**Royal Borough of Windsor and Maidenhead**

**Examination of the Borough Local Plan 2013-2033**

**Response to Inspector’s Second Guidance Note**

**Written Statement from Bray Parish Council**

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This submission is in response to Paragraphs 9 to 14 of the Inspector’s Guidance Note dated 5th June 2020.

Bray Parish Council has already indicated that it wishes to appear in person at the resumed Examination.

Bray is a Parish within the Royal Borough of Windsor and Maidenhead, between the towns of Maidenhead and Windsor, and to the south west of the River Thames. It includes the villages of Bray, Holyport, Fifield and Oakley Green, and is set in the Green Belt with important gaps between the villages, and between the Parish and the towns of Maidenhead, Windsor and Bracknell.

It is traversed by the national M4 Motorway, and by two busy and often congested A-roads, the A308, linking Maidenhead and Windsor, and also linking directly westwards with the M4, via the A308(M); and also the A330, which runs southwards towards Ascot and the major employment centre of Bracknell.

The Parish Council involves itself fully in local planning matters. A Neighbourhood Plan has been commenced, but work was halted in 2018 in order to allow for RBWM’s Borough Local Plan process to be completed.

Bray Parish Council is one of the 13 Local Organisations which jointly have submitted evidence and statements at all stages of the Borough Local Plan. The Parish Council subscribes to the contents of all documents which have been submitted on behalf of the 13 Organisations, and this statement is complementary and additional to these, raising matters which particularly relate to the communities within the Parish Council’s boundaries.

This written statement is therefore intended to be read alongside the following documents from the 13 Organisations which are already in the Examination Library:

* Regulation 19 Submission with Appendices from the 13 Organisations
* 5 statements 8th June 2018 from the 13 Organisations (REP 1135602 etc)
* 4 statements 25th June 2018 from the 13 Organisations (REP 1135602 etc)
* Statement 27th June 2018 from the 13 Organisations (REP 1135602 etc)
* Statement 28th June 2018 from the 13 Organisations (REP 1135602 etc)
* Additional submission on behalf of the 13 Organisations (REP 1135602 etc) 29th August 2018
* Responses to the Council’s Consultation on the Proposed Changes to the BLP Submission Versions (reference 579 to 590 inclusive),December 2019
* The 13 Organisations’ Response to Paragraph 16 of the Inspector’s Second Guidance Note, July 2020
* The 13 Organisations’ Statement in response to Paragraphs 9 to 14 of the Inspector’s Guidance Note, dated August 2020.

and also the following documents from Bray Parish Council, which are also in the Examination Library:

* Response to the Council’s Consultation on the Proposed Changes to the BLP Submission Version (reference 209), December 2019
* Response to Paragraph 16 of the Inspector’s Second Guidance Note, July 2020.

Bray Parish Council wishes to assist the Inspector in minimising the amount of repetition contained in the various submitted documents, but in doing so request that the previously submitted documents continue to be afforded equal weight to the current Written Statement.

A formal Written Statement on behalf of Bray Parish Council, in response to the MIQs, now follows, indicating the Matters, Issues and Specific Questions to which the responses relate.

**MATTER 1: LEGAL COMPLIANCE AND PROCEDURAL ISSUES**

***Issue 4: (Sustainability Appraisal)***

Q1. In other respects, does the SA process give rise to any significant issues of concern?

**The first section of the Parish Council’s response to this question, in bold type, relates not only to the Sustainability Appraisal, but goes to the heart of the Borough Local Plan, and should be read alongside other questions relating to infrastructure, highway capacity, allocations for employment, and allocations for housing. It raises a new issue, to which the Inspector is asked to give thoughtful consideration, as it is an issue which has not and could not have been raised previously.**

**This Written Statement is being prepared at the end of July, 2020, some 5 months into the COVID-19 Pandemic emergency, which at the present time is continuing with no indication of a date when the country will return to “normality”.**

**During the 5 months, people in the UK have had to become used to new ways of working, interacting, purchasing, taking exercise and being at leisure. Much can be written about the decline of town centre retailing, the emptiness of office blocks as people work from home, the emerging new chains of distribution, changes in how people enjoy leisure activities, and much more. The story is not yet finished, and there may well be further changes in how people, communities, employers etc respond to the crisis, and we cannot say which of these changes will be permanent, or temporary, or simply represent a trend.**

**What is clear, however, is that a Plan for the period up to 2033 which does not take into account the changes that have recently taken place, and which is based on patterns of living from the past, is likely to be very inaccurate as a basis for building future communities, houses and workplaces relevant to the times. We can ask questions such as: will there be less use of public transport and more reliance on private vehicles?: will people still go to work in offices or industrial units?: will people want to live in different types of homes (adaptable for home working) in alternative locations?: will commuting to work become less regular?: and what are the implications for effective future planning of all of this?**

**Bray Parish Council cannot, of course, provide the answers to these questions, but is certain that they should be asked, in order to save the time, money and resources which might be spent in pushing forward with a Plan which is out of date and which will not solve the problems of the future. The issue of how to plan for the future, given greatly changed circumstances, is bigger than Bray Parish Council or the Royal Borough of Windsor and Maidenhead, and we would hope that the Inspector will allow all parties pause for thought, and the possibility of considering new strategic planning advice – hopefully from Central Government - which will surely follow the current pandemic and which will enable a new and truly sustainable Borough Local Plan to be brought forward.**

**The remainder of this Statement responds directly to the Inspector’s Questions, which of course relate to the pre-Pandemic situation.**

Bray Parish Council has major concerns regarding the paucity of analysis and strategic planning relating to issues of environmental protection, in particular air and noise pollution, which already create unacceptable problems in parts of the Parish, and which can only increase given the levels of development now proposed in the BLP.

