



THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

STATEMENT OF COMMUNITY  
INVOLVEMENT  
FOR  
THE ROYAL BOROUGH OF WINDSOR  
AND MAIDENHEAD  
**- TEMPORARY COVID-19 UPDATE**

June 2020

[www.rbwm.gov.uk](http://www.rbwm.gov.uk)

# Statement of Community Involvement for The Royal Borough of Windsor and Maidenhead

June 2020

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## 1. Introduction

This document has temporary amendments written in red text like this in response to the Covid-19 pandemic. The updated current Government guidance in relation to Covid-19 requires for people to stay at home and achieve social distance rules. The Planning Practice Guidance (PPG) has been updated to reflect the new rules, which was published by the Government on 13<sup>th</sup> May 2020<sup>1</sup> (Paragraph: 077 Reference ID: 61-077-201200513 and Paragraph: 078 Reference ID: 61-078-201200513).

No other amendments have been made to the document. It is currently anticipated that a full update of the Statement of Community Involvement (SCI) will be produced and subject to public consultation later in 2020.

- 1.1 The importance of good community engagement in planning is set out in policy from the Government through the National Planning Policy Framework (NPPF) (March 2012). The Royal Borough of Windsor and Maidenhead Borough Council sets out in this Statement of Community Involvement (SCI) how it aims to involve business and all sections of the community in the development of Local Plans and in planning decisions.
- 1.2 The Council's first SCI was adopted in 2006 following public consultation and an independent Public Examination. This SCI supersedes that adopted in 2006.
- 1.3 The NPPF promotes early consultation with neighbourhoods, local organisations and businesses in the production of Local Plans, so the Plan will reflect an agreed vision for the sustainable development of the Royal Borough of Windsor and Maidenhead. Also, the Council encourages developers to talk to the community before submitting planning applications.
- 1.4 The Council has legal requirements in undertaking public consultation on Local Plans and planning applications. These are explained in Chapters 2 and 3. It is important these requirements are undertaken in a cost-effective, efficient manner and proportionate way.
- 1.5 The Council aims to seek the diverse views of the community and demonstrate due regard under the Equality Duty by involving people with different protected characteristics which include age, sex, race, disability, sexual orientation, marriage and civil partnership, religion or beliefs, gender reassignment, and pregnancy and maternity. In addition the Council will have regard to issues of social deprivation in carrying out consultations.
- 1.6 The Council recognises its consultation measures and communication channels are important considerations to ensure accessibility. The Council will have regard to the following:
  - A range of different formats for planning and consultation documents such as large print, where appropriate;
  - Accessible venues for consultation events;
  - Reasonable adjustments, that is to avoid people being put at a disadvantage, to enable the participation and involvement of disabled people in consultations and feedback;

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<sup>1</sup> <https://www.gov.uk/guidance/plan-making>

- Work proactively with individual members of the public, community groups and organisations including businesses to widen participation and involvement; and
- Engage with relevant forums on local plan preparation and significant major planning applications.

1.7 Involving the community in the planning process has many benefits. These include:

- The evidence base and information for plans, strategies and planning decisions is stronger;
- Issues can be identified early on;
- Greater business and community understanding of the policies that shape the future development of The Royal Borough of Windsor and Maidenhead; and
- Better decisions are made.

1.8 To meet the Government's requirements the Council will do its best to:

- Seek views on the content of the Local Plan document;
- Make background documents available to be used as part of the preparation process for Local Plan documents;
- Publicise the availability of documents;
- Provide opportunities for comments during the preparation of documents;
- Publicise opportunities for views to be expressed in the presence of Councillors at appropriate committees and other meetings;
- Provide opportunities for formal representations;
- Try to build consensus and mediate between parties with opposing views;
- Publish the Council's decisions on representations received; and
- Publicise the arrangements and timing of events in relation to the independent examination of a development plan document.

#### **Note of caution**

1.9 The Council seeks to achieve a balanced and sustainable approach to development. It is rarely possible to find solutions that satisfy everybody. Furthermore issues such as available resources, statutory requirements and national policy guidance also need to be taken into account. **Getting involved does not, therefore, guarantee that all of your views will prevail.** Despite this, the Council will try to address issues that you raise and explain why if it cannot do what you asked for.

## 2. Planning Policy Documents

In order to comply with government guidance and regulations during the current Covid-19 pandemic (or other public health emergency), it is not possible for the Council to continue consulting on planning policy documents using all the methods set out in this document. This is because of the requirements to minimise travel, social distancing and the closure of certain Council facilities. The consultation methods in figures 1(a) and 1(b) that are highlighted in yellow are subject to the temporary amendments.

During the period of Covid-19 lockdown measures, electronic techniques and communications will be employed. If individuals of target groups that are most affected by proposals are unable to gain access to the internet, then a representative of the group with internet access must be nominated as an advocate to share views on behalf of those that cannot participate via electronic techniques. The Council will continue its aim to ensure public consultations and other important notifications are publicised as widely as reasonably practicable.

Documents will be available to view on the council's website, but during the library closures, hard copies will not be made available. Hard copies will also not be able to be provided by post during lockdown measures. Public exhibitions may take place on a virtual basis if reasonably practicable.

### Local Development Documents

- 2.1 Local development Documents (LDDs) comprise the full portfolio of documents relating to planning for the Royal Borough. There are 3 types of LDDs:
  - Statement of Community Involvement
  - Development Plan Documents
  - Supplementary Planning Documents
- 2.2 Statement of Community Involvement (SCI) is a document setting out how and when the community will be consulted on the preparation and revision of planning policies and in the determination of major planning applications.
- 2.3 Development Plan Documents (DPD) comprise the Borough Local Plan (BLP), Neighbourhood Plans and those documents that contain spatial policies and strategies (such as the Maidenhead Area Action Plan) that seek to shape the future development of the Royal Borough.
- 2.4 Supplementary Planning Documents (SPD) elaborate upon policy and proposals outlined within DPDs. SPDs are not subject to independent testing by an Examination, but they should be subject to a rigorous process of community involvement.
- 2.5 Diagram 1 below shows the relationship between planning policy documents the Council will produce. More detail on individual documents and the timing of their preparation is included in the Council's Local Development Scheme.

