale Parish Councils, to conduct the examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience – I have land, planning and development experience, gained across the public, private, partnership and community sectors.

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<sup>1</sup>The qualifying body is responsible for the production of the Plan.

As Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan, as modified, should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Ascot, Sunninghill and Sunningdale Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

### Plan Period

A neighbourhood plan must specify the period for during which it is to have effect. The front cover of the Neighbourhood Plan clearly states that it covers the period 2011 to 2026.

Section 5.4 of the Neighbourhood Plan denotes that the 15 year plan period commenced in April 2011, enabling it to fit in with the way the Royal Borough of Windsor and Maidenhead monitors development (in financial years, from April to March). This section also states that the intention is to review the Neighbourhood Plan every five years.

I confirm that the Neighbourhood Plan satisfies the requirement to specify the period during which it is to have effect.

## Public Hearing

It is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only. I confirm that I have considered written representations as part of the examination process. However, according to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

With regards to the above and on consideration of all the evidence before me, I decided that it was necessary for there to be an Ascot, Sunninghill and Sunningdale Neighbourhood Plan Hearing (the Hearing).

The Hearing was advertised in the local press, on the Royal Borough of Windsor and Maidenhead and Neighbourhood Plan websites (ascotandthesunnings.com). A number of parties were invited to speak and the Hearing itself was open to the public. It took place on Wednesday 11<sup>th</sup> December 2013 and was held at Sunningdale Park, in the Neighbourhood Area.

At the Hearing, invited parties were asked to consider specific parts of the Plan and to clarify points made during consultation. A neighbourhood plan public hearing is, essentially, to provide for the Independent Examiner to further consider matters against the Basic Conditions, referred to in section 2 of this report. It is specific to neighbourhood planning and is different to a planning inquiry, an examination in public or a planning appeal hearing.

I confirm that *all* representations to the Neighbourhood Plan have been taken into account in undertaking this examination. This is the case whether or not people who made representations took part in the Hearing. As above, it is a general rule that neighbourhood plan examinations are held on the basis of written representations and a representation is not more, or less, valid than another simply because it has been considered in further detail at a hearing.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “Basic Conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan (see Development Plan Status below) for the area.

I have examined the Neighbourhood Plan against the Basic Conditions above.

### European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

The Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

A Habitat Regulations Assessment (HRA) screening opinion was sought from the Royal Borough of Windsor and Maidenhead, to confirm whether or not an HRA was required to support the Neighbourhood Plan. The screening opinion confirmed that an HRA was not required. Natural England was consulted and also confirmed this to be the case. I note here that I make specific reference to the Thames Heath Basin Special Protection Area (SPA) below and also when considering the policies of the Neighbourhood Plan elsewhere in this Report.

Whilst the National Planning Policy Framework requires sustainability appraisals, which meet the requirements of the European Directive on Strategic Environmental Assessment (SEA), to be an integral part of the plan preparation process, this is not a blanket requirement for neighbourhood plans. However, an SEA has been undertaken for the Neighbourhood Plan and I note that it has drawn extensively on existing sustainability work by the Royal Borough of Windsor and Maidenhead, with the intention of making it compatible with the Borough-wide development plan.

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<sup>2</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

The draft SEA, presented as a combined SEA/Sustainability Appraisal was consulted on by statutory and non-statutory bodies during the pre-Submission consultation stage. With regards the final stage of consultation, prior to examination, I note that none of the statutory environmental bodies, English Heritage, Natural England and the Environment Agency, raised any concerns with the SEA.

The Royal Borough of Windsor and Maidenhead is satisfied that the Neighbourhood Plan is compatible with EU and ECHR regulations.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

### Royal Borough of Windsor and Maidenhead

The Royal Borough of Windsor and Maidenhead has confirmed that it is satisfied that the Neighbourhood Plan is in general conformity with the saved policies of the Royal Borough of Windsor and Maidenhead Local Plan (Local Plan), which was adopted in 2003.

It has also stated that it is satisfied that the Neighbourhood Plan is in general conformity with saved South East Plan policy NRM6. This policy relates to the Thames Basin Heaths Special Protection Area (SPA) referred to above. Whilst I consider the SPA in more detail Section 5 of this Report, I note that, further to consultation, Natural England has raised no concerns in this regard.

### **3. Background Documents and Ascot, Sunninghill and Sunningdale Neighbourhood Area**

#### Background Documents

In undertaking this examination, I have considered each of the following documents, in addition to the Examination Version of the Neighbourhood Plan:

- National Planning Policy Framework (The Framework) (2012)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, Adopted in June 2003)
- Basic Conditions Statement
- Statement of Consultation
- Strategic Environmental Assessment Environmental Report
- SEA Non-Technical Summary
- Submission Letters from Sunninghill and Ascot Parish Council as Qualifying Body
- Letter of Support from Sunningdale Parish Council
- Letter from the Royal Borough of Windsor and Maidenhead re: Basic Conditions
- Habitats Regulations: Decision Statement
- Map of Neighbourhood Area

Also:

- Representations received during the publicity period
- Comments made during the Ascot, Sunninghill and Sunningdale Neighbourhood Plan Hearing (11<sup>th</sup> December 2013)

Further to the above, I spent an unaccompanied day visiting the Neighbourhood Area.

#### Neighbourhood Plan Evidence Base

With regards to Background Documents, I would also like to highlight that I have made use of the Neighbourhood Plan's comprehensive and professionally presented Evidence Base, as provided on the dedicated website [ascotandthesunnings.com](http://ascotandthesunnings.com).

The website includes an "Evidence Base Master Summary" which incorporates internal and external links to the evidence relating to each policy. As well as links to Council, national and other relevant information, this includes direct links to reports



undertaken by the Neighbourhood Plan teams on specific subjects. It comprises a substantial, well-ordered and thorough database and represents an intelligent and thoughtful approach to compiling and providing vast amounts of relevant data.

I recognise the volume and relevance of evidence produced and the open and transparent manner in which it has been communicated. I commend Ascot, Sunninghill and Sunningdale's approach to bringing together and presenting the Evidence Base as a good example to other neighbourhood plan-makers.

### Ascot, Sunninghill and Sunningdale Neighbourhood Area

The Neighbourhood Area coincides with the parish boundaries of Sunninghill and Ascot Parish Council, and Sunningdale Parish Council.

An application made by the Parish Councils was approved by the Royal Borough of Windsor and Maidenhead on 21 March 2013 and the two Parishes of Sunninghill and Ascot, and Sunningdale, were designated as the Ascot, Sunninghill and Sunningdale Neighbourhood Area.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## 4. Public Consultation

### Background

The Framework states that neighbourhood planning provides local people with a “powerful set of tools” to ensure that they get the right types of development for their community. A comprehensive and robust approach to public consultation is the best way to ensure that neighbourhood plans reflect the needs, views and priorities of local communities.

Planning legislation requires public consultation to take place on the production of plans. Consultation is especially important to neighbourhood planning. It provides opportunities to create a sense of public ownership, to help achieve consensus, and to raise awareness and understanding of a plan’s scope and limitations. Ultimately, consultation can provide the foundations for a successful ‘Yes’ vote at Referendum. As such, effective public consultation provides the foundations for a successful neighbourhood plan.

### Ascot, Sunninghill and Sunningdale Neighbourhood Plan Consultation

A Consultation Statement, as required by *regulation*<sup>3</sup>, was submitted to the Royal Borough of Windsor and Maidenhead. This document sets out who was consulted and how, together with the outcome of the consultation.

I consider the consultation undertaken for the Neighbourhood Plan in some detail below. Whilst, in summary, it is clear to me that the consultation undertaken went well beyond the minimum required for neighbourhood plans, I note that there has been some criticism of it by a number of objectors to the Neighbourhood Plan. Simply undergoing consultation does not in itself ensure a robust and well-tested Plan and I have considered the quality and effectiveness of the public consultation undertaken.

Further to a workshop event, raising awareness of neighbourhood planning, undertaken by the Royal Borough of Windsor and Maidenhead in 2010, a Steering Group was set up and the start of consultation began with a launch event in September 2011. Further to the launch, attended by around 180 people and at which, volunteers were recruited, initial views were gathered and Topic Groups formed.

I have referred to the dedicated website above. As well as hosting the Neighbourhood Plan Evidence Base, the website provided regular and frequent updates on progress; copies of Steering Group minutes; the advertising of events; and copies of any other relevant information.

