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## 1. INTRODUCTION

1. The following pages set out how the Windsor Neighbourhood Plan (hereinafter, the Plan) proposal fulfils the “Basic Conditions” of Neighbourhood Planning and other considerations in order to satisfy the requirements set out in legislation and pass the independent examination.
2. This Basic Conditions statement explains how the Plan proposal as a whole and the policies it contains meets the Basic Conditions and other legal tests. The Plan should also be read in conjunction with the separate Consultation Statement which sets out the consultation and engagement with local residents, businesses and interested parties during the plan’s preparation.

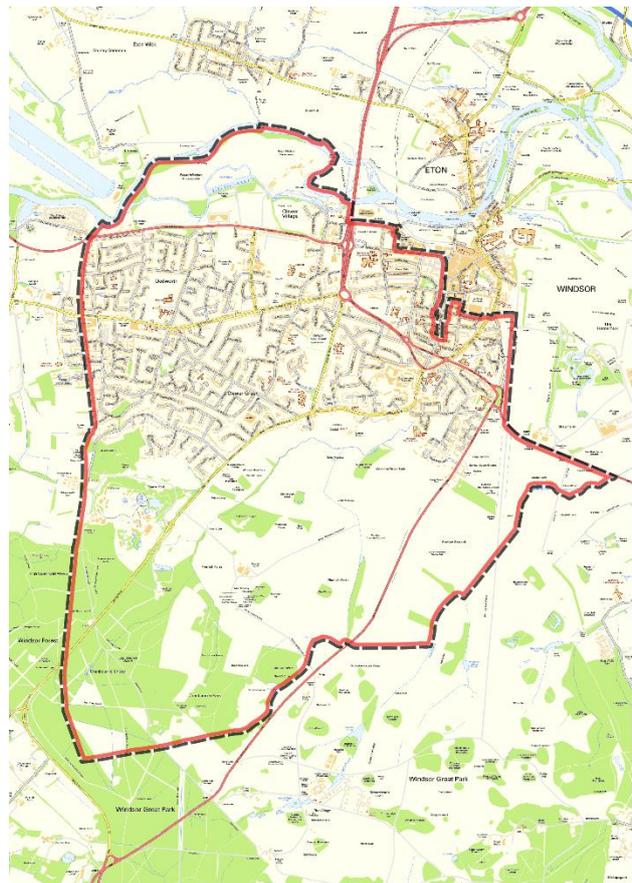
## 2 BASIC CONDITIONS TESTS TO BE MET

1. Schedule 4B of the Town and Country Planning Act (Para 8) sets out the following conditions which a Neighbourhood plan is required to meet.
2. The examiner must consider the following:
  - (a) whether the Neighbourhood Plan proposal meets the Basic Conditions
  - (b) whether the area for any referendum should extend beyond the neighbourhood to which the neighbourhood plan proposal relates and
3. The Neighbourhood Plan proposal meets the Basic Conditions if:
  - (a) having regard to national planning policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan.
  - (b) the making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan of the Royal Borough of Windsor & Maidenhead (herein after “the Borough Local Plan”).
  - (c) the making of the Neighbourhood Development Plan contributes to sustainable development.
  - (d) the making of the Neighbourhood Development plan does not breach and is otherwise compatible with EU obligations.

### 3 LEGAL REQUIREMENTS

This section summarises how the Plan complies with the Localism Act 2011.

1. The Plan is being submitted by a qualifying body in accordance with the Localism Act 2011. On 21st August 2014 The Royal Borough of Windsor and Maidenhead (herein after, the RBWM) designated (a) the Area covered by the Plan (herein after, the Area) and (b) the Windsor Neighbourhood Plan Forum as the qualifying body for this Area
2. The Plan has been prepared and consulted on by the WNP Forum which currently has 38 members.
3. The Plan covers the current (until July 2019) electoral wards of Park, Clewer East, Clewer South, Clewer North and most of Castle Without, which together form the majority of the residential areas of the town.
4. It excludes:
  - (1) the town centre (including the Castle and Home Park and the riverside area around the Leisure Centre, Alexandra Gardens and The Goswells) and
  - (2) a small area in the west which is in Bray Parish (see *Map 1*).



*Map of the WNP Area 1*

5. The Plan proposal relates to planning matters and contains policies relating to the use and development of land and has been prepared in accordance with the statutory requirements and processes set out in the Neighbourhood Planning Regulations 2012.
6. The Plan covers five (5) themes and four (4) specific sites and contains a total of twenty one (21) policies for the future development of the Area.
7. The Plan sets out policies to ensure that any development in the Area is supported by appropriate retail, employment and community facilities in order to make the community more sustainable.

