



WOKINGHAM BOROUGH COUNCIL

A Meeting of an **INDIVIDUAL EXECUTIVE MEMBER DECISION** will be held in First Floor 13 - Civic Offices, Shute End, Wokingham RG40 1BN on **MONDAY 23 DECEMBER 2019 AT 10.05 AM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', written in a cursive style.

Susan Parsonage
Chief Executive
Published on 13 December 2019

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WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

For consideration by

Wayne Smith, Executive Member for Planning and Enforcement

Officers Present

Ian Bellinger, Category Manager for Growth and Delivery (Strategy and Commissioning: Place)

Heather Read, Specialist, Strategy & Commissioning Place

Callum Wernham, Democratic & Electoral Services Specialist

IMD NO.	WARD	SUBJECT
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IMD 2019/31	None Specific	WOKINGHAM BOROUGH COUNCIL RESPONSE TO THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD'S PROPOSED CHANGES TO THE SUBMITTED BOROUGH LOCAL PLAN	5 - 12
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Agenda Item IMD31

INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: IMD 2019/31

TITLE	Wokingham Borough Council Response to the Royal Borough of Windsor and Maidenhead's Proposed Changes to the submitted Borough Local Plan
DECISION TO BE MADE BY	Executive Member for Planning and Enforcement - Wayne Smith
DATE, MEETING ROOM and TIME	23 December 2019 FF13 at 10.05am
WARD	None Specific;
DIRECTOR / KEY OFFICER	Deputy Chief Executive - Graham Ebers, Director of Locality and Customer Services - Sarah Hollamby

PURPOSE OF REPORT (Inc Strategic Outcomes)

To ensure that the Royal Borough of Windsor and Maidenhead (RBWM) Local Plan has minimal negative impacts upon Wokingham Borough and that any positive benefits are maximised.

RECOMMENDATION

The Executive Member for Planning and Enforcement agrees that Wokingham Borough Council Objects to RBWM's Local Plan (with Proposed Changes) until such time as:

1. The RBWM Local Plan acknowledges a commitment to reviewing housing need within the Eastern Berkshire HMA, which may necessitate additional housing provision in RBWM;
2. RBWM explore through viability work the reduction of the affordable housing threshold for urban sites below 10 dwellings given that smaller, urban sites form a major part of RBWM's housing supply;
3. Further clarification is provided to suitably demonstrate that RBWM are able to meet their employment needs.

WBC 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) submitted their Borough Local Plan (2013-2033) for Examination on 31st January 2018. The Borough Local Plan Submission Document represents RBWM's chosen strategy for the Borough, having considered other alternatives and all relevant matters.

RBWM are undertaking a public consultation on the 'Borough Local Plan (2013-2033) Submission Version Incorporating Proposed Changes, October 2019' from Friday 1 November 2019 until midnight on 15 December 2019. This consultation is described by RBWM as a non-statutory process which is not covered by the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), but which is similar to the procedure for making representation under Regulation 19 of the 2012 Regulations. The consultation therefore focuses on the proposed changes to the Borough Local Plan.

The Proposed Changes to the Borough Local Plan Submission Version identifies a land supply which is sufficient to meet the Objectively Assessed Need for housing identified in the Berkshire (including South Bucks) Strategic Housing Market Assessment (SHMA) from 2013. Whilst not being examined against the more recent government standard method, the supply is also sufficient to meet the current calculation of the capped housing need.

Notwithstanding the identified housing land supply meeting the housing needs arising from RBWM, there remains likely unmet housing need within the Eastern Berkshire Housing Market Area arising from Slough Borough Council. Any unmet need should be accommodated within the Eastern Berkshire Housing Market Area to avoid unnecessary commuting and pressure on other areas.

Updated evidence has been supplied in relation to the economic development needs, and supply of new employment land. This has resulted in the allocation of two additional sites for employment use. However it is unclear how far the economic development needs will be met in full. This is due to uncertainty regarding the deliverability of future development in Maidenhead Town Centre, and how the number of additional jobs arising from new employment land have been calculated.

Background

The Royal Borough of Windsor and Maidenhead (RBWM) are progressing a review of its planning policies.

RBWM consulted on a Borough Local Plan (2013-2033) Submission Version from Friday 30th June to Friday 25th August 2017 under Regulation 19 of Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended).

Wokingham Borough Council (WBC) made representations to RBWM's Borough Local Plan (Submission Version) through an IEMD report dated 7th August 2017. As well as this, the Leader of the Council at this time (Councillor Haitham-Taylor) wrote a letter to the Leader of RBWM, dated 16th August 2017. The main response from WBC was as follows:

1. WBC object to RBWM's Borough Local Plan until such time as it acknowledged a commitment to reviewing housing need within the Eastern Berkshire Housing Market Area, which may necessitate additional housing provision in RBWM;
2. WBC object to RBWM's affordable housing policy on the basis that there was no information in RBWM's Viability Report to show a lower affordable housing threshold had been tested and was not deliverable;
3. WBC sought clarification that RBWM intended to meet their economic needs requirement within both the Eastern Berkshire and Central Berkshire FEMAs;
and

WBC supported further discussion and engagement across all authorities in the Berkshire (including South Bucks) area.