**Diagram 1: Local Development Documents**

LOCAL DEVELOPMENT DOCUMENTS					OTHER DOCUMENTS		
DEVELOPMENT PLAN DOCUMENTS			Supplement ary Planning Documents	Statement of Community Involvement	Local Development Scheme	Sustainability Appraisal	Authority Monitoring Report
Borough Local Plan	Maidenhead Area Action Plan	Neighbourhood Plans					
<p><i>These documents will comprise the development plan for the area and ultimately replace the present, adopted Local Plan (2003). When a Neighbourhood Plan is made, it will form part of the Development Plan.</i></p>					<p><i>The Authority Monitoring Report is published at least annually.</i></p>		

**Who the Council will consult on Local Development Documents**

2.6 The Town and Country Planning (Local Planning) (England) Regulations 2012 state that certain bodies must be consulted at specific stages in the preparation of Local Development Documents (LDDs). The minimum requirements for pre-submission consultation are outlined. They require the local planning authority to consult with:

- (a) *such of the ‘specific consultation bodies’ as the local planning authority consider may have an interest in the subject of the proposed local plan;*
- (b) *such of the ‘general consultation bodies’ as the local planning authority consider appropriate; and*
- (c) *such residents or other persons carrying on business in the local planning authority’s area from which the local planning authority consider it appropriate to invite representations.<sup>2</sup>*

2.7 These ‘specific’ and ‘general’ consultation bodies are listed in Appendix A and are included in the Council’s ‘Local Plan consultees database’. Appendix A also shows those bodies to be consulted in respect of the ‘Duty to Co-operate’ in relation to planning of sustainable development.

2.8 It should be noted that not everyone will be contacted directly in respect of every LDD, as details of the consultation will be made available by the communication methods outlined in this document. The Council will aim to develop a flexible, sensitive and customised approach to consultation across the whole Borough involving interested and affected parties as noted in paragraphs 1.4 and 1.5. Councillors will be notified directly of consultation on every LDD.

**Preparation of Local Development Documents and how the Council will consult**

2.9 The process for preparing LDDs is explained in Figures 1(a) and (1b), highlighting the main opportunities for community involvement. The Council may have to consult over

<sup>2</sup> Regulation 18, Town and Country Planning (Local Planning) (England) Regulations 2012

the summer holidays and the Christmas period. Where this is the case a further two weeks will be added to the minimum consultation period.

2.10 The particular consultation and communication techniques which the Council will employ at each stage of development plan or supplementary planning document preparation are detailed in Figures 1(a) and 1(b) below. Depending on the document and/or its stage of preparation, the range includes:

- E-mail or letter to interested parties as identified through paragraph 2.6 above and on the Council's Local Plan consultees database;
- Publishing consultation documents on the Council's website;
- Making available for inspection paper copies of consultation documents in the Libraries, the Council's Customer Services Centre at the Town Hall, Maidenhead and the Council's Offices, York House, Windsor;
- Making available paper copies of supporting documentation at the Libraries (where practicable) and the Council's offices at the Customer Services Centre, Town Hall, Maidenhead and York House, Windsor.
- Making available printed copies of the consultation documents upon request, by post, at cost price plus postage;
- Advertising consultations through a public notice, the Council's website, Twitter channel and Facebook page and Council publications where publication dates allow;
- Making available forms for comments on-line, at the Libraries, the Town Hall Maidenhead and York House Windsor. The Council will also encourage people to submit comments on-line whilst accepting other hand written and electronic responses;
- At least one public exhibition for a draft DPD consultation;
- Where a DPD identifies a development proposal relating to a specific area of land, the Council may post notices in prominent locations within the area;
- Engagement with all councillors;
- Publishing a summary of the main issues raised through consultation together with an indication as to how they have been addressed.

## Development Plan Documents (DPDs)

**Figure 1(a): Preparation Stages for Development Plan Documents**

<p><b>Stage 1: EVIDENCE GATHERING AND PRE-PUBLICATION CONSULTATION (Regulation 18)</b></p>	<ul style="list-style-type: none"> <li>• This stage includes gathering evidence about employment and housing land, population and job numbers. All evidence required to support a local plan examination will be published.</li> <li>• The Council will consult organisations and the local community about issues such as where new housing should be built or what flood risk measures are needed, as appropriate, seeking views on the content of the DPD. The Council will do this through a variety of communication media.</li> <li>• Spatial policies should be founded on a thorough understanding of local issues, opportunities and constraints. While there is no legally prescribed consultation, the Council prior to preparing a DPD will consider whether early consultation would be beneficial and if so, determine the most appropriate means of community involvement.</li> <li>• Different techniques will be employed, and different groups targeted depending upon the type of DPD being proposed, also drawing from other Council strategies and consultation mechanisms.</li> <li>• A sustainability appraisal scoping report (which sets a framework for assessing how sustainable a plan is) may also be published for consultation at this time for a period of five weeks and the Council will consult those organisations identified in The Environmental Assessment of Plans and Programmes Regulations 2004 as noted in Appendix A.</li> <li>• The main consultation documents will be available to view on the Council's website. Paper copies will be available to view at the Libraries, the Council's Customer Service Centre at the Town Hall, Maidenhead and the Council's offices at York House, Windsor.</li> <li>• Printed copies of the consultation documents will be available, by post, at cost price plus postage.</li> <li>• Consultations will be advertised through a public notice, the Council's website, Twitter channel and Facebook page and Council publications including Around the Royal Borough where publication dates allow.</li> <li>• The Council will organise at least one public exhibition for a draft DPD consultation.</li> </ul>
<p>↓</p>	
	<ul style="list-style-type: none"> <li>• The Council will then consider any comments received.</li> </ul> <p>The Council will publish its responses to the comments made. However, the Council will not publish comments that contravene its compliance with the Equality Duty<sup>3</sup></p>

<sup>3</sup> Equality Duty – Under the Equality Act 2010, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different protected groups; and foster good relations between different protected groups.





