Datchet Parish Council
1 Allen Way, Datchet, Berkshire, SL3 9HR
Telephone: 01753 773499

Email: clerk@datchetparishcouncil.gov.uk
Website: www.datchetparishcouncil.gov.uk

MINUTES OF THE EXTRAORDINARY MEETING of DATCHET PARISH COUNCIL
held in WI HALL, THE GREEN, DATCHET SL3 9EH
on WEDNESDAY 2nd SEPTEMBER 2026, at 7.00pm

Present: (6 Members) Cllr. D. Buckley (Chairman), Cllr. E. Larcombe, Cllr. I. Thompson, Cllr. D. Sanders, Cllr. B. Picot, Cllr. A. Whelan

In attendance: Clerk – Mrs Masikito

Public: There were 6 members of the public present.

No Recording of this meeting was possible as no equipment was available

26/106 APOLOGIES AND ANNOUNCEMENTS

Apologies for absence were received from Cllr. A. Clemens, Cllr. C. Wise, Cllr. D. Loveridge, Cllr. S. Young, Cllr. I.Bacon, Cllr. M. Davies as issued by Cllr. E. Larcombe

Absent without apologies: Cllr. A. Buck, Cllr. P. Burden, Cllr. T. O'Flynn

The chairman read out a statement – **SEE APPENDIX A**

26/107 PUBLIC QUESTION TIME *(Limited to 2 minutes a person and 10 minutes maximum total)*

Public Questions Submitted in writing to the Council

Resident 1

I would like to submit the following formal written question to be asked, recorded in the official minutes, and answered at the Extraordinary Council Meeting on 2nd September 2026:

DPC's published reports and minutes appear to indicate that expenditure incurred to date in relation to AL39 may now be approximately £33,000, including legal, hydrological and other specialist advice.
Can DPC confirm the total expenditure incurred to date, identify the budget/source and Council resolution, delegated authority or other governance mechanism under which that expenditure was authorised, and confirm whether further expenditure has been authorised or is anticipated?

Chairman - Noted that some cost information will be discussed in Part II. He confirmed that the Clerk will respond to residents' questions once she has reviewed the matters raised, noting that she returned from annual leave yesterday and had not had an opportunity to collate the data.

Resident 2 – Submitted the questions in writing and read them out at the meeting.

i) Agenda item 26/109 refers to legal proceedings concerning the discharge of Conditions 4 and 5 on application 26/00560. Without disclosing privileged legal advice, can the council confirm that the

challenge concerns RBWM's decision to discharge those conditions in circumstances where DPC's technical advisers have raised concerns about the ability of the proposed attenuation basin and drainage system to operate during a 1% AEP (annual exceedance probability) fluvial flood event? (Paragraph 3.13 of the National Standards for SuDS [sustainable drainage systems] guidance states: *Surface water drainage features shall not be located in areas identified at risk of flooding in the 1% AEP event from pluvial or fluvial sources unless designed to be and demonstrated to operate under flood conditions.)*

Chairman - Advised that the answer to the question is yes.

ii) Can the council confirm the broad remedy being sought, whether the legal proceedings seek the quashing and reconsideration of RBWM's decision to discharge Conditions 4 and 5, or whether any wider remedy affecting the AL39 planning permission is being sought?

Chairman – Stated that the question had been addressed in his opening statement. He confirmed that, if the Council is successful, it is seeking for RBWM's decision to discharge Conditions 4 and 5 to be quashed.

Resident 3 asked what commitments DPC has made in relation to the Judicial Review, who authorised those commitments, what expenditure has already been committed but not yet paid, and what further costs may be anticipated if the Judicial Review proceeds. This includes costs for High Court representation (barrister, solicitors, legal counsel), expert evidence, and any potential cost exposure.

The Chairman confirmed that DPC has committed expenditure in relation to the Judicial Review. He explained how the situation arose and why urgent action was required.

He stated that DPC received an initial email from the legal team on 14th August, but at that stage the urgency was not yet clear. On 17th August, further information was picked up, the legal team advised that a formal decision and submission were required by 24 August 2026. This left insufficient time to call an Extraordinary Meeting before the deadline.

The Chairman explained that DPC had five working days to prepare and submit the required material, including the substantial documentation needed for the cost-capping application, which itself runs to around 20 pages. The matter was reviewed with the Vice-Chair and Deputy Clerk, as the Legal Officer was away at the time.

He stated that if DPC had not met the midday 24 August deadline, all work undertaken over the past several years on AL39 would have been lost, and the Council would have been unable to pursue the flood-risk concerns affecting the village. He emphasised that residents have consistently asked the Council to challenge the development over the past 3–4 years, and failing to act would have prevented DPC from continuing that work.

Notice of the Extraordinary Meeting was issued to residents on 19th August.

The Chairman reiterated that no one can confirm the final cost, as this depends on the Court's decisions and the progression of the case. He noted that DPC has applied for a cost-capping order to limit exposure.

