

**APPENDIX B: Inspector's Report into the West Berkshire Core Strategy**



The Planning  
Inspectorate

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# Report to West Berkshire Council

**by Simon Emerson BSC DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 3 July 2012**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE WEST BERKSHIRE  
CORE STRATEGY**

Document submitted for examination on 12 July 2010

Examination hearings held between 2 November 2010 and 22 May 2012

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## **Abbreviations Used in this Report**

AA	Appropriate Assessment
ADPP	Area Delivery Plan Policies
BHMA	Berkshire Housing Market Assessment
CS	Core Strategy
ELA	Employment Land Assessment
HMA	Housing Market Area
HSE	Health and Safety Executive
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
ONR	Office for Nuclear Regulation
RS	Regional Strategy
RSC	Rural Service Centre
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SEA	Strategic Environmental Assessment
SEP	South East Plan
SUDS	Sustainable Urban Drainage Systems
SV	Service Village.

## **Non-Technical Summary**

This report concludes that the West Berkshire Core Strategy provides an appropriate basis for the planning of the District, providing a number of modifications are made to the Plan.

The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. With the exception of the model policy on sustainable development and some of the detailed wording relating to the required review of housing provision, the substance of all the modifications have been agreed or accepted by the Council and are drawn from the various changes published by the Council during the course of the Examination. I have recommended the modifications after full consideration of the representations from other parties on these matters.

The modifications can be summarised as follows:

- Simplification and clarification of the presentation of proposed housing distribution between the settlements and the spatial areas, including the deletion of policy CS2
- Confirming that the 10,500 dwellings proposed in the Plan is not a cap on development; requiring an update to the Strategic Housing Market Assessment within 3 years and reviewing planned provision of housing in the light of that update.
- Confirming that development within the strategic allocation at Sandford will be confined to the north and west of the site and other changes to clarify what is proposed and ensure adequate infrastructure and mitigation.
- Replacing the proposed employment policy with a new policy so as to provide greater clarity as to the Council's intentions; to be consistent with national policy for office development; and to provide flexibility to accommodate non B class economic development.
- Introducing a new policy to signal the strong restraint on residential development necessary close to the Atomic Weapons Establishments.
- Introducing a new policy on sustainable development to reflect the overall aim of the National Planning Policy Framework.
- Deleting the Rural Exceptions Policy (CS8) as inconsistent with national policy so that the policy approach can be reviewed in a subsequent part of the Local Plan.
- Making a number of other changes to the detailed wording of policies and text to ensure effectiveness and consistency with national policy.

## Introduction

1. This report contains my assessment of the West Berkshire Core Strategy (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy. The duty to co-operate in section 33A of the 2004 Act does not apply to this Plan as it was submitted well before 15 November 2011 when that duty came into effect. The duty applies to the preparation of a Local Plan and the legislation does not require it to be applied retrospectively.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The submitted plan is the same as the document published for consultation in February 2010. The basis for my examination is the submitted plan incorporating some minor amendments. The Council's schedule of proposed amendments at submission (CD07/17) included some that were more than minor (as explained in my Preliminary Comments, 22 July 2010). The schedule was subsequently amended in CD07/30. I signalled my intention to accept these appropriate minor amendments in my pre-hearing Briefing Note, 2 September 2010. One of the minor changes was to change the title of Spatial Policies 1-6 to Area Delivery Plan Policies (ADPP) 1-6.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Annex (which includes Appendices).
4. The main modifications are drawn from a series of possible changes that have been the subject of public consultation and, where necessary, Sustainability Appraisal (SA). These were published in February 2011 (Schedules CD07/41 and CD07/42) and in October 2011 (Schedules CD07/74 and CD07/75). I have taken all the consultation responses into account in writing this report. I have also taken into account the responses to the separate consultations undertaken on such matters as the NPPF, the Government's Planning Policy on Traveller Sites and the model policy for sustainable development.
5. The wording of the main modifications in the attached Annex incorporates some minor changes to the text previously published, such as to update references to national guidance following the publication of the NPPF. There are a number of references to national guidance elsewhere in the Plan which should be updated, but where there is no change in the policy approach these changes are minor and are for the Council to consider.
6. To assist parties' understanding of the origin of the main modifications the Annexe provides a reference to the earlier published changes and notes any subsequent amendments. A few of the changes previously published are not included in the main modifications as the relevant policy is sound and

therefore no change is required. I do not refer to any of the schedules of minor modifications that have been published during the Examination. It will be for the Council to decide what additional modifications it wishes to make to the Plan at adoption.

### **The adequacy of the Council's Sustainability Appraisal and Environmental Assessment Report**

7. At the end of this report is a summary of my assessment of the Plan's compliance with all legal and regulatory requirements. I conclude there that all the requirements are met. However, consideration of whether the Council has complied with some of the regulatory requirements has been a significant and contentious part of this Examination and I therefore address the most controversial matters here as they form a necessary prerequisite to the consideration of soundness.
8. My note to the Council of 13 July 2011, indicated that in the light of the judgement in *Save Historic Newmarket Ltd & Others v. Forest Heath District Council* [2011] EWHC 606 (CD10/94), the *Sustainability Appraisal and Environmental Assessment Report (SA/SEA)* (CD07/10) published in January 2010 alongside the publication version of the Core Strategy failed materially to meet the requirements of the Regulations. This was because the report contains no explanation of the reasons for the selection of the Sandford strategic site (policy CS4) from the alternative options at Newbury/Thatcham put forward in *Options for the Future* May 2009 (CD07/06), nor for the selection of the broad locational approach in the Eastern Area from the options previously put forward. The selection of a 2nd strategic site at Newbury (in addition to that at Newbury Racecourse which has already received planning permission and where development has commenced) is one of the key decisions made in the Core Strategy.
9. Following consideration at a hearing on 31 August 2011 of the possible ways forward, I suspended the Examination to allow the Council to seek to rectify this Regulatory failure. My note of 7 September 2011 explains the reasons for allowing the Council to proceed in this way. It also outlined the task that the Council was required to undertake, namely an objective re-assessment of the relevant matters in the SA/SEA report so that the report could properly fulfil its purpose in the evolution of the Core Strategy. As explained in that note, I do not see any legal bar to the Council redoing this work during a suspension of the Examination, even though there is no express legislative provision to do so. I do not regard the more recent decision of the European Court in *Inter Environment Wallonie ASBL v Region Wallonne* (Case C-41/11)(CD10/107) nor the Judgement and Order in the domestic case of *Heard v Broadland District Council, South Norfolk District Council and Norwich City Council* (QB CO/3983/2011, February 2012)(CD10/106) as precluding the reworking of the SA/SEA report prior to adoption. Both these cases concerned a challenge to a proposal or plan which had already been adopted.
10. The Council's further work is set out in *SA/SEA Update October 2011* (CD07/72). It is clear from the contents page of the main report that it consists of the main report, 5 Appendices and a series of SA Policy Papers. The various updates made to this material since January 2010 are highlighted by different text and it is clear how it has evolved. The Council has also added

to the document the *Combined Strategic Housing Sites Appraisal Phase 1 and Phase 2* reports. These had previously been published separately to the SA/SEA. They are inserted unaltered. There is some inconsistency in the detailed assessment of issues relating to Sandford and North Newbury as addressed in the Phase 1 and 2 reports compared with the rest of the SA/SEA as now updated. For example, not all the potential issues highlighted in Appendix 8 of the Strategic Sites Policy Paper (see paragraph 14 below) are referred to in the Sustainability Appraisal Scoring in Appendix A of the Phase 2 report and some matters are not explained in a similar way, even though it is not apparent that there has been any new evidence to account for these differences. But I do not regard these differences as fundamentally undermining the purpose of the document as a whole. The SA/SEA Update Report is substantial and complex, but all the relevant information is available in its various parts. Although cross-referencing between different parts of the document is necessary, it is now possible to follow the Council's explanation and testing of its policy choices.