<p><b>Stage 2: PUBLICATION OF THE DPD (Regulation 19-20)</b></p>	<ul style="list-style-type: none"><li>• The Council will publish the DPD together with a consultation statement, and the sustainability appraisal report.</li><li>• Formal written representations will be invited on these documents and will be made publically available in accordance with Regulation 22 below.</li><li>• There will be a minimum period of six weeks for formal representations to be made.</li></ul> <p>The Council will undertake the following actions:</p> <ul style="list-style-type: none"><li>• Make copies of the draft DPD and statement of proposals matters available for inspection in the Council's principal offices, namely the Town Hall, St Ives Road, Maidenhead, and York House, Sheet Street, Windsor;</li><li>• Make copies of the draft DPD and statement of proposals matters available for inspection in all the borough libraries.</li><li>• Make available via the borough website (<a href="http://www.rbwm.gov.uk">www.rbwm.gov.uk</a>), a copy of the draft DPD, the statement of proposals matters and a statement of fact that the proposals documents are available for inspection, including details of the locations and times when they can be accessed.</li><li>• Send copies of the draft DPD (including supporting documents), notice of the proposals matters and a statement of fact that the proposals documents are available for inspection, including details of the locations and times when they can be accessed, to all of the statutory consultation organisations as required by the Town and Country Planning (Local Development) (England) Regulations 2004.</li><li>• Give notice by local advertisement of the draft DPD and proposed matters and the fact that the documents are available for inspection, including details of the locations and times when they can be accessed.</li><li>• Give notice to those persons or groups who requested to be notified of the subsequent revisions to the draft DPD in the preferred option consultation.</li><li>• Issue a press notice to local newspapers announcing the consultation.</li></ul>
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<p><b>Stage 3: SUBMISSION OF THE DPD (Regulation 22)</b></p>	<ul style="list-style-type: none"><li>• The Council will submit to the Secretary of State:<ul style="list-style-type: none"><li>- The DPD;</li><li>- The Sustainability Appraisal report;</li><li>- A submission policies map if the adoption of the local plan will result in changes to the adopted policies map;</li><li>- A consultation statement setting out who was invited to make representations at stage 1; how they were invited to make representations at stage 1; a summary of the main issues raised by those representations; and how the Council has taken these into account;</li><li>- If representations were made at stage 2, the number of representations made and the summary of the main issues raised (if there is a group representation then the number of individuals supporting that group representation must also be reported where made</li></ul></li></ul>
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	<p>available by the group to give an accurate reflection of the strength of views, when the Council is satisfied the group legitimately represents those it is claimed);</p> <ul style="list-style-type: none"> <li>- Copies of any representations made at stage 2; and</li> <li>- Relevant supporting evidence documents.</li> <li>- A statement on the Duty to Co-operate will be included with the Consultation Statement.</li> </ul>
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<b>Stage 4: PUBLIC EXAMINATION OF THE DPD (Regulation 23-25)</b>	<ul style="list-style-type: none"> <li>• An independent Planning Inspector will consider whether the DPD is ‘sound’, (that is the document is positively prepared, justified, effective and consistent with national policy). People and organisations making formal representations (at stage 2) will have the right to be heard at a public examination.</li> <li>• This part of the process is run by the Planning Inspector. After the Examination the Inspector may ask for consultation on any alterations to the document.</li> <li>• These consultations are controlled by the Planning Inspector and not the Council.</li> </ul>
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<b>Stage 5: ADOPTION (Regulation 26)</b>	<ul style="list-style-type: none"> <li>• The Inspector will recommend any changes to the DPD they feel necessary for it to be considered sound.</li> <li>• The Council can choose to accept the Inspector’s changes and adopt the document, or resubmit a new plan.</li> <li>• If adopted, the DPD will be published together with an adoption statement and the sustainability appraisal report.</li> </ul>
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### Supplementary Planning Documents (SPDs)

2.11 A similar process is undertaken for SPDs (see Figure 1b). The key difference for SPDs is that they do not undergo public examination by a Planning Inspector and are not automatically subject to sustainability appraisal. The same applies to the process for preparing or reviewing a Statement of Community Involvement.

