

Agenda Item IMD24

INDIVIDUAL EXECUTIVE MEMBER DECISION REFERENCE IMD: 2017/24

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| TITLE | Wokingham Borough Council response to the Royal Borough of Windsor and Maidenhead's Borough Local Plan Submission Version |
| DECISION TO BE MADE BY | Leader of the Council |
| DATE AND TIME | Wednesday 16 August 2017 – 12:00 |
| WARD | None specific |
| DIRECTOR | Interim Director of Environment, Josie Wragg/Director of Corporate Services, Graham Ebers |

OUTCOME / BENEFITS TO THE COMMUNITY

WBC seeks to ensure that the Royal Borough of Windsor and Maidenhead's Local Plan has minimal negative impacts upon Wokingham Borough and that any positive benefits are maximised.

RECOMMENDATION

The Executive Member for Strategic Planning and Highways agrees that Wokingham Borough:

- 1) Objects to RBWM's Local Plan until such time as the Local Plan acknowledges a commitment to reviewing housing need within the Eastern Berkshire HMA, which may necessitate additional housing provision in RBWM;
- 2) Objects to RBWM'S affordable housing policy on the basis that there is no information in RBWM's Viability Report to show a lower affordable housing threshold has been tested and is not deliverable;
- 3) Seeks clarification that RBWM intends to meet their economic needs requirement within both the Eastern Berkshire and Central Berkshire FEMAs, and
- 4) Supports further discussion and engagement across all authorities in the Berkshire (including South Bucks) Housing Market Area.

SUMMARY OF REPORT

The Royal Borough of Windsor and Maidenhead (RBWM) are consulting on their Borough Local Plan (2013-2033) Submission version from Friday 30th June to Friday 25th August. The consultation is under Regulation 19 of Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended).

The Borough Local Plan Submission Document represents RBWM's chosen strategy for the Borough, having considered other alternatives and all relevant matters. RBWM intend to submit the Plan to the Inspectorate in October 2017.

The report outlines Wokingham Borough Council's response to the likely unmet housing need within the Eastern Berkshire Housing Market Area. Any unmet need should be accommodated within the Eastern Berkshire Housing Market Area.

Background:

The Royal Borough of Windsor and Maidenhead (RBWM) are consulting on their Borough Local Plan (2013-2033) Submission version from Friday 30th June to Friday 25th August. The consultation is under Regulation 19 of Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended).

Key to the preparation and consideration of the plan is the relationship between places. National policy and guidance sets out that housing and economic need should be assessed and met within the functional geographical areas. RBWM is situated within the following functional areas:

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| Eastern Berkshire Housing Market Area | <ul style="list-style-type: none"> • Slough Borough Council • South Bucks District Council • RBWM |
| Eastern Berkshire Functional Economic Market Area | <ul style="list-style-type: none"> • Slough Borough Council • South Bucks District Council • RBWM |
| Central Berkshire Functional Economic Market Area | <ul style="list-style-type: none"> • Reading Borough Council • Bracknell Forest Council • Wokingham Borough Council • RBWM |

RBWM undertook a Regulation 18 consultation on the draft 'Borough Local Plan 2013-2033' from 2 December 2016 until 13 January 2017, for which WBC provided comments. A summary of WBC's comments is included below:

- Proposed allocations for housing, which include the release of land from the Green Belt, appear to be sufficient to meet the housing need arising from within RBWM.
- Lack of information regarding flooding, transport, employment and site assessment to confirm with certainty whether RBWM can meet their housing and economic need.
- The draft plan should be amended to include a review mechanism and provide a clear statement as to how authorities within the Eastern Berkshire Housing Market Area, including Slough Borough Council, will work together to meet development needs in full.
- The draft plan seeks to require 15% affordable housing from development proposals involving sites of over 0.5 hectares or proposing 15 or more net additional dwellings, yet the Berkshire (including South Bucks) SHMA identified a high need for affordable housing within the Eastern Berkshire Housing Market Area, particularly within RBWM. This provision is inadequate.
- Notes that RBWM will be producing a separate Gypsy & Traveller Local Plan.

Analysis of Issues

Definition of functional areas

The housing market area and the functional economic market areas were identified through joint projects undertaken by the six Berkshire local authorities and the Thames Valley Berkshire Local Enterprise Partnership. WBC supports the finding of these studies noting that trends in data released since the work was completed are similar.