In the current, Consultation version of the BLP, there are a number of Policies relating to environmental protection. Policy EP1 is an over-arching Policy relating to Environmental Protection, and clearly states that “development proposals will only be supported where it can be shown that … they do not have an unacceptable effect on environmental quality”. It further requires that “residential amenity should not be harmed by reason of noise, smell or other nuisance” (which the Parish Council would expect to include air pollution.)

Paragraphs 13.4.1 to 13.4.5 of the Plan, together with Policy EP2, relate to Air Pollution. The Policy requires that development proposals “will need to demonstrate that they do not significantly affect residents”; that proposals “must contain appropriate mitigation measures”, and that the matter of good air quality is key to “reducing the likelihood of health problems to residents”.

Paragraphs 13.8.1 to 13.8.3 of the Plan, and Policy EP4, similarly relate to Noise pollution, proposing appropriate standards and mitigations for developments where there are unacceptable levels of noise, and helpfully stating, in paragraph 13.8.3 that environmental noise “is considered to be or is likely to be significant” within 100 metres of all A-roads and motorways. It has already been identified that Bray Parish is traversed by the M4 and two busy A roads, A308 and A330, and it is interesting to note that each of the four sites proposed for development, within the Parish in the current Plan, abut either a motorway or an A-road, and that the four residential sites are within the exceptionally traffic-heavy A308 corridor.

The Council’s Sustainability Appraisal is very clear on matters of air quality. It indicates in Table 7.1 that RBWM experiences higher rates of mortality associated with long-term exposure to air borne particulates, than the average for the South East England, or the average for England as a whole. The text in Box 7.1 of the SA spells out the potential implications of the BLPSV for human health as follows:

*“The proposed development within the BLPSV-PC would be likely to situate approximately 14,896 new residents within 200m of a major road…. The proposed development in these locations would be likely to situate new residents in areas where air quality is below the National Air Quality Objectives. These could potentially have negative impacts on the health of local residents, with children, the elderly, and those of poor health identified as the most vulnerable.*

*The proposed development within the BLPSV-PC would be likely to increase the volume of traffic within the Plan area. This would result in an increase in traffic-related emissions and consequently, further decrease the air quality within RBWM. This would be expected to have negative health implications for current and new residents.”*

Paragraph 7.3.1 of the SA, however, records that policies in the BLPSV-PC “aim to prevent the reduction of local air quality and seek to mitigate the impact of air pollution”. Policies also “aim to promote sustainable transport use and reduce residents’ reliance on personal car use”.

Box 7.2 of the SA highlights the Site Allocation Proformas where the Plan suggests positive measures to mitigate the likely reduction in air quality. Although AL21 straddles the A308 and therefore at both sides of the road lies within 100 metres of it; although AL22 lies wholly within 100 metres of the A308 (and is at a roundabout junction where levels of air pollution from traffic are likely to be increased; and although half of AL26 is within 100 metres of the A308, there are no suggestions or recommendations regarding air quality for any of the three sites, indeed it is not raised as an issue. The part of AL13 which lies within the Parish is in close proximity to the A404(M) and A308(M), and although the now deleted Allocation HA7 did indicate noise and air quality as a “key consideration” for the site, these constraints are not referred to in the Proforma for AL13.

Bray Parish Council finds it entirely unacceptable that although RBWM’s sustainability appraisal is clear about the health risks to residents from air pollution associated with traffic close to A roads, the Council’s emerging Plan does not consider, in respect of three allocated sites adjacent to the A308, and one site adjacent to two motorways, that the matter is worthy of comment.

Further, it is difficult to see how a pious hope that residents can be persuaded to reduce their reliance on the use of their personal cars will be effective in altering this situation for the better, and the Parish Council notes that the Plan is silent on the pollution caused by increasing numbers of HGVs along this transport corridor.

With regard to noise pollution, each of the three sites AL21, AL22 and AL26, allocated for new housing falls, in whole or in part, within the area where environmental noise is “likely to be significant”. The site allocation proformas for each of the sites require the developer to “provide appropriate mitigation measures to address the impacts of noise to protect residential amenity”. It is very probable that developers will be able to satisfy this requirement by judicious choice of materials for new dwellings, together with secondary or tertiary glazing for doors and windows. It is more difficult adequately to screen outdoor areas – gardens, paths, play areas – from noise, and the Parish Council is concerned that its proposed new residents will suffer reduced quality of life and, for children, elderly and vulnerable people, associated health risks.

Although noise pollution is likely to be a major issue for parts of AL13, in particular those areas within Bray Parish which are close to the A308(M) and A404(M), it is unacceptable that this is not recognised as an issue by the Council.