He confirmed that expenditure to date is below £33,000, though still substantial, and that the Clerk will review and confirm the precise figure.

Resident 3 - Stated that the Council had not investigated or projected the potential costs of seeking Judicial Review, yet was holding a Part II meeting that residents could not attend despite public funds being used. They expressed concern that councillors were effectively being asked to sign a "blank cheque" without any cost projections or financial modelling.

Chairman advised that DPC has applied to the Court for a cost-capping order, which is the formal mechanism available to restrict the Council's potential financial exposure. He explained that no further detail on projected costs can be provided publicly at this stage, as doing so would disclose information to the defendant and could compromise the Council's legal position.
He reiterated that the Council must protect its case and follow legal advice, and that certain matters can only be discussed in Part II due to their legal sensitivity and confidentiality requirements.

Chairman noted that the Council still has the option to protect the village through the Judicial Review process, but acknowledged that residents are seeking greater clarity on the process and on what committed and future expenditure may cover. He confirmed that broad categories of spend include legal representation, counsel, expert evidence and associated court costs, but detailed projections cannot be published without risking prejudice to the Council's position.
He further stated that DPC has received clear barrister advice indicating that the Council has a strong case, which informed the decision to proceed within the very limited timeframe available.

Resident 4 asked what the status of the AL39 development site is while the Judicial Review process is underway.

Chairman advised that DPC has not received any formal update from either the legal team or RBWM regarding the current status of works on the site. He confirmed that DPC does not yet know whether any activity has paused, changed, or continued during this period.

Resident 2 stated that RBWM has initiated an enforcement investigation relating to Conditions 4 and 5.

Resident 5, who lives directly opposite the development site, her land is lower than the development site and stated that rainfall regularly causes a large puddle outside their home. They expressed that they are very pleased the Council is taking action to address the drainage and flood-risk concerns.

26/108 DECLARATION OF INTERESTS

Members are required to declare any financial or personal interests arising from the agenda.
Dispensation requests should be made to the Clerk in advance of the meeting.

Cllr E. Larcombe declared an interest as he is a representative on the Thames Regional Flood and Coastal Committee, involved in the River Thames Scheme and the Datchet to Hythe End flood-improvement measures.

26/109 AL39 URGENT UPDATE

To note urgent update on AL39 legal proceedings against the Royal Borough of Windsor & Maidenhead, reference discharge of conditions 4 & 5 on application 26/00560. Court filing deadline date of 24th August 2026 for the lodging of court proceedings and details of requirements from Richard Buxton Solicitors.

The Chairman informed members that advice had been taken from HALC and that the motion required amendment. Under DPC standing orders amendments are permitted.
RESOLVED: *That the Council agrees to amend the motion*

Proposed by **Cllr B. Buckley** Seconded by **Cllr B. Picot Unanimously agreed – MOTION CARRIED.**

Amended Motion – AL39 Legal Proceedings

RESOLVED: *To agree urgent update on AL39 legal proceedings against the Royal Borough of Windsor & Maidenhead, relating to the discharge of Conditions 4 and 5 on application 26/00560; the Court filing deadline of 24 August 2026 for lodging proceedings; and the requirements set out by Richard Buxton Solicitors.*

Proposed by **Cllr D. Buckley** Seconded by **Cllr I. Thompson Unanimously agreed – MOTION CARRIED.**

Cllr I Thompson read out the following email from Stepehen Evans who is the CEO RBWM

I'm assured that each of the applications in question was considered in the right way. Specialist advice was sought from the Lead Local Floor Authority on relevant matters and amendments/improvements and clarifications sought prior to approval of any details. The correspondence from the Parish's flood consultant was also considered by both the Lead Local Flood Authority and the planning team prior to determining applications. The planning department placed significant weight on the specialist advice of the Lead Local Floor Authority in determining the application, as is proper. I've been assured that the applications were determined appropriately.

That being the case, I can't see how this demonstrates serious cultural problems or failings. It shows that colleagues were diligent in their approach and sought to secure appropriate clarification and improvements to the details in the interest of residents of Datchet.

I appreciate that the parish has a different view on the outcome and is pursuing a legal response. It's the right of the parish to do that, and the process will run its course. I'd highlight that no part of the attenuation basin is located within an area identified as being at risk of flooding in the 1% Annual Exceedance Probability fluvial flood event.

Cllr I Thompson sent the following correspondence to Stephen Evans

I have read Stephen Evans letter most carefully and it is clear to me that both Stephen and the Borough are unaware of the current extremely serious flooding risk that is increasingly occurring to residents housing relative to the uncleared Datchet Common Brook adjacent to the AL39 site.

Water from this site will eventually reach and discharge into the Datchet Common Brook watercourse. The residents understand this, our DPC records of 2014 flooding show and confirm the seriousness then , it will only be worse in such an event in the future. I am sure that this is the cultural effect that you are referring to, the extended worry that residents bring to our Council meetings especially during winter months. It is unacceptable to live with this defined risk to their lives and property year after year, let alone the probable addition of further water related risk.