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<sup>3</sup>Neighbourhood Planning (General) Regulations 2012.

The website was held to be “pivotal” to communication. In this regard, it is relevant to point out that, from September 2011 through to August 2013, monthly website traffic rarely fell below 1,000 unique visitors and reached up to and over, 2,500 unique visitors. I find that these numbers reflect the importance and sustained relevance of the website, as well as its significant success as a means of communication.

In addition to the dedicated website, I note that the Parish Council and Royal Borough of Windsor and Maidenhead websites also provided for regular updates. Further to this, evidence has been provided of the active interest in the Neighbourhood Plan taken by the Ascot and Bracknell News and The Villager, as well as by Ascot Matters, Parish magazines and the Royal Borough of Windsor and Maidenhead’s quarterly publication.

Given all of the above and the regular distribution of flyers, posters and other printed material, together with the development of a 600-strong email mailing list and social media pages, I am satisfied that there is substantial evidence to demonstrate that consultation benefited from a notably pro-active and thorough approach to communication.

A number (172) of completed surveys were returned following the launch event and the summary of findings was published and analysed. Further to research, site visits/assessments, data-gathering and meetings with residents, businesses and organisations, together with meetings and a vision workshop with Design Council CABE (Commission for Architecture and the Built Environment), a Vision Consultation was undertaken. This included the distribution of 10,000 copies of a 10-page document, including a questionnaire, to all households and businesses in the Neighbourhood Area. The document was also made available at libraries, churches and other buildings; and a press pack was produced.

A total of 550 completed questionnaires were received further to a six week consultation period. Whilst I note that this has been criticised as only representing a small proportion of the population, I find that the approach was open and transparent. Furthermore, given the above, it is strikingly clear that the plan-makers adopted a sustained, pro-active and well-communicated approach. I am satisfied that anyone who wished to comment was encouraged to do so and I find that 550 completed questionnaires amounts to so substantial a volume of representations as to provide a good indication of opinion.

I note that 86% of respondents showed a strong level of support for the consultation paper overall and that this provided a foundation for the Vision and priorities for the Neighbourhood Plan. The detailed findings were published and the Steering Group undertook presentations to the Royal Borough of Windsor and Maidenhead.

Ascot was identified as a location with potential for improvement. Further to an Ascot High Street Survey, completed by 470 people, an Enquiry By Design for Ascot, was undertaken by the Prince’s Foundation. Two public meetings were held, each

attended by over 200 people and the process resulted in a vision document for Ascot High Street.

A six week Options Consultation was then carried out during December 2012 and January 2013. This gauged views on the approach to proposed strategic sites and 510 responses were received, including representations from businesses and younger people. I note in this regard, that there was a concerted effort to gain the views of younger people, through consultation events held at Charters School, local youth clubs and at Ascot United FC. The responses received enabled the Steering Group to refine the Neighbourhood Plan's approach and policies.

Taking all of the above into account, I find that a huge amount of well-publicised, supported and reported consultation took place prior to consultation on the pre-submission version of the Neighbourhood Plan. Furthermore, there is good evidence to demonstrate the evolution of the approach and of resultant policies, through the consultation undertaken.

The six week pre-submission consultation took place between June and August 2013. As with previous consultation, it was widely publicised and responses received were made available in full on the dedicated website. Importantly, details were provided to show whether and how responses were incorporated into the final, examination version of the Neighbourhood Plan.

In respect of all of the consultation undertaken, I acknowledge that there is substantial evidence to demonstrate close, collaborative and effective working between the Steering Group and the Royal Borough of Windsor and Maidenhead. This was considered to be particularly important given that the adopted policies of the development plan pre-dated the Framework.

A planning officer was assigned as a link to the Steering Group throughout the plan-making process. This was important as it provided expert, professional advice regarding the existing adopted policies of the development plan, as well as access to the up to date evidence supporting the emerging Local Plan. This collaborative approach comprises good practice in neighbourhood plan-making. I note that there was also direct engagement with local resident groups, landowners and organisations.

A comment was received from one neighbouring local authority in respect of "not having been approached by the Steering Group" with regards the potential for "cross boundary" issues. In this regard, I note above the sheer scale and intensity of the consultation process. I also flag up the open and transparent manner in which it was undertaken over a two year period. I find that there is nothing to suggest that there was anything preventing any individual or organisation from pro-actively contacting the Steering Group and/or getting involved in the plan-making and consultation process at any time to raise, or to consider, relevant issues.

Taking all of the above into account, I am satisfied that the public consultation undertaken was transparent and widely promoted. There were numerous opportunities for comment and the Steering Group went out of its way to elicit views from as many people as was reasonably possible. The results of the consultation provide evidence to demonstrate that the policies of the Neighbourhood Plan largely reflect the views of local people.

Having considered it in detail, I find that the Neighbourhood Plan consultation reflected a major and sustained effort made by all involved to go well beyond legislative requirements. In this way, the contents of the Neighbourhood Plan are largely underpinned by the overall views of local people.

## 5. The Neighbourhood Plan – Introductory Sections

The Neighbourhood Plan is considered against the Basic Conditions in this and the following two chapters of this Report. Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

- **NB – the Contents Page should be altered to reflect the modifications proposed.**

### Section 1: Background Information

This opening section provides background on neighbourhood planning and summarises why it was considered that the Neighbourhood Plan was required and how it was prepared. I find it useful and informative. As with the rest of the Neighbourhood Plan, it is written in plain-English and as such, it is both interesting and easy to read. It provides an excellent introduction to the Neighbourhood Plan.

There follows a description of the Neighbourhood Area, with a comprehensive summary of its constituent parts. This has been written in a flowing style. One thing that is striking about the Neighbourhood Plan is its excellent and frequent use of photographs and plans. This enhances the appearance of the document and adds greatly to its interest.

Taking the above into account, I consider the design and production of the Neighbourhood Plan to be exemplary.

The Background Information section closes with a summary and list of what the Plan aims to achieve.

- **4.0 should be edited to start *“Should the Neighbourhood Plan be ‘made’...it would become part of the...”***

### Section 2: The Plan – Overview

In this overview section, chapter 5 of the Neighbourhood Plan summarises its approach with respect to sustainable development, raises key issues and sets out the overall strategy.

The sustainable development section provides a helpful commentary, describing the link between consideration of sustainability and the approach taken.

The overview raises Housing as the first of several key issues. In the absence of a housing requirement set out within an up to date adopted planning policy, it

recognises that “the nation needs more homes” and states that it is the intention of the Neighbourhood Plan to provide for “a significant number of homes.” This general approach has regard to the Framework, which, when emphasising the support of the planning system for sustainable development, establishes that *development* means growth.

In accepting that the local area is a popular place to live, with high levels of demand, and by recognising that future housing need is unlikely to be any less than in recent years, I find that section 5.2.1 (Housing overview) sets out a realistic starting point which has regard to national policy. It then goes on to identify Green Belt and the zone of influence of the Thames Basin Heaths SPA as constraints to new development.

I note that there have been a number of objections to the Neighbourhood Plan based around the contention that it should not be progressed in the absence of “up to date Local Plan” policies. As a general point, neighbourhood planning can, in the absence of relevant development plan policies, provide an excellent opportunity to introduce policies that can help provide for certainty in what might otherwise be a ‘policy vacuum.’ The fact that there is an emerging development plan in a local authority area is not an unusual circumstance and there is nothing in the relevant legislation to support the contention that such a situation should necessarily stop, or slow down, the progress of a neighbourhood plan.

Just as there are examples of where neighbourhood plans follow on from new, up-to-date, adopted development plans, there will be occasions where neighbourhood plans are made ahead of emerging local plans. One of the significant benefits of neighbourhood plans is the relative speed with which they can come forward. This can enable local communities to establish policy in an efficient and effective manner and notably, can do so where planning policy may otherwise be insufficient.

I note above that there is good evidence of collaborative working between the Neighbourhood Plan Steering Group and the Royal Borough of Windsor and Maidenhead. Amongst other things, this has enabled the evidence gathered and prepared for the emerging Windsor and Maidenhead Local Plan to provide background information which is useful and relevant to the Neighbourhood Plan. Neighbourhood planning policies are not examined against emerging strategic policies, but it makes good sense for neighbourhood planners to have access to up-to-date information and to be aware of likely future changes and of the evidence leading to such.