**MATTER 2: SPATIAL PORTRAIT, VISION, OBJECTIVES & SPATIAL STRATEGY**

***Issue 5: Transport and infrastructure***

Q2. Highways England has raised concerns about the forecasting methodology used in the Strategic Highway Model 2019, including that the flow and delay impact forecasts connected with mitigation proposed at Junction 8/9 of the M4 are implausible. Are the forecasts robust? Should alternative forecasts have been used? Has proposed development for 4,000 houses at Jealott’s Hill in Bracknell Forest been taken into account?

Q5. Paragraph 2.5.4 of the SHMR identifies a number of failing junctions for which no viable mitigation has been identified. What is being done to address this? If no mitigation is possible, would the impacts be “severe”?

The Parish Council’s very detailed submission to the BLPSV in 2018 described the characteristics of the two major roads – A308 and A330 - which serve their village communities and provide linkage to the larger settlements of Maidenhead, Windsor, Bracknell and beyond. These roads also serve through traffic which already causes serious congestion at a number of locations, as described in that submission.

The levels of traffic, and therefore congestion, are set to increase given both the quantum of new development proposed up to 2033 in the Royal Borough, and the amount of new development proposed to take place in nearby Boroughs and Districts, some of whose residents or employees will make use of the roads through Bray on their trips for work, health, shopping or leisure.

The Council’s Local Transport Plan, dated July 2012 and covering the period 2012 to 2026, is very outdated. The base year for the Council’s Strategic Highway Model is 2016. A number of major site allocations have been put forward in other Boroughs’ Local Plans since those documents were produced, which are now adopted or under consideration. Via Duty to Co-operate and normal cross-boundary consultation, it would be expected that the Royal Borough’s transport and traffic planning would be constantly updated with input from neighbouring highway authorities.

The proposal for 4,000 new dwellings at Jealott’s Hill, within Bracknell Forest Borough, causes particular concern owing to its proximity to the Parish and major impact upon local roads. The Parish Council would expect that this would have been considered at a high level of consultation between RBWM and Bracknell Forest as part of the Duty to Co-operate process, but there is no evidence that this has taken place.

Similarly, given the future importance of Crossrail and its likely impact on people’s travel habits over a wide regional area, and the possibility of major expansion taking place at Heathrow, there should be a good expectation that the Council, in its transport planning alongside the BLP, has taken all of this into account and has either made plans (and secured funding) for significant transport improvements in order to accommodate the increased activity, or made solid and radical proposals to reduce, significantly, use of the private car.

The Council’s updated Infrastructure Delivery Plan (October 2019) at paragraph 3.1.4 identifies 41 transport infrastructure projects which have been “identified to support the BLP-SV”. Three of these, which are strategic schemes put forward by national bodies (A1, A2 and A3), are given high priority. The remainder are given medium, low or no priority, which is remarkable given the scale of development proposed in the BLP and the fact that, in 2019, almost one third of the Plan period has already elapsed. Funding, according to the Table at paragraph 3.1.4 is not in place for the great majority of these projects, although “local funding” (amount and source unspecified) is suggested for a few. The local highways projects, other than the proposals to build car parks, are either at “initial design stage” or “feasibility stage”, which provides no certainty whatsoever that proper thought has been given to resolution of the major problems of traffic and congestion which exist on local roads today, let alone the mitigation of the increases which follow from proposed new developments.

In addition to this, at a more local level, the Strategic Highways Study at Table 2.16 identifies a number of “Failing junctions” within the Royal Borough and suggests possible mitigation strategies. Beneath this table, at paragraph 2.5.4, there is an additional list of schemes for which “no viable solution” can be identified or for which there is “no funding currently available”.

Many of the projects listed in the IDP and Strategic Highways Study affect junctions or roads which are within or pass through Bray Parish, in particular the heavily used A308 and A330. It is insufficient for the Council to accept that there are problems requiring mitigation, and “failing junctions”, and then to give no certainty, as part of the BLP, that any improvement will actually take place.

Some confidence in the Council’s ability to deal with the serious traffic issues around the A308 Corridor came with an announcement, by the Council, on 6th March 2018 that

*“half a million pounds’ worth of funding to help develop infrastructure to match regeneration and the emerging Borough Local Plan has been awarded to the Royal Borough and its neighbours.*

*The £547,000 one-off grants will allow councils to pay for a series of studies aimed at supporting economic growth and setting out exactly how future needs such as housing and infrastructure would be met.*

*The grant includes targeted funding to outline options for the A308 corridor to ensure the transport network is fit for purpose as the area’s population grows.”*

This funding was obtained from the Government’s Planning Delivery Fund. No results from this options study for the A308 corridor are available, and indeed it is understood that work on it only commenced in Autumn 2019. The chance for this Government funded study to inform the BLP has therefore, sadly, been entirely missed.

Paragraph 102 of the NPPF concisely describes how the Government expects that effective land-use planning will be accompanied by careful transport planning. It states:

*“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

*a) the potential impacts of development on transport networks can be addressed;*

*b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*

*c) opportunities to promote walking, cycling and public transport use are identified and pursued;*

*d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*

*e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

It is, unfortunately for local communities, evident that transport issues have been considered only as an afterthought to proposals for site and land use allocations in the Plan, and that despite the importance of planning for future infrastructure, this work is neither costed, funded, or ready for implementation.

**MATTER 3: HOUSING**

***Issue 2: Land Supply***

Question 3: Are the sites relied upon for the Plan’s housing supply deliverable or developable as required by paragraph 47 (bullet 2) of the NPPF? Is it necessary to highlight any general or site-specific issues which could significantly affect the housing land supply?

