**Royal Borough of Windsor and Maidenhead**

**Windsor Neighbourhood Plan Decision Statement**

**Summary**

Following an Independent Examination, the Royal Borough of Windsor and Maidenhead’s Cabinet has now confirmed that the Windsor neighbourhood plan will proceed to a Neighbourhood Plan Referendum.

**Background**

Windsor Neighbourhood Forum is the Qualifying body for the Neighbourhood Plan. During the production of the Neighbourhood Plan the Windsor Neighbourhood Forum undertook several consultations and engagement events including stands at Fetes and exhibitions with Local Stakeholders in the Neighbourhood Plan Area. After the Draft Neighbourhood Plan was submitted to the Royal Borough a formal process of consultation was undertaken and the results of this were forwarded to the independent examiner for their consideration during the examination process. The consultation process has met the legal requirements.

The examiner was appointed by the Royal Borough, with the agreement of the Qualifying body. This examination was carried out without a public examination, using the written representations process, and the examiner’s report recommends that the plan proceeds to referendum, subject to modifications.

**Decision**

The Borough Council’s Cabinet considered the recommendations at its meeting on the 17 December 2020 and voted unanimously to accept the examiners proposed modifications and approve the plan to proceed to referendum. The Head of Planning has been given delegated authority to issue a decision notice.

The Plan with the examiners modifications meets the Basic Conditions as required in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 and is compatible with the Convention rights and complies with provision made by or under section 38A and B of the 1990 Act.

Cabinet also delegated authority to the Head of Planning, in consultation with the Lead Member for Planning, to make minor, non material, amendments to the Neighbourhood Plan prior to the referendum being announced.

**Windsor Neighbourhood Plan**

**Examiner’s Recommended Changes**

Council Officers are satisfied that the amended Windsor Neighbourhood Plan reflects the Examiner’s following recommended changes.