8. The Plan also sets out recommendations, defined as “Projects” which will ensure that the Vision and Objectives of the Plan are fulfilled in a wide range of local areas and with a variety of agencies. These projects do not form part of the statutory policies.
9. The effective period of the Plan is from 2018 to 2033, thereby aligning it with the dates of the emerging Borough Local Plan.
10. The Plan relates only to the Area and there are no other Neighbourhood Plans within Area.
11. However, there are two other adjoining Neighbourhood Plan Areas, separately designated by the RBWM. These are:
  - (1) The Central Windsor Business Neighbourhood Plan – otherwise known as Windsor 2030 – which covers the Windsor town centre and immediately adjoins the NE corner of the Plan Area.
  - (2) The Bray Parish Neighbourhood Plan which immediately adjoins the West border of the Plan Area.
12. Since these three (3) separately designated Areas are in whole or in part interdependent, in practice forming the larger town of Windsor, any one Area will be affected by the policies of its neighbour. Therefore we consider it appropriate that any subsequent Referendum should take this into account.

## 4. HOW THE PLAN MEETS THE BASIC CONDITIONS

### National Policies and Guidance

The following section shows how the Plan has regard to the relevant policies within the NPPF 2018, together with the National Planning Policy Guidance (NPPG) published by the government in April 2014 (and as amended in whole or in part following the July 2018 NPPF date) in relation to the formation of Neighbourhood Plans. The Table sets out how each policy has regard to the NPPF. The paragraphs (sorted by the key Themes of the Plan) are considered the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

| Plan Policy Number and title  | NPPF 2018 Paragraphs   | Comment on conformity  |
|---|--|--|
| <p><b>Appearance Heritage</b></p> <p><b>HER.01</b> Conserve and enhance Conservation Areas</p> <p><b>HER.02</b> Local Heritage List</p> | <p><b>Ch 16:</b> Conserving and enhancing the historic Environment<br/>Paras 184-188, 189-192</p> <p>para 197</p>  | <p>Conforms to NPPF paragraphs that seek to conserve and enhance the historic environment. Windsor is a nationally important historic town and the WNP seeks to both preserve its heritage better and to identify and recognise locally significant heritage assets.</p>                   |
| <p><b>Appearance Character and Design</b></p> <p><b>DES.01</b> Applicants should reflect all relevant Design guidance</p>               | <p><b>Ch 12:</b> Achieving well-designed places<br/>Para 124-132</p>   | <p>The WNP recognises that sustainable development will occur by increasing densities on already developed land. These policies identify local distinctiveness both in general terms and in specific areas. They also seek to encourage developers to engage in community consultation</p> |
| <p><b>Appearance Views</b></p> <p><b>VIE.01</b> Designates Key Views to be considered</p>   | <p><b>Ch 15:</b> Conserving and enhancing the Natural Environment<br/>Para 170-172</p> <p><b>Ch 16:</b> Conserving and enhancing the historic Environment<br/>Para 184-188</p> | <p>Windsor Castle is one of the most recognisable designated ancient monuments in the world, as well as the River Thames and Windsor Great Park landscapes. The Plan will preserve key local views.</p>  |
| <p><b>Dedworth Road Urban Design Scheme</b></p> <p><b>DR.01</b> (a to d)<br/>Overarching Policy</p>                                     | <p><b>Ch 6:</b> Building a strong, competitive economy</p> <p><b>Ch 7:</b> Ensuring the vitality of town centres</p>   | <p>This urban design scheme conforms to a range of NPPF policies and brings them together in one area. The NP supports the re-development of key local centres of local</p>  |

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|   | <p><b>Ch 8:</b> Promoting healthy and safe communities</p> <p><b>Ch 9:</b> Promoting sustainable transport</p>  | <p>neighbourhood significance. These will not challenge the town centre, which is in a neighbouring NP area.</p>   |
| <p><b>Flooding and Drainage</b></p> <p><b>WAT.01</b> Development proposals should demonstrate adequate surface water drainage</p> <p><b>WAT.02</b><br/>(a) risks of contamination of controlled waters<br/>(b) efficient use of water</p> | <p><b>Ch 14:</b> Meeting the challenge of climate change, flooding and coastal change.<br/>Paras 148-154, 155-165</p> <p><b>Ch 17:</b> Facilitating the sustainable use of minerals</p> | <p>Conforms to the NPPF requirement to take full account of flood risk and sustainable water supply and infrastructure issues.</p>   |
| <p><b>Getting Around Cycling and Walking</b></p> <p><b>CW.01</b><br/>(a) Appropriate provision for cyclists<br/>(b) Improve pedestrian crossings/underpasses/footpaths and cycle routes at specific locations</p>                         | <p><b>Ch 9:</b> Promoting sustainable transport<br/>Para 102-104</p>  | <p>Conforms with NPPF objectives of promoting sustainable transport by easing how people get around. Traffic was a key issue raised by local people and there was strong support for Park and Ride, and increased local parking although clear conflicting interests and objectives.</p>                 |
| <p><b>Getting Around Parking</b></p> <p><b>PAR.01</b> Parking design standards</p> <p><b>PAR.02</b> Increases to parking provision at specific sites</p>  | <p><b>Ch 9:</b> Promoting sustainable transport<br/>Para 105-107</p>  | <p>The NP seeks to reconcile the need for car parking to support local businesses as well as opportunities for getting around the area. It also seeks to improve supply of electric vehicle charging points, and other uses of technology for sustainable transport.</p>                                 |
| <p><b>Green and Blue Infrastructure and Biodiversity</b></p> <p><b>BIO.01</b> Development proposals to maintain and enhance biodiversity and mitigate harm</p> <p><b>BIO.02</b> Designation of Green routes and networks</p>              | <p><b>Ch 15:</b> Conserving and enhancing the Natural Environment<br/>Paras 170-173, 174-177, 178-183</p>   | <p>Conforms to the NPPF policies which seek to conserve and to enhance the natural environment, including a halt in the overall decline in biodiversity and establish coherent ecological networks. The WNP area is on the edge of Windsor Great Park and area of landscape and historic importance.</p> |

