



**Advice Note regarding the Duty to Cooperate meeting  
17 October 2017**

**Report by Intelligent Plans and Examinations (IPE) Ltd**

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## **Duty to Cooperate meeting 17 October 2017 - Facilitator's Note.**

Attendance

### **Facilitator**

Keith Holland (KH)

### **Royal Borough of Windsor and Maidenhead (RBWM)**

Helen Murch

Ian Church

Phillipa Silcock

Jenifer Jackson

Hilary Oliver

### **Chiltern DC and South Bucks DC (CSB)**

Graham Winwright

Alison Bailey

### **Slough Borough (SB)**

Paul Stimpson

Pippa Hopkins

### **Outcomes being sought**

RBWM seeking agreement on a table of contents and timing of a Duty to Cooperate (DtC) statement. Seeking an effective working arrangement that deals with the issue of unmet housing need in the sub-region. Hopes to satisfy other authorities that objections to the RBWM can be withdrawn.

CSB looking for a Memorandum of Understanding (MoU) and identification of matters that can be referred back to members. Not anxious to sustain objections to the RBWM plan but concerned that over a number of years efforts by CSB to reach collective agreement with the Berkshire authorities on the HMA geography have proved to be fruitless.

SB looking for changes to the way RBWM is approaching affordable housing (particularly for rent) and would like to get to a position where SB and CSB could have a joint examination two years from now. The time scale relates to the position with Heathrow. The unmet need from Slough has not been finally quantified but it will be between 5,000 and 10,000 homes and the DtC will need to address this issue along with other strategic issues including the need to accommodate commercial development arising from expansion of Heathrow.

### **Ideal approach**

SB favours a strategic growth study involving all three (possible more) authorities – points to Bed/Luton example.

RBWM also agree that a strategic growth study is needed. Believe that the study is likely to have to cover a wider area possibly including adjacent HMAs.

CSB. Agree and say they have been promoting such a study but believe that it should include all of the Berkshire authorities and should as a priority clarify the extent of the relevant Housing Market Area (HMA).

### **Short term/Long Term**

Agreement that it is important for RBWM and CSB to progress their plans quickly. RBWM intends to submit by end of January 2018. CSB will not meet the 31 March 2018 deadline currently proposed by the government but are looking to submit in 2018. SB's plan delayed by Heathrow complications.

General agreement that it is sensible to give priority to getting plans in place in the short term and to deal with the long term on the basis of sub-regional strategic work.

### **Discussion Points**

#### **Housing**

No dispute regarding the housing OAN (Objectively Assessed Need) as currently calculated. Agreement that Slough is a heavily constrained borough that is unable to meet its need for housing.

SB considers that expansion of Slough to the north east is the logical and sustainable way to partly address its housing need – notably the need for family accommodation which is not being adequately addressed by the high density development that is occurring in and around the Slough town centre. Expansion of Slough to the north east would involve land within South Bucks District. CSB argue that the Green Belt study done for Buckinghamshire has considered this area and has concluded that it should at present remain in the Green Belt. CSB do not accept that it is self-evident that the logical location for Slough expansion is to the north east. CSB argue that more evidence is needed and that other Berkshire wide options for accommodating Slough's unmet need should be explored.

At the heart of this unresolved dispute is the definition of the HMA. RBWM and SB accept the conclusion of the work done by GL Hearn in 2016 that there are two relevant HMAs - the Western Berkshire HMA comprising Bracknell Forest, Wokingham Borough, Reading Borough and West Berkshire and the East Berkshire HMA comprising Slough Borough, the Royal Borough of Windsor and Maidenhead and South Bucks. CSB accepts that providing homes for people is directly related to the functional HMA but argues that there is effectively one HMA comprising all of the Berkshire authorities and South Bucks. On this basis CSB believes that Slough should look to the wider HMA to assist with meeting its unmet housing need. SB argue that there is little point is looking at the wider area when there is an overwhelming case for the expansion of Slough to the north east into South Bucks. SB consider that the joint CSB plan currently being prepared should contain a clear

and unequivocal commitment to incorporating the expansion of Slough to the north east in the first review of the CSB Local Plan. SB also accepted that the M4, Heathrow and waterway systems provide barriers to expanding Slough to the East or south.

SB and CBS agree that RBWM has achieved a milestone in getting to the point of meeting their OAHN and accept that this has been a difficult journey given the constraints including European designations and green belt. The RBWM plan also includes a very significant change in the character of Maidenhead where the density will be increased to provide more homes. Notwithstanding this, RBWM accept that more work is required before it could be demonstrated that there has been “no stone unturned” in accommodating more growth in Windsor and Maidenhead than that which is required to meet its own needs. This is acknowledged as a weakness which could cause problems at the local plan examination and could potentially result in the RBWM plan being found unsound. The RBWM are alert to the issue and further work is being commissioned to explore this matter before the plan is examined. The RBWM believe that it may be necessary to look to adjoining HMAs to meet the needs arising in the East Berkshire HMA.

A major concern for SB is the way affordable housing for rent is not being adequately catered for, particularly in RBWM. As a consequence, this element of housing need is being pushed into Slough. SB contends that it is already building all that it can in the centre of the town and there is concern that the need to increase the supply of housing is potentially prejudicing the quality of the homes being built. Furthermore, the need for family housing cannot be adequately provided for in Slough. SB will maintain an objection to the RBWM plan unless there is a change in the affordable housing policy that recognises the need for affordable housing for rent. A supplementary planning document dealing with this issue will not be regarded as adequate by SB. RBWM have agreed to re-consider its affordable housing policy and it may be possible that the concerns of SB can be addressed.