**Figure 1(b): Preparation Stages for Supplementary Planning Documents**

<b>Stage 1: PRE-PRODUCTION AND IDENTIFYING ISSUES WITH STAKEHOLDERS</b>	<ul style="list-style-type: none"> <li>• This stage involves gathering evidence about the area or subject of the particular SPD.</li> <li>• As with DPDs, planning policy contained within SPD should be founded on a thorough understanding of local issues, opportunities and constraints.</li> <li>• While there is no legally prescribed consultation, the Council prior to the preparation of a SPD will consider whether early consultation would be beneficial, and if so, determine the most appropriate means of community involvement. Relevant information may also have been gathered through the production of the existing parent DPD, the community strategy and the Council’s consultation mechanisms.</li> <li>• <b>The Council will consult organisations and the local community as appropriate to the topic, seeking views on the content. The Council will do this through e-mail or a letter.</b></li> </ul>
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	<ul style="list-style-type: none"> <li>As part of the process for preparing the draft SPD the Council will assess the main issues arising from the consultation undertaken at stage 1 and will prepare a consultation statement setting out how each of these concerns have been addressed.</li> </ul>
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<p><b>Stage 2: PUBLIC CONSULTATION OF THE DRAFT SPD (Regulation 12-13)</b></p>	<ul style="list-style-type: none"> <li>The Council will publish the draft SPD together with the statement of consultation and invite comments.</li> <li>There will be a minimum of four weeks allowed for these comments to be made.</li> <li>If a sustainability appraisal report is required the Council will also consult on this report at this stage. The Council will undertake a screening exercise to determine if strategic environmental assessment is required.</li> <li>The Council will publicise any consultation at this stage through a public notice, the Council's website and Council publications.</li> <li>The main consultation documents will be available to view on the Council's website and paper copies will be available to view at the appropriate Libraries, available for inspection in the Council's principal offices, namely the Town Hall, St Ives Road, Maidenhead, and York House, Sheet Street, Windsor;</li> <li>Supporting documents will be available to view at the same locations where practical.</li> <li>Printed copies of the consultation documents will be available, by post, at cost price plus postage.</li> </ul>
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<p><b>Stage 3: ADOPTION (Regulation 14)</b></p>	<ul style="list-style-type: none"> <li>The Council will consider all valid comments that are made and make any appropriate changes to the SPD before it is adopted.</li> <li>The SPD will be published together with a statement of the consultation that was undertaken and an adoption statement.</li> </ul>

## Neighbourhood Planning

During the period of Covid-19 lockdown measures, it will not be possible to hold Neighbourhood Plan referendums. The Government has confirmed that during this period, neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed. This is in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.

2.12 The Localism Act 2011 introduced the facility for communities to prepare Neighbourhood Development Plans (NDPs). NDPs set out policies for the development and use of land in a local area or neighbourhood. They are required to be in general conformity with strategic policies in the local plan for the area, which reflect the council's assessment of need for housing and other types of development. A NDP is required to undergo independent examination and be subject to a referendum of the local community.

2.13 Neighbourhood Development Plans may be prepared by town or parish councils or neighbourhood forums where these do not exist (as in The Royal Borough of Windsor and Maidenhead). The local planning authority is required to support communities in

the process of preparing the plan, but the plan-making process itself must be community-led. For more information on the level and type of support that can be provided by the Council, please contact the Planning Policy Team. Any group preparing a NDP would need to have regard to the approaches to community involvement set out in this SCI.

2.14 Neighbourhood Planning groups are required to carry out consultation for the draft version of the NDP (often called the Pre-Submission version)

- i) publicise (but this does not have to be on a web site) in a way that is likely to bring to the attention of people who live, work or carry on business in the area details of :
  - a. the proposals;
  - b. when and where they can be inspected;
  - c. how to make representations, and
  - d. the deadline for making representations – not less than 6 weeks from first publicised.
- ii) consult any consultation body listed in Appendix B whose interests they consider may be affected by the proposals for a NDP.
- iii) send a copy of the NDP to the LPA.

2.15 Once a Neighbourhood Plan is submitted to the RBWM (under the relevant regulations) the council will carry out community involvement as required by the regulations on a NDP which has been prepared in accordance with the relevant regulations.

2.16 The Council is required to publicise on its website :

- i) the details of the plan;
- ii) where and when it can be inspected;
- iii) how to make representations on the plan proposals;
- iv) that a representation can include a request to be notified of the Council decision on the plan proposal, and
- v) the deadline for receipt of the proposals (this must be not less than 6 weeks from the first day the proposed plan is publicised).

2.17 The Council is required to notify the bodies referred to in the neighbourhood forum or parish councils' consultation statement that the plan has been received as soon as possible.

### 3. Planning Applications

In order to comply with government guidance and regulations during the current Covid-19 pandemic (or other public health emergency), it is not possible for the Council to continue consulting on planning applications using all the methods set out in this document. This is because of the requirements to minimise travel, social distancing and the closure of certain Council facilities.

As part of its response to the current situation, the Council has introduced a single Royal Borough Development Management Panel who will meet virtually. These temporary measures will be reviewed later in the year. The procedure for members of the public to speak at panel meetings are set out in the Council's constitution.

The Council will continue to meet all statutory consultation requirements by either issuing neighbour notification letters, posting site notices or publishing press notices, as required by the Development Management Procedure Order 2015 (as amended). Where appropriate, the Council will consider using social media or other online sources to ensure greater publicity in line with the provisions of the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.

The Council is unable to make copies of plans or documents available for public viewing during this time as council facilities are closed. All relevant plans and documents will be available on the council's website and can be found using either the planning application reference or address:

<http://publicaccess.rbwm.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Requests for copies of historic applications held on microfiche and not available on the website can be made online.

#### Consultation on Planning Applications

- 3.1. The SCI sets out the Council's approach to involving the community in considering planning applications. The Council is already legally required to consult the local community and other key stakeholders as part of the development management process. However, there are benefits that can be gained through bringing developers and the community together at an early stage, not least by making the public feel that they can make a reasoned contribution to planning decisions in their area.
- 3.2. Government advice recommends a "menu" or three-tiered approach, suggesting a range of community involvement methods appropriate to the tiers, and indicative examples of the types of applications that could fall into each tier. This is indicative, not prescriptive. Within this approach, those applications involving the highest level of community involvement, are in tier 1 compared to the lowest level in tier 3. The Council has adopted a similar approach, assigning varying levels of community involvement to different types of planning applications classified as 'major', 'other major', 'minor' and 'fast-track' planning applications, with the highest level of community involvement assigned to planning applications which have the most significant environmental impacts.