|   |   |  |
|---|---|--|
| <p><b>Housing</b></p> <p><b>HOU.01</b> support for use of space above shops at specific locations</p>   | <p><b>Ch 8:</b> Promoting healthy and safe communities</p>  | <p>Although the WNP does not allocate sites it seeks to identify some areas where more efficient use can be made of land.</p> <p>Increased density of housing in the WNP will support the town centre with increased population.</p>   |
| <p><b>LEGOLAND</b></p> <p><b>LEGO.01</b> Support for continued investment within the current boundary</p>   | <p><b>Ch 6:</b> Building a strong, competitive economy<br/> <b>Ch 9:</b> Promoting sustainable transport<br/> <b>Ch 13:</b> Protecting Green Belt land<br/> <b>Ch 16:</b> Conserving and enhancing the historic Environment</p> | <p>Conforms with the NPPF aim to support local employment while at the same time aiming to protect Green Belt land. The WNP policies support significant local businesses while at the same time considering the constraints of their surroundings and sites.</p>  |
| <p><b>Natural Environment and Open Space</b></p> <p><b>OS.01</b> Protection of existing OS areas<br/> <b>OS.02</b><br/> (a) New developments to amenity space include or contribute to open space<br/> (b) open space under previous development permissions to be retained</p> | <p><b>Ch 8:</b> Promoting healthy and safe Communities<br/> Paras 96-101</p> <p><b>Ch 15:</b> Conserving and enhancing the Natural Environment<br/> paras 170-173</p>   | <p>Conforms to NPPF policies aimed at ensuring land for a community to access recreational opportunities, protect important Local Green Space. New development should aim to deliver the recreational facilities the population needs and good access to open space. Also to protect and establish coherent ecological networks.</p> |
| <p><b>Residential Amenity</b></p> <p><b>RES.01</b><br/> (a) Dwellings to provide sufficient residential amenity<br/> (b) Dwellings to provide internal and external storage for bikes and bins</p>  | <p><b>Ch 12:</b> Achieving well-designed places</p>   | <p>It also seeks to ensure that homes that are built have sufficient internal and external amenity.</p>  |
| <p><b>Royal Windsor Racecourse</b></p> <p><b>RWR.01</b> Support continued investment in policies in this Plan</p>   | <p><b>Ch 6:</b> Building a strong, competitive economy<br/> <b>Ch 9:</b> Promoting sustainable transport<br/> <b>Ch 13:</b> Protecting Green Belt land<br/> <b>Ch 16:</b> Conserving and enhancing the historic</p>             | <p>Conforms with the NPPF aim to support local employment while at the same time aiming to protect Green Belt land. The WNP policies support significant local businesses while at the same time</p>   |