11. The revised SA/SEA report does not reassess the long list of 15 possible strategic sites that were scored prior to the publication of *Options for the Future* (CD07/06). I am satisfied that proposal CS9 in *Options for the Future* represented reasonable alternatives for the choice of strategic allocations in the Newbury/Thatcham area and, separately, for the possible alternative approaches to be made in the Eastern Area. The Council's justification for the options put forward in *Options for the Future* and the rejection of other alternatives is adequately explained. Some sites are rejected with brief reasoning, but it is adequate and reasonable in the light of the evidence and circumstances pertaining at the time and now. The selection of strategic sites from an initial long list of alternatives is an iterative process and it is inevitable that each subsequent stage will consider the remaining alternatives more closely than at earlier stages, taking into account potential mitigation. It was reasonable for separate consideration to be given to the appropriate approach to strategic development in each of the 2 spatial areas which contain urban settlements (i.e. Newbury/Thatcham and the Eastern Area). A consequence of this separate approach meant that there was no need to continue to compare a potential strategic site in one spatial area with a potential strategic site in another spatial area.
12. The selection of strategic sites and the approach to major development in the Eastern Area and at Newbury/Thatcham is explained on pages 49-54 of the main SA/SEA report and in more detail in the SA Policy Paper *Strategic Sites*. For the Eastern Area, *Options for the Future* set out 5 options, which included different approaches to development in the area as well as different sites. There is an adequate explanation for the Council's decision not to allocate a single strategic site, but to identify a broad location within which to make future allocations in the Site Allocations and Delivery DPD. The appropriateness of the decision not to proceed with a strategic allocation at Pincents Hill is confirmed by the Secretary of State's decision in June 2011 to dismiss a planning appeal for development of that site (CD10/101). The Council's approach retains flexibility for future choices in the Site Allocations and Delivery DPD. On the evidence available, the Council's approach to the Eastern Area is now adequately explained in the SA/SEA report and, in addition, is sound.

13. The alternative strategic sites for the Newbury/Thatcham Area are re-assessed, but with the strategic allocation at Newbury Racecourse now rightly taken as a commitment. From the 3 reserve site options for Newbury/Thatcham in *Options for the Future*, the Council's selection and justification of Sandleford is explained in 2 stages. The first stage was the in principle rejection of Thatcham as a location for a strategic scale of development. This is referred to in Section 18.2 of the Strategic Sites Policy Paper which relies on the earlier justification set out in section 11 (11.1 -11.7) of the Paper. Clear reasons are given. Given this, in principle, rejection of Thatcham, there was no need for the Council to reappraise the site specific merits of Siege Cross. I consider the soundness of the spatial approach to Thatcham under Issue 2 below.
14. There was, finally, a choice to be made between Sandleford and North Newbury. The Council's comparative re-assessment of these 2 sites is in Appendix 8 of the Strategic Sites Policy Paper with a summary of conclusions in the text of the Policy Paper and in the main report. Clear reasons are given in the summary conclusions. Issues of potential concern in relation to North Newbury included the effect on: the strategic road network, Donnington Castle, the site of the 2<sup>nd</sup> Battle of Newbury and flood risk. Some of these concerns were highlighted by the Council as a result of representations made at the *Options for the Future* stage. But these potential concerns were not the subject of any assessment by the Council to see if there was any real substance to them or whether they could be overcome by mitigation (or if they were assessed such consideration is not explained in Appendix 8). From the Council's response to my note of 1 March 2012 it is clear that strategic highway matters and flood risk are not, in fact, seen by the Council as show-stoppers to strategic development at North Newbury. Accordingly, the presentation of information in Appendix 8 was not as transparent or as comprehensive as it could have been.
15. Having regard to the wide range of matters taken into account in reassessing these 2 strategic alternatives, the weaknesses in the presentation of the Council's comparative assessment are not so great as to undermine the purpose of the SA/SEA in explaining the reasons for the choice made. The assessment involves the exercise of planning judgment about the general locational merits and characteristics of these 2 sites. No one factor appears crucial to the conclusion the Council reached. I consider that the SA/SEA Update Report provides an adequate explanation to meet the requirements of the Regulations. I consider under Issue 3 the soundness of the choice made.
16. The Council's formal consideration of the *SA/SEA Update Report* was at its meeting on 1 November 2011 (CD09/63). (The document refers to the Council meeting on 25 October 2011, but the meeting was postponed to 1 November to give Members more time to digest all the material). The Council endorsed the document for consultation. The Council considered the responses to that consultation at its meeting on 14 February 2012 (CD09/65). These 2 decisions are also the subject of criticism.
17. Minutes of both meetings (CD09/72 and /73 respectively) record much discussion that was unrelated to the particular choices made in the *SA/SEA Update Report*, but that does not mean that the Council ignored the clear recommendations put before it and the substantial material which



accompanied the agenda, including the *SA/SEA Update Report* in its entirety for the meeting in November 2011. At the meeting on 14 February 2012 a motion to amend the motions formally before the Council (which would have had the effect of removing the Sandleford strategic allocation from the Plan) was not allowed to be put forward on procedural grounds. But if the Council did not wish to proceed with a Core Strategy which contained Sandleford, the motion to proceed with the Plan could have been defeated. I do not regard the conduct of the Council meetings as undermining the Council's compliance with the Regulations concerning the SA/SEA.

18. The officer's report to the meeting on 1 November 2011 (CD09/63) clearly sets out a need for the Council to choose a strategic site for the Newbury/Thatcham area. The report to the meeting on 14 February 2012 (CD09/65) does not re-address this main issue, but considers whether the responses to the consultation should lead to any change in the choices that the Council had made at its meeting in November. This was a satisfactory approach to take. The latter report contains an extensive commentary on the responses to the consultation including, at Appendix G, comments on representations made by the promoters of the North Newbury site. It was not essential for these comments to be set out in full or extensively summarised. The summary of the promoters' concerns in Appendix A of the officer's report makes clear that some of the SA/SEA assessment is considered by them to be factually incorrect and unbalanced. This is the most important point that needed to be communicated. The officer's commentary in Appendix G on matters such as flood risk and highways was ambiguous and it would have been preferable if all matters had been dealt with clearly. But in my view this does not make the report and the Council's decision on it fundamentally flawed. There is nothing to suggest that the Council's decision to maintain the choice of Sandleford as the strategic allocation turned on these detailed matters.
19. Consultation on the SA/SEA Update Report along with the Core Strategy provided a fresh opportunity for existing and new parties to make representations on the Plan. Those new parties seeking a change to the Plan in relation to Sandleford were provided with an opportunity to be heard if they wished. This extended process has ensured that a wide range of residents and interest groups have been able to participate in the Examination.
20. Criticisms have been made by members of the public as to the practical difficulty of using the web-based consultation portal for the latest (and earlier) consultations. However, this is a well used system for such consultations and, importantly, the Council also accepted representations made on paper and by email. Any such difficulties do not fundamentally undermine the consultation process. I am satisfied that the regulatory requirements for consultation have been met.
21. Much criticism was also made of the Council's decision-making process between *Options for the Future* and the published Plan in February 2010. There was a lack of transparency and clear reasoning which compounded the failure of the SA/SEA to address the reasons for the Council's choices from the alternatives. However, those shortcomings have been overcome by the further work undertaken by the Council.

22. There is no regulatory requirement for the Council to take into account the representations made when the Core Strategy is published. I have taken these representations into account as part of the Examination. Publication means that the Council consider the document sound. It was therefore reasonable for the Council's officers to meet with the promoter of the Sandleford allocation (eg meeting 30 March 2010; minutes at CD10/56) to discuss advancing the development through master-planning. By that stage the Council had made what it considered to be a sound allocation and it was logical to seek to progress the matter effectively.

## **Assessment of Soundness**

### **Main Issues**

23. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 5 main issues upon which the soundness of the Plan depends.