With specific regard to housing matters, the Neighbourhood Plan does not attempt to determine the overall quantum of houses to be built within the Neighbourhood Area during the plan period. In the absence of current, adopted policy determining housing numbers for the whole local authority area, it would be difficult to do so. Housing supply for the local authority area will be rigorously examined in the coming period and this will result in the Royal Borough of Windsor and Maidenhead Local Plan setting out housing numbers and site allocations, once adopted.

There is no legislative requirement for neighbourhood plans to set their own housing numbers, to allocate land for development – or to cease progress until such matters are determined by the development plan. The general approach to housing taken by the Neighbourhood Plan does not seek to address housing numbers, but does recognise opportunities for development, alongside aspirations and major constraints. Given the emerging status of the Royal Borough of Windsor and Maidenhead Local Plan, I find this to be a sensible and pragmatic approach.

### Thames Basin Heaths SPA

The Thames Basin Heaths Special Protection Area (SPA) was designated under European Directive 79/409/EEC because of its populations of three heathland species of birds (Dartford Warbler, Nightjar and Woodlark). The designation covers parts of 15 local authority areas and three counties. Whilst the majority of the South East Regional Plan was revoked, Policy NRM6 (Thames Basin Heaths Special Protection Area) was not and it sets out strategic planning policy in relation to the SPA.

It is recognised that residential development up to 5km away is likely to have a significant effect on the SPA. The majority of the Neighbourhood Area is within 5km of the SPA and the south eastern part of Sunningdale is within a 400 metre “exclusion zone,” where there is a presumption against residential development.

As a consequence of the location of the Neighbourhood Area in relation to the SPA, relevant development proposals must provide mitigation measures to be delivered prior to occupation and in perpetuity. Measures should be based on a combination of access management and the provision of Suitable Alternative Natural Green Space (SANG).

The Neighbourhood Plan recognises that the SPA and the availability of SANGs, comprise significant constraints to development. A useful plan (Map 2) shows the zone of influence of the SPA. It notes that an existing SANG (Allen’s Field) will be insufficient to provide for the likely housing requirement over the Neighbourhood Plan period.

In the above regard, the Neighbourhood Plan identifies a “Project” to encourage the consideration of potential SANGs. It does not, in itself, seek to allocate SANGs, but highlights the need for them and the intention to work together with landowners and statutory bodies, in order to ensure that the housing numbers ultimately set out by the Royal Borough of Windsor and Maidenhead can be achieved.

I find this to comprise an appropriate approach. It recognises a key constraint, but acknowledges that it is not the role of the Neighbourhood Plan to set policy requirements for a matter which needs to be considered on a more strategic basis.



The Overview goes on to identify a number of local concerns, prior to introducing the Overall Plan Strategy. The strategy is “to concentrate new development where it is most appropriate and where it can best deliver the type of development the community is comfortable with and infrastructure requirements we need.” In so doing, “another cornerstone” of the strategy is stated to be the requirement for Development Briefs for sites over a certain size threshold. This is a clear overall approach which draws the link between the policies which follow and the community aspirations underpinning the Neighbourhood Plan.

The Neighbourhood Plan provides an overview of the approach to the three main settlements: to focus development around Ascot; modest mixed development in Sunningdale; and preservation of the character of Sunninghill. It states that the Neighbourhood Plan identifies a number of larger strategic sites suitable for development. These are subsequently detailed in the policies of the Neighbourhood Plan itself. I consider this approach and the policies themselves in Section 6, below.

The Vision for Ascot, Sunninghill and Sunningdale is then provided in a fold-out plan. This plan is colourful, detailed, easy-to-read and comprehensive. It shows the Neighbourhood Area in its wider context and sets out the constraints and major proposals. It is an excellent way in which to present a Vision and I find that it provides an exemplary approach for other neighbourhood plan-makers to consider.

The rest of this Overview chapter provides further context and notes the Neighbourhood Plan period. An intention to review the Neighbourhood Plan every 5 years is set out. This reference recognises the dynamic nature of planning and I commend its inclusion.

The chapter ends with reference to “Projects.” This recognises important issues raised during plan-making, but which fall outside the remit of a Neighbourhood Plan. It is a useful section aimed at ensuring that key, non land use planning issues, are not lost sight of.

In summary, the opening parts of the Neighbourhood Plan are comprehensive, useful and interesting. Together, they form an impressive and valuable introduction.

## 6. The Plan – Neighbourhood Plan Policies

The structure of the Neighbourhood Plan is clear. The introductory, non-policy sections are separated and distinctive from those sections containing policy. Furthermore, the policy sections clearly distinguish between the policies and their justification.

The Neighbourhood Plan introduces each policy with “Intent” – a list of points setting out what it is that the policy seeks to achieve. This is very useful. In particular, it provides helpful reference points for people reading the policies who may have little or no background in planning matters. It is an approach that is distinctive to this particular Neighbourhood Plan and is to be welcomed.

Each policy is accompanied by supporting text, providing useful context. Notably, the supporting text draws a direct link between the views of the community expressed during consultation and the content of the relevant policy. It emphasises the importance the Neighbourhood Plan places on the input of the community during the plan-making process and demonstrates that the policies are founded on the views of the community. This is to the great benefit of the Neighbourhood Plan as a whole.

## Environmental Policies

### Policy NP/EN1 – Green Belt

The Neighbourhood Plan recognises that around two-thirds of the Neighbourhood Area is designated Green Belt and acknowledges that there is “popular support” for it.

The first part of Policy NP/EN1 states that Green Belt policy will apply in all areas of Green Belt. Given the great importance already attached to Green Belts by the Framework, I consider this part of the policy to comprise an unnecessary statement as it simply repeats existing policy.

Policy NP/EN1 goes on to state that proposals for inappropriate development will need to demonstrate “very special circumstances.” Again, this repeats existing policy and is unnecessary.

The second part of Policy NP/EN1 is of major concern. As set out, where “very special circumstances” need to be demonstrated, they would be required to show that any proposed development has a significant and demonstrable benefit to the local community and that it has community support. This would not reflect Green Belt policy as set out in the Framework. Consequently, Policy NP/EN1 would create a new approach to Green Belt policy, different to that in the Framework.

As a result of the above, the requirements set out in Policy NP/EN1 would mean that Green Belt policy in the Neighbourhood Plan Area would operate differently to that throughout the rest of the country. Whilst I acknowledge that Policy NP/EN1 aims to increase the weight to be afforded to community benefits, I find that the Policy would fail to have regard to the Framework in this respect.

In seeking to change Green Belt policy as set out in the Framework, Policy NP/EN1 does not meet the Basic Conditions.

- **Delete Policy NP/EN1 and all related supporting text.**

### Policy NP/EN2 – Gaps Between Villages

The results of consultation indicated strong support for retaining separation between villages.

As worded, Policy NP/EN2 does not permit development which would reduce openness, or reduce separation between built areas, in gaps between villages (defined in plans contained in the Appendices).

This approach is more onerous than Green Belt policy. It does not allow for special circumstances. It does not recognise the kind of development that would, in the

Green Belt for example, not necessarily be inappropriate development. It does not allow for development which may, for example, reduce the separation of built areas but still be sustainable. I can find no precedent for such an approach in the Framework and none is set out before me. The Framework itself is clear in stating that a presumption in favour of sustainable development should be seen as a golden thread running through both plan-making and decision-taking.

Taking the above into account, I consider that Policy NP/EN2 does not have regard to the Framework. It does not contribute towards the achievement of sustainable development. Consequently, as worded, it does not meet the Basic Conditions. Further to this, I note that Green Belt already appears to separate all of the villages. Consequently, the role of separation is already largely performed, but in a manner compatible with national planning policy.

On the above basis, I recommend replacing Policy NP/EN2 with a positively worded policy that addresses the Gaps in a manner which meets the Basic Conditions. Taking into account other policies in the Neighbourhood Plan and some of my recommendations below, I consider that there is scope to replace NP/EN2 with an approach which addresses the protection of the Gaps in a less onerous manner. For example, the Neighbourhood Plan could require development proposals to demonstrate how they might reinforce the positive characteristics identified within the Gaps. This could then allow for sustainable development, whilst achieving the aims identified through consultation.