WBC supports the definition of functional areas to best fit local authority boundaries. This provides a suitable balance between interactions of place and the availability of statistical information on migration, commuting and demographic change. WBC does not support the alternative view that best fit should be to local plan boundaries in the case of joint plans. Such an approach would not provide a suitable balance, introducing an artificial constraint.

Housing needs

The Berkshire (including South Bucks) SHMA has identified a level of objectively assessed need (OAN) for the East Berkshire Housing Market Area as 2,015 dwellings per annum. RBWM contribution to this overall figure is 712 dwellings per annum, or 14,240 new dwellings over the plan period from 1st April 2013 to 1st April 2033.

RBWM lies entirely within the extent of the Metropolitan Green Belt, with only the towns of Maidenhead, Windsor and Ascot, and a number of smaller settlements (including Sunningdale, Sunninghill, Datchet and Cookham), being excluded from it. RBWM recognises that the limited supply of suitable brownfield sites available within the Borough means that not all of the Borough's growth can be accommodated within settlement locations excluded from Green Belt land.

A series of studies (including an Edge of Settlement Study undertaken by the RBWM in 2016), identified and assessed parcels of land within Green Belt around the Borough's towns and settlements in relation to the purposes of the Green Belt as set out in the NPPF. RBWM propose to release some areas of Green Belt land in order to meet development needs arising from their administrative area as they are satisfied that the exceptional circumstances required for limited release of the Green Belt can be demonstrated. The majority of the Green Belt release is to be concentrated around the strategic growth location of Maidenhead, with smaller Green Belt releases occurring around the edges of Windsor, Ascot, Datchet, Cookham, Sunningdale and Sunninghill (para. 5.1.12, p.31).

Policy HO 1 (p.53) of the Local Plan submission version confirms that RBWM intend to make provision for at least 14,240 dwellings over the plan period, which would meet the contribution assessed to arise from RBWM to the OAN of the wider housing market.

The Local Plan Submission Version is accompanied by a Duty to Cooperate (DtC) Compliance Statement (May 2017). In paragraph 4.41 of the DtC Statement, RBWM confirm they are able to meet 100% of their contribution towards objectively assessed housing need. In paragraph 4.44 RBWM state: *'It is apparent that the previous concerns regarding the Borough's position on unmet need have largely dissipated, and it is not anticipated that there will be an objection by a neighbouring authority to the Borough's policy proposals'*.

Paragraph 4.42 states that during meetings with DtC bodies other adjoining authorities *'indicated their own situations with regard to unmet need'*. In paragraph 4.43, RBWM state: *'The greatest unmet need is apparent in Slough and other authorities are in a similar*

position or have not yet got to a stage where they can quantify the projected provision due to the stage of their Local Plan preparation’.

WBC acknowledges that RBWM are now planning to meet the need of 712 dwellings per annum attributed to their administrative area. This is a positive step, however RBWM have failed to acknowledge the full housing needs in the wider Eastern HMA and this remains an ongoing strategic issue. WBC recognize the complex nature of the Eastern Berkshire HMA, caused by a divergence of views on functional geography as well as differing Local Plan timetables, however WBC must object to RBWM’s Local Plan until such time as the Plan positively acknowledges the need for further dialogue on meeting housing need within the Eastern Berkshire HMA, which may necessitate additional housing provision in RBWM and therefore a review of the Plan. Engagement with Slough Borough Council has suggested a significant shortfall in capacity within their administrative area.

Without reference to such a commitment within the Local Plan, it is not considered that an inspector would be able to find the plan ‘sound’. The NPPF (para 182) sets out the tests for a Local Plan being found ‘sound’ as being:

- ***Positively prepared*** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- ***Justified*** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- ***Effective*** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- ***Consistent with national policy*** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

Given that it would fail to be positively prepared, justified, effective or consistent with national housing policy it is considered that the Local Plan would be found unsound.

Whilst no approach has been made to WBC or any other authority within the Western Berkshire Housing Market Area regarding unmet need, the absence of an agreed position amongst the Eastern Berkshire Housing Market Area is of cross boundary concern. Any unmet need arising within Slough or South Bucks should be accommodated within the Eastern Berkshire HMA.

It should be noted that the Government will be consulting on a standardised methodology to assess housing need in July 2017.