### **Issue 1 – Is the overall amount of housing justified?**

24. The submitted Core Strategy refers to the delivery of 10,500 homes in West Berkshire between 2006 and 2026. This intention is principally set out in policy CS1, but is also referred to elsewhere in the Plan. This figure is the requirement for the District in the Regional Strategy (RS), the South East Plan (SEP) (CD04/34). The requirement in the SEP remains part of the Council's justification for the soundness of the Plan in relation to overall housing provision.
25. Whilst the SEP remains in place, it is a relevant consideration, not least because of the statutory requirement to ensure that the Core Strategy is in general conformity with it. General conformity does not require precise adherence to the housing figure in the SEP, although there is much more flexibility to provide more housing than less. The SEP was not able to plan for all need and demand and it indicates (7.6-7.7) that local planning authorities can test higher numbers through their development plans. The SEP had a long evolution before its final approval in 2009 and much of the evidence dates from much earlier, eg 2004 household projections. Its assessment of housing needs and demand is not therefore up to date.
26. In my note of 13 July 2011 identifying further matters of unsoundness, I stated that the Council's reliance on the SEP must, at that time, carry substantial weight as the RS had grappled with the conflicting needs and pressures for housing and constraints to its delivery. The RS was intended to reduce uncertainty for Councils in producing lower-order plans. But I also flagged that the considerations relevant at the time I concluded my report might be materially different, as indeed is the case. My note pre-dated publication of the draft NPPF. The Localism Act now gives the Government the authority to revoke the RSs and the final NPPF has been published. I need to assess the soundness of the housing provision in the light of the NPPF's requirements.
27. The *Berkshire Housing Market Assessment* (BHMA) February 2007 (CD09/14 & 15) does not provide a clear understanding of housing needs and demands in the area as required by NPPF paragraph 159. The BHMA states that it has not

sought to assess the overall number of new dwellings required/demand for housing (eg 1.03, Table 10.1, 10.73/10.74). This element of the assessment is drawn from the then emerging SEP. The BHMA does, however, indicate a substantial need for affordable housing (Table 7.37 gives a range of 720-880 annually) which is far greater than the annual average for overall housing provision. The NPPF seeks such needs to be met in full (subject only to the overall balancing of needs against environmental impact set out in paragraph 14). Whilst the Council has sought to maximise the *proportion* of affordable housing to be secured from market developments (see policy CS7 below) the great need for affordable housing does not appear to have weighed materially in assessing the appropriate overall level of housing in the District.

28. The most recent ONS based *household* projections (November 2010, but based on the 2008 population projections) indicate an additional 16,000 households in West Berkshire to 2026. More recent *population* projections indicate a lower rate of increase in the population for the District, but still materially above that projected from the provision of 10,500 dwellings. These projections are based on an extrapolation of the previous 5 years. The 5 year periods leading up to 2008 and 2010 saw considerable changes in relation to the economy and international migration, which may change again over the next 15 years to 2026. There is thus inevitable uncertainty as to the veracity of such projections for planning purposes, but the NPPF clearly expects such projections to form part of an assessment of need and demand.
29. The NPPF requires a cross-border approach to planning and the District must not ignore any unmet housing needs in adjoining areas. The other Councils making up the West Central Berkshire Housing Market Area all have adopted Core Strategies (based on the SEP). None explicitly require any provision in West Berkshire of unmet needs and none of the adjoining Councils made representations to the Examination seeking such explicit provision. However there is evidence that such cross-boundary provision may be required. The report of the Panel (2007) which held the Examination-in-Public of the draft SEP (CD04/35) concluded that housing provision in the Western Corridor/Blackwater Valley was significantly too low (7.79) and had recommended (Recommendation 21.3) an additional 7,500 dwellings on the edge of Reading in West Berkshire to meet the needs of Greater Reading. The Secretary of State did not take up this recommendation because of problems with its deliverability, but she did not take issue with the overall need identified (*Schedule of Changes and Reasoned Justification* CD04/43, Pages 127/128).
30. Given all the above, the Core Strategy's planned provision of 10,500 is not justified by an assessment which meets the requirements of the NPPF. The available evidence indicates that need and demand within the District are materially greater than planned provision and that there may be needs in the wider area that are not being met because the SEP was unable to fully address them. However, in the absence of an up-to-date, comprehensive SHMA based on the Housing Market Area and agreed between the relevant local authorities covering that HMA, there is insufficient evidence to identify what are the objectively assessed needs and demands.
31. The Council emphasised that environmental constraints within the District weigh against making significantly greater provision for housing. But the

evidence does not justify such a firm conclusion. Outside the AONB (see discussion under issue 2), there is the potential to deliver more than the 10,500 proposed in the CS. The SHLAA (CD09/55, Table 4) identifies sites for over 16,000 additional dwellings across the whole District (on sites assessed as deliverable and *potentially* developable). There are some weaknesses in the Council's approach to assessing and classifying sites as *potentially* developable and the cumulative impact of developing all such sites, such as on infrastructure, has not been assessed. But the SHLAA does not support any conclusion that provision should be limited to around 10,500.

32. The SA/SEA (CD07/72 and earlier iterations) tested the outcomes of 3 Options in relation to overall housing provision: no policy; delivery of 11,000 dwellings; and allocating more than the RS requirement (SA Policy Paper *Delivering New Homes and Retaining the Housing Stock* especially Appendix 1). Until November 2009, the Council believed that 11,000 dwellings might be the overall requirement, based on the SEP requirement and a shortfall against the Local Plan. But it was subsequently made clear that the SEP included consideration of past shortfalls (CD07/28). The SA/SEA concluded that providing 11,000 dwellings would have some positive impacts, with limited negative effects which could be mitigated. Allocating above 11,000 dwellings was the least sustainable option, with a number of constraints identified.
33. This SA/SEA work does not fulfil the requirement in NPPF paragraph 14 that objectively assessed needs should be met unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In the absence of an up-to-date assessment of needs and demands there can be no proper weighing between meeting those needs compared with the potential environmental impacts. In the comparison of options in the SA Policy Paper referred to above, the first objective against which the options are assessed is *to provide good quality housing to meet local needs*. The same benefit is ascribed to the provision of 11,000 dwellings as to allocating more than that figure. This is because the assessment regarded the 11,000/SEP requirement as the level of local need, whereas more up-to date evidence indicates needs and demand are greater. Accordingly, the provision of 10,500 cannot be justified on the basis of the potential environmental impact of providing significantly more because the necessary evidence is not available and the required balancing has not been undertaken.
34. The Council accepts that the figure of 10,500 should not be seen as a cap on provision. To make this clear the Council accepts that *at least* should be introduced as a preface to the figure in policy CS1 and elsewhere. The Council also accept that if the Core Strategy is adopted there would need to be an early review of housing provision on the basis of a new SHMA produced in co-operation with the other authorities in the HMA. The Council wants to be able to take into account results from the 2011 Census which are not yet available. Accordingly, the Council recognises that, in so far as housing provision is concerned, this Plan may only have a short life prior to a review.
35. The lack of justification for housing provision which complies fully with the requirements of the NPPF is a significant shortcoming and there is no specific main modification which I could make now to overcome this problem. What is required is a new SHMA which complies with NPPF paragraph 159, the apportionment of identified needs and demands between local authorities

within the HMA, coupled with an explicit balancing of meeting those needs against environmental impacts. Given that this work requires co-operative working between several authorities (where all except West Berkshire have no immediate need to undertake such work), the task is likely to be complex and take considerable time. It would require a very lengthy further suspension to secure this as part of this Examination.

36. Given the passage of time since the initial preparation of the Plan, evidence on other matters would also become increasingly out of date and need to be reviewed. This would add to the scale of the work and the complexity of the process. Further, possibly substantial, changes to the submitted Plan would add to the complexity of the Examination and make public consultation much harder to undertake effectively. The process would be at odds with the Government's objective of making the planning system simpler, easier to understand and more effective. A suspension to allow for this work is not a realistic way forward. Alternatively, the Council could withdraw the Plan. The process would have to be restarted at an appropriate pre-submission stage and, in due course, the Council would need to publish a new draft plan and subsequently submit it for Examination afresh. Clearly that would take even longer than allowing a suspension.
37. In my view, this Plan must be regarded as being unfortunately caught in the transitional period between the long contemplated demise of Regional Strategies which has still not concluded and the emergence of the NPPF as the sole higher tier guidance for the preparation of Local Plans. There is some force in the criticism that the Council could and should have responded more constructively to the changing planning context following publication of the draft NPPF last summer and my earlier preliminary conclusion about evidence of greater demand for housing. But the timescale for producing an agreed cross-border SHMA would still have been protracted, with probably greater difficulty than now in securing the immediate co-operation of the adjoining authorities, given the policy and legislative uncertainty at that time. The cost and effort that the Council and many other parties have put into the Examination would have been wasted if the plan had been withdrawn then or if it is withdrawn now, although withdrawal is what some parties seek.
38. I have considered what process would best achieve the aims of the NPPF, notwithstanding the identified shortcoming in relation to a fully compliant assessment of housing needs and demands. Paragraph 17 of the NPPF sets out 12 core planning principles, which include that planning should be genuinely plan-led, a positive process to support sustainable economic development.
39. The Core Strategy would confirm the strategic allocation at Sandleford (which I have found sound under issue 3 below, subject to detailed modifications). It would thus enable this very substantial development to proceed in a plan-led way and enable homes to be delivered on this site more quickly than if the Core Strategy is further delayed or withdrawn. It would also enable further allocations for housing and other uses to be made in the Site Allocations and Delivery DPD, even though such allocations may need to be supplemented following a review of the Core Strategy, as sought by the Council. Substantial further delay in the adoption of the Core Strategy would mean that necessary greenfield housing would have to be judged primarily on the basis of the

guidance in the NPPF and would not be plan-led. It is not difficult to envisage a significant increase in the number of appeals, creating delay, uncertainty and additional costs for all parties involved. Needed homes would not be built any sooner.