The Parish Council’s major concerns regarding Site Allocation AL21, within the Parish, are detailed below. However the Inspector should be aware that at the time of preparation of this Statement, there is a current planning application on behalf of Aldi Stores Ltd (Council reference 20/01145) to build a Discount Food Store on a site of 0.85 hectares comprising part of AL21. It follows that if the planning application is granted (and the Parish Council have registered objection to that application), the capacity of AL21 for housing will be proportionately reduced.

**MATTER 4: ECONOMY/EMPLOYMENT**

***Issue 2: Detailed policies for the economy/employment***

Q4: The proposed changes to Policy ED1 include five new employment land allocations (AL1, 7, 8, 11 and 14)/ Are those allocations needed for soundness? Were the sites selected on the basis of a robust assessment process?

Q5. Are the individual employment allocations proposed justified, viable and otherwise deliverable? In particular:

*AL14: Triangle Site, Maidenhead:*

* + - How much general industrial/warehousing floorspace is this site expected to deliver? Should this be clarified in the site proforma?
		- Are these expectations realistic taking account of the flood risk constraints upon the site? Is it necessary to limit development to the eastern part of the site within FZ1? What would be the implications of this approach for a) the overall delivery of employment land; and b) the delivery of infrastructure necessary to support the South West Maidenhead Strategic Placemaking Area? (See EA Reps, dated 13 Dec 2019).

Site AL14 is a large site of over 25 hectares which is newly allocated (a change from the 2018 BLPSV) for industrial and warehousing development. The Council have recognised and acted upon criticism levied during the first three days of Stage One of the Examination, that their Policies for employment may have been insufficient and inadequate, by allocating for development a large area of Green Belt which has the advantage of being located close to the national highway network. Conversely, however, it is not located in any close proximity either to the national rail network, nor to the major settlements from which its employees will have to travel, and one of the Parish Council’s major objections to this allocation, in addition to its Green Belt location and function, is the additional traffic which it will attract and generate on local roads.

Although the SA describes this land as only making a “moderate contribution” to the Green Belt purposes, the Parish Council is certain that it contributes to purposes a, b and c. Purpose e is also relevant, in that alternatives to providing this quantity of employment on Green Belt land, could be found were the Council to make greater efforts to encourage “the recycling of derelict and other urban land”.

RBWM’s assessments of this site’s contributions to the purposes of the Green Belt would carry considerably more weight if the Council had carried out a full Green Belt Study, as advised by the Inspector who examined their ultimately failed Plan in 2007. This work has not been carried out over the 13 years which have since elapsed, and the Parish Council strongly disagrees with the Council’s assessment, which it considers is subjective and lacking in robustness.

Further comments about this site allocation are made under Matter 11, below.

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**MATTER 6: QUALITY OF PLACE**

***Issue 5 (Rural Development Policy)***

Question 3: To which types of settlement / places is Clause 3 concerning limited infilling intended to apply? Is it justified to permit infilling in “villages” without a defined settlement boundary?

Policy QP5, to which this question relates, is defined by the Council as a Strategic Policy. Yet its wording is particularly vague, and provides no actual guidance to developers or residents as to what might, or might not, be appropriate. Even worse, it provides no assistance to the decision maker in respect of planning applications, whether this is the Borough Council or an Appeal Inspector, and decisions are very likely, therefore, to be arbitrary in their nature.

The several communities within Bray Parish, and indeed elsewhere in the Royal Borough, would expect more certainty in their Local Plan, and it is difficult to challenge this Policy other than in respect of its vagueness.

Bray Parish Council has held the completion of its Neighbourhood Plan in abeyance pending the outcome of the BLP, but nevertheless considers that a Neighbourhood Plan is the correct place for detailed consideration of village envelopes, settlement boundaries and housing densities.

**MATTER 7: HISTORIC ENVIRONMENT**

***Issue 1: Robust evidence relating to historic environment***

Question 1: Historic England has raised concerns about the extent to which the preparation of the Plan has been informed by evidence relating to the Borough’s historic environment. Has this matter been properly considered?

Bray Parish Council does not believe that the Site Allocation AL21 has taken sufficient note of the existence of The Old Farmhouse, a Grade II\* Listed Building – one of the most distinctive and better-preserved Listed Buildings in the Parish.

The Site Specific Requirements for the development of Site AL21 indeed make no reference whatsoever to the presence of the Old Farmhouse, an important heritage asset, close to the site, nor to the requirement to protect and enhance its setting.

The Parish Council has noted, and agrees with, the comments made on behalf of Historic England in response to the Consultation on the Proposed Changes (reference 470), which are as follows:

AL21: Land West of Windsor, north and south of the A308, Windsor This site is adjacent to the grade II\* listed The Old Farmhouse. The National Planning Policy Framework requires local planning authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, and in doing so, to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Harm to significance can be caused by development within the setting of an asset, and the Planning (Listed Buildings and Conservation Areas) Act 1991 requires special regard to be had to preserving the setting of a listed building. Any development proposals should have regard to the setting of this high grade heritage asset. This should be reflected in the site pro forma as part of the positive strategy for the conservation and enjoyment of, and clear strategy for enhancing, the historic environment as required by the NPPF. We therefore consider that Site Allocation AL21 fails to provide adequate protection for this high grade listed asset, and therefore that Policy HO1 fails to accord with national planning policy for heritage assets as set out in the NPPF. This policy is therefore considered unsound.