- **Replace Policy NP/EN2 with a positive “reinforcement” policy.**

### Policy NP/EN3

During my site visit and further to consideration of the Neighbourhood Plan and its supporting documents, it is clear that trees make a major contribution to the attractive character of the area, as well as providing a vital environmental function. There is local concern over the loss of trees in the area.

Policy NP/EN3 seeks to ensure that trees are protected. As worded, the first part of Policy NP/EN3 effectively sets out a presumption in favour of retaining all trees. It requires evidence to justify their removal and requires on-site replacement. Whilst I acknowledge that this approach is intended to protect local character, it is not in general conformity with Royal Borough of Windsor and Maidenhead Local Plan Policy N6, which protects trees *where appropriate*.

Arboricultural quality varies and not all trees are worthy of protection, or replacement. Tree Preservation Orders (TPOs) exist to protect important trees. I find that, as worded, the first part of Policy NP/EN3 would effectively apply a blanket Tree Preservation Order over the Neighbourhood Area. Whilst I can imagine that this approach may receive popular support, I find that it would effectively devalue the approach to TPOs and would fail to reflect that not all trees are of the same value.

However, I find that, with some re-wording, the overall intention of the first part of Policy NP/EN3 could be retained and that it could meet the Basic Conditions:

- **NP/EN3.1: Change wording to “Development proposals should seek to retain...on site. Where removal of a tree(s) of recognised importance is proposed, a replacement of similar amenity value should be provided on site.”**

The second part of Policy NP/EN3 would require all residential and commercial development proposals to provide a tree survey and a tree protection plan and goes on to set out detailed requirements. This is an onerous approach which again, fails to be in general conformity with Policy N6. I consider that the approach, as set out, could be changed to meet the Basic Conditions as follows:

- **NP/3.2: Change wording to “Residential...are present *should be accompanied...*”**

The final part of Policy NP/EN3 is in general conformity with Policy N6 and meets the Basic Conditions.

#### Policy NP/EN4 - Gardens

The Neighbourhood Plan recognises the important role of gardens, in terms of local character and ecology.

Policy NP/EN4 seeks to protect those green space, landscape and environmental qualities afforded to the Neighbourhood Area by gardens. The introductory wording to Policy NP/EN4 is potentially confusing, as it may imply that proposals for development on garden land will only be subject to the criteria which follows – whereas other policy requirements will be relevant.

Furthermore, the approach to criteria (a) and (b) is fundamentally different. It may be that some kind of adverse impact on landscape or environmental value could be outweighed by other factors, or may not, in itself, prevent sustainable development. Consequently I find that the final part of Policy NP/EN4 would fail to contribute to the achievement of sustainable development. However, simple re-wording, as set out below, can resolve the above issues.

- **NP/EN4 Change wording to: *Proposals for new dwellings on private residential gardens should: (a) not result in an unacceptable reduction...gardens AND (b) not result in an unacceptable impact on the landscape and environmental value of the site.*”**

### Policy NP/EN5 – Biodiversity

The Neighbourhood Plan recognises the considerable biodiversity of the Neighbourhood Area and its locally and nationally important habitats. Policy NP/EN5 aims to protect and where possible, increase biodiversity. This overall approach has regard to the Framework, which seeks to minimise impacts on, and provide net gains in, biodiversity.

Policy NP/EN5 meets the Basic Conditions.

### Policy NP/EN6 – Green Corridors

The Neighbourhood Plan considers that Green Corridors can provide for connectivity between designated wildlife sites, other significant habitats and the major biodiversity opportunity areas which surround the Neighbourhood Area (Chobham Common, Windsor Great Park and Swinley Forest). This has regard to the Framework, which supports planning for the management of networks of biodiversity and green infrastructure.

The Neighbourhood Plan supports Policy NP/EN6 with a map showing proposed Green Corridors. This provides for clarity. Policy NP/EN6 seeks to identify and protect Green Corridors and contributes towards the achievement of sustainable development. It meets the Basic Conditions.

## Housing Policies

As identified above, the Neighbourhood Plan does not set out to identify – or place a limit on - the number of new homes it will provide for. It seeks, pro-actively, to identify a number of large, strategic sites which it considers capable of providing for the delivery of significant numbers of dwellings. This is a helpful approach and has regard to the Framework, which requires plan-makers to positively seek opportunities to meet the development needs of their area.

### Policy NP/H1 – Development Briefs

Policy NP/H1 requires proposals for 10 or more dwellings on sites above 0.4 hectares to provide a Development Brief and a Statement of Community Consultation. The requirements for each of these are set out in Appendix C and D, respectively. I note that the requirements are not especially onerous, but that they will ensure that reasonably large developments (as per the threshold) address key design matters and will demonstrate how the views of the community have been taken into account.

Policy NP/H1 has regard to the Framework, which seeks to protect local character and requires the views of the community to be taken into account. It meets the Basic Conditions.

### Policy NP/H2 – Mix of Housing Types

The Framework promotes the delivery of a wide choice of homes. The Neighbourhood Plan recognises a local desire to broadly reflect the housing mix already present in the area.

Policy NP/H2 requires housing proposals to contribute to the aim of ensuring a balanced mix of housing. This has regard to the Framework.

Policy NP/H2 also requires dwellings to reflect the size and type of those already in the surrounding area except where there is a demonstrable need for an alternative type or size of home “in the Borough Local Plan” and where such housing will be in keeping with the surrounding area. This approach generally reflects the high regard the community has for those qualities which attract people to the Neighbourhood Area. In seeking to safeguard local character, this part of Policy NP/H2 meets the Basic Conditions.

However, I find that reference to the “Borough Local Plan” is unnecessary. It may be possible to demonstrate a need for alternative forms of housing without reference to this document. Such development may be proven to be sustainable and it should not be prevented simply because it is not referred to in the Local Plan.

- **Policy NP/H2.1 Delete “...in the Borough Local Plan...”**

In support of providing more smaller and medium-sized houses, Policy NP/H2 goes on to state that they will be “favoured.” I find that this wording introduces possible confusion as it suggests a hierarchical approach, whereby some types of houses are favoured above another. This would contradict with the approach above, which places the emphasis on reflecting surrounding character. I suggest that this part of Policy NP/H2 could link better with the rest of the policy through slightly different use of wording, as below:

- **NPH2.2 Change to “*Subject to being in keeping with the surrounding area, development proposals that will deliver small and medium houses will be encouraged.*”**

The policy ends with a cross-reference to Policy NP/DG1. This would lead to an inflexible and prescriptive approach to residential development. It would not have regard to the Framework, which requires sufficient flexibility. I consider Policy NP/DG1 in detail below.

- **Delete final paragraph “In circumstances...shall prevail.”**

### Policy NP/H3 – Appropriate Locations for Flats

The Neighbourhood Plan recognises that there has been an increase in the number of flats built in the Neighbourhood Area and that there is strong local concern that the increase in the number of flats harms local character and amenity.

Policy NP/H3 seeks to apply a stringent and restrictive approach to where flats can be built within the Neighbourhood Area.

A Streetscape Character Assessment has been undertaken, with the aim of identifying streets and areas where there would be no adverse impact resulting from the building of flats. During my site visit, I noted that some of the areas designated, rather than comprising suitable areas of land for the development of flats, appeared to be so densely developed that further new development might be difficult. However, in contrast, I also noted that some of the areas identified appeared highly suitable for flats.

The Framework requires plans to meet the full and objectively assessed needs for housing, as well as to seek to boost the supply of housing. The Neighbourhood Plan itself recognises that the Neighbourhood Area is constrained and seeks to encourage the development of smaller, more affordable housing. I find that, together, these are factors which would conflict with the severely restrictive approach to flats adopted in Policy NP/H3.



Other policies in this Neighbourhood Plan consider design matters, in addition to national and local policies. Consequently, there are other policies which would prevent the inappropriate building of flats. Given this and those factors identified above, there are alternative approaches to controlling inappropriate development to the “blanket ban” on building flats outside certain zones, as set out in Policy NP/H3. In this regard, further to my recommendation below, I suggest changes to Policy NP/DG1 which take this into account.

Policy NP/H3 goes on to state that the conversion of a house to flats will be resisted unless it preserves a heritage asset and that redevelopment of existing sites may be supported, so long as the redevelopment is not larger than the existing building. There is no substantive evidence to demonstrate that unless such an approach is adopted, it would not be possible to achieve sustainable development. Again, I find that , in this regard, Policy NP/H3 would fail to contribute to the achievement of sustainable development.