RBWM submitted their Borough Local Plan (2013-2033) for Examination on 31st January 2018. It therefore stands to be examined under transitional arrangements set out in national planning policy.

The Inspector held 'Stage 1 hearings' in June 2018. Subsequently, on 20 July 2018, the Inspector provided RBWM with initial advice concerning the Matters discussed at the Stage 1 hearings and the soundness of the Borough Local Plan (submitted version), requesting additional information and a response to a series of questions.

In December 2018, following consideration of RBWM's responses to these Matters, the Inspector agreed to pause the Examination to enable RBWM to carry out additional work to address specific questions and issues raised. Having completed the additional work, RBWM has formulated Proposed Changes to the Borough Local Plan (Submission Version) to address concerns about the soundness of the Borough Local Plan (Submission Version). This is now the subject of a Public Consultation from Friday 1 November 2019 until midnight on 15 December 2019, and is the subject of this report.

RBWM have stated that any representations made in response to this public consultation must relate solely to the Proposed Changes to the Borough Local Plan Submission Version and should focus upon legal compliance and soundness considerations specifically.

Business Case (including Analysis of Issues)

Tests of soundness

Paragraph 35 NPPF (Feb 2019) set out the tests which need to be met for a Local Plan to be found 'sound' (being prepared in accordance with legal and procedural requirements), namely being: positively prepared, justified, effective and consistent with national policy.

Housing needs and transitional arrangements

The RBWM BLP was submitted in January 2018 under the NPPF (2012). Paragraph 159 of the NPPF (2012) required local authorities to 'have a clear understanding of housing need in their area' and that they should prepare a Strategic Housing Market Assessment (SHMA) to 'assess their full housing needs'. The six Berkshire local authorities (WBC, West Berkshire DC, Bracknell Forest BC, RBWM, Slough BC, and Reading BC) and the Thames Valley LEP commissioned consultants GL Hearn to prepare a SHMA for the period 2013-2036, identifying relevant Housing Market Areas and the related Objectively Assessed Need (OAN) for housing.

The SHMA (published 2016) identified two separate HMAs which contained the Berkshire authorities. A Western Berkshire HMA was identified consisting of Bracknell Forest, WBC, Reading BC, and West Berkshire DC. An Eastern Berkshire HMA was also identified comprising of Slough BC, RBWM and South Bucks DC. The SHMA acknowledged the need to work jointly between the Eastern and Western HMAs. Whilst the Berkshire local authorities support the definition of HMAs, South Bucks DC do not agree, preferring themselves to be part of a Buckinghamshire HMA.

RBWM continues to support the position of the Berkshire local authorities and contends that South Bucks DC should be working closely with Slough BC and RBWM to deal with unmet housing need.

Since 2016, Duty to Co-operate work between RBWM, Slough BC, and South Bucks DC and Chiltern DC (who are now preparing a joint Local Plan with South Bucks DC) have started joint work on a Wider Area Growth Study (WAGS) to address longer term future development needs (including housing) across the sub-regional area. Part 1 of the WAGS was published in June 2019 and explores the functional geographies applying across the area. Part 2 (which was due to be published in late 2019) will explore development needs and potential unmet needs, generate and test a series of strategic spatial options and make recommendations for consideration in relevant Local Plans.

The OAN for housing arising in RBWM as set out in the SHMA for the period 2013 – 2036 was calculated at 712 dwellings per annum (dpa). For RBWM's plan period of 2013 – 2033, this amounts to a total housing requirement of 14,240 net new dwellings. At the time that RBWM submitted their Local Plan (January 2018) the government had not introduced the standard method for calculating housing need. Under the transitional arrangements set out in paragraph 214 for the NPPF (2019), the RBWM Local Plan Submission Plan continued to be assessed the SHMA OAN. If RBWM has submitted their plan today, it would be assessed against the standard method.

The Proposed Changes to the Borough Local Plan Submission Version identifies a land supply which is sufficient to meet the OAN identified in the SHMA from 2013. Whilst not being examined against the standard method, the supply is also sufficient to meet the current calculation of the capped housing need utilizing this method.

Notwithstanding the above, RBWM failed to acknowledge the full housing needs in the wider Eastern HMA and this remains an ongoing strategic issue. WBC recognise 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 it 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 BC has suggested a significant shortfall in capacity within their administrative area.

Without reference to such a commitment, it is not considered that an Inspector would be able to find the plan 'sound', given that it would fail to be positively prepared, justified, effective or consistent with national housing policy.