Change required: The site pro forma should be amended to include a requirement to conserve the setting of the grade II\* listed The Old Farmhouse.

**MATTER 9: ENVIRONMENTAL PROTECTION**

***Issue 1: Policies for environmental protection***

Questions 1 and 3

Q1. Are the additions to policy EP2 concerning Air Quality Management Areas (AQMAs), including to the supporting text, necessary for soundness? Does the designation of any AQMA present specific issues for development on either allocated or non-allocated sites? If so, is the policy sufficiently specific about when mitigation might be required or what form it should take?

Q3. What is the basis of the noise standards in Clause 4? Will they endure?

The Parish Council’s Statement in respect of Matter 1, Issue 4 should be read in connection with these questions. In addition, the Parish Council supports and endorses the Report of Professor Stephen Peckham BSc MA(Econ) HMFPH of the Centre for Health Services Studies, University of Kent, which has been commissioned by the 13 Organisations and has been submitted in response to the Proposed Changes. Professor Peckham is an acknowledged expert and has provided a critique of the air quality assessments and consideration of air quality impact in the current BLP Changes Document.

**MATTER 11: PLACEMAKING & SITE ALLOCATIONS**

***Issue 1: Robust assessment process***

Q3. The SA of 2019 identifies air quality as a potentially negative effect of the Plan which will not be fully mitigated. It confirms that 15 allocations are within 200m of an AQMA. How has air quality been taken into account in the site selection process? Does the available evidence suggest that any of the allocations, either individually or cumulatively, will present a risk to human health?

Please refer to the Parish Council’s statements in respect of Matter 9, Issue 1 and Matter 1, Issue 4.

Q4. What weight has been given to Best and Most Versatile Agricultural land in the site selection process?

In respect of Site Allocation AL21, there is no information in the Site Proforma concerning the grading of the agricultural land which would be lost at this site.

In respect of Site Allocation AL26, the agricultural land at the site is assessed as 85% within grade 3a, i.e. the best and most versatile agricultural land. Such land should, in accordance with both local and national planning policy, be safeguarded. The Parish Council does not consider that the vague references in the Proforma, to alternative provision of allotments, community gardens or orchards will in any meaningful way compensate for the loss of high quality agricultural land.

The Parish Council therefore considers that, clearly, insufficient weight has been given to Best and Most Versatile Agricultural Land in the site selection process.

Q5. The proposed changes version of the Plan would alter the Green Belt boundary in relation to 15 allocations. How would the alterations affect the purposes of the Green Belt and are the effects justified?

The establishment and continuing defence of Green Belts is one of the greatest success stories of the post-war English planning system. Green Belt policies are universally understood and largely supported, particularly by communities, such as those in Bray Parish, which identify as villages, defined by their separation from nearby towns by rural, green space.

Within the Parish, countless planning applications have been determined in accordance with the established policies of RBWM for the Green Belt, and their decisions have been endorsed, on appeal, by the various Secretaries of State and their Inspectors. The clarity and fairness of the policies for Green Belts are appreciated by most. This is an area of policy where the Parish Council and the Royal Borough are rarely in disagreement; as recently as October 2019, the Parish and Borough Councils were seen to be on the same side in vigorously opposing, at a Public Inquiry, a proposal to develop 21.75 hectares of Green Belt land at Lodge Farm, Holyport.

Paragraph 133 of the National Planning Policy Framework (NPPF) defines the fundamental aim of Green Belts as being ***to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”***

The five purposes of Green Belts are set out clearly in the NPPF at paragraph 134. These are:

*a) to check the unrestricted sprawl of large built-up areas;*

*b) to prevent neighbouring towns merging into one another;*

*c) to assist in safeguarding the countryside from encroachment;*

*d) to preserve the setting and special character of historic towns; and*

*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Planning practice and case law make it clear that for land to fulfil a Green Belt function, it must meet one or more (but not necessarily all) of those five purposes.

Five sites in the Green Belt, within Bray Parish, are allocated for development, in the current version of the Borough Local Plan. These are:

* AL14: The Triangle Site – 25.70 hectares to be developed for general industrial / warehousing uses;
* AL21: Land west of Windsor, north and south of the A308 – 27.76 hectares to be developed with approximately 450 houses;
* AL22: Squires Garden Centre – 0.74 hectares, to be developed with approximately 39 houses; and
* AL26: Land between Windsor Road and Bray Lake – 3.99 hectares to be developed with approximately 100 houses.
* The fifth site is the southern part of the extensive Site Allocation AL13, lying to the south of Harvest Hill Lane. This area was, in the previous iteration of the Plan (BLPSV) allocated as HA7, Land south of Harvest Hill Road, totalling 25.58 hectares and shown for approximately 380 houses. The whole of the new allocation AL13, including the land to the north, totals 89.93 hectares and is allocated for approximately 2600 houses with schools, a local centre and additional community provision

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The Plan (Appendix A) indicates that all of first four sites are proposed consequently to be removed from the Green Belt. It therefore proposes that a total of 58.19 hectares of Green Belt land, within the Parish, are developed, with approximately 589 houses, and unspecified quantities of general industrial and warehousing buildings and uses. The portion of site AL13 which lies within the Parish adds several hundred more houses and a further 25.58 hectares of land, also currently within the Green Belt and proposed, in the Plan, to be removed from it. This brings the total area of Green Belt land, within the Parish, which is proposed to be developed, to 83.77 hectares.