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| **Location of change** | **Page of**  **Plan** | **Proposed Change** |
| Introductory section | 9 | • Page 9, delete content of page including Figure 1  • Page 11, delete reference to Figure 1 in Para 1.7  • Delete Para 1.8.2, which has been overtaken by events and  repeats information in Para 1.8.1  • Para 2.4.6, delete the unnecessary text “This will continue to be  the case.”  • Delete all “Intent” headings and related bullet points |
| Policy OS.01 and OS.02 - Open Space and Public Open Space | 31 | • Policy OS.01, delete first paragraph  • Change second paragraph to “*The areas listed below and identified on Map 7 and supporting plans are designated as Local Green Space, which will be protected in a manner consistent with the protection of land within the Green Belt*.”  • Revise numbering of areas of Local Green Space from 1 to 21 (also removing the “A, B, C and D” references)  • Provide a new Map 7 (this will have a knock-on effect on the numbering of later Maps) entitled “*Local Green Space*.” This should show the 21 areas of Local Green Space. Provide additional plans as necessary – it is essential that the precise boundary of each individual area of Local Green Space is clearly identifiable.  • NB, the Local Green Space plan(s) should be provided within the Neighbourhood Plan. The Neighbourhood Plan is a long document and the provision of these important plans in an Appendix is not user-friendly.  • NB, there is no need for the inclusion of a Map showing “other areas of local space”  • Policy OS.02, delete part i. (“Given…required”)  • Change part ii. to “…loss of on-site open space, *proposals should be* supported by…needed; *and the provision of* an equivalent…”  • Change part iii. to “Allocation of new areas of open space will be *supported*. Should…”(Also, remove bold from text)  • Change part iv. to “…will also be supported, *including the* following…”  • Para 5.2.15, change to “*It is recognised that national and local policy supports the creation of and affords protection to, public open space. Policy OS.01 designates areas of Local Green Space that are demonstrably special to the community, where development will be managed as per in Green Belts and Policy OS.02 supports the protection of existing and the creation of new*  *public open space*.”  • Delete Paras 5.2.16 to 5.2.19  • Change Para 5.2.20 to “…certain criteria*). This* designation…policy designates Local Green *Space. Appendix 3* explains…”  • Para 5.2.21, change the last part of the sentence after the comma to “and the WNP *is supportive of* this level of provision.”  • Para 5.2.22, delete second and third sentences (“See…areas.”)  • Para 5.2.24, delete second sentence (which is not a Policy  requirement) |
| Policy BIO.01 and BIO.02 Green and Blue Infrastructure Network | 37 | • Change Policy BIO.01 to “*Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. The following will be supported: i) Provision of…gardens* (NB remove bold text)*; ii) Planting areas for…walls; and iii) The retention, introduction and replacement of trees with species suited to the local area.”* (delete rest of Policy)  • Change Policy BIO.02 to “a) *The routes listed below and shown on the accompanying Map comprise Green Routes. Where development fronts these routes the provision of green boundary*  *treatments with trees, vegetation and soft landscaping to sustain or improve air quality and visual amenity, and the safeguarding, provision and/or enhancement of habitats to facilitate the*  *movement of wildlife, will be supported*.” LIST 1-21 here “*b) The provision of new and the linking of existing green routes will be supported, as will improvements in access to the Neighbourhood Area’s blue infrastructure network. The recreation*  *of river corridors and wetland habitats, and the reinstating of open waterways from river culverts will be supported*.”  • Remove bold annotation from supporting text  • Correct mis-labelling of Photos 1 and 2 on page 35  • Delete Paras 5.3.12 and 5.3.24  • Para 5.3.13, delete “consideration” and “replacing greenery where it has been lost;”  • Para 5.3.14, delete “as a condition of planning permission,”  • Para 5.3.15, change last sentence to “We wish *to encourage alternatives to this*.”  • Para 5.3.17, delete last two sentences (“Proposals…maintained.”)  • Para 5.3.18, delete “as existing trees have…planting of trees.”  • Para 5.3.20, delete (as covered by our…02)” and change last sentence to “…period *is encouraged to* capitalise on…”  • Para 5.3.22, change last line to “…design solutions *which maximise green aspects are encouraged*.”  • Para 5.3.25, delete “BIO.02 d.” |
| Policy WAT.01 and WAT.02 – Flooding and Water Supply | 44 | • Change Policy WAT.01 to “*Development should be made safe from flooding and not increase the risk of flooding elsewhere. Drainage on site should separate foul and surface water flows. The use of Sustainable Urban Drainage Systems will be supported*.” (Delete rest of Policy)  • Delete Policy WAT.02  • Remove bold annotation from supporting text  • Para 5.4.8, delete second sentence (which is not the case)  • Change Para 5.4.10 to *“…Guidance establishes a sequential test to be applied in respect of flood risk. Development should be located…*”  • Change Para 5.4.11 to “*Sustainable Urban Drainage Systems (SUDS) help to provide flood resilience in a locally relevant, sustainable manner*.”  • Change Para 5.4.12 to “*We strongly encourage the use of SUDS. Within* the…”  • Delete Para 5.4.13, which repeats information and is not a Policy  • Delete Paras 5.4.14 to 5.4.18 |
