

Report for: INFORMATION
Item Number: 5



<b>Contains Confidential or Exempt Information</b>	NO – Part I
<b>Title</b>	<b>Public Consultation for Windsor</b>
<b>Responsible officer(s)</b>	Richard Ellis, Strategic Director of Corporate Services Chris Hilton, Director of Development and Regeneration
<b>Contact officer, job title and phone number</b>	Sarah Ball. Team Manager (Strategy and Plans) 01628 796112
<b>Member reporting</b>	Cllr Wilson, Lead Member for Planning Cllr Bicknell, Lead Member for Windsor
<b>For consideration by</b>	Cabinet
<b>Date to be considered</b>	30 July 2015
<b>Implementation date if not called In</b>	Immediately
<b>Affected wards</b>	Castle Without, Eton & Castle. Other parishes may also be affected (Old Windsor; Datchet;)
<b>Keywords/Index</b>	Neighbourhood planning; Borough Local Plan; Windsor; Link Railway

<b>Report Summary</b>
This paper sets out proposals for testing public opinion about the Windsor Link Railway proposal.

<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect a difference
The recommendations provide residents with a direct opportunity to influence the council's stance on whether or not it supports and facilitates the Windsor Link Railway proposal.	November 2015

## 1. Details of Recommendations

### RECOMMENDATION: That:

1. Cabinet notes the implications and costs of each of the consultation methods associated with seeking views on the Windsor Link Railway.

**2. More developed proposals for public consultation are presented to the September Cabinet meeting for final authorisation.**

**2. Reason for Recommendation(s) and Options Considered**

- 2.1 This paper proposes a programme of activity which will enable conclusions to be drawn on the key issue of assessing public support for the Windsor Link Railway whilst also ensuring that residents' needs are properly understood and then acted upon in the best possible way.
- 2.2 The council's aspiration of Realising Windsor's Potential requires us to enable Windsor to meet and exceed the expectations of its residents and visitors. In order to do this successfully, it is necessary to ascertain the views of local people about the proposals for a Windsor Link Railway.

Background to the Windsor Link Railway proposals

- 2.3 Current rail services to Windsor are fragmented. Services from Windsor & Eton Riverside to London Waterloo are operated by South West Trains, while the line from Windsor & Eton Central to Slough is a branch line operated by First Great Western. The links are not connected and through services are not possible, making interchange difficult. This particularly affects communities to the east of Windsor such as Datchet and Wraysbury.
- 2.4 The vision of Windsor Link Railway Ltd is to seek to place the Thames Valley at the centre of a new, better connected rail network west of London. It seeks rail links that will be better connected with the towns they serve and better integrated with roads, for both bus and car users, and enhanced connections to Heathrow, Gatwick and any future airports. With WLR, it is claimed, the Thames Valley would have both good connections to London and better orbital connections, greatly improving the area as a region of economic growth and prosperity.
- 2.5 The Windsor Link Railway (phase 1) consists of a tunnel in Windsor to connect the two existing branch lines, to create a through line doubling the frequency of trains services from Windsor to both London Waterloo and Paddington. It should thus correct and improve the relatively disjointed train service that Windsor currently receives. The railway, however, is only part of the integrated scheme, the rest of the suggested positive impacts being: improving views of Windsor Castle, providing potentially 3,000 additional parking spaces, restoring and enlarging Alexandra Gardens, realigning roads to reduce congestion and improve the riverside and providing better integration with bus and taxi services. It should be noted that relatively few details of the effects of the scheme (e.g. possible construction impacts) are available at this time so it is difficult to obtain a balanced view of the scheme's positive and negative impacts.
- 2.6 Potential benefits from enhanced rail services could be felt not only in Windsor but also in nearby areas, particularly those settlements served by the current rail links. This could extend to the parishes of Datchet, Horton and Wraysbury on the railway line, and Old Windsor, Eton and Eton Wick near to the proposals.
- 2.7 The precise alignment of the link is not yet finalised and nor are preferred, detailed options for the other components and development areas. WLR therefore recognise that there are a number of constraints to be considered

- the need to preserve and ideally enhance the riverside environment in this sensitive location
  - listed buildings
  - geology
  - design standards (e.g. the limitations of trains, minimum curvatures at speed, safety)
  - properties and businesses
  - utilities
  - environmental (including air quality and flooding)
  - interface with pedestrians, shops etc., and
  - interchange with other forms of transport (buses and cars).
- 2.8 The project would act as a catalyst locally for a range of other developments, both to facilitate the delivery of the link and to capitalise on opportunities it would raise. These include:
- changes to the road network in the area
  - changes to car and coach parking in the area
  - new developments for retail, business, hotel and leisure uses, and
  - new residential development.

### Site description and main planning considerations

- 2.9 The proposals would affect the northern edge of the town, adjacent to the River Thames. This is also the edge of the town centre and a 'fringe' to the core town centre that takes in a range of uses including car and coach parking, public open space (Alexandra Gardens), residential and commercial premises, and the bridge across to Eton. There are significant changes in ground level, rising from the banks of the river to the higher ground of the core town centre and the Castle. This is also an area of great historical sensitivity, for its archaeology, for the various Listed Buildings and their settings and for views of and the setting to the Castle. Most of the area lies within the Windsor Town Centre Conservation Area.
- 2.10 The principal planning considerations are the impacts on:
- the vitality of the town as a tourist destination
  - the vitality of the town as a retail and service centre
  - the vitality of the town as an employment centre
  - the historic environment and the River Thames
  - movement in the town, particularly road traffic, and
  - flood risk.