|   |   |   |
|---|---|---|
|   | Environment   | considering the constraints of their surroundings and sites.  |
| <p><b>The former Imperial House and Police Station</b></p> <p><b>IH.01</b> Vision and Design principles for Imperial House area</p>   | <p><b>Ch 5:</b> Delivering a sufficient supply of homes</p> <p><b>Ch 12:</b> Achieving well-designed places</p>   | <p>This conforms with the NPPF aims of improving urban design, by asking developers to consider a masterplan approach to this stalled local employment site.</p>  |
| <p><b>Working and Shopping Public Houses</b></p> <p><b>PUB.01</b> Test for viability, and encouragement of alternative community uses first</p>   | <p><b>Ch 6:</b> Building a strong, competitive economy</p> <p><b>Ch 7:</b> Ensuring the vitality of town centres</p> <p><b>Ch 8:</b> Promoting healthy and safe communities</p> | <p>This policy supports the continued community uses of pub buildings.</p>  |
| <p><b>Working and Shopping Retail and Small Business</b></p> <p><b>RET.01</b></p> <p>(a) Retail development supported in specific locations<br/> (b) Change of use accepted under certain conditions<br/> (c') loss of small shops and commercial units will be resisted<br/> (d) Design Guide referenced<br/> (e) Presumption against Hot food takeaways and Betting shops</p> | <p><b>Ch 7:</b> Ensuring the vitality of town centres</p> <p><b>Ch 12:</b> Achieving well-designed places</p>   | <p>Conforms with the NPPF policies to ensure that key local centres remain viable. The WNP supports the efficient use of land by developing the space above shops for homes or business use, as well as improved use of the river frontage for public access.</p> |

Below is a further explanation of how the NP policies have regard to the requirements of the NPPF.

1. Building a strong and competitive economy.  
The NP reflects strong support for local neighbourhood shopping areas as well as support for continued investment in some significant businesses such as LEGOLAND and Windsor Racecourse, small light industrial facilities, public houses and support the efficient use of land by developing the space above shops for homes or business use.
2. Promoting Sustainable transport
3. Delivering a wide choice of high quality homes.  
The WNP has not allocated sites and recognises that the main source of development within the Area will be infill sites in already developed areas and from windfall sites. Therefore the Plan seeks to concentrate on improving aspects of design for those developments which come forward under the normal development management process. There are no known significant brownfield sites within the Area beyond those which already have plans at Borough level.

The WNP has sought opportunities for more efficient use of land, especially above shops as well as recognising that increased densities will occur. This will require good design. Our public consultations showed strong support for improving appearance in the Area and our analysis showed that this contained elements of character, heritage, design and views. Our design policies seek to reinforce local distinctiveness while integrating new development into the character of the town and seek to add detail to existing Borough policies through the use of General Design Guide and specific area Character Assessments and Area Design Guides, as well as encouraging community involvement. The Dedworth Road Urban Design Scheme has been put forward as a starting point for discussion for improving a key neighbourhood area.

4. Promoting healthy communities  
NP policies seek to promote and encourage facilities for community life. Healthy communities need space for sports leisure and casual recreation, as well as community facilities to act as meeting places, social and worship facilities. The Plan ensures that the Area has continued access to good open space and social and recreation facilities within easy distance of people's homes. It also seeks to limit the expansion of fast food and betting shops.
5. Protecting Green Belt Land  
A significant part of the outer Area is covered by Green Belt (GB) land which surrounds the town and is one of its defining features. Much of this GB has special landscape designations, including biodiversity and landscape conservation - Special Areas of Conservation (EU designation) or Sites of Special Scientific Interest (UK designation) including Windsor Great Park and the River Thames corridor. The WNP seeks to support the businesses in these areas while not overriding the very special circumstances test for development in the GB.

6. Meeting the challenge of climate change, flooding and coastal change  
There is a high flood risk and high water stress risk in the Area. WNP policies on Blue infrastructure seek to sustain flood resilience, drinking water sustainability and water supply and sewerage infrastructure.
7. Conserving and enhancing the natural environment  
The special quality of Windsor's public realm plays a vital role in its success as a place in which to live and work and as an appealing destination for visitors. Policies in this Plan seek to protect and improve the quantity and quality of open space, including safe access thereto, including the designation of Local Green Space. It also seeks to maintain and improve the green feel and biodiversity of the town through green routes and linkages.
8. Conserving and enhancing the historic environment  
In an important historic town such as Windsor, we found that preservation of heritage is a major concern, and that there is strong community support for new developments to be in keeping with or to complement the town's heritage and character. The WNP has worked with RBWM and The Windsor & Eton Society to create a Local Heritage List and to strengthen protection for heritage buildings and features. Policies also define locally important key views for conservation during new developments.
9. Facilitating the sustainable use of materials  
WNP policy on Flooding and Drainage seeks to encourage the use of Sustainable Urban Drainage (SUD) materials and water saving measures.

# 5. CONTRIBUTION TO THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

The three dimensions of sustainable development, as defined in the NPPF 2018 Para 8 are: Economic, Social and Environmental. We have reviewed and assessed our Plan strategy against these three dimensions.

1. The Plan has been produced to be (1) in conformity with the objectives of the saved strategic policies of the current RBWM Local Plan (2003) and (2) cognisant of strategic policies contained in the draft 2018-33 RBWM Local Plan.
2. It does not allocate sites, but does identify areas where housing and retail development could occur sustainably and sets out policies to encourage good design throughout the Area with particular attention to areas of special character (see #4 below).
3. It sets out policies to ensure that any development maintains and enhances the local green and blue infrastructure to benefit the local community and environment.
4. It sets out policies to pay particular regard to the unique historic and landscape environment of Windsor and its surroundings, upon which the economy and quality of life depends.
5. It identifies the protection of green infrastructure, open spaces and biodiversity for environmental sustainability in this area surrounded by historical and sensitive Green Belt environments.
6. It identifies the West Windsor area for improvements in the street scene and public realm.