| Policy HER.01 and HER.02 – Hertage Buildings and Features, and Local Heritage List | 49 | • Change Policy HER.01 to “*Development within Conservation Areas and their settings should conserve and/or enhance local character. Development should incorporate high quality materials and have regard to the relevant Conservation Area Appraisal and Townscape Assessment, as well as to the WNP Design Guide (Appendix 4*).” (Delete rest of Policy)  • Change Policy HER.02 to “*The effect of a development proposal on the significance of a non-designated heritage asset should be taken into account, having regard to the scale of any harm or loss and the significance of the heritage asset. A Local List of nondesignated heritage assets is set out in Appendix 6*.”  • Remove bold annotation from supporting text  • Change Para 6.2.2 to “*National policy requires the conservation of heritage assets in accordance with* their significance. Many buildings….Crescent) *and national policy provides for the conservation and/or enhancement of Conservation Areas*.”  • Delete Para 6.2.3  • Delete Para 6.2.4  • Change Para 6.2.5 to “*National* policy requires applicants to…setting. *To help achieve this, the Neighbourhood Forum is keen to encourage the use of the Windsor Design Guide.* We wish…circumstances.”  • Change Para 6.2.6 to “*National policy and guidance* encourages the…place.”  • Para 6.2.7, change line 6 to “…with a view to *their inclusion on* a Local List of…”  • Para 6.2.7, line 8, delete “While it is…Eton Society.”  • Para 6.2.7, delete last sentence (“Developments…supported.”)  • Para 6.2.8, delete all after second sentence (“The judgement…setting.”) |
| Policy DES.01 – Appearance | 52 | • Change Policy DES.01 to “*Proposals for development should demonstrate how they have taken account of design guidance, including the Windsor NP Design Guide. Development affecting*  *any of the seven areas identified on Map 9 should also demonstrate how they have taken into account the relevant NP Area Design Guide.*”  • Clarify Map 9 by providing a Key (the names of the Areas are difficult to identify)  • Para 6.3.10, line six, change to “…welcomed. *Our aim is to provide guidance to developers in respect of the kinds of development appropriate to different parts of the town, with the intention of*  *helping them t*o “get it right…” (retain final sentence of Para)  • Remove bold annotation from supporting text |
| Policy VIE.01 – Key Views | 56 | • Change Policy VIE.01 to “*Development proposals must respect the Designated Views and Viewing Corridors listed below and identified on Map 10 (further information is also included in*  *Appendix 5):* NB, LIST OF 11 VIEWS HERE.” Delete rest of Policy  • Remove bold annotation from supporting text  • Para 6.4.2, change to “…taken into account *by* development. These…”  • Delete Paras 6.4.6 and 6.4.7  • Para 6.4.12, delete end of last sentence “…, and any development…appearance.”  • Para 6.4.14, change to “…policy *can be informed by* guidance in…This *provides guidance in respect of how a view can be treated and* managed. We…we will *seek to* manage…forward.” |
| Policy CW.01 – Cycling and Walking | 61 | • Change Policy CW.01 a) to “*All public rights of way within the WNP area must be retained, or alternatives provided that offer equivalent or better functionality. Improvements to the pedestrian and cycle network, including the creation of more safe linkages, will be supported*.”  • Remove bold annotation from supporting text  • Delete part b) from the Policy, but move text to a new Para above Para 7.1.19, stating “*The Windsor Neighbourhood Forum strongly supports all* practical opportunities…its tributaries.”  • Change Para 7.1.19 to “*The Windsor Neighbourhood Forum supports* improvements…”  • Other than at Para 7.1.14, delete references to CW.01 in bold print at the beginning of Paras on pages 62 and 63  • Para 7.1.5, change to “…cycle provision. *The WNP seeks to improve conditions for walking, enhance the pedestrian experience and boost the* provision…”  • Para 7.1.6, change to “*In respect of traffic congestion, Section 11 of the WNP also highlights a number of projects that will be pursued*. ”  • Change Para 7.1.7 to “…*Borough’s*…”  • Delete last sentence of Para 7.1.12 (“(However…night)”)  • Para 7.1.16, change last sentence to “*The Windsor Neighbourhood Forum* hopes to see..”  • 7.1.18, change second sentence to “*We wish to see new* pedestrian and cycle *routes* incorporated…”  • 7.1.20, change last sentence to “*Windsor Neighbourhood Forum would like to see developers ensure* that it is…” |
| Policy PAR.01 and PAR.02 – Parking | 66 | • Change Policy PAR.01 to “*New residential development should respect local character and provide for safe parking, having regard to the WNP parking design guide standards and where*  *relevant, Area Design Guides (as set out in Appendix 4).”*  • Change Policy PAR.02 to “*The provision of increased car parking capacity at existing car parks will be supported, subject to development respecting local character, residential amenity and highway safety*.”  • Delete Para 7.2.7  • Remove bold annotation from supporting text  • Para 7.2.11, change to “…In the *Windsor Neighbourhood Forum’s* view that this…”  • *Para 7.2.12, change to “…nearby and this is something the Windsor Neighbourhood Forum wishes to discourage, unless it…”*  • Delete 7.2.13 (once adopted, the standards will be a material consideration regardless of “WNP support”)  • Change Para 7.2.14 to “*Windsor Neighbourhood Forum will seek to discourage the use of dropped kerbs where* they result…front garden *parking and the Windsor Neighbourhood Forum will*  *encourage applicants to use this*.”  • Footnote 49, delete “is the industry…developments.” (Building for Life 12 is not the “industry standard” for new housing developments, but provides guidance) |