40. I consider that seeking to advance the substantial strategic allocation at Sandlesford does represent a positive approach to planning by the Council, as encouraged in the NPPF. Although I have found that the Plan has not been positively prepared because of the lack of an up-to-date assessment of needs in relation to housing, the Council had been seeking to positively respond to the requirements of the SEP, when that was rightly seen as embodying such objectively assessed needs. The Council also recognises the importance of making progress on the work necessary to comply with NPPF paragraph 159. In my view, there are exceptional circumstances relating to this Plan, in the context of this protracted Examination, which should be taken into account in deciding the appropriate way forward.
41. On balance, I consider that the Government's planning aims, as set out in the NPPF, are best achieved in the short term in West Berkshire by the adoption of this Core Strategy (subject to the main modifications necessary for soundness), but amended to make clear that the 10,500 housing figure is a minimum and not a ceiling and requiring a review of housing provision. This review would be in 2 stages. Firstly, a review of needs and demands for housing to inform the appropriate scale of housing to be met in the District. This would be done through an update of the SHMA which complies with NPPF. This review is a stand-alone piece of work and a pre-requisite of any review of the Core Strategy itself. This SHMA should be completed within 3 years. Secondly, if the updated SHMA indicates that housing provision within the District needs to be greater than currently planned, a review of the scale of housing provision in the Core Strategy will be undertaken. It is not possible at present to set a realistic timetable for that to be completed. I have deleted from the changes proposed by the Council much of the supporting text which seeks to justify 10,500 dwellings as an appropriate scale of provision, since my conclusion suggests that it is not a justified long term basis for planning in West Berkshire. All these changes are made in **MMs 3.2, 4.2, 5.1 and 5.2**.
42. Strategic objective 3 aims to meet housing need and is consistent with the aims of the NPPF. The plan is not delivering that objective for the reasons given above. However, rather than modify and weaken that objective (as previously proposed by the Council) the objective should remain as an aim to be achieved in the intended review.
43. In making clear that 10,500 dwellings is a minimum and not a ceiling, I have considered whether provision in the various spatial areas in ADPPs 2, 3, 4, and 6 (ie outside the AONB) should also refer to *at least* the specified number of dwellings rather than *approximately*, as currently written. Whilst it is likely that, outside the AONB, the given figures may eventually be exceeded over the plan period, it would be unnecessarily prescriptive to specify that they are all a minimum. It is reasonable for the Council to have some flexibility in making the initial allocations in the Site Allocations and Delivery DPD. In addition, the change is not essential because I see no reason why those figures in ADPP policies would be used to resist an otherwise acceptable development solely because the planned provision would be exceeded.

### *Housing Delivery*

44. I have already highlighted that there are likely to be more than sufficient sites to deliver at least 10,500 dwellings. The Council recognises that greenfield allocations will be needed adjoining the main settlements in all spatial areas to meet housing provision and modifications to make this clear in the relevant ADPPs are referred to under issue 2 below.
45. NPPF paragraph 47 requires the 5 year supply of housing to be supplemented by an additional buffer of 5% (moved forward from a later period) or of 20% where there has been a record of persistent under delivery of housing. The latest *Annual Monitoring Report* (CD09/67, Table C.9) sets out net completions in the District compared with the Berkshire Structure Plan requirement up to 2005/6 and the SEP requirement thereafter. There was under delivery in 7 of the past 12 years. This is a reasonable period over which to assess delivery, but I give more weight to recent years than the early 2000s. Delivery need not be assessed within discrete Local Plan or Core Strategy periods. The current severe recession is inevitably part of the reason for under delivery in the past 2 years, but there was high delivery for the 5 years preceding those. It would not be reasonable currently to conclude that the Council has a record of persistent under delivery. Only a 5% buffer is therefore required.
46. The Council's current assessment of housing supply is 5.2 years (CD09/67, Table 3.2) which just about equates to 5 years plus 5%. This assessment includes a non-implementation allowance for sites with planning permission under 10 units. The assessment does not include any allowance for windfalls as the Council has not yet done the assessment of any such potential in the terms set out in the NPPF. Conversely, many parties consider that the Council has been too optimistic in its assumptions relating to delivery on identified sites. The precise figure for the 5 year requirement also depends on the method used for calculating the residual requirement.
47. I do not need to explore further the robustness of the current 5 year supply given that the SHLAA shows that there are sufficient sites to more than meet current planned provision and the Core Strategy acknowledges the need for greenfield sites on the edge of the main settlements. There is no modification that could immediately be made to the Core Strategy to enhance delivery in the short term. If the 5 year plus 5% cannot be achieved (or if a 20% buffer becomes required), the Council may need to permit schemes ahead of the Site Allocations and Delivery DPD. The adopted Core Strategy would provide a framework for doing so. The potential fragility of the 5 year supply in the short term is not a reason to find the Core Strategy unsound. Given the passage of time since submission, the housing land supply information and the trajectory in Appendix B of the Plan needs to be updated, and the table showing distribution between settlements needs to be deleted (achieved by **MMs 7.1** and **7.2**).
48. If the plan were to be adopted in 2012, the plan period to 2026 would be less than the 15 year period considered preferable in the NPPF (paragraph 157). However, this is not a significant failing given the need for an early review of housing provision, the potential identified in the SHLAA and the ongoing contribution to housing supply provided by the Sandford strategic allocation. The Council intends to roll forward the existing annual average housing

requirement beyond 2026, assuming that the plan has not been reviewed in the meantime which clarifies its intentions. This is sufficient to make the plan sound on this matter (achieved by **MM 5.3**).

**Issue 2 – Is the spatial strategy, settlement hierarchy and housing distribution clearly expressed, appropriate and justified by evidence.**

49. The strategy is the outcome of 3 spatial elements. Firstly, the identification of a settlement hierarchy in ADPP 1. Secondly, the division of the District into 4 spatial areas: Newbury and Thatcham (covered separately by ADPP policies 2 and 3 respectively); the Eastern Area (ADPP4); the North Wessex Downs AONB (ADPP5); and the East Kennet Valley (ADPP6). The third element is the chosen distribution of the housing requirement between these areas and the settlements within them, with various housing numbers being ascribed to groups of settlements in ADPP1 and to the spatial areas in ADPPs 2-6. Housing distribution figures are also largely repeated in policy CS2.
50. The complex presentation of different housing figures in different policies for different purposes in the submitted Core Strategy makes it confusing and ineffective in ensuring the right scale of development occurs in the right place. The confusing presentation is exacerbated by treating the Eastern Area as overlapping with the eastern part of the AONB spatial area resulting in double counting in some of the housing figures. The allocation of an overall figure for the Rural Service Centres (RSC) and Service Villages (SV) makes the final selection of housing provision something of a competition between very different centres, rather than what is appropriate for those settlements individually. The plan is not effective as submitted. Greater clarity and simplicity of presentation is required to be effective.
51. There are various ways that this unsoundness could be overcome. Changes proposed by the Council delete the whole of policy CS2 and supporting text (**MM 5.4**); adds to policy CS1 some of the relevant material that was in policy CS2, including making clear where development will take place and the need for allocating greenfield sites in all 4 spatial areas (**MM 5.1**); and adds new supporting text to policy ADPP1 (some of which was the supporting text to CS2) so as to explain how housing will be distributed to the different settlements in the settlement hierarchy (**MM 4.4**). The housing numbers are also removed from policy ADPP1 (**MM 4.3**). This leaves ADPP 2-6 providing broad housing numbers to guide the scale of development in each area. The distribution of housing is considered further below, but the changes highlighted here make the presentation effective.