Key Indicators of Strength of Significance

|                               |    |
|-------------------------------|----|
| Likely Strong positive effect | ++ |
| Likely Positive effect        | +  |

| Plan Policy Number and title  | Eco | Soc | Env |
|---|-----|-----|-----|
| <b>BIO.01</b> Development proposals to maintain and enhance biodiversity and mitigate harm                      |     | +   | +   |
| <b>BIO.02</b> Designation of Green routes and networks  |     | +   | ++  |
| <b>CW.01</b><br>(a) provision for cyclists<br>(b) pedestrian crossings, underpasses, footpaths and cycle routes | ++  | +   | +   |
| <b>DES.01</b> Focus on all relevant Design guidance   |     | ++  | +   |
| <b>DR.01</b> (a to d) Overarching Policy for Dedworth Road  | +   | +   |     |
| <b>HER.01</b> Conservation Areas  |     | +   | ++  |
| <b>HER.02</b> Local Heritage List   |     |     | ++  |

|   |   |    |    |
|---|---|----|----|
|   |   |    |    |
| <b>HOU.01</b> use of space above shops at specific locations  | + |    |    |
| <b>IH.01</b> principles for Imperial House area   | + | +  |    |
| <b>LEGO.01</b> Support for continued investment within the current boundary   | + |    | +  |
| <b>OS.01</b> Protection of existing Open Space areas  |   | +  | +  |
| <b>OS.02</b><br>(a) amenity spaces or contribution to open space<br>(b) open space under previous development permissions to be retained  |   | +  | +  |
| <b>PAR.01</b> Parking design standards  | + | ++ |    |
| <b>PAR.02</b> Increases to parking provision at specific sites  | + | ++ |    |
| <b>PUB.01</b> Focus on Public houses  | + | +  |    |
| <b>RES.01</b><br>(a) Sufficiency of residential amenity<br>(b) Internal and external storage for bikes and bins   |   | +  | +  |
| <b>RET.01</b><br>(a) Retail development in specific locations<br>(b) Focus on Change of Use under certain conditions<br>(c') loss of small shops and commercial units will be resisted<br>(d) Focus on Design Guide<br>(e) Presumption against Hot food takeaways and Betting shops | + |    | +  |
| <b>RWR.01</b> Support continued investment in policies in this Plan   | + | +  | +  |
| <b>VIE.01</b> Key Views designated  |   | +  | ++ |
| <b>WAT.01</b> adequate surface water drainage   |   |    | +  |
| <b>WAT.02</b><br>(a) risks of contamination of controlled waters<br>(b) efficient use of water  |   |    | +  |

## 6. GENERAL CONFORMITY WITH THE COUNCILS STRATEGIC POLICIES IN THE DEVELOPMENT PLAN FOR THE AREA

1. The Plan has been prepared to ensure that it is in general conformity with the Borough Local Plan and particularly with the strategic policies. The current Local Plan is the 1999 adopted RBWM Local Plan - incorporating Alterations adopted June 2003.
2. The saved strategic policies of the Local plan are in *Appendix 1*. Although this Basic Condition does not need to test the plan against the emerging RBWM Local Plan, the Plan policies have been assessed against Borough Local Plan Regulation 19 version 2017.

Table 2 – The table below sets out how each policy is in general conformity with RBWM Local Plan Incorporating alteration adopted June 2003.

| Plan Policy Number and title  | Relevant Local Policy   | Comment on conformity   |
|---|---|---|
| <p><b>Natural Environment and Open Space</b></p> <p><b>OS.01</b> Protection of existing OS areas</p> <p><b>OS.02</b><br/>(a) New developments to amenity space include or contribute to open space<br/>(b) open space under previous development permissions to be retained</p> | <p>R1 Protection of Urban Open spaces</p> <p>R3/R4/R5 New Housing developments to provide for open space according to RBWM Standard</p> <p>N2 Setting of the Thames Para 5) public access</p> | <p>WNP policies OS.01-3 and OS.05 conform to the Local Plan policies principle of protection of Urban Open Space according to the standards and includes provision of Play areas.</p> <p>Policy OS.04 conforms to LP policy N2 para (5) on the setting of the Thames where new public access can be sought in appropriate locations</p> |
| <p><b>Green and Blue Infrastructure and Biodiversity</b></p> <p><b>BIO.01</b> Development proposals to maintain and enhance biodiversity and mitigate harm</p> <p><b>BIO.02</b> Designation of Green routes and networks</p>  | <p>R1- Protection of Urban open Space</p> <p>DG 1 Design Guidelines item (6), landscaping schemes, (11) character</p> <p>N1 Areas of special Landscape importance</p>                         | <p>WNP Green Infrastructure Biodiversity policies aim to maintain and improve Biodiversity and conform to LP policies on design and character</p>   |
| <p><b>Flooding and Drainage</b></p> <p><b>WAT.01</b> Development proposals should demonstrate adequate surface water drainage</p>   | <p>F1 Development within areas liable to flood</p> <p>IMP 1 Provision for Infrastructure</p>  | <p>WNP policies generally conform to LP policy on flooding and infrastructure.</p>  |