Economic Development Needs

Policy ED1 of the Local Plan submission version states RBWM will seek to make provision for at least 11,200 net new jobs across a range of floorspaces including at least 130,700m² of B Class use floorspace comprising 81,300m² of B1 uses, 4,500m² of B2 uses and 24,900m² of B8 uses, in the period up to 2033. This will be achieved by ensuring a flexible supply of high quality employment floorspace making some new allocations, utilising existing employment areas and promoting a more intensive use of these sites through the recycling, refurbishment and regeneration of existing older or vacant stock and promotion of flexible working practices.

In paragraph 4.29 of the DtC Statement, RBWM state that South Bucks DC (acting with Chiltern DC as a partner in a joint Local Plan) has made clear that they do not regard the Functional Economic Market Area (FEMA) studies for Berkshire as relevant to their circumstances. RBWM and Slough BC (as the two remaining Eastern Berkshire FEMA authorities) accept the outcomes of the FEMA studies as providing the objectively assessed need for future employment space as required by the NPPF.

It is noted that RBWM also falls within the Central Berkshire FEMA, and therefore clarification is sought to establish whether RBWM intends to meet their economic needs requirement within both the Eastern Berkshire and Central Berkshire FEMAs.

Affordable housing needs

RBWM undertook a Regulation 18 consultation on the draft 'Borough Local Plan 2013-2033' from 2 December 2016 until 13 January 2017, for which WBC provided comments. The draft plan sought to require 15% affordable housing from development proposals involving sites of over 0.5 hectares or proposing 15 or more net additional dwellings, yet the Berkshire (including South Bucks) SHMA identified a high need for affordable housing within the Eastern Berkshire Housing Market Area, particularly within RBWM (434 new affordable homes per year). In response to this consultation, WBC raised concern that such a provision was inadequate to address affordability within RBWM. The under-provision in affordable housing stock in RBWM would impact upon other local authorities, as families seek to move to access housing elsewhere.

RBWM have since revised their affordable housing policy and Policy HO 3 seeks a minimum requirement of 30% affordable housing units on sites proposing over 10 net additional dwellings or which have a combined gross internal floor area over 1,000m². Whilst this threshold reflects the viability advice in the Planning Practice Guidance, given the scale of affordable housing need in RBWM, WBC would expect RBWM to consider a lower threshold of 10 dwellings or less in order to maximise the number of affordable housing units. There is no information in RBWM's Viability Report to show a lower affordable housing threshold has been tested and is not deliverable. In the absence of this information, WBC must object to RBWM's affordable housing policy on the basis that it is not positively prepared or justified.

CONCLUSION

WBC must object to RBWM's Local Plan until such time as the Local Plan acknowledges a commitment to reviewing housing need within the Eastern Berkshire HMA, which may necessitate additional housing provision in RBWM.

There is no information in RBWM's Viability Report to show a lower affordable housing threshold has been tested and is not deliverable. In the absence of this information, WBC must object to RBWM's affordable housing policy.

WBC also seeks clarification that RBWM intends to meet their economic needs requirement within both the Eastern Berkshire and Central Berkshire FEMAs. Further engagement between all authorities in the Berkshire (including South Bucks) Housing Market Area is welcomed as the plan is progressed.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be

required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

| | How much will it Cost/ (Save) | Is there sufficient funding – if not quantify the Shortfall | Revenue or Capital? |
|-----------------------------------|-------------------------------|---|---------------------|
| Current Financial Year (Year 1) | N/A | N/A | N/A |
| Next Financial Year (Year 2) | N/A | N/A | N/A |
| Following Financial Year (Year 3) | N/A | N/A | N/A |

| Other financial information relevant to the Recommendation/Decision |
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| None anticipated |

| Cross-Council Implications (how does this decision impact on other Council services, including property and priorities?) |
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| Decisions in RBWM on the location of sites for residential and other types of development could affect how the authority needs to resolve impacts on services such as transport, education, etc. within the borough. |

| SUMMARY OF CONSULTATION RESPONSES | |
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| Director of Corporate Services | No comment |
| Monitoring Officer | No comment |
| Leader of the Council | No comment |

| List of Background Papers |
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| Information published by RBWM relating to the Local Plan Submission version: https://www3.rbwm.gov.uk/info/200414/local_development_framework/594/emerging_plans_and_policies/2 |

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| Date 7 th July 2017 | Version No. 2 |