### Planning Context

- 2.11 Current planning policy for Windsor is provided by the Local Plan, originally adopted in 1999. This will be superseded in time by the emerging Borough Local Plan (BLP), on which a Second Preferred Option consultation is planned for November 2015. The BLP is the document that will set the overarching planning strategy for the borough and the key strategic points for Windsor town centre.
- 2.12 Alongside the preparation of the BLP, neighbourhood plans are being prepared for Windsor. There are two forums working on neighbourhood plans. The

council is working closely with both groups to ensure that policies and aspirations are aligned with the emerging BLP.

- 2.13 The Central Windsor Business Neighbourhood Forum (known as Windsor 2030) which is responsible for the town centre area, is preparing a Business Neighbourhood Plan for Windsor Town Centre. The WLR proposals fall within this area. The objectives of the neighbourhood plan are:
- promoting economic growth
  - providing Windsor visitors and users with a “five star” experience
  - recognising that Windsor’s heritage is a key asset for business
  - recognising also that Windsor is a key commercial centre in the Thames Valley; sustaining and building on that, in healthy competition with its neighbours.
- 2.14 The Windsor Neighbourhood Forum covers the rest of the town and has been established to promote and to improve the social, economic and environmental well-being of the area, by the production of a Windsor Neighbourhood Plan. The area combines residential and business activity (e.g. retail, tourism and corporate business) and has a strong historic identity. These existing characteristics and the pressures for change need to be considered across all wards, in order to create a strategy to manage future growth in a way which enhances the role of the town, whilst maintaining the special character of the area and benefitting residents and businesses.
- 2.15 At the Cabinet meeting in February 2015, members agreed to amend Preferred Policy Option INF2 of the BLP Preferred Options Consultation document to provide support for the linking of the two rail lines in Windsor provided that it can be demonstrated there would be no substantial harm to any heritage asset and that the proposals are otherwise in accordance with the Borough Local Plan.
- 2.16 There is a range of other issues on which it has yet to be demonstrated the link railway and associated developments would not result in unacceptable harm and these must be dealt with. Subject to these matters being addressed, more detailed proposals can be brought forward as part of the Central Windsor Neighbourhood Plan for Business or if required as part of proposals for an Area Action Plan by the council. Either may require the production of a development brief in the form of a Supplementary Planning Document, to provide further detailed guidance on the delivery of the WLR proposals. At this moment in time the WLR represents a potential major project on which a steer is required to enable an appropriate planning context to be created.

### Discussion

- 2.17 The key issue is what level of support the development plan should offer the WLR having regard to:
- the strength of the business case
  - the level of public benefit, and
  - the certainty with which the various other impacts are known and understood.
- 2.18 The projected improvements in access to Windsor for visitors could both reduce the number choosing to come by road and increase the overall number of visitors. It could therefore make a potentially significant, positive contribution to the vitality of the town as a tourist destination, as a retail and service centre and

as a centre for business and commercial activity. The improvements it offers in the local rail network will also have benefits for other parts of the Borough and other positive impacts further beyond.

- 2.19 The change in the level of rail service offered and the other potential associated developments may impact significantly on movement networks in this part of the town centre, and more widely across the town. Some of these impacts will be positive, and others negative. The significance of the short term impacts during the construction phase need to be better understood. Long term impacts on movement by car, on public transport and on pedestrian movement also need to be better understood. The projected improvement in public transport has the potential to make a significant positive contribution to reducing the number of journeys that would otherwise need to be undertaken by road, affecting the town, the Borough and beyond.
- 2.20 The area is one of great historical sensitivity. Substantial harm to or loss of designated assets should be exceptional and should not be permitted unless it can be demonstrated to be necessary to achieve substantial public benefits that outweigh that harm or loss. Less than substantial harm must also be weighed against the public benefits (see National Planning Policy Framework paragraphs 132-134). A detailed assessment of the impact on historic assets is therefore required.
- 2.21 Elements of the WLR and associated developments are in areas at risk of flooding and detailed assessment of the implications is required.
- 2.22 Having regard to the above, the potential for significant positive outcomes from the WLR make this a project which the council could support, provided that the potential negative impacts can be either avoided or mitigated to a level that is outweighed by the benefits. The information currently available is not sufficient to allow that judgement to be made at this time. Neither is sufficient information available to enable the council to make a judgement about the likely viability of the proposal. Accordingly, neither a policy allocation nor a land safeguarding policy would yet be justified in the BLP. Equally, it would not be appropriate to oppose the scheme.
- 2.23 It is considered that the significance of the potential positive outcomes are such that the BLP should encourage the continued investigation of the merits of the scheme and if that finds in its favour then a supportive planning policy framework should be provided.
- 2.24 It is also important the proposals for WLR and its associated developments are not prepared in isolation and are instead brought forward within the context of a clear vision for the future of Windsor.