*Settlement hierarchy*

52. ADPP1 groups named settlements into one of 3 categories. The highest tier of the settlement hierarchy is defined as the *urban areas* and encompasses: Newbury, Thatcham, and the Eastern Urban Area of Tilehurst, Calcot and Purley-on-Thames. The Eastern Urban Area is contiguous with the built-up part of Reading Borough. There is little dispute that all these areas should be identified as urban areas. Theale is very close to the edge of the Eastern Urban Area. Whilst a case could be made for it to be included within this area, the Council's approach of treating it as a distinct settlement in the next tier of the hierarchy is sufficiently justified by its physical separation from the edge of



greater Reading by the M4, Junction 12 and some parcels of undeveloped land, as well as historical and community factors.

53. Settlements outside the urban areas are regarded by the Council as rural settlements. Their sustainability/suitability for additional development has been assessed by detailed scoring based on services and facilities within the settlements and linkages to larger settlements/urban areas. The process was first set out in Background Paper: *A Rural Settlement Hierarchy for West Berkshire* May 2008 (CD07/05) and subsequently refined in the *Settlement Hierarchy Topic Paper* July 2010 (CD08/07). The latter introduced additional factors, including size of population. This is not as good an indicator of sustainability as the assessment of actual facilities, but this factor did not significantly change the overall outcome. The range and scope of factors used was sufficient for the purpose and undue precision should not be expected or sought in such analysis. The Council acknowledged that the score for Hermitage should be 18 and not the 15 recorded in the Topic Paper. It should not be any higher. The Council's assessment of local facilities in that village is reasonable.
54. The Council explored several options by which to group the ranked settlements to form a simple hierarchy, as explained in the Topic Paper. The Council's approach is justified for the reasons given, provided that the differences in the size and sustainability of settlements within the same tier is recognised when considering the scale of development that should be accommodated.
55. Lambourn is included as a RSC, even though there is a gap between its score and that of the next centre in this group (Mortimer). The inclusion of Lambourn in this category was the focus of those promoting other villages as RSCs because of their similar scores (or similar scores if adjusted to fit suggested new scorings) particularly Compton, Kintbury, Chieveley and Hermitage. However, the Council explained that the inclusion of Lambourn as an RSC was not based solely on its score, but in recognition of its particular role serving the substantial horseracing industry which is based in the Lambourn Valley and its fairly remote location. Lambourn is a justified exception as an RSC, but its inclusion as a RSC does not justify the inclusion of other villages with similar scores or population. Including additional villages in this category would create a much more dispersed pattern to new housing which would not be justified on sustainability grounds.
56. The different characteristics of the urban areas and of the RSCs are highlighted by the classification of town/district centres in Policy CS12. This policy identifies Newbury as a major town centre; Thatcham and Hungerford as town centres and Pangbourne, Lambourn and Theale as district centres. Except for Lambourn, this hierarchy is justified by evidence in the *West Berkshire Retail and Leisure Study* July 2003 (CD09/19) and the *Retail Study Update* February 2010 (CD09/20) and there is little contrary evidence in relation to existing centres. Lambourn is justified, exceptionally, as a district centre for the reason already given for its inclusion as an RSC.
57. Below the 3 tiers of named locations, policy ADPP1 also indicates that smaller villages with settlement boundaries will be suitable for limited infill development, subject to the character and form of the settlement. The combination of RSCs and SVs (which are widely distributed throughout the

District), the smaller settlements where infilling is allowed, and rural exception sites for affordable housing will allow adequate opportunity for appropriate development within the rural area to sustain rural communities. Conversely, an excessively dispersed pattern of new development in isolated areas will be avoided. This element of the spatial strategy is consistent with the NPPF. More flexibility for development in smaller villages is not justified. For clarity a definition of infilling needs to be added to the Glossary (achieved in **MM 7.8**).

58. No settlements outside West Berkshire are identified as part of the settlement hierarchy. Reading is a major centre which meets many of the needs of the eastern part of West Berkshire, as well as higher order services for much of the District. Its location adjoining the Eastern Urban Area is part of the justification for that area being included in the highest tier of the settlement hierarchy. The dynamic interrelationship between Reading and the District was poorly reflected in the submitted plan, but is better drawn out in the proposed new text for cross boundary issues (**MM 2.2**) and in the changes to the SWOT table (**MM 2.3**). These changes are necessary for soundness. With these changes there is no need for Reading to be specifically identified as part of the settlement hierarchy. These matters relate to the wider issue of the overall scale and justification for housing in the District. Given the shortcomings of the evidence already highlighted and the need for a review, these cross border matters can be addressed only partially at this stage.
59. The built-up area of Tadley (within Basingstoke and Deane Borough) abuts the boundary of West Berkshire. Tadley is a district centre in that Borough's Local Plan. On the basis of the factors used to score rural settlements in West Berkshire, Tadley scores 32, making it comparable to the identified Rural Service Centres. The role of Tadley is not acknowledged in any policy and so the Core Strategy effectively precludes any development in West Berkshire abutting the built-up edge of this settlement, whereas for other settlements of comparable (and smaller size) some development adjoining the built-up edge would be acceptable in principle (depending on various settlement and site specific matters).
60. Whilst the Council emphasises that it cannot control what happens in Tadley, equally, Basingstoke and Deane Borough could not propose any development over its border. It is a situation which calls for a joint planned approach to how this settlement should develop. The omission of Tadley from the settlement hierarchy would need to be addressed were it not for the fact that there is currently an effective embargo on future development on this northern edge of Tadley because of the presence of the Atomic Weapons Establishment (AWE) at Aldermaston, as discussed under the East Kennet Valley below.
61. Goring is another settlement which abuts the District boundary. Some facilities within this settlement were taken into account in the score for the smaller village of Streatley, but given the separation of these 2 settlements by the Thames and the single bridge linking them over the river, Goring does not justify any particular role in the settlement hierarchy of West Berkshire.

#### *Spatial Areas and housing distribution*

62. Apart from the inappropriate overlap between the Eastern Area and the AONB, there is no serious dispute that the 4 spatial areas are a reasonable way of

focusing the strategy. They do not, however, directly relate to the division of West Berkshire made in the SEP between the greater part of the District within the Western Corridor/Blackwater Valley sub-region and the remnant of rural West Berkshire. In the latter area, the SEP (policy AOSR1) ascribes 1,000 dwellings over the plan period. This rural remnant is all within the AONB, but the AONB covers a larger area. The 2,000 dwellings proposed for the AONB (see below) is sufficient to keep this part of the Plan in general conformity with the spatial strategy of the SEP, particularly as the division between the sub region and the rural remnant shown in the SEP is diagrammatic only.

63. The broad approach to the distribution of housing is to allocate 75% to the urban areas (Newbury, Thatcham and the Eastern Urban Area) with the balance of 25% to the various settlements in the rural area, mainly the RSCs and SVs. Subject to the need to manage provision in the AONB to conserve and enhance the landscape (see below) this broad distribution is sound. A significantly more dispersed distribution to lower order centres would not be sustainable in terms of accessibility. A much greater focus on the urban areas would undermine the vitality of rural settlements, particularly the larger settlements such as Hungerford and provision to meet at least some local needs in these settlements.

#### Newbury/Thatcham

64. These 2 towns are within the same spatial area but are addressed separately in ADPP 2 and 3 respectively. The Plan proposes about 5,400 dwellings at Newbury, but only about 900 homes at Thatcham. In making choices about where strategic scale development should go in the Newbury/Thatcham area, the Council choose to focus on Newbury. The reasons are set out in the SA Policy Paper for Strategic Sites (section 11). The SEP (policy WCBV1) identifies Newbury as one of the sub-regional hubs which are to be the focus of transport investment and development. Thatcham is not mentioned. Whilst Thatcham is an urban area closely related to Newbury, it is reasonable for the Council to consider that it is not part of the sub-regional hub. The Council also took into account the fact that Thatcham had seen considerable housing growth in recent years. It wants the focus to be on regeneration and renewal of facilities rather than further growth. These reasons resulted in the rejection of Thatcham as a location for a strategic site and provision for only a modest proportion of the growth apportioned to all urban areas.
65. The Council's focus on Newbury and the modest level of provision made at Thatcham is not the only approach that could have been pursued. Additional development at Thatcham might be able to contribute to some of the infrastructure improvements and other changes the Council seeks. In the light of the planned review of housing provision, the approach to Thatcham may need to be reviewed if additional housing has to be accommodated in the District. For the present, the approach in the Plan is a justified local choice made by the Council and a fundamental change is not required.
66. The Council accepts that the policy for Thatcham should acknowledge that the delivery of planned provision will include greenfield sites adjoining the settlement. This is necessary for effectiveness in subsequent delivery. The Council also accepts that one consequence of the policy for Thatcham is that, compared with Newbury, local needs will be addressed far less effectively.