### **Green Belt/Growth Study**

There is agreement that unmet housing need may represent an exceptional circumstance justifying a Green Belt review. There is also agreement that any long-term strategic growth study will need to consider the extent of the Green Belt in the area. SB is critical of the Green Belt work that has been done to date in Buckinghamshire on the grounds that it has not been strategic. Slough contend that the work to date has been “bottom up” in the sense that it has been based on a field by field assessment as opposed to a strategic approach which should involve firstly assessing the overall long term need for land for development and then, based on this assessment, decide how much land needs to be taken out of the Green Belt. CSB do not accept this point and contend that the Part 2 Green Belt work done for the Buckinghamshire authorities has been based on broad strategic zones. CSB believe that the work already done in Buckinghamshire could therefore feed into any long term Green Belt review. SB accepts that the Green belt review work done by RBWM is adequate for the purposes of the local plan currently being prepared (i.e. the short term) but CSB do not consider that the work by RBWM has been exhaustive enough. CSB believe that a more comprehensive Green Belt study could show that RBWM has some capacity to assist with meeting unmet need from Slough. CSB agreed to supply RBWM with details of which parcels of land it believes have been unjustifiably disregarded.

For the longer term RBWM consider that the authorities should consider jointly commissioning a strategic Green Belt review which would feed into a strategic growth study. SB feels strongly that there needs to be a commitment to undertaking a growth study and that the Green Belt review, as well as other elements of the growth study, need to be progressed as a matter of urgency in the next two years. SB says that the aim should be to have made significant progress before an anticipated decision on the expansion of Heathrow. As a starting point the scope of the work needs to be agreed as soon as possible. SB point out that it would be helpful if the RBWM joined the Heathrow Strategic Planning Group.

## **Conclusions**

As facilitator KH has drawn the following broad conclusions from the discussion:

- 1) Although a significant amount of discussion has taken place as evidenced by the RBWM Duty to Co-operate Compliance Statement, there are critical matters that have not been resolved.
- 2) The lack of effective cooperation in relation to important considerations, such as the options for meeting the anticipated unmet housing need in Slough, has put all of the authorities at a significant disadvantage and has made them vulnerable to challenge at examination.
- 3) While there is at present some scope for a Statement of Common Ground to be agreed by the four authorities, fundamental difficulties remain. These difficulties have the potential to undermine the soundness of the plans being prepared on the grounds of inadequate cooperation and a failure to plan positively for the needs of the area.
- 4) The RBWM is alert to the need to address two issues that could cause significant problems at their local plan examination – whether there is capacity in the Borough to accommodate more housing growth than is currently planned for and whether the affordable housing policy adequately deals with the issue of affordable housing for rent. The additional work being done by the RBWM in relation to these matters may result in changes to the Borough Plan. Such changes could be introduced and consulted on before the local plan examination but, given the anticipated timing of the submission of the Borough Plan, it is probable that the Council would request the inspector to include the changes, if any, as main modifications to the Plan. Main modifications introduced in this way by the examining inspector would need to be subject to consultation.
- 5) There is now inadequate time for long term strategic planning to take place before RBWM submit their plan for examination. Nevertheless, the need for strategic planning is clear, not least because of the economic growth potential arising from Heathrow. RBWM should formally acknowledge the need for a longer term strategic plan but seek to argue at the examination that their approach is to get the Borough

Local Plan adopted as soon as possible in order to address short term problems with the longer term strategic issues being incorporated as an integral part of the plan review. The RBWM should commit to undertaking the review as soon as possible and consider the advantages of joining the Heathrow Strategic Planning Group. Joining this group would help to convince the inspector examining the Borough Local Plan that the RBWM is actively seeking to meet the DtC requirements.

- 6) RBWM in conjunction with the other three authorities should commit to actively pursuing a sub-regional growth study as a matter of urgency as soon as possible after the Borough Local Plan is adopted. This study should initially consider as a priority, the geography of the study area and could possibly include authorities other than RBWM, SB and CSB.
- 7) An integral part of the growth study should be a strategic review of the Green Belt in the area. In line with the NPPF this review should aim to produce a defined area of Green Belt that will endure in the long term i.e. well beyond the plan period of the plans currently being prepared.
- 8) It should be possible to eliminate at least some of the current objections to the RBWM plan if details are provided to RBWM by the objecting authorities of specific sites/areas of concern. The provision of such details should enable the RBWM to respond more effectively to the points currently being raised against the Borough Plan.
- 9) Although CSB are now included in the Buckinghamshire HMA it would be unwise for these authorities to ignore the unmet housing needs of Slough given that South Bucks is part of the functional Berkshire HMA and the close geographical relationship between Slough and South Bucks

At the present time, it would be possible for the authorities to agree a Statement of Common Ground. However, the statement should be more comprehensive and convincing once the additional work currently being done by the RBWM has been completed. Accordingly, it is recommended that the Statement of Common ground could be started by recording where there is agreement and, as a living document, subsequently modified to record progress as RBWM explore the matters set out in this advice note. Longer term commitments to strategic planning could similarly be recorded.

There are two significant related matters where there is evidently no common ground at present. These are the HMA geography and the possibility of expanding Slough to the north east. Both of these are unlikely to be resolved in the short term, but there is an incentive to identify and commit to longer term strategies whereby these can be properly considered. Authorities should reflect on the danger to the soundness of plan making in the area if the failure to agree on these points continues. In the event of the disagreement continuing there is no reason why parts of the Statement of Common Ground cannot include agreement between some but not all of the participating authorities.

*Keith Holland*

Keith Holland

November 2017