### Seeking Residents' Views

- 2.25 In the absence of information about the likely viability or impacts of the WLR proposal, it is necessary to understand public feelings about the project. In order to decide whether to commit to supporting the WLR proposal, and to facilitate future work, the council needs to ascertain whether residents, businesses and other stakeholders are in favour of the scheme and identify any concerns they may have. This will give a clear steer about whether the council should continue to support and facilitate the project.

- 2.26 The council's current position as stated in the emerging BLP is to support the proposal to link the two lines in Windsor, provided it can be demonstrated there would be no substantial harm to heritage assets. An assessment of stakeholder views would either verify this approach, or provide justification for amending it.
- 2.27 It is clearly important that the council comes to a firm view about whether it would support the scheme in principle as a potential regeneration partner. Delivery of elements of the scheme would require the use of council land and council powers, so it is necessary to determine whether there is in-principle support for use of these assets and powers. It should be noted that due diligence will be an essential subsequent stage before full support could be given to the proposal.

Consultation Already Undertaken

- 2.28 In considering which consultation method is the most appropriate to use, it is important to understand what consultation has already been undertaken in relation to the Windsor Link Railway and what response rate these consultations had.
- 2.29 Three opinion polls have already been undertaken as shown below – by WLR itself (325 respondents), by the Windsor Neighbourhood Plan (37 respondents to a WLR question) and the Windsor Express (98 respondents). It could be argued that little may be gained from conducting another one, however much depends on the sample size. In addition it is worth noting that whilst a polling organisation such as IPSOS Mori is well-known, the polling industry is suffering from a crisis of confidence since the general election so many people may not accept the result of such a poll.

Consultation undertaken by the Council	Consultation undertaken on behalf of Windsor Link Railway Limited
	WLR Residents Survey 2013: Residents were invited to participate by a post card delivered to 2,500 addresses between 16 March and 2 April 2013. The survey was also promoted via Facebook and local restaurants as well as the RBWM website. The online survey was open from 3 March to 9 April 2013. <b>325</b> responses were received in total of which 285 were completed. This included 26 hardcopy returns, where residents could return the postcard indicating their support.
	December 2013, the council received a <b>petition</b> from over 1,000 people in support of the scheme
	Central Windsor Neighbourhood Plan Consultation (March-April 2014): 37 respondents indicated that the WLR proposals were worth exploring further.
	Windsor Express Quick Poll (October 2014): Of 98 votes, 77 said 'yes', the Windsor Link Railway proposals would be a good thing.

Borough Local Plan Summer 2015 Consultation Event (specific question asked regarding WLR) (see para 2.16 below) ( <b>Survey Monkey</b> ). Consultation began on 30 June 2015.	
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### Methods of Consultation

2.30 A number of methods are available to survey the views of residents and other stakeholders:

- Borough Local Plan consultation
- Opinion poll
- Local polls ('referendums')

2.31 Six options are included in this report together with a number of issues which should be borne in mind when considering which option, or combination of options is best.

- *Do nothing as Windsor Link Railway is already included in the Borough Local Plan consultation*
- *Extension in Scope of the Borough Local Plan Consultation*
- *Telephone Opinion Poll*
- *Postal Opinion Poll*
- *Local Poll: Referendum (Polling Stations)*
- *Local Poll: Referendum (Postal)*

#### ***Option 1: Do nothing as Windsor Link Railway is already included in the Borough Local Plan consultation***

2.32 As suggested above, a package of public consultation is being undertaken during summer 2015 on policy matters that will feed into preparation of a Second Preferred Options Borough Local Plan. The opportunity has been taken, with the agreement of the Lead Member for Planning, to include a question about people's views on the Windsor Link Railway proposal. This will gather evidence about whether or not residents, businesses or other stakeholders are supportive of the project. The survey is now live and is intended to remain open until later this summer, probably closing at the end of August 2015. The specific question being asked is:

The linking of the two railway lines in Windsor could deliver significant improvements in public transport links. Currently, the lines to Windsor & Eton Central and Windsor & Eton Riverside stations are run independently, with through services not possible and interchange difficult. The Windsor Link Railway proposal is for a new tunnel under the town centre, creating one Windsor station serving both networks on one continuous railway line.

It is proposed to include support in the Borough Local Plan for the linking of the two lines in Windsor, provided it can be demonstrated there would be no substantial harm to heritage assets. To find out whether residents are in favour of the scheme and identify any concerns you may have, we are now asking about your views on the proposal.

What do you think about the proposal to link the two railway lines in Windsor?

- Strongly support
- Support
- Support but have concerns
- Object
- Strongly object
- Neutral

2.33 The Council has also received verbal confirmation from the Windsor Link Railway Limited that it is pleased that the Council has included such a question in the BLP Summer 2015 Consultation Event.

***Option 1: Do nothing as Windsor Link Railway is already included in the Borough Local Plan consultation***

**Cost:** Contained within existing budgets

**Timeframe:** Immediate

Pros	Cons
<ul style="list-style-type: none"> <li>• Wide geographical coverage (can extend outside the borough).</li> </ul>	<ul style="list-style-type: none"> <li>• Will only capture the opinions of people responding to the consultation.</li> <li>• Question is being asked before the scheme promoters have made information available to respondents.</li> </ul>

***Option 2: Extension in Scope of the Borough Local Plan Consultation***

2.34 Building on the work of the Borough Local Plan Consultation, a postal questionnaire survey could be sent out to residents and businesses in a selected area (e.g. Windsor or a wider area), asking the identical question (for consistency) to that posed in the Borough Local Plan consultation.