The reference to development *addressing local needs* is thus misleading and needs to be more circumspect. These changes are incorporated in **MM 4.9** and are the only changes relating to housing in the Newbury/Thatcham area necessary to make the Plan sound.

67. At the hearing in June 2011, the Council indicated that Thatcham would be considered for greenfield extensions along with Newbury to meet the remaining requirement in this overall spatial area, after allowing for the development of the 2 Strategic Allocations. However, the Council has not suggested any change in response to this comment, apart from the acknowledgment of the need for greenfield development to accommodate the level of development planned for the town. As this comment was inconsistent with the Council's overall reasoning as to the balance of development between Thatcham and Newbury a further change is not needed for soundness. In any overall review to accommodate more housing, Thatcham would be a location to be considered again for additional housing, consistent with its position in the top tier of the settlement hierarchy.

#### Eastern Area

68. In the submitted plan, the Eastern Area consists of the Eastern Urban Area, the RSC of Theale and part of the eastern AONB, including the RSC of Pangbourne. Approximately 1500 dwellings are proposed in ADPP4. About half of this number have permission or have been built since 2006. On the diagram illustrating this area, there is hatching annotated as *Eastern Area broad location for development* which includes all the urban area; Theale and intervening land between that settlement and the urban edge; the edge of the AONB abutting the urban area and the surroundings of Pangbourne.
69. As indicated above, the overlap between this spatial area and the AONB is confusing and should be removed. This is also necessary to recognise the degree of constraint and landscape priority which should be applied to the AONB (see also below). There is no justification for extending the hatching of the *broad location for development* into the AONB and around Pangbourne, especially as the SHLAA identifies more than enough sites outside the AONB to accommodate the broad scale of development proposed in this area. The hatching should be retained outside the AONB as it confirms the acceptability in principle of searching for housing allocations beyond the built-up area. An explanation for the purpose of the remaining hatching is needed in the policy. The removal of the spatial overlap and thus of an element of double counting in the housing numbers reduces the housing figure to 1,400 dwellings in this spatial area. These changes are achieved by **MMs 4.1, 4.5, 4.11, 4.12, 4.14, and 4.15**.
70. The Council also confirmed at the hearing that sites in the SHLAA (CD09/55) which are in the AONB, but which have retained their original prefix EUA are not intended to be part of the basket of potentially developable sites to assist delivery in the Eastern Area. Their inclusion in the schedule under the Eastern Area was an oversight. The Council should ensure that this correction is made in any future update of the SHLAA.
71. The Council agreed that the reference in ADPP4 that the permission for 350 homes at Theale Lakeside *will be delivered* should be removed as misleading.

Delivery is outside the Council's control and there is uncertainty arising from the permission for business development on the same site. Paragraph 4.28 refers to no strategic-scale development being proposed at Theale, which may give a misleading impression that no development is likely, when Theale and adjoining land is included in the identified *broad location for development*. The amendments necessary for clarity and effectiveness are in **MM 4.13** and part of **MM 4.15**.

72. Within the context of the overall scale of provision proposed in the Plan, the proportion to be provided in the Eastern Area is justified. There is potential to deliver more than proposed, subject to assessment of the cumulative impacts of nearby developments. The extent to which such potential should be explored further would best be addressed in the context of the required review of the plan and any subsequent increase in the overall housing requirement.

#### AONB

73. ADDP5 covers the North Wessex Downs Area of Outstanding Natural Beauty. The submitted policy proposes 2,100 dwellings within the AONB over the plan period. This figure reflects the overlap with the Eastern Area. As a consequence of separating these areas, the Council's intended provision within the AONB is reduced to 2,000 dwellings and this is the figure I refer to in the following discussion. Also as a consequence of making the 2 spatial areas separate some changes are required to the text describing the role of Pangbourne and to the AONB Area Diagram. These are included in the modifications recommended at the end of this section.
74. The submitted policy and text make clear that the landscape will be conserved and enhanced. But the proportion of overall housing assigned to the AONB and the potential scale of development in different locations within the AONB had not specifically taken into account the potential landscape impact to see if the stated policy aim would be achieved by what is actually proposed. My note of 15 November 2010 indicated that this part of the Core Strategy was not compliant with national policy because it was not apparent that *great weight* has been given to the conservation of the natural beauty of the landscape and countryside (as then required by PPS7, paragraph 21). NPPF paragraph 115 continues to require *great weight* to be given to conserving landscape and scenic beauty in AONBs.
75. The Council's subsequent *Landscape Sensitivity Assessment* January 2011 (CD09/57) gives some support to its view that the priority to be given to preserving and enhancing the landscape set out in the first sentence of ADPP5 can be met whilst still achieving the scale of development proposed. Whether or not a particular development on a particular site would achieve the policy objective will depend on the existing intrinsic qualities of the site; the scale, density and design of new buildings; integration of the new development with the existing built form and the wider countryside; and any cumulative impact with other planned developments. Acceptability will have to be judged on a site-by-site basis and is a matter for the Site Allocations and Delivery DPD.
76. Over 1,200 dwellings had been built or were committed in the AONB as of March 2011 (CD09/67, Table 4.13). The SHLAA (CD09/55, Table 4) identifies potentially developable sites for about 187 dwellings within the main

settlements, where the landscape impact is likely to be acceptable. The SHLAA also identifies sites for up to 1,829 dwellings outside existing settlement boundaries, as informed by the landscape assessment. Achieving the landscape objective of ADPP5 on some, if not many, of the greenfield sites in the AONB may be very challenging or impossible. But only some greenfield sites need to be developed to deliver the scale of housing proposed.

77. The landscape assessment work undertaken on behalf of the North Wessex Downs AONB Unit is generally more critical of, or more sensitive to, landscape impacts, than the Council's study, but nonetheless broadly agrees with that evidence in respect of a number of modest greenfield sites adjoining settlements. There are also 2 large brownfield sites at Compton and Hermitage where substantial redevelopment for housing or mixed use might take place whilst achieving positive outcomes for the landscape. Accordingly, there is evidence to indicate that the scale of development could be delivered in a way likely to meet the aim of ADPP5.
78. It is unrealistic to seek to limit housing provision in the AONB to local needs only. Local needs, such as for affordable housing, are most likely to be met by securing a proportion of such housing from market housing developments. Equally, it would not be sound if provision of approximately 2,000 dwellings overrode the landscape objective. To be sound, the reference in policy ADPP5 to 2,000 dwellings needs to be prefaced with *up to* so as to make clear that it is not a minimum that has to be achieved and that delivering less is acceptable. Additional explanation of the landscape-led approach to be taken when progressing the Site Allocations and Delivery DPD is also required. There is sufficient capacity in the other spatial areas to make up any shortfall in the AONB so as to ensure that at least 10,500 dwellings are provided in the District. Two variations of possible changes to the policy to remedy this unsoundness were consulted on and I have incorporated the Council's preferred wording in **MM 4.21**. The other necessary and consequential modifications for soundness relating to the AONB are in **MMs 4.17, 4.19 and 4.25**.
79. Changes proposed by the Council (and now included in MM 4.21) provide an explanation for the approach to the relative scale of development to be accommodated in the various identified settlements in the AONB. These are necessary for the reasons already given in relation to the clarity of presentation in the plan. Given the landscape led approach that has to be taken there is not sufficient evidence to ascribe specific housing figures to the different settlements in the AONB.

#### East Kennet Valley

80. This spatial area contains 2 RSCs: Burghfield Common and Mortimer and 2 SVs: Aldermaston and Woolhampton. It is clearly the Council's intention that the 2 service centres of Burghfield Common and Mortimer will be the focus for development in the area. That focus is sound. A small change is needed to make this clear and to avoid the impression that there is any other focus for development. This is included in **MM 4.27** which also includes consequential changes arising from other matters discussed in this report. This part of the policy rightly acknowledges that there are a number of potentially developable sites which could be allocated as extensions to these villages.