Further to the above, the final sentence in Policy NP/H3 introduces a cross reference which, due to the words “may be deemed” adds confusion and uncertainty, rather than clarity.

Taking everything into account, Policy NP/H3 does not meet the Basic Conditions. I recommend that it is deleted. However, as indicated above, I suggest changes elsewhere in the Neighbourhood Plan aimed at taking into account the community’s concerns with the approach to flat-building in the Neighbourhood Area.

- **Delete Policy NP/H3.**

## Design Guidelines

A key recurring community theme, identified in the Neighbourhood Plan, is the desire to retain and protect the character of the area. Attention is drawn to the Royal Borough of Windsor and Maidenhead's Townscape Assessment, which identifies the character of different parts of the local authority area.

I note that the Townscape Assessment does not comprise policy and has not been adopted as a Supplementary Planning Document (SPD). In this regard, I am conscious that it has not undergone rigorous examination and that its contents may be subjective. However, I am also mindful, in the light of the Framework considering it right that local distinctiveness is reinforced, that the Townscape Assessment seeks to recognise the general character prevalent in different parts of the Royal Borough of Windsor and Maidenhead.

## Policy NP/DG1 – Respecting the Townscape

The first part of Policy NP/DG1 requires development proposals to respond positively to the local townscape and to use the Townscape Assessment, above, to “inform” the approach to design. This approach has regard to the Framework, which seeks to protect and where appropriate, reinforce local character. It is also in general conformity with those policies of the Royal Borough of Windsor and Maidenhead Local Plan which seek to prevent development being incompatible with local character and to encourage proposals which enhance the existing environment. In encouraging a positive response to townscape, the first part of Policy NP/DG1 contributes to the achievement of sustainable development.

The second and third parts of Policy NP/DG1, as worded, are prescriptive and inflexible. The second part adopts a blanket approach to requiring low or very low density development, even where the prevailing character may be different. This approach is in conflict with that of Policy NP/H2 above. Furthermore, there is no substantive evidence to demonstrate that only low or very low density developments of detached houses would comprise sustainable development. Consequently, as worded, this part of the policy does not have regard to the Framework.

The third part of Policy NP/DG1 would require the planting of mature trees and/or shrubs along the street and neighbouring sites boundaries. This presents a blanket approach to development, which may or may not be appropriate. If the latter, then the policy would fail to contribute to the achievement of sustainable development.

However, I find that a small change to the wording can still achieve the local distinctiveness sought:

- **NP/DG1.2 Change wording: “In Townscape...*Estates, residential development should comprise low or very low density developments of***

**detached houses, unless it can be satisfactorily demonstrated that other forms of development would retain the identified character of the area. In the..."**

- **NP/DG1.3 Change wording: "...Woodland Setting should retain and...area, which, where possible and appropriate, should include the planting of trees and/or..."**

The fourth part of Policy NP/DG1 would encourage development in keeping with local character. This has regard to national policy and is in general conformity with local strategic policy.

The final part of Policy NP/DG1 introduces an element of flexibility, the thrust of which has regard to the Framework. There is also an opportunity within this policy to introduce a positive approach to the building of flats, further to the deletion of Policy NP/H3. Also, the reference to an earlier part of the policy is unnecessary.

- **NP/DG1.5 – Delete "Notwithstanding...NP/DG1.1..."**
- **NP/DG1.5 – Change wording "... (to 1960), Late 20<sup>th</sup> Century Suburbs (1960s onwards) and Post-War Residential Flats, development proposals for houses or flats of high quality...may be appropriate, even..."**

However, further to the above, I see no reason why high quality development which enhances the character of the local area would not be welcomed throughout the Neighbourhood Area. There is no substantive evidence to demonstrate otherwise. As worded, this final part of Policy NP/DG1 appears to limit local character-enhancing development to specific parts of the Neighbourhood Area.

Furthermore and crucially, the approach recognises that the Townscape Assessment itself should not prevent high quality development. I find that, with particular regard to the Townscape Assessment not being an adopted planning document, this is an important point and that appropriate re-wording can ensure that Policy NP/DG1 meets the Basic Conditions.

- **NP/DG1.5. Add to end of policy "Throughout the Neighbourhood Area, development proposals should comprise high quality design and seek to demonstrate how they will enhance the character of the local area."**

#### NP/DG2 – Density, Footprint, Scale, Bulk

This policy seeks to ensure that new development responds to local character. As worded, with particular reference to the requirement for all new development to be similar to existing, I find that Policy NP/DG2 is inflexible and prescriptive to the extent that it would prevent development which has some dissimilarities with surrounding buildings but which may comprise appropriately designed, sustainable

development. Whilst this means that the policy fails to have regard to the Framework, a slight change to the wording can remedy this whilst maintaining the thrust of the policy.

- **NP/DG2.1 Add to end “...in particular, *unless it can be demonstrated that the proposed development would not harm local character.*”**

There is nothing before me to demonstrate that the existing arrangement of, for example, walls, railings and hedges across the whole Neighbourhood Area is worthy of “respect” by new development. Thus, whilst the thrust of the second part of Policy NP/DG2, which requires development to respond to local character, generally has regard to the Framework, I consider that its overall approach should be less prescriptive.

- **NP/DG2.2 Add to the end of (a) “...or hedges, *where such features are important to the character and appearance of the area.*”**

As in previous policies, the cross-reference to NP/DG1 is unnecessary.

- **Delete the final sentence.**

#### NP/DG3 – Good Quality Design

The Framework states that it is important to plan positively for the achievement of high quality design. It makes explicit reference to good design being a key aspect of sustainable development.

Policy NP/DG3 sets out criteria which supports good design. As worded, the policy is neither prescriptive nor onerous. It allows for flexibility whilst being clear in its intent and presentation. It contributes to the achievement of sustainable development.

Policy NP/DG3 meets the Basic Conditions.

#### NP/DG4 – Heritage Assets

The Framework recognises that heritage assets are an irreplaceable resource and requires plan-makers to take into account the desirability of sustaining and enhancing their significance. It requires great weight to be afforded to their conservation.

The first part of NP/DG4 states that heritage assets must be conserved and enhanced. I find this to be an unusually worded policy, which in its current format, is not supported by any evidence to demonstrate that it is something that can be delivered and controlled by the Neighbourhood Plan alone. A reference to something which triggers the need for the policy to operate would be helpful.

Furthermore, the Framework does not demand that all development must enhance heritage assets. Consequently, NP/DG4 appears significantly more onerous than national policy and in this way, fails to have regard to it.

- **NP/DG4.1 Reword: “Proposals affecting Listed... settings must conserve and, wherever possible, seek to enhance their significance, quality and character.”**

Landmark views and buildings are recognised as an important part of the character of the Neighbourhood Area and the second part of Policy NP/DG4 seeks to protect these. However, use of the word “must” leads the policy to be overly-prescriptive and fails to allow for a balanced approach – for example it would not allow for sustainable development which may bring major benefits but which may not avoid every possible adverse impact on views and buildings. In this way, the policy would fail to contribute to the achievement of sustainable development.

- **NP/DG4.2: Change “...must avoid...” to “...should seek to avoid...”**

#### NP/DG5 – Energy Efficiency and Sustainability

Policy NP/DG5 would contribute to the achievement of sustainable development. The policy has been carefully constructed to allow for commercial viability to be taken into account.

Policy NP/DG5 meets the Basic Conditions.

## Economy

The Framework supports the building of a strong, competitive economy and the Neighbourhood Plan seeks to retain existing employment sites as employment sites.

### Policy NP/E1 Retaining and Encouraging Employment

The first part of Policy NP/E1 effectively permits the change of use of an employment site to a non-employment site, subject to the provision of evidence based on a 12 month marketing period and demonstration that there are no economically viable options for alternative employment uses, including micro, or small businesses.

This approach has regard to the Framework's requirement for employment sites with "no reasonable prospect" of re-use as employment sites to be treated on their merits, having regard to market signals. The 12 month period would enable landowners to demonstrate that there is "no reasonable prospect" as well as provide for consideration of other market signals. This part of the policy meets the Basic Conditions.