- **Tier 1:** This tier would involve the more significant 'major' development proposals, which would have significant environmental impacts, by reason of their nature, scale or location. These could include major redevelopment proposals in town centres, proposals for mineral extraction and/ or waste disposal, large-scale residential or commercial developments or substantial developments in the Green Belt where there may be very special circumstances, which could justify otherwise inappropriate development.
- **Tier 2:** This tier involves the non-exceptional 'major' developments such as residential developments of 10 or more units and commercial developments of over 250 square metres of floorspace.
- **Tier 3:** This tier, including 'fast track' and minor planning applications would include the vast majority of the approximately 3,000 planning applications the Council receives each year. These applications involve changes of use, residential development of less than 10 units, house extensions, minor commercial developments and applications for Listed Building and Conservation Area consent.

### **Planning Applications, Tiers 1 to 3**

- 3.3. The Council is legally required to carry out publicity in relation to planning applications and invites comments on proposed developments whether they are positive or negative.
- 3.4. The Council deals with mineral and waste applications. The Council has a duty to consider all valid planning applications it receives irrespective of whether or not they reflect adopted planning policy. All representations received in response to a planning application will be summarised in the report on the application.
- 3.5. The minimum standards of community involvement in planning applications set by the Council, and applied through a tiered approach shall include and comply with the statutory requirements under Section 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Similar arrangements in relation to applications for Listed Building or Conservation Area consent shall be applied.
- 3.6. The following paragraphs outline the minimum requirements for consultation and publicity and how the Council implements them. An indication is also given as to how the Council might go beyond these minimum requirements in appropriate circumstances.

#### Weekly List:

- 3.7. A list of newly registered planning applications is published on the Council's website each week and sent to organisations including Parish Councils. It is also available to developers and members of the public or any other party who make a specific request for this list to be sent to them for a fee. A weekly list of decisions made is also available.

#### Site Notices:

3.8. The displaying of a site notice for a 21-day period is legally required for planning applications that are defined as 'major'; the subject of an Environmental Impact Assessment, considered not in accordance with the development plan, or development that would affect a public right of way. The requirement to display a notice on or near the land also applies to proposals that would affect the setting of a Listed Building or are within Conservation Areas. This requirement however can be replaced by serving notice on any adjoining owner or occupier, and by local advertisement.

#### Press Notice:

3.9. The placing of a press notice is only legally required for planning applications defined as 'major', the subject of an Environmental Impact Assessment<sup>4</sup>, considered not in accordance with the development plan, or which would affect a public right of way. This also applies to proposals that would affect the setting of a Listed Building and proposals located within designated Conservation Areas.

#### Neighbour Notification:

3.10. The Council will send a notification letter to any property owner or occupier adjoining any land or building to which the application relates. In some cases, depending upon the scale and nature of the proposed development, the Council will also send notification letters to other properties in the vicinity of the application site, or notify adjoining authorities, where it may reasonably be considered that the properties may be affected by the proposed development. The legal minimum period for consultation is 14 days.

#### Statutory Authority Consultation:

3.11. Consultation will be undertaken as required with statutory authorities such as the Environment Agency, Natural England and Historic England. The Council will also consider whether other non-statutory bodies should be consulted. Individuals, groups or organisations that are interested in general or area based planning or development issues are placed on a consultation register, which acts as a database from which targeted information is sent to interested parties. Consultees will be notified by letter, giving them 21 days in which to respond. For Natural England, a response will be required in 28 days, in the case of a planning application potentially affecting a Site of Special Scientific Interest (SSSI) or in a SSSI consultation area<sup>5</sup>, in which to comment.

3.12. The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council.

#### Parish Councils:

3.13. The Council consults with Parish Councils on all planning applications falling within their administrative area. This is intended to provide a basis for effective consultation

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<sup>4</sup> Environmental Impact Assessment (EIA) is a procedure for ensuring that the likely effects of new development on the environment are fully understood and taken into account before the grant of planning permission is considered. EIA is required for development which would have significant environmental effects.

<sup>5</sup> In accordance with Section 28 of the Wildlife and Countryside Act 1981 as amended by Section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000.

and liaison, assisting the two authorities in maintaining good relations and developing an effective partnership to the benefit of all residents.

#### Public Speaking at Panel Meetings:

- 3.14. The Borough Planning Manager has certain delegated powers to make decisions without referring them to a Planning Panel, which is the body of members charged with making decisions on planning applications. Larger and more controversial applications, largely falling within tiers 1 and 2 including any proposal containing more than two dwellings or applications that have been promoted to panel by a local Councillor are decided by one of three area Planning Panels, (Maidenhead Panel, Windsor Urban Panel and Windsor Rural Panel), depending on where the application site is in the Borough. This may vary according to the scheme of delegation applicable at the time<sup>6</sup>.
- 3.15. When an application is reported to a Panel for determination, any interested party can attend the meeting to hear the discussion, and in certain circumstances address the Panel before the discussion and decision. An interested party may influence the outcome of a planning application that has been put before the Planning Panel by speaking at the Panel meeting, making written representations or verbal representations at the Panel meeting (in accordance with the protocol contained in the Constitution) and/ or lobbying a councillor(s).
- 3.16. If a planning application is to be considered by a Planning Panel, the Council will send a letter to everyone who has made written comments on the application, informing them of the opportunity to register to speak at the panel meeting. Anyone wishing to take up this opportunity must contact the Council confirming his or her wish to speak. The letter will give details of the arrangements.
- 3.17. Objectors and the applicant or his/ her representative as well as their supporters all have a right to speak. Objectors and the applicant or his/ her representative each have a total of three minutes to speak. In the event that a number of people wish to speak either for or against the proposal, the speakers should decide before the meeting how much of the three minutes each person should take up or whether a speaker should be selected to speak on behalf of all parties. Town or Parish Councils have another two minutes to speak to the Planning Panel. Neighbourhood Plan Groups and other similarly constituted bodies also have speaking rights. Once a decision has been made, a copy of the decision notice will be sent to anyone who made written comments on the application.