81. Within the context of the overall scale of provision proposed in the Plan the proportion to be provided in the East Kennet Valley is justified by its more rural character, limited services and its separation from the built up area of greater Reading. It would not be justified for this location to be allocated a scale of development similar to that to be accommodated in the Eastern Area. The SHLAA has, however, identified the potential to deliver more than proposed, subject to the assessment of the cumulative impacts of nearby developments. The extent to which such potential should be explored further would best be addressed in the context of any subsequent increase in the overall housing requirement.
82. Policy ADPP 6 refers to the Site Allocations and Delivery DPD exploring opportunities for a more distinct centre offering shops and services in Burghfield Common. At present there is a scatter of small convenience shops across the settlement, but no specific centre and Burghfield Common is not an identified district centre in policy CS12. It is not essential for soundness for this issue to be answered in this Plan. It can be left to a subsequent part of what will be the overall Local Plan. Whilst the lack of local shops and services is cited by the Council as one reason for not allocating more housing than proposed, a new centre and/or additional provision is unlikely to change the overall accessibility and sustainability of this spatial area compared with the identified urban areas.
83. Policy ADPP6 refers to the presence of the 2 AWE sites in this spatial area, to the need for monitoring housing completions and population levels and the need to strictly control development within the zones set out in Appendix C of the Plan, which are the planning consultation zones defined by the Health and Safety Executive (HSE) to ensure that the HSE is satisfied that there is capacity to accommodate an increase in population. Since submission of the Plan, the Office for Nuclear Regulation (ONR) (an Executive Agency of the HSE) is the body which would provides advice in response to planning consultations around the AWE sites.
84. At the outset of the Examination I was concerned that the Core Strategy did not sufficiently grapple with this issue and focussed too much on the consultation process rather than the likely outcomes and any implications for the strategy. From all the information now available, I draw the following conclusions:
- The scale and general location of development proposed in the East Kennet Valley in ADPP6 is unlikely to result in the ONR advising against such development at a later stage of the development plan process or in response to a planning application.
  - The scale of housing in this spatial area does not need to be specifically capped at the figure proposed in ADPP6 on the grounds of the constraint of the AWE sites. There is scope to accommodate more housing than proposed in the Plan if required or otherwise justified. Whether or not ONR the advise against such proposals would depend on the scale and location of the proposal, other planned developments and future updates to its modelling process arising from changed circumstances.
  - At present, the ONR is highly likely to advise against nearly all applications

for additional dwellings within the inner land use planning zones defined around the 2 AWE sites. The Council intends to follow that advice and seeks to bring clarity to this matter through the development plan.

- The complexity of the ONR's modelling process, the scope for different outcomes from different inputs and the likely material changes in relevant data and other circumstances over the plan period preclude any firm policy beyond the inner zone.
- The need for the extendibility of countermeasures (arising from an incident at either site) beyond the detailed emergency planning zones (as outlined, for example, in CD10/98) does not need to be replicated in the land use planning approach.
- The Secretary of State's decision (16 June 2011) to allow 115 dwellings and other development at Boundary Hall, Tadley was a balanced decision on the particular circumstances of that case and does not undermine the ONR's policy approach or the need for the Council to make clear its intention to follow that advice in the inner zone. This decision does not justify the implications of the AWE sites and the ONR's views having to be considered solely on a case-by-case basis. The development plan should provide reasonable certainty for all interested parties as to the type and scale of development likely to be acceptable in different locations, avoiding the potentially wasted effort of proposals being pursued which had little prospect of success.

85. In the light of the above, I consider that the submitted plan is unsound in its response to the AWE sites. It is ineffective in addressing the likely spatial implications. A clear policy should be set out reflecting the high degree of constraint likely to be applied in the inner consultation zone, with a clear explanation of the implications over the wider area. A new policy to this effect was proposed by the Council as part of the first round of consultation on possible changes and refined again, with amplification of the text, following the hearings in June 2011. This new policy and related text is necessary to make the plan sound. The consolidated changes are set out in **MM 5.18**. Appropriate cross references to this policy are included in **MM 4.27**. The Council intends to show the consultation zones on the Proposals Map (as illustrated in CD07/46). As a consequence of this new policy Appendix C in the submitted plan is not needed. It is removed by **MM 7.3**.

### **Issue 3 – Is the allocation of the strategic site at Sandlesford justified in principle and appropriately addressed in detail?**

#### *The nature of the proposal*

86. As submitted, policy CS4 gives no indication as to where development would take place at Sandlesford. The red line allocation on the submission Proposals Map encompasses a large area, even though the Council and site owner/promoter have consistently envisaged (since at least *Options for the Future*) built development only in the northern and western parts of the red line area. This lack of clarity makes the submitted policy unsound due to ineffectiveness.
87. Following the hearings in November 2010, the Council proposed (CD07/41) to



include in the Core Strategy a concept plan (to become Appendix Ci of the Core Strategy) which shows where development would take place and to amend the policy wording to similar effect (as well as making other changes). These 2 changes would overcome this element of unsoundness. The changes are included in the composite changes to policy CS4 that I recommend at the end of this section. I have amended the key on the concept plan to replace *residential area* with *development area*, since the area shown includes not just housing, but land for a new primary school, a local centre and elements of open space, such as wildlife buffers. The discussion below is based on the development broadly as illustrated on the concept plan. At the hearings in November 2010, discussion also had regard to the promoter's master plan (CD10/63 and /64) which show how 2,000 houses, along with other requirements, could be accommodated on the site. This master plan is consistent with the area for development shown on the concept plan.

#### *Need for a strategic greenfield allocation*

88. The proposed allocation at Sandleford is for up to 2,000 dwellings. Half this number is proposed to be delivered by 2026, but there is no upper limit on what can be delivered in this period. The Council places particular emphasis on the benefit of long term planning beyond 2026 so as to give all parties some certainty about how Newbury will develop in the long term. Whilst the Council could have allocated a site for only 1,000 dwellings to 2026, it is a justified approach for the Council to take a longer term perspective and represents an element of positive planning. This has the benefit of ensuring that the optimum approach to development in this area is achieved, rather than development taking place over time in a series of smaller proposals resulting in a more piecemeal approach. The scale of the development also embeds an element of continuity for housing supply beyond the plan period, recognising that there will continue to be a need for new housing after 2026.
89. The Council's latest 5 year housing supply assessment (contained within CD09/67) assumes a contribution of 100 dwellings from Sandleford in 2016/17 and 100 dwellings per year thereafter. The start date is not unrealistic. In the absence of any cap on the scale of development within the plan period, the Council's approach ensures that there is the opportunity, in favourable conditions, of the site making a greater contribution to housing supply to 2026 than currently envisaged. Consistent with the Council's expectations of the contribution that the Sandleford allocation will make to housing supply, policy CS4 should refer to *at least* 1,000 dwellings being delivered by 2026 (rather than *approximately*).
90. The Council is justified in seeking to make a 2nd Strategic Allocation in the Core Strategy (in addition to the Newbury Racecourse) to assist with the delivery of the required housing, given the long lead time for large sites. In all these respects, the scale of the allocation is consistent with the aims of the NPPF for Council's to support, rather than inhibit, needed development.
91. Some of those opposed to development at Sandleford suggest that sufficient dwellings could be accommodated by identifying a broad location for development in an arc to the south and east of Newbury town centre and other allocations elsewhere. The focus of such an arc would be the London Road Industrial Estate (LRIE), which is owned by the Council. Part of the LRIE

has planning permission for a mixed use redevelopment and is included in the SHLAA as delivering 160 dwellings within 5 years (CD09/55, p11).

92. There is not the evidence to demonstrate that a substantial number of additional dwellings could be successfully delivered on and around the LRIE during the plan period or, even if it could, that this is a preferable strategy to a strategic greenfield allocation. The Council highlight significant problems with delivery, including: leases to existing businesses; flood risk affecting part of the site (notwithstanding any improvements to flood defences); and the need to ensure that a mix of dwellings is achieved for the town. As landowner, the Council should be well informed about the potential deliverability of redevelopment at LRIE. The plan adopts a cautious approach to the protection of identified employment sites pending more detailed consideration in the Site Allocations and Delivery DPD. I have found the approach to employment land sound (subject to modifications) - see Issue 4.