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| <p><b>WAT.02</b><br/>(a) risks of contamination of controlled waters<br/>(b) efficient use of water</p>   |  |  |
| <p><b>Appearance Heritage</b><br/><br/><b>HER.01</b> Conserve and enhance Conservation Areas<br/><b>HER.02</b> Local Heritage List</p>  | <p>DG 1 Design Guidelines</p>  | <p>WNP policies aim to strengthen protection for heritage buildings and features and conform with the saved LP policies on Design which cover this area.<br/>LP (Former Policy CA 2 on Conservation areas is not saved )</p>                           |
| <p><b>Appearance Character and Design</b><br/><br/><b>DES.01</b> Applicants should reflect all relevant Design guidance</p>   | <p>DG 1 Design Guidelines para (3), (4) and (11)</p>                                   | <p>WNP policies aim to improve the overall appearance of the town with developments in keeping with character and street scene and to preserve and enhance areas of special character. They conform with saved LP policies on Design and Character</p> |
| <p><b>Appearance Views</b><br/><br/><b>VIE.01</b> Designates Key Views to be considered</p>   | <p>DG 1 para (5) Public Views of historic townscape or scenic importance</p>           | <p>WNP views policy aims to preserve key views and this conforms to LP policy on public views.</p>   |
| <p><b>Getting Around Cycling and Walking</b><br/><br/><b>CW.01</b><br/>(a) Appropriate provision for cyclists<br/>(b) Improve pedestrian crossings/underpasses/footpaths and cycle routes at specific locations</p> |  | <p>There are no LP saved strategic policies relating to cycling and walking.</p>   |
| <p><b>Getting Around Parking</b><br/><br/><b>PAR.01</b> Parking design standards<br/><br/><b>PAR.02</b> Increases to parking provision at specific sites</p>  | <p>P4 Parking within development - adopted standards and Parking strategy May 2004</p> | <p>WNP Policies aim to improve and protect parking for residents and businesses, by providing car parking in accordance with design standards, to improve the supply of parking, and not to exacerbate parking stress.</p>                             |

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|--|---|--|
|  |   | Also to encourage less polluting forms of transport. These conform with existing saved LP Parking policies                                   |
| <b>Policies Housing</b><br><br><b>HOU.01</b> support for use of space above shops at specific locations  | H6 Re-use and conversion of residential accommodation of office space and vacant upper floors in shopping areas | This WNP policy conforms to saved LP policy H6.  |
| <b>Residential Amenity</b><br><br><b>RES.01</b><br>(a) Dwellings to provide sufficient residential amenity<br>(b) Dwellings to provide internal and external storage for bikes and bins  | DG1 Para (7)  | WNP policies add detail to existing LP saved policy, DG1.  |
| <b>Working and Shopping Public Houses</b><br><br><b>PUB.01</b> Test for viability, and encouragement of alternative community uses first   |   |  |
| <b>Working and Shopping Retail and Small Business</b><br><br><b>RET.01</b><br>(a) Retail development supported in specific locations<br>(b) Change of use accepted under certain conditions<br>(c') loss of small shops and commercial units will be resisted<br>(d) Design Guide referenced<br>(e) Presumption against Hot food takeaways and Betting shops |   |  |
| <b>Dedworth Road Urban Design Scheme</b><br><br><b>DR.01</b> (a to d)<br>Overarching Policy  |   |  |
| <b>The former Imperial House and Police Station</b><br><br><b>IH.01</b> Vision and Design principles for Imperial House area   | E1 Location of development. Business and Industrial Development will be restricted to Employment areas          | This policy for design of a stalled development of a former employment (office) site, conforms to Saved Local Plan policy E1 which restricts |

|   |              |  |
|---|--------------|--|
|   |              | employment uses to existing employment areas.                                    |
| <b>LEGOLAND</b><br><br><b>LEGO.01</b> Support for continued investment within the current boundary          | Check TM4 ?? | There are no saved Local Plan policies relating to LEGOLAND, NPPF applies        |
| <b>Royal Windsor Racecourse</b><br><br><b>RWR.01</b> Support continued investment iaw policies in this Plan | Check TM4 ?? | There are no saved Local Plan policies relating to the Race Course, NPPF applies |

## 7. EUROPEAN UNION OBLIGATIONS

1. The principal EU obligations affecting the neighbourhood development plan are requirements under:
  - Directive 2001/42/EC relating to Strategic Environment Assessments (SEA), translated into national law by the Environment Assessment of Plans and Programmes Regulations 2004 and
  - Directive 92/43/EEC relating to Habitats Regulations Assessment (HRA) translated into national law by the Conservation of Habitats and Species Regulations 2010.