#### **Early Consultation on Planning Applications**

- 3.18. For developers, early consultation with the local community affected by a development proposal ensures that local issues are identified and addressed prior to the submission of a planning application. Planning decisions are made on the planning merit of any proposal. For the local community, early consultation enables them to have an input, and potentially influence a development before plans become too advanced and therefore difficult to change. This form of consultation mainly impacts upon those applications falling within 'tier 1' but may affect planning applications falling within 'tier 2'.

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<sup>6</sup> The Scheme of Delegation is set out in the Council's Constitution.



## Major Applications

- 3.19. Developers are encouraged to undertake pre-application discussions and early community consultation on major applications. By 'front loading' the process, the community can engage with the developers at an early stage and communicate their aspirations and concerns. It is also important to recognise that front loading consultation may help to minimise objections within the formal planning application process. Methods of early community consultation could include undertaking public meetings, public exhibitions or leaflets being sent to local residents. The Council will help facilitate such consultation by providing details of local bodies from the consultation register.

## **Planning Advice**

- 3.20. Members of the public can view (on computer screens) planning applications that have either been decided, or are currently being considered at Council offices (Town Hall, Maidenhead and York House, Windsor), upon request older applications (which are held on microfiche) can be viewed in the Town Hall Maidenhead, between 8.45am and 5.15pm Monday to Thursday and 8.45am and 4.45pm on Friday except on Bank and Public Holidays. Planning applications can be submitted electronically through the Planning Portal. The Council enables on-line tracking of the progress of planning applications under consideration by means of a public access website that contains details of planning applications and planning documents including decisions made. ([https://www3.rbwm.gov.uk/info/200208/planning\\_applications/56/search\\_for\\_planning\\_applications](https://www3.rbwm.gov.uk/info/200208/planning_applications/56/search_for_planning_applications)).

## Pre-Application Advice

- 3.21. Recognising that it is beneficial to all parties if the broad principles of large and complex schemes are discussed before the submission of a formal application, the Council will continue to make resources available to provide pre-application advice. However it must be an effective and efficient use of Council resources. The Council has introduced a system whereby pre-application advice is available to customers at a charge, which reflects the cost of providing pre-application advice. Further information on pre application advice can be found on the Council website. As a matter of course, requests for pre-application advice will not automatically be treated on a confidential basis. The Freedom of Information Act 2000 requires the Council to make certain documents available to members of the public, if requested. Pre-application advice may only be treated as confidential if there are clear demonstrable issues of commercial sensitivity or other significant reasons why this information may not be disclosed and a public interest test may be applied. Any enquiry in this category should be clearly marked as confidential and give reasons."

## **Appeals**

- 3.22. Where a planning application has been refused, only applicants have a right of appeal. A person or organisation that has objected to a proposal (or supported it) has no right of appeal if the application is approved or refused. In other words, there is no third party right to appeal a decision.
- 3.23. Everyone whom the Council originally consulted or who wrote to object or support the application will normally be notified in writing if an appeal is lodged. They will also be informed about how to make their views known. If they had already written to the

Council, their letter will be copied and sent to the Planning Inspectorate, which is responsible for handling appeals.

#### **4. Making a Complaint**

- 4.1. To avoid barriers being created between the community and their council, it is essential to ensure that there is a platform for the lodging of complaints where different views exist within the community. The Council has its own complaints co-ordinators, whose job it is to receive a complaint, ensure the Council understands what it is about and provides a swift response in accordance with the current procedures. The complaints procedure is not intended to deal with dissatisfaction with a decision the Council makes on a planning application. There is a two stage process for complaints as follows: *(extract from 'New Council Complaints procedure')*

##### **The Complaint - Stage 1**

- 4.2. Your complaint at Stage 1 will be acknowledged on receipt and then investigated and dealt with by the Head of Service, of the service team where the complaint originates. Some responses may come directly from our suppliers or partners.
- 4.3. You will receive a full response within 10 working days from the date the complaints team agree with you your specific issues and establish the resolution you would like (we aim to do this within 5 working days of receipt). If we cannot respond to your complaint within 10 working days we will tell you when we will be responding and why we cannot within the 10 working days.
- 4.4. Our response will include, as appropriate:
- What we understand the agreed issue(s) to be
  - Chronology of events
  - If we uphold or partially uphold your complaint
    - what we are going to do to put it right
    - when it will be put right by
    - an apology
    - what we will do differently now to prevent a repeat
  - If we do not uphold your complaint
    - a clear explanation detailing the reason why
- 4.5. If you are still unhappy you must let us know within 20 working days (4 weeks) of getting your Stage 1 response and request a Stage 2 – Review. If we do not hear anything from you within 20 working days we will assume that you are satisfied with our response.

##### **The Review - Stage 2**

- 4.6. This stage is to review the Stage 1 investigation. You will need to give clear reasons and evidence as to why you disagree with the findings and response to the Stage 1 outcome and what we can do to resolve it. Saying that you are 'still not happy' is not reason enough.
- 4.7. If you are not able to provide any evidence as to why the findings were wrong we will not investigate your Stage 2 – review. You will however, still have the right to complain to the Ombudsman.