***Option 2: Extension in Scope of the Borough Local Plan Consultation***

**Cost:** Modest printing, delivery and advertising costs: £16K plus external consultancy support (£20K) for conducting the survey and survey analysis. Total £36K.

**Timeframe:** External consultancy support would be required to deliver this option in September given the work programme of the Planning Policy Team.

Pros	Cons
<ul style="list-style-type: none"> <li>• Targeted geographical coverage.</li> <li>• Hopefully generating a higher turnout rate than will be achieved for the BLP alone</li> </ul>	<ul style="list-style-type: none"> <li>• Will exclude visitors to Windsor who live outside the Borough (although they will have the chance to comment through the Borough Local Plan)</li> <li>• Additional costs and resource implications regarding survey analysis.</li> </ul>

### ***Option 3: Telephone Opinion Poll***

2.35 A telephone opinion poll could be commissioned to give a sample of stakeholders' views. Care would need to be taken to ensure that it covered a geographical area that was properly representative of the impacts of the Windsor Link Railway proposal. This is because the opinions of residents and other stakeholders will vary depending on where they live. For instance, a resident of Wraysbury might experience only positive effects from the scheme (e.g. more frequent train services and new journey opportunities) whereas a Windsor resident could also experience some disruption from construction works so might be less likely to support the proposal.

2.36 It would be important to ensure that sufficient people were polled to ensure a statistically representative sample. Clearly, to have a 100% accurate survey would require 100% of the population of the area to be polled. It is more common to use a 95% confidence level, which means that one can be confident that in 19 out of 20 instances the actual population behaviour would be within the confidence interval range. In approximate terms, if the sample population was 50,000 and 2,300 responses were received, then one would have a 95% confidence level and a 2% margin of error (this is the "plus or minus" figure often reported in opinion poll results).

2.37 A telephone survey will continue until the required number of responses have been reached, and can target a specific number of responses from people with particular characteristics (age, sex, location etc.) in order to ensure a representative sample. The poll would be likely to produce results within a few weeks of being commissioned. The cost of undertaking the survey would vary directly with the number of interviews required and their complexity i.e. the amount of background information that the telephone interviewer would be required to give the respondent. Given the nature of a telephone survey it would be difficult for the interviewer to give the respondent sufficient information to enable an informed answer, if the respondent had no prior knowledge of the proposals and their likely effects.

### ***Option 3: Telephone Opinion Poll***

**Cost:** Dependant on sample size but likely to include circa £10K for commissioning a market research company to undertake the survey itself and present the results, plus a further circa £20K for external consultancy support to analyse the results e.g. determining whether there were different levels of support from different areas or different types of people. Total circa £30K.

**Timeframe:** External consultancy support would be required to deliver this option in September given the work programme of the Planning Policy Team.

Pros	Cons
<ul style="list-style-type: none"> <li>• Greater flexibility to determine sample size which can range from residents only to residents and businesses.</li> <li>• A number of questions can be asked in an opinion poll as opposed to a 'yes/no' requirement of a local poll under the Local Government Act 1972.</li> <li>• Ability to use the electoral register for the source of persons for opinion poll (if residents only)</li> <li>• Can target a representative sample of the population.</li> </ul>	<ul style="list-style-type: none"> <li>• Doesn't reach all people (although note that once a certain confidence level is reached, this becomes largely immaterial – for instance, the required sample size does not change much once the target population exceeds 20,000).</li> <li>• Can be difficult to reach businesses as opposed to households.</li> <li>• Results from opinion polls are only as reliable as the sample size and response rate which can vary widely.</li> <li>• Business register would need to be created.</li> <li>• Difficult to give respondents information about the likely impact of the proposals.</li> </ul>

2.38 In relation to the Windsor Link Railway, three independent opinion polls have already been undertaken (by WLR itself (325 respondents), by the Windsor Neighbourhood Plan (37 respondents to the WLR question) and the Windsor Express (98 respondents). It could be argued that little may be gained from conducting another one, however much depends on the sample size. In addition it is worth noting that whilst a polling organisation such as IPSOS Mori is well-known, the polling industry is suffering from a crisis of confidence since the general election so many people may not accept the result.

#### ***Option 4: Postal Opinion Poll***

2.39 A postal poll could be commissioned to give a sample of stakeholders' views. The same comments as expressed above would apply in terms of a representative geographical area for the survey. The main difference would be in the number of people to be polled. While a telephone poll will continue until sufficient responses have been received, a postal poll will require a significantly higher number of people to be contacted in order to ensure a desired number of responses are received. In addition, the group of people who respond to a postal poll will be self-selecting so it is more difficult to obtain a representative sample of the population by this manner.

2.40 This means that a telephone poll will always hit a specific target for responses but a postal poll could deliver more or fewer than the desired number of responses, and the results would be more or less reliable as a result. For instance, if it was assumed that a 20% response rate could realistically be achieved, then to deliver 2,000 responses would require 10,000 selected people to be polled. A 20% response rate is considered feasible given that the referendum for the Ascot, Sunninghill and Sunningdale Neighbourhood Plan in March 2014 (undertaken using polling stations) achieved a 23% turnout, while a postal survey of residents undertaken by Wycombe District Council in February

2014 (a longer and more complicated survey) achieved a response rate of 14.5%.