Stephen refers to the attenuation pond, our consultant points out that what provisions are made when the DCB is overwhelmed by the River Thames as in 2003 and 2014 and the pond is full without possibility of discharge.

It appears that the processes of evaluation taking place at the Borough are a desktop exercise ensuring that the right boxes are ticked and the right processes are taken, responsibility resolved, CIL money received.

What is not understood is the face-to-face concerns by upset, distraught, and frightened residents' we Councillors on the Flooding team have to deal with as water laps their doorsteps, this is the human side of a flood event. We work 24/7 when this occurs, any reduction in risk is very welcome, to retain the current risk is a bonus, to increase risk when knowing it can be avoided is inhuman, this is the cultural face.

Have the Borough people actually visited the site and seen the locations of the points involved.

Councillor Questions

Cllr E. Larcombe reported that he and Cllr Thompson attended the planning meeting in 1992, nearly 35 years ago, and stated that the situation is worse today than it was then. He commented that the "experts" who gave evidence in 1992 have not delivered the outcomes expected; we now have no river Thames Scheme and no Datchet-to-Hythe End flood-improvement measures.

Cllr Larcombe stated that the issue is not simply "inhuman" but represents reckless negligence. He added that responsibility for addressing the matter lies with the Lead Local Flood Authority. He noted that members are aware of the individuals involved.

Cllr Larcombe further reported that the Datchet Common Brook is blocked, and that the effect of this has been evident this year: the ditch on the recreation ground, which would normally dry out, has not done so, despite drought conditions and a falling water table.

The Chairman informed members that he had carried out cost calculations based on expenditure to date. When projected over a 100-year period, the annual cost per resident equates to approximately 4.8 pence per year.

26/110 **EXCLUSION OF PRESS AND PUBLIC – PART II**
The Chairman will move that the Press and Public be excluded from the meeting on the grounds that publicity would be prejudicial to the public interest by virtue of the confidential nature of the business to be transacted.
RESOLVED: Public left 19:36pm

26/111 **AL39**
To discuss confidential matters relating to legal proceedings on AL39 and the request for a Court order of a non-variable PCO.

The Council noted the expenditure incurred to date in relation to AL39 and received an update on the current position regarding the application for a non-variable PCO.

Further discussion on AL39 took place

Clarification on the Judicial Review (JR) process, and further information was provided

Meeting Closed at 20:21

_____

CHAIRMAN

APPENDIX A

Chairman's Statement – AL39 Judicial Review

Good evening.

I want to briefly explain why Datchet Parish Council has taken the significant step of bringing a Judicial Review against RBWM concerning the AL39 development.

Let me be clear from the outset.

This is not about stopping 80 new homes.

It is about ensuring those homes are built safely and do not increase the future flood risk to existing Datchet residents.

At the centre of our concern are Conditions 4 and 5, covering surface-water drainage.

The original drainage strategy relied upon attenuation and a drainage route involving a culvert beneath the M4. When problems emerged with that route, the design changed, placing greater reliance upon infiltration – effectively putting more water into the ground.

And this is Datchet.

We are a village with a long history of flooding and a recognised high and variable groundwater table.

That is why what happened in January 2026 is so important.

Datchet Parish Council specifically requested additional protection within Condition 4. RBWM accepted our request and the condition was strengthened to state:

"The details shall comply with the Environment Agency standing advice and the National Standards for SUDS design."

Those words – "shall comply" – matter.

This was protection requested by your Parish Council, accepted by RBWM and incorporated into the planning condition.

Those requirements must also consider climate change and increasing rainfall over the lifetime of this development.

And the fundamental principle is simple:

New development must not increase flood risk elsewhere.

RBWM subsequently discharged Conditions 4 and 5.

The Parish Council believes there are serious questions over whether the drainage proposals properly satisfy the requirements RBWM itself placed within Condition 4 and whether future climate-change and flood risks have been adequately addressed.

That is why, on Monday 24 August, our solicitors lodged an application for Judicial Review.

We are asking the court to examine whether RBWM acted lawfully and followed the correct process when discharging these critical conditions.

If the court finds that decision legally flawed, we are seeking to have it quashed, allowing the drainage conditions to be reconsidered.

We also recognise our responsibility for residents' money. Our solicitors have sort to limit the Parish Council's exposure to the other side's legal costs. That application will be determined by the court.

Taking legal action against our Borough Council is not something we do lightly.

But once these homes and their drainage infrastructure are built, we cannot turn the clock back.

Our position is simple:

AL39 must manage its own water. It must be designed for the climate of tomorrow, not simply the rainfall of today, and it must not increase flood risk to Datchet.

That is the protection we asked for.

That is the protection our residents deserve.

And that is why Datchet Parish Council has taken this action.