- 4.8. The Stage 2 review will be investigated by someone who has not previously been involved, normally it will be the Director responsible for the service and the Complaints Team, who are independent from the original service, and a response sent within 20 working days.
- 4.9. The response will include:
- What we understand you think we failed to address or correct at Stage 1
  - Chronology of events
  - If we uphold or partially uphold your complaint
    - what we are going to do to put it right
    - when it will be put right by
    - an apology
    - what we will do differently now to prevent a repeat
  - If we do not uphold your complaint
    - a clear explanation detailing the reason why
- 4.10. There may be times where an alternative officer, Head of Service or Director will be asked to investigate and respond, if for example the original Head of Service is the subject of the complaint.
- 4.11. After the Stage 1 complaint and the Stage 2 Review the Royal Borough's formal complaints process has been exhausted.
- 4.12. Local Councillors (at any stage) will help by giving advice, providing additional information or handling the complaint on the complainant's behalf. The Local Ombudsman acts as an independent 'referee' in disputes between individuals and their local councils. The Ombudsman is appointed by Government to investigate complaints of maladministration by local authorities.

(Maladministration means that the Council has done something the wrong way, done something it should not or failed to do something it should). The Local Government Ombudsman covering Berkshire may be contacted at the contact details below or on their website: <http://www.lgo.org.uk/>

Local Government Ombudsman  
10th Floor,  
Millbank Tower,  
Millbank,  
London SW1P 4QP

Telephone: 020 7217 4620  
Fax: 020 7217 4621

## **5. Monitoring and Review**

- 5.1. The Council will monitor the effectiveness of its chosen methods for involving the community in planning. For example, the effectiveness of exhibitions can be assessed through the numbers attending and the 'reach' of communications can be assessed through asking how people attending learned of the event. It can report on the findings through the annual authority monitoring report.

5.2. Should monitoring reveal the need to further amend the SCI, this would be taken forward through the Local Development Scheme.

## **Appendix A: Consultation Bodies for a Local Plan**

The Government Regulations relating to the preparation of a Local Plan require that certain minimum standards should be met for consulting on a pre-submission Local Plan (Regulation 18). These regulations make reference to:

- such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;
- such of the general consultation bodies as the local planning authority consider appropriate; and
- such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.

The defined consultation bodies are listed below. The names and make-up of the individual bodies change from time to time.

### **Specific Consultation Bodies:**

- A relevant authority any part of whose area is in or adjoins the area of the local planning authority (this includes parish councils: Berkshire Councils);
- Coal Authority;
- Historic England;
- Environment Agency;
- Highways England;
- Homes and Communities Agency;
- Natural England;
- Network Rail;
- Any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3) (a) of the Communications Act 2003 (e.g. BT);
- Any person who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority (e.g. BT, EE, Virgin Media etc.); and any bodies from the following list who are exercising functions in any part of the area of the local planning authority:
  - Bracknell and Ascot CCG, Windsor, Ascot and Maidenhead CCG;
  - Person to whom a licence has been granted under Section 6(1)(b) or (c) of the Electricity Act 1989;
  - Person to whom a licence has been granted under Section 7(2) of the Gas Act 1986 (e.g. British Gas)
  - Sewage undertaker; and
  - Water undertaker.

### **General Consultation Bodies**

- Voluntary bodies some or all of whose activities wholly or partially benefit any part of the local planning authority's area (e.g. Community Action Berkshire, residents associations and tenants groups etc.);
- Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area;
- Bodies which represent the interests of different religious groups in the local planning authority's area;
- Bodies which represent the interests of disabled persons in the local planning authority's area;

- Bodies which represent the interests of persons carrying on business in the local planning authority's area (e.g. Home Builders Federation, Chamber of Commerce, Windsor, Eton and Ascot Town Partnership).

In respect of the Duty to Co-operate introduced by the Localism Act 2011 to be considered in the Examination of a Local Plan, the following consultation bodies are relevant.

**Consultation Bodies in respect of the Duty to Co-operate in relation to planning of sustainable development:**

- Neighbouring local planning authorities (in Berkshire, Oxfordshire, Surrey, London Boroughs and Buckinghamshire, );
- Civil Aviation Authority;
- Historic England ;
- Environment Agency;
- Highway England;
- Homes and Communities Agency;
- Integrated Transport Authority;
- Thames Water
- Natural England;
- Thames Valley Berkshire Local Enterprise Partnership;
- Bracknell and Ascot CCG
- Windsor, Ascot and Maidenhead CCG
- Office of Rail Regulation; and
- Berkshire Local Nature Partnership.
- Crossrail
- DB Schenker
- First Great Western
- Freightliner

**In respect of Strategic Environmental Assessment Directive, the designated consultation bodies in the UK are:**

- Historic England;
- Environment Agency; and
- Natural England.

## **Appendix B: Consultation Bodies for Planning Applications**

### ***Statutory Consultees***

Ancient Monuments Society

Council for British Archaeology

Department for Environment, Food and Rural Affairs (DEFRA)

Historic England

Environment Agency

Health and Safety Executive

Highways England

Natural England

Network Rail

Sport England

### ***Main Other Consultees***

The Royal Borough of Windsor and Maidenhead Borough Council service areas (as relevant)

Adjoining Parish Councils and Local Authorities to The Royal Borough of Windsor and Maidenhead Borough Council (as relevant)