2.41 A postal poll would take longer to produce results than a telephone poll, as time has to be allowed for people to respond. The cost would vary with the number of interviews required and is likely to be higher than a telephone survey. A postal poll would offer greater opportunity to disseminate information about the proposals and their likely effects, as a leaflet could be included with every ballot paper that was posted out.

**Option 4: Postal Opinion Poll**

**Cost:** Dependant on sample size but likely to include circa £20K to include printing, delivery and advertising costs and commissioning a market research company to undertake the survey itself and present the results, plus a further circa £20K for external consultancy support to analyse the results e.g. determining whether there were different levels of support from different areas or different types of people. Total circa £40K.

**Timeframe:** External consultancy support would be required to deliver this option in September given the work programme of the Planning Policy Team.

Pros	Cons
<ul style="list-style-type: none"> <li>• Greater flexibility to determine sample size which can range from residents only to residents and businesses.</li> <li>• A number of questions can be asked in an opinion poll as opposed to a 'yes/no' requirement of a local poll under the Local Government Act 1972.</li> <li>• Ability to use the electoral register for the source of persons for opinion poll</li> </ul>	<ul style="list-style-type: none"> <li>• Doesn't reach all people (although note that once a certain confidence level is reached, this becomes largely immaterial).</li> <li>• Can be difficult to reach businesses as opposed to households.</li> <li>• Results from opinion polls are only as reliable as the sample size and response rate which can vary widely.</li> <li>• To achieve the same number of results as in a telephone poll, many more people would have to be surveyed.</li> <li>• Self-selecting group of respondents making the results less representative.</li> <li>• Business register would need to be created.</li> </ul>

**Option 5: Local Poll: Referendum (Polling Stations)**

2.42 Under Section 116(1) of the Local Government Act 2003, a local authority may conduct a local poll to ascertain the views of those polled about (a) any matter relating to — (i) services provided in pursuance of the authority's functions, or (ii) the authority's expenditure on such services, or (b) any other matter if it is one relating to the authority's power under section 2 of the Local Government Act 2000 (c.22) (authority's power to promote well-being of its area).

2.43 Under Section 116(2) of the Local Government Act 2003, the local authority concerned can decide (a) who is to be polled and (b) how the poll is to be

conducted. However, Section 116(3) states in conducting a poll under this section, a local authority must have regard to any guidance issued by the appropriate person on facilitating participation in a poll under this section by such of those polled as are disabled people. Thus a poll could range from a postal vote to manned polling stations and postal votes, with varying costs associated with each. A poll or referendum is advisory and there is no obligation on a local authority to hold such a poll, nor any requirement to act in accordance with the result of such a poll. However, if there is a substantial majority and the results are well publicised, then it may be influential.

2.44 Local polls may be undertaken in one of two ways:

- Polling stations: This is the traditional approach as used in local and national elections. Those on the electoral register can vote in person or, if they have a postal vote, by post.
- Postal poll: This means that all people on the electoral register can only vote by post.

2.45 Local referendums have been held in local authorities to establish whether there is support for directly elected mayors. There are also for example referendums in Great Britain that have related to transport matters:

- The City of Edinburgh Council held a postal-ballot referendum in 2005 over whether voters supported the Council's proposed transport strategy. These plans included a congestion charge which would have required motorists to pay a fee to enter the city at certain times of the day. The turnout was 62%.
- In 2008, the Association of Greater Manchester Authorities decided to hold a referendum in Greater Manchester so that its electorate could express their approval or rejection of the proposals for a congestion charge. This was a postal vote.
- In 2013, Hillingdon Borough Council undertook a local poll in relation to the expansion of Heathrow. This was a postal but included internet voting approach across the borough (207,000 eligible voters) and cost approximately £100K including printing, postage, data management. The analysis of vote was carried out by an independent organisation under the auspices of the appointed Counting Officer. During the election period the on-line facility allowed live-feed of results. The turnout was nearly 40%.

2.46 Polls require a simply and clearly worded question with distinct options for answering. In essence this means the question would be something like "Do you support the proposed Windsor Link Railway" and the answer options would be "Yes" or "No".

#### ***Option 5: Local Poll: Referendum (Polling Stations)***

**Cost:** Costs for undertaking a poll at polling stations would include all the costs of organising, setting up, staffing and taking down the polling stations, plus preparation of polling cards, voting forms etc., and updating the electoral register, alongside dealing with postal votes from those registered to vote in that way. Delivery would be through the Electoral Services team assisted by external consultancy support, and would have significant resource implications for them. Costs would also be dependant on whether businesses as well as residents were included and the geographical coverage of the local poll.

The referendum for the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (undertaken using polling stations) included £6K for printing and postage plus £60K in charges to Electoral Services.

**Timeframe:** External consultancy support would be required to deliver this option before December 2015 given the work programme of the Electoral Services Team.