The second part of the policy seeks to protect the amenity of neighbours. Consequently it has regard to the Framework, which considers that development should seek to make places better for people. It is also in general conformity with Royal Borough of Windsor and Maidenhead Local Plan Policies E2, E4 and E6, which together amongst other things, seek to prevent employment sites from adversely impacting on the amenity of neighbours.

Policy NP/E1 meets the Basic Conditions.

### Policy NP/E2

The Neighbourhood Plan recognises micro and small businesses as being particularly appropriate to the Neighbourhood Area. Policy NP/E2 supports this and has regard to the Framework, which sets out the need for plan-makers to proactively meet the needs of business and support an economy fit for the 21<sup>st</sup> Century. The policy meets the Basic Conditions.

### Policy NP/E3

This policy establishes the centres of Ascot, Sunningdale and Sunninghill as the main locations for retail in the Neighbourhood Area. It seeks to limit the introduction of new Class A2 uses, by restricting their presence to no more than 30% of village centre retail frontages. This approach has regard to the Framework, which requires plans to make clear which uses will be permitted in which locations and to promote

centres which provide customer choice and a diverse retail offer. Policy NP/E3 goes on to require proposals for any change of use on the frontage of village centres to provide for highway safety, neighbouring amenity and not lead to unacceptable increased pressure on parking.

This policy meets the Basic Conditions.

## Transport

The Neighbourhood Plan recognises that there is a high level of car ownership in the Neighbourhood Area. It identifies problems not uncommon across the country, such as traffic congestion, increased on-street parking and a shortage of parking for shoppers, workers, commuters and visitors.

### Policy NP/T1

Policy NP/T1 requires development to make adequate provision for car parking. This policy is in general conformity with Royal Borough of Windsor and Maidenhead Local Plan Policy DG1, which requires the provision of adequate off street parking. It meets the Basic Conditions.

### Policy NP/T2

This policy promotes the provision of cycle routes. It has regard to the Framework, which supports development which provides for alternative modes of transport and which helps to reduce carbon emissions. The policy contributes to the achievement of sustainable development. It encourages the provision of cycle routes within development sites and wherever possible, connections to schools, shops and stations. The “wherever possible” wording means that the policy is not overly prescriptive, whilst ensuring that it achieves its overall aim of making sure that new development contributes to the improvement of cycle routes in the Neighbourhood Area.

Policy NP/T2 meets the Basic Conditions.



## Village Strategies and Policies

The opening of this chapter provides some context for the ensuing policies, with specific reference to community support.

Section 7.2 includes a note stating that any new residential development in Sunningdale for 10 or more dwellings will require a new SANG to be found. Whilst I understand that this has been included as a reference note, it appears as a requirement and is somewhat isolated and confusing, without an appropriate reference.

- **Re: the note relating to a new SANG set out in the introductory text at the end of Section 7.2, add to end “...(Thames Basin Heath SPA Delivery Framework 2009, adopted by the Thames Basin Heath Joint Strategic Partnership Board. See Section 5.2.1).”**

### Policy NP/SV1 – Sunninghill Village Centre Policy

The Framework establishes that development should only be prevented or refused on transport grounds where its residual cumulative impacts are severe. The first part of Policy NP/SV1 states that development “that is likely to result in a discernable increase in traffic congestion” will not be permitted. As worded, this does not have regard to the Framework and does not meet the Basic Conditions.

**NP/SV1: Re-word: “Any development that *will have a severe independent or cumulative impact on traffic...*”**

The second part of Policy NP/SV1 seeks to prevent development leading to an increase in on-street parking demand. Consultation has demonstrated that the problems caused by on-street parking are significant and that development which increases these is likely to lead to severe problems. This part of the policy meets the Basic Conditions.

The final part of the policy seeks to prevent adverse impacts resulting from development leading to increased HGV or large vehicle deliveries. Subject to a similar change to the first part of the policy above, this meets the Basic Conditions.

**NP/SV1: Re-word: “...will result in no *severe independent or cumulative impact on traffic congestion or on the amenity of local residents.*”**

### Policy NP/SS1 – Ascot Centre/High Street Rejuvenation

I note that there is community support for the rejuvenation of Ascot Centre. The Neighbourhood Plan identifies a number of constraints and brings attention to the “Enquiry By Design” which forms part of the evidence base.

I acknowledge that a significant amount of work has been undertaken in setting out the aspirations for Ascot Centre and in considering how these might best be achieved. The significant and comprehensive approach to public consultation in this regard is particularly notable.

Notwithstanding my comments and recommendation below, all of the work undertaken to date has been of value. It will provide the basis for a comprehensive and important input into the emerging Royal Borough of Windsor and Maidenhead Local Plan.

The Framework establishes that the essential characteristics of Green Belts are their permanence and openness. Policy NP/SS1 would require the removal of a large and significant area of Green Belt to the south of High Street.

The Framework goes on to state that:

*“Green Belt boundaries should only be altered in exceptional circumstances, **through the preparation or review of the Local Plan**. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they are capable of enduring beyond the plan period.”*

In requiring Green Belt boundaries to be altered via preparation or review of the Local Plan, the Framework makes it possible to ensure that a comprehensive, strategic approach to Green Belt review can take place. It allows for the rigorous examination of any proposed changes. With regards to Green Belt, there is no evidence to demonstrate that the Neighbourhood Plan has undergone a comprehensive strategic approach, or has been rigorously examined.

Taking all of the above into account, I find that, as worded, Policy NP/SS1 does not have regard to the Framework and does not meet the Basic Conditions.

However, whilst the detailed content of Policy NP/SS1 is partly reliant on, and inextricably linked to, Green Belt release, I am mindful that all of that land identified to the north of High Street falls outside the Green Belt. This is an area of such significant size that it provides scope to provide for development which may, on its own, meet some of the various aspirations of the policy.

Thus, rather than recommend that Policy NP/SS1 is deleted in its entirety and not replaced, I find that there is an opportunity for the plan-makers to work with the Royal Borough of Windsor and Maidenhead to present a policy in the neighbourhood plan which achieves the community’s aspirations for Ascot Centre, whilst excluding Green Belt land, proposals for which can be considered in the emerging Borough Local Plan, where this is allowed for under the Framework. With regards the second part of the policy, this means that “requirements” will need to become “aspirations” as there is no evidence before me to demonstrate that the

delivery and funding of the list, as set out, would be achievable given the significant reduction in potential development land.

However, as re-worded below, Policy NP/SS1 could still achieve many of the aims of the community, as established through consultation, whilst meeting the Basic Conditions.

- **Re-word Policy NP/SS1.1 “...and Centre (including “Ascot Village”) as identified...”**
- **Re-word Policy NP/SS1.2 “...High Street should take into account the following community aspirations: \* Improvements...The creation of green spaces which for Ascot Village should be equivalent to approximately 15% of the total area.”**
- **Policy NP/SS1.3 - Delete (b)**
- **Retain SS1.4 and SS1.5**

#### Policy NP/SS2 – Ascot Hotel

The local community is generally supportive of a new hotel at Ascot Racecourse. Policy NP/SS2 identifies a proposed location for the hotel, adjacent to the grandstand and sets out design and related requirements. The owners of the relevant site support the policy in principle, but expressed concern regarding the specific location of the site.

In this regard, I am mindful that the Framework requires plans to provide clear policies on what will or will not be permitted and where. Policies must provide a clear indication of how a decision maker should react to a development proposal. Consequently, during the Hearing, I sought to gain clarity on this matter.

Further to consideration, I am satisfied that the appropriate map in the Neighbourhood Plan can be altered slightly to identify a general location, which is specific enough to satisfy decision makers, but not so detailed as to constrain development to the extent that it would be prevented. Subject to the change below, Policy NP/SS2 meets the Basic Conditions.

- **Change Reference on Map 18 to “*General* location for hotel.”**

#### Policy NP/SS3 – Ascot Station Site

The Neighbourhood Plan identifies Ascot Railway Station as an important transport hub. Policy NP/SS3 seeks to allocate land adjacent to the Station for housing, “modest” retail units and other commercial development. It states that any proposal must deliver increased parking capacity and improved access.

The proposed allocation comprises a large area of Green Belt. Whilst the Neighbourhood Plan refers to it as “low amenity Green Belt,” this is not a term recognised by the Framework as lessening the value of Green Belt. The Framework establishes that the essential characteristics of Green Belts are their permanence and openness.