National policy for the protection of green belts is coherently expressed in Chapter 13 of the NPPF, which not only emphasises the openness and permanence of Green Belt land (para. 133), and gives direction on the purposes of Green Belts (para. 134), but also makes it clear that generally new building is considered inappropriate in Green Belts (para. 145), and that inappropriate development in Green Belts is harmful and should not be approved (para. 143). The NPPF makes it clear that inappropriate development in the Green Belt can only be acceptable if “very special circumstances” are demonstrated.

Paragraphs 136 to 139 of the NPPF give specific advice to local planning authorities who are considering alterations to the boundaries of Green Belts. These paragraphs once again emphasise the need for permanent Green Belt boundaries, and the requirement for local planning authorities to clearly define and explain the exceptional circumstances that lie behind their desire to remove land from the permanently established Green Belt.

Four of the proposed development sites in the Green Belt are allocated for housing (58.07 hectares; 969 houses\*). What are the exceptional circumstances, if any, which would lead to development, previously understood to be inappropriate and harmful, taking place on them? (\* This figure assumes that the capacity of that part of Allocation AL13 which lies within the Parish is approximately 380 houses, as indicated in the former BLPSV allocation HA7).

It is well known that the Royal Borough has, in recent years, had difficulty meeting the national target which requires at least 5 years’ supply of housing land to be available. As a response to this situation (which is a reflection both of the pressure to build houses in the Home Counties and the constraints on development within the Royal Borough), the Council took the bold step of proposing to meet 100% of its Objectively Assessed Housing Need (OAHN) for the Plan period (2013 to 2033) in the version of its Borough Local Plan (BLPSV) which was submitted for Examination during 2018.

The latest Proposed Changes document goes beyond that percentage. While the OAHN remains at 14,240 dwellings, the changed Plan now sets out a Housing Supply Position (Table 7.1 and paragraph 7.2.10) that totals 16,435 dwellings, which is 2175 more than that proposed to be provided for (14,260) in the BLPSV. The proposed provision is now 15.4% greater than the number produced by the OAHN. This means that the Plan proposes to build over 2,000 new houses, by 2033, for which no actual need has been established.

Given, therefore, the lack of actual need to build houses on 58.07 hectares of land in Bray Parish (which would provide almost one half of the total of the proposed over-supply), RBWM cannot claim that there are exceptional circumstances to justify arbitrarily removing these three parcels of land from the Green Belt.

It cannot be argued that the four sites do not make a contribution to the five green belt purposes. Somewhat grudgingly, the Council’s Sustainability Appraisal (SA) states that AL21 “makes only a moderate contribution to Green Belt purposes”, that the contribution of AL22 is “moderate”, and that AL13 and AL26 are “low to moderate”. It is difficult to find any justification via a proper Green Belt Review for these assessments, although it is still clear that a contribution is made by these sites to the Green Belt purposes in the eyes of the Council, even if this is considered to be only “moderate” or even “low”.

The Parish Council disagrees with these subjective assessments, and believes that if all sites deemed to make “only” low or moderate contributions to the Green Belt were allowed to be developed, this would make a mockery of the principle of permanence of Green Belts. It is the Parish Council’s case that each of the sites helps to check “unrestricted sprawl”, each helps to prevent the merging of settlements (a key concern of the Parish Council), and each assists in safeguarding the countryside from encroachment. Sites AL21 and AL22 additionally help to preserve the setting and special character of the historic town of Windsor.

Site AL14 is a large site of over 25 hectares which is newly allocated (a change from the 2018 BLPSV) for industrial and warehousing development. The Council have recognised and acted upon criticism levied during the first three days of the Examination, that their Policies for employment may have been insufficient and inadequate, by allocating for development a large area of Green Belt which has the advantage of being located close to the national highway network. Conversely, however, it is not located in any close proximity either to the national rail network, nor to the major settlements from which its employees will have to travel, and one of the Council’s major objections to this allocation, in addition to its Green Belt location and function, is the additional traffic which it will attract and generate on local roads.

Although the SA once again describes this land as only making a “moderate contribution” to the Green Belt purposes, the Parish Council is certain that it contributes to purposes a, b and c. Purpose e is also relevant, in that an alternative to providing this quantity of employment on Green Belt land, could be found were the Council to make greater efforts to encourage “the recycling of derelict and other urban land”.

RBWM’s assessments of these sites’ contributions to the purposes of the Green Belt would carry considerably more weight if the Council had carried out a full Green Belt Study, as advised by the Inspector who examined their ultimately failed Plan in 2007. This work has not been carried out over the 13 years which have since elapsed, and the Parish Council strongly disagrees with the Council’s assessments, which it considers are subjective and lacking in robustness.

The individual characteristics of each of the sites are further described in response to Issues 4 and 5 below.

***Issue 4: Policies concerning placemaking areas***

AL13 & AL14: Desborough & The Triangle Site

Q14. Does the development of these sites present a risk to the safe and efficient operation of the local and strategic road networks? What mitigation is required and how and when will it be delivered to support the proposed development? (See in particular Highways England reps).