| Policy HOUS.01 – Housing | 69 | • Change Policy HOUS.01 to “*Proposals requiring planning permission for the conversion of premises above shops to residential use will be supported, subject to respecting local character, residential amenity and highway safety*.”  • Change Para 8.2.1 to “…includes above shops, which could *support additional housing*.”  • Delete Para 8.2.2 and 8.2.3  • Change Para 8.2.4 to “HOU.01 Areas where this policy may apply could include Deworth Road.” (delete rest of Para)  • Delete Para 8.2.5 |
| Policy RES.01 – Residential Amenity | 72 | • Change Policy RES.01 to “*Residential development should provide external amenity space that appears in keeping with local character and which respects privacy. Residential development*  *should provide for recycling, including space for screening and storage*.”  • Remove bold annotation from supporting text  • Para 8.3.4, change last sentence to “*We recommend that development proposals consider good practice, as set out in* Building…  • Change Para 8.3.5 to “*We would like to encourage developers to ensure that development does not result in unsightly and inappropriately placed bin and bike stores. Unsightly storage can harm both the amenity of neighbours and the street scene and we will seek to encourage appropriate bin and bike storage for all dwellings.*”  • Delete Para 8.3.6, which repeats 8.3.4 |
| Policy PUB.01 – Public Houses | 75 | • Change Policy PUB.01 to “*The loss of pubs to non-community uses will not be supported unless it can be demonstrated, further to 12 months open and active marketing, that it would not be economically viable or feasible to retain the pub in its existing use and that there is no reasonable economically viable prospect of securing an alternative community use of the land or premises*.”  • Delete last sentence of Para 9.1.6 (“It…P policies.”)  • Para 9.2.3, end of line 4, delete “business” |
| Policy RET.01 – Retail and Small Business | 78 | • Change Policy RET.01 to “*Local shops provide an important community function and proposals that will support the vibrancy and vitality of Local Centres and retail parades whilst respecting*  *local character, residential amenity and highway safety will be supported. The loss of shops and small-scale commercial units will be resisted unless it can be demonstrated, further to twelve*  *months open and active marketing, that retention in their current use is not economically viable. Proposals for new shop fronts should have regard to guidance set out in the Windsor Design*  *Guide shop front section (see Appendix 4c).”*  • Remove bold annotation from supporting text  • Para 9.3.6, change to “*In some circumstances,* national policy…situation where businesses *struggle* to find premises…”  • Para 9.3.8, second line, change to “…demand *for* the…”  • Delete Para 9.3.10 along with references to RET.01d) and RET.01e) in Paras 9.3.11 and 9.3.14  • Para 9.3.12, delete from fourth line to end of Para (“The general…access”) which reads as a Policy, but which is not  • Delete Paras 9.3.14 to 9.3.16. The Policy does not set out an approach to such uses that has regard to national policy or guidance |
| Policy DR.01 – Dedworth Road | 83 | • Delete Policy DR.01  • Para 10.1.1, change to “*The following place-based policy provides for a key place within the WNP area*.”  • Delete Paras 10..1.1 to 10.2.8 inclusive  • Delete “10.1 Introduction”  • Delete Map 11 |
| Policy IH.01 – Former Imperial House and Police Station Quarter | 88 | • Change Policy IH.01 to “a) *Future development proposals featuring both the site of the former Imperial House and Police Station site should include a masterplan to* show how…appearance criteria. b) Any revised proposals for redevelopment *should have regard to: safe and secure pedestrian and cycle connectivity; local character, including the green character of Alma Road and the scale and massing of neighbouring buildings; and the scope for “feature” buildings to create articulated views from St Mark’s Road to Alma Road*.”  • Para 10.3.2, change to “brownfield *site* in”  • Para 10.3.4, change to “…site is in employment *use and RBWM has identified* the site…  • Delete Para 10.3.5  • Para 10.3.6, delete text and replace with “*A mixed use development at part of the site was recently approved on appeal.*” (And provide footnote to this sentence, referencing APP/T0355/W/18/3203764)  • Delete Para 10.3.7 and 10.3.8  • Para 10.3.10, change to “a *Business* Area”  • Delete Paras 10.3.12 to 10.3.19, inclusive |
| Policy LEGO.01 – Legoland | 93 | • Delete Policy LEGO.01  • Delete pages 92 to 95, inclusive |
| Policy RAC.01 – Royal Windsor Racecourse | 97 | • Delete Policy RAC.01  • Delete Pages 96-98 inclusive |
| Policy CIL.01 – CIL and S106 Funding | 99 | • Delete Policy CIL.01  • Create a new Para below Para 11.1.1 “*Windsor Neighbourhood Forum will seek to use Community Infrastructure Levies and/or, if applicable, Section 106 funding, to deliver policies and projects in accordance with the community’s wishes and priorities, as set out in Table 1 below*.”  • Delete Para 11.1.2 and title  • The Neighbourhood Plan cannot impose requirements on the Local Planning Authority. Para 11.1.5, delete from second line to end of Para (“, liaising…herein”)  • Change last line of Para 11.1.6 to “…policies are *deliverable*.”  • Para 11.1.7, change last sentence to “*They will also monitor the success of the policies*.”  • Table 1 will require updating, to take into account the recommendations in this Report |
| Other Matters |  | • Update the Contents and where necessary, Policy, paragraph and page numbering, to take into account the recommendations contained in this Report |