I find the circumstances with regards Policy NP/SS3 as being similar to those for Policy NP/SS1. According to the Framework, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan, which in this case would be the Royal Borough of Windsor and Maidenhead Local Plan. There is no evidence to demonstrate that Policy NP/SS3 has emerged from a comprehensive strategic approach, nor that it has been rigorously examined. I consider that Policy NP/SS3 presents a fundamental conflict with national policy.

Whilst I am mindful that there is some local and landowner support for the Policy NP/SS3, I also note that there is some local opposition to the approach.

Policy NP/SS3 makes it clear that any development “must cover” all of the land identified. It proposes a comprehensive approach, driven by a Development Brief. Subject to progression beyond the completion of a strategic Green Belt review through the Royal Borough of Windsor and Maidenhead Local Plan, this may present an appropriate way forward. However, given the comprehensive approach proposed, there is no opportunity for me to seek to revise Policy NP/SS3 in order for it to meet the Basic Conditions.

- **Delete Policy NP/SS3 – Ascot Station Site**

In considering Policy NP/SS1 above, I referred to the opportunity to make representations to the emerging Royal Borough of Windsor and Maidenhead Local Plan, with regards to Green Belt review. This is no different in the case of Policy NP/SS3 and again, I note that the significant amount of work undertaken will allow for a comprehensive submission.

#### Policy NP/SS4 – Shorts Recycling Transfer Station Site

This site covers an area of 5.6 hectares. A large part of the site comprises previously developed land and the whole of it is within the Green Belt. The site is in use as a waste recycling transfer station and results in frequent large vehicle movements along narrow roads and Ascot High Street. The Neighbourhood Plan states that there is public support for the relocation of the transfer station to a location outside of the Neighbourhood Area.

The first part of Policy NP/SS4 recognises that the site is within the Green Belt and is thus subject to Green Belt policies. This overall approach meets the Basic Conditions.

The second part of Policy NP/SS4, as worded, is prescriptive. In requiring any redevelopment to *reduce* the site's impact on openness, it goes beyond, and is more onerous than, Green Belt policy. Consequently, I find that Policy NP/SS4 does not have regard to the Framework, which seeks to preserve openness. It does not require development proposals to demonstrate that they will reduce any existing impact on openness.

However, the second part of Policy NP/SS4 also seeks to address significant community concerns. Any redevelopment of this developed site in the Green Belt may present opportunities to tackle local issues relating to access and parking. Appropriate re-wording can ensure that these factors are taken into consideration, whilst enabling the policy to meet the Basic Conditions. It can also re-confirm the support that the community has for the appropriate re-use of the site.

- **NP/SS4.2 Re-word: “Proposals for the appropriate re-use of the site should demonstrate: (a) Environmental improvements to the Green Belt; (b) Improvements to St George’s Lane and to the access to the Winkfield Road roundabout; (c) Provision of on-site parking to ensure there is no additional demand on parking elsewhere in Ascot centre.”**

#### Policy NP/SS5- Heatherwood Site

The Heatherwood Site comprises a major developed site in the Green Belt. It covers a very large area, nearly 9 hectares of which includes a hospital and associated buildings, and some houses and flats. To the south of this area is a further 9 hectare area of undeveloped land, largely comprising sloping woodland. There is also a Scheduled Ancient Monument on the site.

I note that the Neighbourhood Plan identifies the undeveloped area of the site as a potential SANG. However, the Neighbourhood Plan itself recognises that this is not something it can control. In this regard, it is inappropriate for the Neighbourhood Plan to state that the land will “preferably” be designated as a SANG, even in the lower case text. Similarly, it is inappropriate to label the undeveloped area to the south of the major developed site as a “Potential SANG site.”

- **Under INTENT, change wording: “Green Belt policies. This may be one of the areas of land to be considered as part of the “potential SANG sites” Project, see Section 9.”**
- **Remove “Potential SANG site” from Map 21.**

Representations to the Neighbourhood Plan state that the NHS Trust intends to reuse and redevelop the Heatherwood Hospital site, with the aim of delivering a new healthcare facility at the site. Plans are still at the options stage, but it is stated that “it is clear” that there will be surplus land which will be sold to third parties for redevelopment.

The Neighbourhood Plan recognises and supports the opportunities for change afforded by the site. It identifies “a very strong public desire” to retain a hospital facility on the site, along with important community considerations, including movement and connectivity, the site’s proximity to Ascot Racecourse and its “gateway” role for Ascot.

The first three parts of Policy NP/SS5 seek to recognise the mixed use potential of the site in line with the above; require a Development Brief; and state that development proposals “must deliver design excellence.” Map 21 indicates the location of the major developed site. This provides a helpful guide and I note that any planning application would need to comply with Green Belt policy.

Given the size, location and opportunities afforded by the site, the production of a Development Brief, in line with the requirements of Policy NP/H1, is an important requirement. It will help to ensure that any redevelopment adopts a high quality approach to design, having regard to the Framework, and contributes towards the achievement of sustainable development. This part of the policy meets the Basic Conditions.

I am a little concerned with the phrase “must deliver design excellence” which could be more appropriately worded with reference to the Framework:

- **NP/SS5 Re-word “Development proposals on this site *are required to demonstrate high quality design...*”**

The final part of NP/SS5 sets out the factors which any proposals will need to take into account. Whilst each of these reflect important community aspirations for the site, there are elements of the wording which lead the policy to be too detailed at this early stage and therefore introduce inflexibility, without regard to the Framework. I find that the aims of the policy can be achieved, whilst meeting the Basic Conditions, by the following changes:

- **NP/SS5: Re-word: “Development proposals for the Heatherwood Site *are required to demonstrate the following: (a) A mix of housing types. (b) The position...*”**

#### Policy NP/SS6 – Sunningdale Broomhall Centre

Whilst consultation identified general community resistance to a large new anchor store or supermarket in Sunningdale, there was support for some new mixed development, including smaller retail units. The Neighbourhood Plan recognises that congestion and parking in Sunningdale are issues and that “DERA” – a major redevelopment site close to Sunningdale – may have a significant future impact on these.

Policy NP/SS6 identifies Broomhall Centre as a site in Sunningdale where a mixed use development, including residential, retail (no larger than 500 square metres), a new health facility and other commercial development, would be supported. Any such development would be required to provide for more car parking than that required to service the development, a public open space and access/pedestrian improvements. The policy would require a Development Brief, a Statement of Community Consultation and high quality design.

The above comprises an excellent example of pro-actively providing for a comprehensive development which combines commercial opportunities with community requirements, all wrapped up in a carefully considered, consultation and design-focused approach. It contributes to the achievement of sustainable development, has regard to the Framework and is in general conformity with Royal Borough of Windsor and Maidenhead Local Plan Policies DG1, S1 and H8. It meets the Basic Conditions.

There have been representations to Policy NP/SS6 questioning the “robustness” of consultation and suggesting that the site is appropriate for a supermarket. However, the policy plans positively for retail uses and do not prevent the inclusion of a supermarket – they would potentially allow for a small supermarket, of up to 500 square metres. I consider that this is not an untypical size for a metro-style supermarket.

The evidence base for the Neighbourhood Plan refers to a Retail Health Check published out by the Royal Borough of Windsor and Maidenhead in August 2011. This notes that Sunningdale provides a satisfactory range of convenience goods and fulfils the needs of the local community. It concludes that Sunningdale is a healthy and popular local centre.

It has been suggested by objectors that Policy NP/SS6 does not meet Framework definitions of sustainable development in terms of economic and social objectives. However, in identifying a site for a mixed use development, including housing, retail and community facilities, and ensuring that any proposals are developed with community input and a focus on design, I am satisfied that there is a clear demonstration that the policy contributes to the achievement of sustainable development in an appropriate manner.

It has also been suggested that a question which formed part of the consultation process was flawed because it referred to “very considerable extra traffic” and “large vehicle deliveries” associated with an anchor store (eg a supermarket). As an observation, it seems to me that people willing to take the time to engage in community consultation would be unlikely to have their views dictated to them by the phrasing of a question. Notwithstanding this, there is no substantive evidence before me to demonstrate that an anchor store (eg a large supermarket) would not generate considerable extra traffic and large vehicle deliveries.