Q15: What is the rationale for proposing to combine three previously separate sites into a single allocation?

With regard to the very large Site Allocation AL13, the Parish Council’s comments relate to that part of this extensive Green Belt site which falls within Bray Parish, that part which lies south of Harvest Hill Road and was previously given the allocation, in the BLPSV, HA7

Along with site AL14, this area forms an important rural gateway and “lung” to the urban settlement of Maidenhead. It fulfils three of the Green Belt purposes and there are no exceptional circumstances to support its development or removal from the Green Belt.

The site will suffer from air and noise pollution from the two adjacent motorways, with the likely health risks to residents. The previous allocation for the site, HA7, also noted that there were noise and air pollution risks from the nearby licensed waste site.

The previous site allocation proforma HA7 also indicated that development in the southern part of this site should be avoided owing to risk of flooding.

Proforma AL13, at paragraph l, sub-paragraph h, proposes the construction of a new bridge across the A308(M) to create “a distinctive landmark” and to link this site with the employment site AL14. It is not absolutely clear from the Proforma whether this is proposed to be for pedestrians and cyclists, for vehicles or for all traffic. The Parish Council would be reluctant to support this part of the proposal until a traffic distribution model for the site were to be produced and analysed.

The following comments have been made in the Statement which has been produced on behalf of the 13 Organisations, but are reproduced here in order to reflect the Parish Council’s major concerns regarding the potential harm which would be caused by permitting the development of these two large sites without proper planning, including the certainty of funding, for the necessary infrastructure.

There is no certainty around the delivery of infrastructure on either of these sites, which are key to the success of the BLP. The South West Maidenhead Placemaking Study discusses infrastructure and its deliverability, and refers to the Council’s 2017 Local Plan Viability Update. At Paragraph 3.94 in this Placemaking Study, which is part of the evidence base for the BLPSV, it says: *The Update indicated that, at the time of preparing the report it was too early to provide definitive advice as to the deliverability of this site and that, once the Council had completed the work assessing the strategic infrastructure and mitigation requirements of this site, it would be necessary to revisit the analysis. In the meantime, the Council is advised to continue to engage with the owners to consider deliverability in the round.”*

Paragraphs 6.18 and 6.19 of this South West Maidenhead Placemaking Study are also revealing and are worth quoting in full:

*“6.18 Whilst the evidence base supporting the BLP as a whole is being updated to reflect potential modifications, the production of a Development Framework SPD should include a specific IDP for the sites within the South West Maidenhead area. Such an approach will need to:*

*• Identify the full scope of infrastructure required;*

*• Clarify the location and scale of necessary infrastructure works;*

*• Set out an approach to phasing of each infrastructure item, including identifying (as appropriate) thresholds and triggers for when certain facilities and measures are required;*

*• Understand the approach to funding and delivery, including any necessary mechanisms for funding between multiple sites/developments to ensure a fair and equitable approach; and*

*• Define wider stakeholder roles and responsibilities including requirements relating to third parties such as statutory and/or external bodies, including their approach to funding, planning and delivering any requirements, and mechanism to ensure they can come forward in accordance with the overall development programme.*

*6.19 A key part of the approach to infrastructure will be to secure suitable agreements between separate landowners as to how infrastructure will be funded and delivered comprehensively. Part of the approach may require a proactive public sector role to coordinate infrastructure funding and delivery, potentially alongside leading with bids for future infrastructure funding should opportunities arise.”*

It is apparent from this that the provision of infrastructure, its funding and delivery have not been fully thought through, even in respect of the main allocated site in the Plan (AL13), which is in part in the Council’s ownership and control. It is clear that the current IDP, dated October 2019, cannot begin to be relied upon in this respect – it has all the appearance of being a very hastily-produced and sketchy document – and that another IDP will have to be produced in order to tackle the challenges of this key allocation. Even then, it seems that the deliverability of the site in the form set out in the Plan, is in some doubt.

There is no evidence, therefore, that the development of these sites would not present a risk to the safe and efficient operation of the local and strategic road networks.

***Issue 5: Allocations outside of the Placemaking areas***

Question 5: Does the boundary of this site (AL26) require amendment to facilitate enhanced footpath connection?

Question 6: Are the proposed northern and eastern Green Belt boundaries defensible?

This is an edge of settlement site in the Green Belt. Measuring almost 4 hectares, it is allocated for approximately 100 houses. The Parish Council notes that the proposed housing density, at 25 per hectare, is considerably lower than that proposed for site allocation AL22, for example (over 55 dwellings per hectare).

The site fulfils three of the Green Belt purposes and there are no exceptional circumstances which would support this area of land, rather than any other, being arbitrarily removed from the Green Belt.

The site fronts the exceptionally busy and frequently congested A308. Not only will the development of 100 houses contribute further to the already difficult traffic conditions, the proximity of many of the houses to the road will mean that their residents will be exposed to noise and air pollution, with the attendant health risks. The Government-funded Study of the A308 corridor has only very recently been commissioned and it is premature to allocate large areas of land within this corridor for development, until the Study has reported and until its conclusions have been properly analysed.

The agricultural land at the site is, as has been noted in response to Matter 11, Issue 1 above, assessed as 85% within grade 3a, i.e. the best and most versatile agricultural land. The Proforma also notes that part of the land lies within Flood Zones 2 and 3, and the Parish Council notes that the current Environment Agency Flood Map for Planning shows that the edge of the site bordering Bray Lake is significantly more impacted by Zone 3 flooding than had previously been anticipated.