Pros	Cons
<ul style="list-style-type: none"> <li>• Theoretical full coverage – every adult registered to vote can have a say</li> <li>• Would generate a greater feeling of engagement amongst residents with nobody being able to claim that they weren't consulted within the sample area.</li> <li>• Yes / no nature of a poll would provide a clear mandate.</li> </ul>	<ul style="list-style-type: none"> <li>• 15% of the electorate have elected to vote via postal vote. This would require a parallel process of voting at polling stations and by post.</li> <li>• Complication in relation to giving businesses a vote – new register of electors required but essential to demonstrate and deliver full engagement.</li> <li>• Difficult to justify where to draw the boundary of the referendum area.</li> <li>• Likely to be the most expensive option.</li> <li>• Can only obtain a yes / no answer with no scope for asking other questions.</li> </ul>

**Option 6: Local Poll: Referendum (Postal)**

2.47 Local polls may be undertaken in a traditional method through voting at polling stations (in the same manner as local and national elections) or entirely by postal voting.

2.48 Evidence from local polls conducted elsewhere (above) suggests that a postal vote is likely to be more appropriate in relation to WLR than the use of polling stations. The turnout is potentially higher and the cost likely to be lower, while still allowing for full coverage of the electorate. In addition, it would allow for a leaflet outlining the likely effects of the proposals to be included with each ballot paper.

**Option 6: Local Poll: Referendum (Postal)**

**Cost:** Costs for a postal vote would include printing of poll cards, printing of voting forms, postage and data management. Delivery of this option would be by an independent organisation, reporting to the Electoral Service Manager. Costs would also be dependant on whether businesses as well as residents were included and the geographical coverage of the local poll. As no polling station costs would be incurred, this option is likely to be lower cost than Option 5.

**Timeframe:** External consultancy support would be required to deliver this option before December 2015 given the work programme of the Electoral Services Team.

Pros	Cons
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<ul style="list-style-type: none"> <li>• Theoretical full coverage – every adult registered to vote can have a say</li> <li>• Would generate a greater feeling of engagement amongst residents with nobody being able to claim that they weren't consulted within the sample area.</li> <li>• Yes / no nature of a poll would provide a clear mandate.</li> </ul>	<ul style="list-style-type: none"> <li>• Complication in relation to giving businesses a vote – new register of electors required but essential to demonstrate and deliver full engagement.</li> <li>• Difficult to justify where to draw the boundary of the referendum area.</li> <li>• Can only obtain a yes / no answer with no scope for asking other questions.</li> </ul>
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## Recommended Approach

2.49 All options would deliver a clear mandate to the council to either continue to support and facilitate the Windsor Link Railway, or to justify amending that approach.

2.50 Given that all approaches have advantages and disadvantages, the recommended way forward is for a local poll (postal) i.e. Option 6. Given the aspirations of Members to come to a clearer view in relation to WLR, it is recommended that external consultancy support is sought to deliver this.

2.51 If such an approach is accepted, there are a number of issues which need to be considered:

1. **Local poll 'question/s':** The Electoral Commission has produced guidance for producing referendum questions and it is useful to reflect that when considering the wording of any referendum style poll.
  - A referendum question should present the options clearly, simply and neutrally, so it is easy to understand and to the point.
  - It should be factual, describing options clearly and avoid assuming anything about voters' views.
  - It should be unambiguous, avoid encouraging voters to consider one response more favourably than another and it should avoid misleading voters or suggest a judgement or opinion either explicitly or implicitly.
  - It should be written in plain language, uses short sentences, be simple, direct and concise, avoiding jargon or technical terms.
2. **Annual canvass:** This is required to be completed by the end November 2015 to include updated IER (individual electronic register) electorate details. This is a statutory annual requirement under the duties of the Electoral Registration Officer. If it was decided that a local poll was to be resourced within the Electoral Services Team instead, then it is unlikely that any work associated with a local poll for Windsor Link Railway can be achieved before December 2015, after the annual register has been published.
3. **Size of Electorate:** Further advice should be sought on the extent to which the postal vote should be offered as there is no obvious way in which to define the area in relation to existing borough wards. Therefore a new sample area would need to be agreed based on either Windsor only wards or the wider area affected by the proposal, to include the

parishes of Old Windsor, Datchet, Horton, Wraysbury, Eton and Eton Wick.

## Information

- 2.52 In all cases, it will be necessary for stakeholders to have access to information about the Windsor Link Railway proposals in order to come to an informed decision. The council cannot be seen to act in an advocacy role for the scheme, as to do so would skew the results of the consultation and call into question the impartiality of the council.
- 2.53 For this reason, responsibility for preparing and disseminating information about the WLR scheme, its likely benefits and costs will need to rest either with the promoters of the scheme or an independent body. In either case, the information must be presented in a factual and impartial manner, neither favouring nor opposing the project, in order to achieve accurate results from the consultation. If this is not done then the results of any consultation should be treated with caution. If the work is undertaken by an independent body then, depending on the source of funding for this, there may be implications for council budgets.
- 2.54 Appendix 1 indicates the scope of the WLR proposal and the area immediately affected by the proposed physical works. Information about the scheme that has been made available to the Council to date is summarised in Appendix 2.