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

Affordable housing needs

In the original RBWM Borough Local Plan Submission Version affordable housing policy HO3 sought 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. Given the scale of affordable housing need in RBWM, WBC previously requested RBWM consider a lower threshold of 10 dwellings or less in order to maximise the number of affordable housing units.

RBWM has since revised Policy HO3 as follows:

1. RBWM will require all developments for 10 dwellings gross, or more than 1,000 sqm of residential floorspace, to provide on-site affordable housing in accordance with the following:
 - a) *On greenfield sites (or sites last used for Class B business use or a similar sui generis employment-generating use) providing up to 500 dwellings gross - 40% of the total number of units proposed on the site;*
 - b) *On all other sites, (including those over 500 dwellings) – 30% of the total number of units.*
2. *Within designated rural areas, the Council will require 40% affordable housing from all developments of between 5 and 9 dwellings.*

WBC welcomes the changes to the affordable housing policy; specifically that the thresholds for affordable housing have been lowered and the percentage of affordable units increased to a more respectable level. However it does not appear that consideration has been given to further reducing the affordable housing threshold for urban sites below 10 dwellings. It is noted that smaller, urban sites form a major part of the housing supply in RBWM and it is also noted that both Reading BC and WBC apply lower thresholds. The Viability Note (Oct 2019) does not explore this matter.

The revised Policy HO3 states that affordable housing size and tenure should be provided in accordance with the SHMA (2016), which suggests a split of 45% social rent, 35% affordable rent and 20% intermediate where the Viability Report of 2017 assumed all affordable housing would be delivered as affordable rent. WBC welcomes the greater mix of affordable housing tenures.

Economic Development Needs

Policy ED1 of the Proposed Changes to the Borough Local Plan Submission Version states that RBWM will seek to make provision for at least 11,200 net new jobs across a range of floorspaces.

Revised Policy ED1 refers to new employment sites, but it is unclear whether their employment needs will be met. It is noted that there is no certainty that the additional sites and town centre development will provide the additional jobs required. Paragraph 8.2.15 of the Proposed Changes to the Borough Local Plan Submission Version states:

'To meet its office target the Council estimate that provision should be made for at least 50,000 square metres of (net) new office space. However, to offset already permitted losses, potential further PDR losses and provide some contingency the Council will work to secure a stronger pipeline of new office space within the town centres with any redevelopment site first seeking to maximise net additional office space – in line with market evidence at the time'.

Whilst RBWM refer to working to deliver new office floorspace, deliverability remains very unclear and over-optimistic.

Paragraph 8.2.17 states:

'For Industrial uses it is estimated that 25,000 sqm (net) of new industrial (B2, B8 and associated SG) space to accommodate the needed job growth. For industrial uses policy ED1(b) allocates two named sites for new industrial uses. Together these sum to 26.9 ha, so again more than 'needed' to accommodate the net change in jobs and floorspace needed in ED1(a)'.

Whilst a figure of 26.9Ha of land is referred to above, it is unclear whether this land can accommodate 25,000sqm of new industrial space given site constraints. It is also unclear what jobs/floorspace ratios have been used or how gross/net floorspace has been calculated. Given the assumptions and calculations used, it is unclear whether RBWM can truly meet their employment needs. There is a lack of certainty as to whether Maidenhead Town Centre can supply the B1a floorspace that is required, especially when recent applications like 'The Landing' have been revised to reduce planned office delivery in order to become more housing focused.

CONCLUSION

It is recommended that WBC object to RBWM's Local Plan (with Proposed Changes) 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. Further engagement between all authorities in the Berkshire (including South Bucks) Housing Market Area is welcomed as the plan is progressed.

WBC welcomes the changes to the affordable housing policy, however it does not appear that consideration has been given to further reducing the affordable housing threshold for urban sites below 10 dwellings. The Viability Note (Oct 2019) does not explore this matter. WBC must therefore object to Affordable Housing Policy HO3 until such time as RBWM fully explores this issue given that smaller, urban sites form a major part of RBWM's housing supply.

It is unclear whether RBWM can really meet their employment needs, given that deliverability remains unclear and over-optimistic as a result of the assumptions and calculations used and as such WBC must object to RBWM's Local Plan (with Proposed Changes) until further clarification is provided to suitably demonstrate that RBWM are able to meet their employment needs.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £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)	Nil	N/A	N/A
Next Financial Year (Year 2)	Nil	N/A	N/A
Following Financial Year (Year 3)	Nil	N/A	N/A

Other financial information relevant to the Recommendation/Decision

None anticipated

Cross-Council Implications

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.

Public Sector Equality Duty

Due regard has been had to the Public Sector Equality Duty in reviewing and responding to this consultation.

SUMMARY OF CONSULTATION RESPONSES	
Director – Corporate Services	No response
Monitoring Officer	No comments
Leader of the Council	No response

Reasons for considering the report in Part 2
N/a

List of Background Papers
Information published by RBWM relating to the Borough Local Plan (2013-2033) – see https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1500/proposed_changes_to_blp_submission_version/2

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