### Strategic Environment Assessments (SEA)

2. The RBWM published a screening opinion on the need for an SEA on 14<sup>th</sup> December 2017 (see Appendix A). This concluded there was a need for an SEA for the following summarised reasons.
  1. The “Alma Rd” site could become residential
  2. support for two sites in the Green Belt is opined to be “*unfettered and unqualified support for investment*”
  3. Support for parking and other development in the Great Park - REVISED
  4. Heritage Asset policies will add confusion and complexity - MAINTAINED
3. This SEA appraisal was carried out by AECOM Infrastructure & Environment UK Limited and is published in two parts:
  - (1) The Environmental Report                      Revision 1 dated July 2018
  - (2) a Non Technical Summary (NTS)      Revision 1 dated November 2018
4. It is relevant to say that the SEA necessitated discussion between the RBWM and AECOM over an extended period. The Plan includes a large number of policy objectives, and there was no assumption that each and every policy objective should be the focus of an alternatives appraisal.

### Overall conclusion

5. In conclusion, the appraisal found that the WNP will lead to positive effects in terms of a wide range of sustainability objectives, with very limited tensions (between policies and sustainability objectives) highlighted. Positive effects are described as ‘notable’ in terms of several objectives, including ‘biodiversity’, ‘community’ and ‘landscape’, but it is only in terms of ‘historic environment’ that the conclusion is reached that positive effects will be ‘significant’.

### Summary of Alternatives (referenced to the above RBWM summarised reasons)

6. The Alma Road site. Opined that there are No alternatives. The only reasonable option is a policy focused on design matters that does not call into question delivery of the employment allocation.

7. LEGOLAND. Opined that there are No alternatives. It is difficult to envisage an alternative policy approach that is distinctly different (in respect of significant effects) and is 'reasonable' in that it might feasibly meet the 'basic conditions' and pass referendum.
8. Racecourse. Opined that there are alternatives. Para 6.2 identifies Landscape as the key issue for the site. It is noted that this site contributes to more than one of the stated Green Belt purposes. It is appropriate for the Plan policy to focus on the specific matters of improving the traffic situation at the junction with Maidenhead Road, and maintaining the green buffer to Maidenhead Road. Furthermore, any support for additional development, or intensification of uses, could fall on Green Belt grounds. The group recognises the importance of the racecourse to the economy of Windsor, and anticipates that economic objectives will be suitably realised following implementation of the hotel development."

#### Habitats Regulations Assessment

9. The Plan is considered to be compatible with the EU Habitats directive. It is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010), either alone or in combination with other plans or projects.

#### Human Rights Requirements

10. The Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. It also complies with the Human Rights Act.

## 8. CONCLUSIONS

1. The Plan has been produced by the Forum through an analytical and consultative process over a period of five years.
2. Early analysis showed that the Area is constrained by national and environmental designations and very little new land is available for potential development, so that re-developments and infill will be the main source of new homes and businesses.
3. Five themes emerged as the need:
  1. to improve the appearance of the area commensurate with increasing housing and business densities in an important historic town, to protect the open and green spaces, natural environment and character of the town
  2. to improve getting around
  3. to protect and enhance the facilities in West Windsor
  4. to support the existing community facilities and
  5. to support employment.

The policies set out in this Plan meet these needs.

4. Furthermore, the Plan has sought to identify development opportunities and to suggest alternative uses where possible, while recognising the need for employment and housing.
5. The policies have been drafted taking into account national and local planning policies and are considered to be in conformity with these policies.
6. We consider that the Plan is in conformity with the relevant regulations and should be approved accordingly.

# APPENDICES

### EMAIL COMMUNICATION

Windsor Neighbourhood Plan SEA Screening

14 December 2017 11:01 19 KB

From:

Robert Paddison

To:

Claire Milne, John Bastow

Cc:

Windsor Neighbourhood Plan, Mark Fessey, David A Carlisle

Claire and John

Following our meeting on Tuesday I am writing to confirm my earlier opinion that **your Draft final Neighbourhood Plan does require an SEA** which you may extend to be an SA as well. The points below highlight some of the issues involved, but they are not a comprehensive list and there may be additional significant effects or impacts when the policies and appendices are considered together.