<b>Option</b>	<b>Comments</b>
1. Do nothing as Windsor Link Railway is already included in the Borough Local Plan consultation	No extra resource implications but unlikely to provide clear picture of public opinion on its own. <b>Not recommended</b>
2. Extension in Scope of the Borough Local Plan Consultation	Extra resource implications, offers little enhanced benefit over Option 1. <b>Not recommended</b>
3. Telephone Opinion Poll	Flexible delivery and easy to manage, but does not offer comprehensive coverage or deliver a clear mandate. <b>Not recommended</b>
4. Postal Opinion Poll	Similar to Option 3 but higher cost. <b>Not recommended</b>
5. Local Poll: Referendum (Polling Stations)	Provides full coverage and would provide the clearest mandate (same as Option 6) but highest cost and most complex option. <b>Not recommended</b>
6. Local Poll: Referendum (Postal)	Provides the same advantages as Option 5 but simpler and lower cost. <b>This is the recommended option</b>

### **3. Key Implications**

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Completion	Completion	Completion	Completion	Completion	31

of poll by end December 2015	after end December 2015	by end December 2015	by end November 2015	by end October 2015	December 2015
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#### **4. Financial Details/Financial impact on the budget**

- 4.1 There are currently no budget provisions for a questionnaire survey / opinion poll or local poll.
- 4.2 If consultation shows strong public support for the WLR proposal then the next step for the council will be to undertake due diligence of the project. Only following successful due diligence work could full support be given to the proposal. An initial budget of £50k will be required to commence due diligence work.
- 4.3 There are currently no budgetary provisions for preparing and disseminating information about the WLR scheme. Unless this cost is covered by the scheme promoters then there will be a financial implication for the council.

#### **5. Legal Implications**

- 5.1 Section 116 of the Local Government Act 2003 provides a specific power for principal local authorities to hold polls in order to ascertain views on any matter relating to: (1) their services, or (2) expenditure on those services, or (3) their power to promote well-being in their areas.
- 5.2 The extent of this express power is broadly drawn, allowing the local authority to hold a poll on any matter relating to the promotion of well-being of its area. The section also provides express freedom to a local authority in determining, for any poll it proposes to hold, who to poll and how the poll is to be conducted.
- 5.3 The Representation of the People Regulations 2001, regulation 107 (4)(aa) (as amended by Regulation 19(5)(b) Representation of the People (England and Wales) (Amendment) Regulations 2006/752 Part 1 Amendments to provisions in the 2001 Regulations) allows a local authority to use the full electoral register “for the purpose of a poll under section 116 (local polls) of the Local Government Act 2003”.
- 5.4 In publicising a poll the Council must have regard to the recommended code of practice on local authority publicity which provides guidance on the content, style, distribution and cost of local authority publicity.

#### **6. Value for money**

- 6.1 A local poll is considered to have the widest reach of any of the methods of surveying public opinion about the Windsor Link Railway, and to thus provide the most reliable outcome. Of the two possible methods of undertaking a local poll, a postal poll is likely to be better value for money than using polling stations, as it will reach the same number of people at a lower cost. Advice will

be taken regarding the procurement of a poll and further details will be reported to Cabinet in September.

## 7. Sustainability Impact Appraisal

7.1 A sustainability appraisal is not required as part of any decision on how to consult on issues relating to the Windsor Link Railway.

## 8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Consultation indicates strong public support for the WLR but the project proves to be undeliverable	Medium - high	Early due diligence of the project; care taken to not commit the council to the project in advance of financial information being available	Medium
Land required for scheme is sterilised for a long period of time and cannot be used for other development as required by the Borough Local Plan	High	Early due diligence of the project; do not enter into options over land until confident that the scheme is deliverable and likely to proceed	Medium
Consultation does not deliver a clear mandate for action (support / not support the proposal)	Medium	Programme of publicity about the consultation; ensure sufficient information about the scheme and its effects is in the public domain prior to consultation	Low

## 9. Links to Strategic Objectives

### Residents First

- Encourage Healthy People and Lifestyles
- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

### Value for Money

- Invest in the future

### Delivering Together

- Deliver Effective Services
- Strengthen Partnerships

## **10. Equalities, Human Rights and Community Cohesion**

- 10.1 There are not considered to be any equality impacts relating to the recommendations of this report. However, the manner in which the proposed consultation is undertaken will need full EQIA.
- 10.2 Neighbourhood plans have to meet the Basic Conditions required by legislation. One of these conditions is that it must be compatible with human rights requirements. The Basic Condition statement needs to be submitted by the neighbourhood group and checked by officers. An Examiner will consider whether the neighbourhood plan meets the Basic Conditions.

## **11. Staffing/Workforce and Accommodation implications:**

- 11.1 Options 5 and 6 are likely to have significant staffing and cost implications for Electoral Services and their input will be required if either of these options were to be selected.. Option 4 would also be likely to require a smaller scale of input from Electoral Services.

## **12. Property and Assets**

- 12.1 None.

## **13. Any other implications:**

- 13.1 There are no other implications to note.

## **14. Consultation**

- 14.1 The Planning and Housing Overview and Scrutiny Panel will consider the Cabinet report on 23 July 2015.

## **15. Timetable for implementation**

- 15.1 If authorised at a future Cabinet meeting, consultation could occur late in 2015. The likely time would be November / December 2015, depending on the method of engagement chosen.