I have noted above, at some length, that the consultation process for the Neighbourhood Plan was particularly comprehensive and robust. In this regard, there have been plenty of opportunities for supporters of an anchor store at this site to make their views known. In the light of this, I am mindful that the majority of people who have engaged with the Neighbourhood Plan process and expressed a view, support the approach set out in Policy NP/SS6 and do not support provision for a large anchor store at the site.

I note representations with regards the potential for development in Sunningdale to impact on traffic flows on the A30. However, I find that as set out, cumulative development proposals for Sunningdale are relatively modest and there is no substantive evidence before me to demonstrate that Policy SS6.4 would fail to meet the Basic Conditions because of its impact on the A30.

Whilst in the above regard, I find that Policy NP/SS6 would meet the Basic Conditions, I note that a representation has been received which, whilst supporting the general content of the policy, suggests changes aimed at enhancing character, appearance and amenity. The proposed changes are not essential in ensuring that the policy meets the Basic Conditions, but I recommend that they are considered alongside other modifications to the Neighbourhood Plan. In particular, I note that there is an opportunity to enhance the environmental sustainability of any future proposals.

#### Policy NP/SS7- Sunningdale Station and Waitrose Car Parks

Policy NP/SS7 seeks to provide for increased car parking capacity in Sunningdale, for commuters, shoppers, workers and visitors. It also provides for a small number of small retail units close to the Station.

Policy NP/SS7 is in general conformity with Royal Borough of Windsor and Maidenhead Policy S1. It has regard to the Framework, which supports policies that promote the vitality and viability of centres. It provides for increased use of Sunningdale Station and thus has regard to the Framework, which supports development that takes account of the availability of, and opportunities for, public transport and which provide people with a choice about how they travel. Policy NP/SS7 meets the Basic Conditions.

Further to the above, I note that the final part of Policy NP/SS7 requires a traffic assessment demonstrating that there will be no adverse impact on traffic congestion in the area. This is in general conformity with Royal Borough of Windsor and Maidenhead Local Plan Policy DG1.



## Policy NP/SS8 – Gasholder Site

The Neighbourhood Plan identifies the Gasholder site as a 2.4 hectare brownfield site. The redevelopment of the site is actively supported and this has regard to the Framework, which encourages the re-use of previously developed land.

However, Policy NP/SS8 includes a number of detailed requirements, including the prevention of the site being accessed via Bridge Road only. In this regard, I am mindful that there is no substantive evidence to demonstrate that a sustainable development could not be developed at the site and accessed via Bridge Road alone. Consequently, as worded, I find that the policy would not meet the Basic Conditions.

Further to the above, I note that Policy NP/SS8 requires a traffic impact assessment. I find that extending this to include a transport assessment to demonstrate safe and suitable access for any proposed development can resolve local concerns in an appropriately flexible manner.

- **NP/SS8.2 Change: “...High Street and the Surrounding Area. A transport assessment is required to demonstrate that the proposed development meets access, safety, capacity and amenity requirements.”**

I note that there is community support for a public green space in the area. The policy sets out a requirement for 15% of the total area of the site to comprise green space. Whilst the landowner considers allocating up to 10% of the site as being “reasonable” there is no clear evidence to demonstrate that a site of such size would be appropriate and no modification is proposed in this regard.

The final part of the policy expresses support for proposals to develop a new school on the site. Whilst I note that this is a local aspiration, it is not, apparently, a requirement of the policy. As above, the Framework requires policies to provide a clear indication of how a decision maker should react to a development proposal. I find that, as worded, this part of the policy is potentially confusing and that the position should be clarified.

- **NP/SS8 Change: “Whilst not a policy requirement, any proposals to develop a new school on the site...”**

## Policy NP/SS9 – Sunningdale Park

Sunningdale Park is a large, 32 hectare site in the Green Belt. It includes a 4.76 hectare major developed site, a Listed Building, various other buildings and historic parkland and gardens.

Policy NP/SS9 supports the appropriate redevelopment of the site, especially where it provides jobs. It adopts a positive approach to development, supports economic growth and has regard to the Framework.

However, the policy introduces an unduly onerous approach to the Green Belt which does not have regard to the Framework,

**NP/SS9.3 Change “(a) It...Green Belt.” Delete rest of sentence.**

The final part of the policy refers to the Townscape Assessment considered in Policy NP/DG1 above. Consequently, there should be a slight change to the wording:

- **NP/SS9.4 “...the design *should have regard to the Key...*”**

Policy NP/SS10 – Silwood Park

Silwood Park contains a 5.5 hectare major developed site in the Green Belt and an area of previously developed land. The Neighbourhood Plan seeks to support proposals to enhance the Silwood Park Campus.

I note that the landowner is concerned that Map 26 is confusing. For consistency and relevance, it is important that a plan showing the site the subject of the policy is included in the Neighbourhood Plan. I suggest clearer labelling to Map 26.

- **Re-label Map 26 “Silwood Park Major Developed Site Development Envelope as defined in the adopted Royal Borough of Windsor and Maidenhead Local Plan.**

I also suggest the following, after the first paragraph of the supporting text:

- **“Map 26 indicates the defined development envelope identified in the adopted Royal Borough of Windsor and Maidenhead Local Plan. It is recognised that the boundary may be amended through the emerging Local Plan process. Policy NP/SS10 is intended to related to any amended identified development envelope.”**

As a major developed site in the Green Belt, any application will be subject to Green Belt policy. There is no need to provide a reference to the “overall built envelope.”

- **Delete NP/SS10.2**
- **NP/SS10.3 Delete reference to reducing impact on openness.**

Whilst there is an objection regarding the reference to providing pedestrian and cycling routes, I note that the requirement is simply to consider such provision. If there is scope to provide for pedestrian and cycling facilities, these will help contribute to the achievement of sustainable development.

Subject to the above, the policy meets the Basic Conditions.

## **7. The Plan – Projects and Appendices**

Section 9 of the Neighbourhood Plan sets out a number of Projects. These are initiatives that have emerged through the Neighbourhood Plan process, but which cannot be delivered through land use planning policies.

This approach represents an excellent way of recognising significant local concerns which may be addressed separately from the Neighbourhood Plan.

The Neighbourhood Plan Appendices include a Glossary, Maps of Gaps Between Villages, Green Corridors, Landmark Views and Buildings and High Street Retail Frontages.

I consider the Glossary and the other Maps and supporting photographs to be helpful, interesting and useful.

The Appendices also include Development Brief and Statement of Community Consultation information referred to in policies, and a list of Evidence Base documents.

## 8. Summary

The Ascot, Sunninghill and Sunningdale Neighbourhood Plan is a substantial and exceptionally well-produced document. It is the result of tremendous, sustained community consultation. It seeks to tackle a wide range of issues and largely achieves this in a manner which meets the Basic Conditions.

In proposing modifications to the Neighbourhood Plan, I have recommended changes to policies and even policy deletion. I am aware that all of the policies in the Neighbourhood Plan are the result of intensive research and work, and that they reflect the views of a significant proportion of those who have engaged with the plan-making process. However, as these policies would not otherwise meet the Basic Conditions, I am required to recommend their deletion.

The authors and supporters of these policies can take heart, however, as the emerging Royal Borough of Windsor and Maidenhead Local Plan provides an appropriate and timely forum for the consideration of Green Belt review. Furthermore, the deletion of the policies need not prevent the modified Neighbourhood Plan from going forward to Referendum.

Notwithstanding this and other modifications, the Ascot, Sunninghill and Sunningdale Neighbourhood Plan sets out a clear and deliverable vision for the Neighbourhood Area.

The recommended modifications to the Neighbourhood Plan have been made to enable it to meet the Basic Conditions.

Subject to modifications, the Ascot, Sunninghill and Sunningdale Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

In this way, the Ascot, Sunninghill and Sunningdale Neighbourhood Plan meets the Basic Conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

I recommend to the Royal Borough of Windsor and Maidenhead that, subject to the modifications proposed, the **Ascot, Sunninghill and Sunningdale Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

I am required to consider whether the Referendum Area should be extended beyond the Ascot, Sunninghill and Sunningdale Neighbourhood Area. The Neighbourhood Area mirrors the boundary of the Parishes. I consider the Neighbourhood Area to be appropriate and no substantive evidence has been submitted to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Ascot, Sunninghill and Sunningdale Neighbourhood Area as approved by the Royal Borough of Windsor and Maidenhead on 21 March 2013.

**Nigel McGurk, January 2014**  
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