Thames Water

South East Water

Civil Aviation Authority

Crown Estates

NHS Property Services Ltd

Thames Valley Police

Berkshire, Buckinghamshire, Oxfordshire Wildlife Trust

Sustrans

## Appendix C: Glossary

	Adopt	The final confirmation of a plan as a statutory document by the local planning authority.
	Allocation of Land	The identification of how land should be developed or built on in the future (e.g. new housing development).
	Appeals	The process whereby an applicant can challenge a refused decision on an application by means of written representations, hearing or public inquiry.
AMR	Authority Monitoring Report	Report on the progress of preparing the Local Plan and the extent to which policies are being achieved.
	Circular	A Government publication setting out policy approaches.
CIL	Community Infrastructure Levy	A charge levied on certain types of development appropriate to the development's use and size, which is used to fund infrastructure needed as a result of development.
	Consultation	Seeking people's views to guide decision-making.
	Consultees Database	A list containing details of groups, organisations and individuals to be consulted on planning policy documents. To be included on the list, contact Planning Policy on 01628 796357 or e-mail: <a href="mailto:planningpolicy@rbwm.gov.uk">planningpolicy@rbwm.gov.uk</a>
DCLG	Department for Communities and Local Government	Government department responsible for town and country planning.
DEFRA	Department for Environment, Food and Rural Affairs	Government department responsible for policy and regulations on environmental, food and rural issues.
DPD	Development Plan Document	A local development document in the Local Plan which forms part of the statutory development plan. The core strategy, documents dealing with the allocation of land, area action plans and the policies map are all development plan documents.
	Independent Examination	The process by which an independent Planning Inspector publicly examines the soundness of a DPD and any representations made against it before issuing a non-binding report.
	Local Authority	Organisation governing the area (e.g. the Borough Council or a County Council).
LPA	Local Planning Authority	The Local Authority that is empowered by law to exercise planning functions. Normally this is the Royal Borough of Windsor and Maidenhead here.
LDD	Local Development Document	An individual document that either forms or supports the Local Plan. It includes Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.



LDS	Local Development Scheme	A public statement setting out the programme for the preparation of Local Development Documents.
	Local Plan (2003)	A statutory development plan prepared under previous legislation (the old planning system). It is a legal document containing saved policies currently used to determine decisions on planning applications received by the Council.
	Material Consideration	A matter which should be taken into account in deciding on a planning application or on an appeal against a planning decision.
	National Planning Policy Framework (NPPF)	Government policy that replaced majority of Planning Policy Guidance (PPG) and Planning Policy Statements (PPS).
	Planning Application	An application for permission from the local planning authority to commence building work or change of use of buildings.
	Planning & Compulsory Purchase Act 2004	Government legislation introducing a different approach to development planning to that before.
	Development Control Panel	A panel of elected Council members whose role is to consider applications for 2 dwellings and larger. Normally meets once a month.
	Policies Map	Illustrating on an Ordnance Survey base the policies and proposals of development plan documents and any 'saved' policies of the Local Plan (2003).
	Saved Policies	Policies within the Local Plan that remain in force for a time period pending their replacement as necessary by development plan documents.
SSSI	Site of Special Scientific Interest	An area of land which, in the opinion of Natural England, is of special interest at a national level due to its flora, fauna or geological or physiological features.
	Soundness	In the process of examining a planning document an inspector assesses whether the document is positively prepared, justified, effective, and consistent with national policy (i.e. sound).
	Spatial Planning	Taking into account the economic, social and environmental implications when weighing up competing demands for land.
SCI	Statement of Community Involvement	Sets out the standards to be achieved in involving the community and other stakeholders in the preparation, alteration and review of local development documents and in significant development management decisions.
	Statutory	Required through written law, usually through an Act of Parliament.
SEA	Strategic Environmental Assessment	A term used internationally to describe environmental assessment as applied to policies, plans and programmes.

SPD	Supplementary Planning Document	A local development document which provides further detail of policies in the development plan documents or of saved local plan policies. They do not have development plan status.
SPG	Supplementary Planning Guidance	Providing additional guidance expanding policies in a local plan. SPGs will remain relevant where they are linked to saved policies but will ultimately be replaced by supplementary planning documents.
	Sustainable Development	Development that meets the needs of the current generation without compromising the ability to meet those of future generations.
SA	Sustainability Appraisal	Identifies and evaluates social, environmental and economic effects of strategies and policies in a local development document from the outset of the preparation process. It incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive.
	Vision	A long term view, an image of how things might be in the future.
	Voluntary Sector	Non-statutory organisations controlled by people who are unpaid and usually elected.

## **Appendix D: RBWM Committees, Forums And Panels (As at June 2016)**

### Area Forums

- Maidenhead Town Forum
- Windsor Town Forum

### Other Committees/Panels/Forums

- Community Partnership Network
- One Borough Group Partnership
- Parish Conference
- Rural Forum
- Maidenhead Town Centre Partnership
- Windsor, Eton and Ascot Town Centre Partnership
- WMCF Windsor and Maidenhead Community Forum
- Access Advisory Forum
- Youth Ambassadors
- School Improvement Forum
- Local Access Forum
- Cycle Forum
- Royal Borough of Windsor & Maidenhead Youth Forum
- Visitor Management Forum
- Seven Overview and Scrutiny Panels
- The three Planning Panels
- Windsor and Maidenhead Get Involved (umbrella for voluntary sector groups)

### Local Strategic Partners

#### *Executive Officer Group and Board Membership*

- Access Advisory Forum, RBWM
- Berkshire College of Agriculture
- The Borough Church of St Andrew & St Mary Magdalene
- Centrica Plc
- Thames Valley Local Enterprise Partnership
- Churches Together for Maidenhead
- Community Council for Berkshire
- Computer Associates
- East Berkshire College
- Environment Agency
- Eton Town Council
- Housing Solutions Group
- Hutchinson 3G
- Maidenhead & District Chamber of Commerce

- National Probation Services
- National Trust (The)
- PPS Plc
- Thames Valley Police
- Thames Valley Police (Area Commander)
- Public Health CCG
- Radian Group
- Partnerships Manager
- Royal Berkshire Fire/ Rescue Service
- Windsor and District Chamber of Commerce
- South East Area Manager, Environment Agency

## Appendix E: Stages in Local Plan Production