## **16. Appendices**

Appendix 1: Windsor Link Railway – Land Affected

Appendix 2: Background Information relating to the Windsor Link Railway

## **17. Background Information**

- National Planning Policy Framework (2011)

## **18. Consultation**

<b>Name of consultee</b>	<b>Post held and Department</b>	<b>Date sent</b>	<b>Date received</b>	<b>See comments in paragraph:</b>
<b>Internal</b>				
Cllr Burbage	Leader of the			

	Council			
Cllr Wilson	Lead Member for Planning	15/7/15	16/7/15	Throughout
Cllr Bicknell	Lead Member for Windsor	15/7/15	16/7/15	No comments
Christabel Shawcross	Interim Managing Director			
Richard Ellis	Strategic Director of Corporate Services	9/7/15	13/7/15	Throughout
Chris Hilton	Regeneration and Development Director	9/7/15	16/7/15	Throughout
	Head of Legal Services			
David Scott	Head of Education, Children's Services	9/7/15		
Chris Targowski	Cabinet Policy Manager	9/7/15	9/7/15	2.11 – 2.24
Mark Lampard	Finance Partner			
Fee earner	SLS	10/7/15	10/7/15	2.21, 2.22, 5
Sarah Ball	Planning Policy Team Manager	6/7/15	8/7/15	Throughout

### Report History

<b>Decision type:</b>	<b>Urgency item?</b>
For information	No

Full name of report author	Job title	Full contact no:
Sarah Ball	Team Manager – Strategy and Plans	01628 796112

# Appendix 1: Windsor Link Railway – Land Affected



## Appendix 2: Background information related to the Windsor Link Railway

### The Proposal

- 1 The Windsor Link Railway proposes linking the two railway lines in the town of Windsor could deliver significant improvements in public transport, car parking and public realm. Currently, one rail line is operated by First Great Western and the other by South West Trains, with the former using Windsor Central Railway Station and the latter operator using Windsor Riverside Station. The proposal is to have one Windsor station serving both networks on one continuous railway line.
- 2 The Guide to Railway Investment Projects (GRIP) describes how Network Rail manages and controls projects that enhance or renew the national rail network. It covers the project process from inception through to the post-implementation realisation of benefits. Strategic processes for identifying, evaluating, filtering and prioritising investment needs, or the initial development of the outline business case for a project prior to its inception are dealt with elsewhere.
- 3 The GRIP Stage 2 report for the Windsor Link Railway is at Annex 1. GRIP stages 1 and 2 are the initial feasibility and development phases of the project in which the basic feasibility and value-for-money of a scheme are assessed.
- 4 The purpose of the GRIP 2 report is to establish whether a credible, deliverable and fundable scheme exists, at the level of a GRIP 2 assessment, with the following objectives:
  - To improve Windsor as an economic centre, serving residents, businesses and visitors
  - To provide a minimum of four trains per hour (4 tph) from London Waterloo to Slough via Windsor, reducing journey times, to both London Paddington and Waterloo as well as around the region
  - To provide additional parking
  - To improve flood protection
  - To improve air quality and traffic flow on roads in and around Windsor
  - To provide additional residential and commercial accommodation in keeping with the historic environment
  - To preserve and enhance the riverside area of Windsor, its heritage buildings and natural environment, including Alexandra Gardens, the Goswells, the Home Park and the iconic views of the castle
- 5 NB the above objectives are intended to be mutually supportive. That is, whilst better transport, additional parking or development might normally be seen as conflicting with protecting heritage and views, WLR's design goal is to achieve all. From the outset, WLR's mantra has been 'everyone wins'. That is, benefits to one section of the community should not be at the expense of another.

## Windsor Link Railway Project History

- 8 The project was first proposed in 2009. There had been previous proposals to connect the two stations but these floundered on the difficulty of the listed buildings and the gradient between them. The breakthrough that is WLR was to link the lines rather than the stations, with a single new station, which solved these problems.
- 9 The scheme was promoted privately as an additional benefit, reducing the public debt (both national and local) necessary to bring forward infrastructure projects. If successful this will be the first time that private money had been used to enhance the core national rail network for over 100 years, before rail nationalisation. The model could make a significant contribution to improving services and reducing rail fares nationally.
- 10 In 2012 Network Rail assessed the scheme and concluded it was likely to have a positive business case, 'high value for money' according the DfT WebTAG criteria. On the basis of this, whilst acknowledging that further work would be required, they agreed to grant the Windsor Link Railway Limited a 20-year exclusivity for the purpose of bring forward the scheme.
- 11 In 2013 South West Trains, which together with Network Rail, forms a partnership for train operations in this region, formally supported phase 1 of the proposal.
- 12 In December 2013, the council received a petition from over 1,000 people in support of the scheme. This was supported by a survey showing that over 96% of people living in Windsor centre thought the scheme was important. WLR also consulted extensively with opposition parties and voluntary organisations such as the Chamber and the Windsor & Eton Society.
- 13 The full council, meeting February 2014, voted unanimously to welcome further proposals.
- 14 In February 2015, the cabinet approved changes to the preferred options policy, which is due for a second consultation in November 2015, to support the linking of the two railway lines in principle. This was based upon the recommendation of the Local Plan Working Group.
- 15 In October 2014, the Windsor Neighbourhood Plan included the WLR proposals, rail and other development and improvements to the riverside, in its 'vision' consultation. This was positively received by residents and the business community.
- 16 Responding to the council motion, Windsor Link Railway Limited, with advice from Turner & Townsend, conducted an open competition to select an investment partner. This process concluded early in 2015 with a number of investors, with the necessary credibility, skills and balance sheet to support the project, emerging.