The detailed nature of Questions 5 and 6 above suggest that a decision to remove this land from the Green Belt in order to facilitate development has already been taken. The Parish Council wish to record their vigorous opposition to the allocation of this site at the present time, for the clear reasons given above.

Allocations in Windsor (Allocations AL21, 22, 29, 30 & 31) AL21: West of Windsor & AL22: Squires Garden Centre

Question7. Does the site area of AL21 require revision to reflect the proposed splitting of the site into two parcels? Is it justified for AL21 to be given the same estimated residential capacity as the submitted HA11?

Question 8. Is it necessary to avoid access onto the A308 for traffic related reasons? Should the proformas stipulate this?

Question 9. Should the development requirements for AL21 include the need to conserve the setting of the grade II\* listed Old Farmhouse? Is this achievable?

Question 10. The development requirements for AL21 include a community hub. What type of facility is expected? Is this justified and should it be clarified?

Question 11. Is the density of development proposed on AL22 consistent with the character of the surrounding area? In estimating the capacity, how has the need to mitigate for road noise and air pollution from the adjacent A308 been taken into account?

Question 12. Should the requirement for development on A21 to retain the hidden nature of the site in the landscape also apply to AL22?

Question 13. Should the requirement for development on AL22 to safeguard trees adjoining the site be amended to clarify that they are outside the boundary and beyond the direct control of the developer?

Question 14. Concerns have been raised in relation to the effect of this development upon the well-being of patients being treated at the Cardinal Clinic Mental Health Facility. How would the facility be affected and is any specific mitigation required?

Site Allocation AL21 is a Green Belt site of nearly 28 hectares which fulfils four of the five Green Belt purposes. There are no exceptional circumstances which would support this large area of land, rather than any other, being arbitrarily removed from the Green Belt.

The site straddles the exceptionally busy and frequently congested A308. Not only will the development of 450 houses and other facilities contribute further to the already difficult traffic conditions, the proximity of many of the houses to the road will mean that their residents will be exposed to noise and air pollution, with the attendant health risks. The Government-funded Study of the A308 corridor has only very recently been commissioned and it is premature to allocate large areas of land within this corridor for development, until the Study has reported and until its conclusions have been properly analysed.

There is an absence of funded proposals to mitigate the issues of traffic congestion, and any mitigation of air and noise pollution is left to the developer to resolve.

The site forms the first part, moving westwards from Windsor, of the much valued “green gap” between Windsor and Maidenhead.

There is no information concerning the grading of the agricultural land which would be lost at this site, and any loss of “best and most versatile” land must be justified.

The Site Allocation Proforma notes that part of the site falls within Flood Zones 2 and 3, and the Surface Water Flooding Maps supports local knowledge that a large [art of the southern and eastern areas of the land floods in winter. Any flood alleviation measures provided by the developer would be likely to increase the risk of flooding elsewhere.

With regard to Site Allocation AL22, this former garden centre site of 0.74 hectares is also in the Green Belt, and has a lengthy planning history. Planning applications to develop the land with houses have seen very strong objections from local residents and organisations.

This site also fulfils four of the five Green Belt purposes, and there are no exceptional circumstances which would support this area of land, rather than any other, being arbitrarily removed from the Green Belt.

As with AL21, the site fronts the exceptionally busy and frequently congested A308. Not only will the development of 39 houses contribute further to the already difficult traffic conditions, the proximity of many of the houses to the road will mean that their residents will be exposed to noise and air pollution, with the attendant health risks. The Parish Council must emphasise the point that the Government-funded Study of the A308 corridor has only very recently been commissioned and it is premature to allocate large areas of land within this corridor for development, until the Study has reported and until its conclusions have been properly analysed.

The density of housing suggested by the Site Allocation Proforma for AL22, 39 homes on 0.74 hectares, equates to 55.71 houses per hectare which is a density greatly in excess of those elsewhere in the neighbourhood of this site. Even were the development of this green belt site to be justifiable otherwise, in the context of the “buffer” of housing land envisaged in the plan, there can be no justification, in terms of housing need, to build at this high density on this edge-of-settlement land.

The Parish Council’s Statement above in response to Matter 7, Issue 1, Question 1 should be read in response to Question 9 concerning the Grade II\* Listed Building, The Old Farmhouse, and the importance of its setting in relation to the proposed development of site AL21.

In response to Question 14, the Parish Council is aware that the Cardinal Clinic has been established on its site, adjacent to AL21, for over 40 years, and has a high reputation as a mental health Hospital. It employs between 50 and 100 people. The Parish Council understands that the treatment of people suffering from mental illness requires to be undertaken in calm and tranquil surroundings, and is concerned that the Site Allocation Proforma not only suggests no mitigation in this respect, but fails even to recognise the existence and importance of the Cardinal Clinic.

The Parish Council’s response to Question 10, concerning the proposed “community hub” cannot be given until the Borough Council’s response to this question has been given and an opportunity provided for this to be properly analysed. The Parish Council is in a very good position to provide information about community facilities within the Parish and is surprised that, notwithstanding its in principle opposition to the development of this land, it has not been consulted in this respect by the Borough Council.