- (1) The "Alma Rd" site could become residential under your proposals, with the loss of at least part of a major employment site.
- (2) The support for two sites in the Green Belt is "*unfettered and unqualified support for investment*" in both the Race Course and Legoland.
- (3) Support for parking and other development in the Great Park; a Grade 1 listed Park and Garden
- (4) Heritage Asset policies will add confusion and complexity and that our approach does not comply with national guidance and practice.

The plan is an ambitious and complex Neighbourhood Plan covering a wide range of issues and there may be more complex interactions between the policies and your additional guidance in the appendices.

It was agreed at the meeting by your advisers that an SEA would be required.

I look forward to seeing the updated plan and the SEA.

Kind regards

Robert

Robert Paddison

Principal Lead Neighbourhood Plans

Planning Policy

Corporate and Community Services

Royal Borough of Windsor & Maidenhead

Town Hall, St Ives Road, Maidenhead SL6 1RF

Tel: 01628 796508



Historic England

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c/O 14A Bolton Crescent  
Windsor  
Berks

[info@windsorplan.org.uk](mailto:info@windsorplan.org.uk)  
by email only

Our ref: 2016.11.08  
Your ref: Windsor NP Pre-  
Submission RLS  
Comments  
01483 252028

Telephone  
Fax

8 November 2016

To whom it may concern:

**Windsor Neighbourhood Plan Pre-submission Version**

Thank you for consulting Historic England on the pre-submission version of the Windsor Neighbourhood Plan. Historic England's remit is for the historic environment, including providing advice on the conservation of heritage assets and championing of good design in historic places. As such, we have limited our comments to those areas of the plan where we can contribute to these aspects of planning.

The plan is supported by an impressive array of historic environment evidence, helping to support robust policy-making, including the preparation of the local list and design guidance. We are pleased to see this as an example of good practice and commend the approach.

Policy for the conservation of the historic environment is well established through the National Planning Policy Framework. The examiner will be looking to see that policies to manage heritage assets conform with the Framework's approach and demonstrate how these will be implemented locally. This includes: conserving heritage assets in a manner appropriate to their significance; ensuring that development proposals are guided to avoid or minimise harm to heritage assets, or where harm is unavoidable to ensure this is robustly justified on the basis of public benefits that would not otherwise be delivered and that outweigh that harm.

As such we suggest some minor amendments to policies HER.01 and HER.02 to ensure they conform with the approach to sustainable development set out in the framework whilst delivering the guidance of the present policies:

HER.01 – Conservation Areas: Proposals within WNP Conservation Areas will be required to preserve, ~~and~~ **or where practicable** enhance, the ~~special~~ character or appearance **of the area, unless it can be demonstrated that substantial public benefits could not otherwise be delivered.**

~~Development~~ **Proposals** in or adjacent to a Conservation Area ~~is advised~~ **must to** demonstrate that **development** ~~it~~ conforms to the WNP General Design Guide and to any

Design Guide covering the development site **or otherwise demonstrate that design and use will preserve or, where practicable, enhance the area's character or appearance.** [this addition is necessary to ensure that design can , in some instances, respond to very localised circumstances]

New developments in Conservation Areas should use appropriate and high quality materials taken from the established local palette of materials **as identified in the WNP Design Guide and/or appropriate conservation area appraisal.**

HER.02 – Local Heritage List. All **applications that would affect a non-designated heritage asset, including those recorded on the Local List set out in Appendix 8 of this plan,** should ~~show~~ demonstrate that the proposed development has been design to conserve the significance of ~~that have taken into account the setting and significance of any Non-designated Heritage Assets included on the "Local List",~~ **including the contribution made by their settings, where possible. Unavoidable harm to heritage assets resulting from development must be clearly and convincingly justified on the basis of public benefits that could not otherwise be delivered, including securing the use of the asset that best reveals its significance whilst enabling it's future conservation.**

Development that ~~retains~~ **secures the future viable use and conservation** of buildings, **and other structures or places,** which are ~~not listed~~ of local architectural or historic merit, or which make a significant positive contribution to the street scene, including those recorded on the Local List, will be supported.

Policy DES.01 would benefit from similar redrafting to ensure it sets out clear principles for determining whether or not development proposals will be acceptable.

We support policy VIE.01 in particular as an important local contribution to planning for the historic environment putting national policy in place at a local level by identifying views that contribute to the significance of one or in this case several heritage assets as well as allowing appreciation of heritage assets and the wider historic environment.

We hope these comments are of assistance to the Neighbourhood Plan Forum.

Nevertheless, please don't hesitate to contact me if you have any queries relating to our comments or if you require any further information.

Yours faithfully  
Robert Lloyd-Sweet  
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Historic England  
Guildford  
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