*The justification for the selection of Sandleford from the other site options*

93. I have already concluded that the Council's *SA/SEA Update Report 2011* meets the regulatory requirements for the consideration of alternatives leading to the selection of Sandleford. I have found sound the broad distributional strategy with its focus for most development at Newbury. The Council's decision to focus on Newbury and reject Thatcham as the location for a strategic scale of development is a justified local choice.
94. The focus on Newbury left only 2 alternatives from the options that had previously been put forward – North Newbury and Sandleford. The Council's comparative re-assessment of these 2 sites (in conjunction with the Racecourse allocation in each option) is in the *SA Strategic Sites Policy Paper Appendix 8* (part of CD07/72) to which I have already referred. The summary of effects for both options is that they are predominantly neutral. There is not a fundamental difference in the suitability of these sites for major development, even though they have different characteristics.
95. Some of the issues regarding North Newbury highlighted by the Council were not followed-up to see if they had real substance or could be overcome. Some negative assessments should, or might have been, changed, but would not have resulted in positive scores on these matters. The critical difference in the assessments follows from the weight and planning judgment given to factors such as the greater accessibility of Sandleford because of the proximity of the nearby Tesco store and retail park; the benefit afforded by the opportunity to provide a country park or equivalent at Sandleford; and some of the disadvantages ascribed to North Newbury because of the dividing effect of the A339 dual carriageway and the effect on the setting of Donnington village. The Council's assessment of such factors is reasonable. There is not the evidence to demonstrate that North Newbury is a clearly preferable site. The Council's selection of Sandleford is a local choice which is justified.

*Site specific considerations*

Highway Infrastructure

96. Policy CS4 as submitted included reference to measures to mitigate the impact on the road network and measures to improve accessibility by non-car modes,

but no detail as to what might be involved. Following the hearings in November 2010, the Council proposed to delete these general references and refer to infrastructure improvements to be delivered in accordance with the Infrastructure Delivery Plan (IDP) (CD09/52 and /60). The Council also proposed to include in the Core Strategy a *Critical Infrastructure Schedule* as Appendix Cii which includes specific highway and transport measures for Sandleford. The submitted policy was unsound due to a lack of clarity in relation to transport which would have made it ineffective. The changes proposed by the Council would overcome this unsoundness. These changes are included in my recommendation at the end of this section.

97. There was no indication in the submitted plan of the number or location of access points in to the site. The Council is now proposing 2 accesses off Monks Lane and a link for pedestrians, cyclists and buses from Warren Road. Taking into account the location of development within the site, the consequences for the local network of different access locations and the importance of retaining the landscape character in the southern half of the site, these locations are justified and should be included in the policy.
98. The development of 2,000 dwellings in this location would inevitably add significantly to the volume of traffic using local roads. The proposals in the emerging Core Strategy have been successively assessed for their traffic impact by WSP on behalf of the Council in a series of *Transport Assessments* (CD09/24-28). The last assessment, Phase 4, July 2010 (CD09/28) takes into account the detailed mitigation measures agreed as part of the planning permission for the development at Newbury Racecourse and the full development of 2,000 houses at Sandleford to 2036. The Assessment identified the beneficial impact of various junction improvements and highlighted other junctions which would be over capacity.
99. Building on the conclusions of the Phase 4 Assessment, the Council has identified the most important highway improvements required to support the Sandleford development and these are included in the proposed *Critical Infrastructure Schedule*. Despite the keenly felt concerns of many local residents about present and future traffic congestion, there is no substantial evidence to undermine the Council's conclusion that traffic impacts can be reasonably mitigated. Further detail is not required at this stage. Any planning application would need to be accompanied by a Transport Assessment (TA) and Travel Plan as required by policy CS14. The TA would be the time to consider any local highway safety measures, such as in relation to access to St Gabriel's School.
100. The Phase 4 Assessment did not assume a significant use of public transport (CD09/28, 2.5.3). Consistent with the aim of the NPPF to support sustainable transport, there is the opportunity to encourage modal shift away from the car in the development of this site. The proposed list of critical infrastructure includes an improved/new bus service linking the site to the town centre; bus access to Andover Road through Warren Road; and improved pedestrian/cycle crossing links at Monks Land and Newtown Road. These requirements are justified and inclusion in the Core Strategy is necessary for effectiveness. The bus link to the town and walking and cycling, particularly to the nearby Tesco store/retail park provide the opportunity for modal shift and thus of reducing traffic growth below that assumed in the Phase 4 Assessment. The long, steep

hill back up to Sandford from the station/town centre is likely to deter cycle use for journeys to the town, but that does not significantly undermine the potential for modal shift. The proposed primary school on site, the proposed expansion of the adjoining secondary school and a small local centre within the development would all help to reduce the need for car journeys.

#### Countryside, landscape and nature conservation

101. The proposed development would result in a loss of countryside on the southern edge of Newbury, but a loss of countryside somewhere around Newbury is inevitable as a result of the need for greenfield developments. The area is accessible via the public footpath from Warren Road, but over half of the length of this footpath (up to the A339) would continue to cross undeveloped land. The creation of a country park either side of this footpath would create additional opportunities for public access to the countryside. The location of the development to the north and west of the overall site would ensure that the undeveloped approach to Newbury seen from the A339 would be largely retained. The location of the built development and the retention of the southern part of the site as undeveloped land with public access distinguishes this proposal from that rejected by the Planning Inspector in 2000 when considering objections to the Newbury District Local Plan.
102. The grounds of the former Sandford Priory are included on English Heritage's Register of Historic Parks and Gardens (Grade II). The walled kitchen garden is the only part of the registered park on the west side of the A339 and is not included within the proposed allocation. The former priory building, now St Gabriel's School, is a Grade I listed building. English Heritage was concerned with the lack of clarity in the submitted policy as to where development would take place and the potential for an adverse impact on the registered site (statement for hearings ref 32025, November 2010). This concern is addressed by the proposed changes to refer to development being limited to the north and west of the site. The protection of the historic landscape is one of the reasons given for controlling development in this way.
103. The proposed open space/country park provides the opportunity to complement the setting of the registered park and the listed building, such as through restoration of parkland features. However, the design of the country park and the balance to be achieved between landscape restoration, public access and nature conservation does not need to be specified in the policy and can be developed as part of a masterplan or planning application.
104. The proposed site consists mainly of arable farmland and discrete blocks of ancient woodland. All the woodland would be retained. The Council relies primarily on work undertaken by the site's promoters in relation to the ecological value of the area and how the development can be accommodated whilst retaining and enhancing nature conservation interest (CD10/50 and CD10/62). There is no substantial evidence to undermine the Council's conclusion that potential adverse impacts on nature conservation can be avoided or adequately mitigated.
105. The draft masterplan (CD10/63) illustrates that there is sufficient space to accommodate up to 2,000 dwellings whilst achieving the recommended buffers around the ancient woodland and retaining green corridors to link them. The

large area of land available for green space provides the opportunity for habitat enhancement compared with arable farmland. At submission, Natural England were concerned with the lack of any reference to the role of the proposed open space in avoiding increased recreational pressure on nearby Greenham and Crookham Common (SSSI) where protected birds are sensitive to disturbance. The bundle of proposed changes to the policy and supporting text includes adequate references to nature conservation matters. Natural England is satisfied with the proposed changes.

#### Schools

106. Policy CS4 as submitted refers to the provision of a new primary school and the extension of Park House School, which is the secondary school adjoining the north west corner of the site. The rewording of the policy proposed by the Council and incorporated in MM 5.6 retains these requirements. Given the scale of development proposed and the lack of a clear alternative solution, the requirement for an on-site primary school is justified. The education department preferred development at Sandleford from the other options in the Newbury/Thatcham area and proposed the extension or remodelling of Park House. A detailed scheme for such work is not required at this stage. There is no evidence to suggest that an acceptable solution could not be achieved. Park House School has recently become an Academy and is thus no longer under the direct control of the local authority. This makes achieving the extension/remodelling of the school more complicated than before, involving negotiations between the Council, the school and the central government funding body. There is an inevitable degree of uncertainty about this process compared with that prior to the school becoming an Academy, but this is not sufficient to make the proposal unsound.

#### Rugby Club Ground

107. The boundary of the site allocation shown on the submission Proposals Map includes a corner of the grounds of Newbury Rugby Club. This corner of land is important for providing access between the 2 main parts of the site to be developed (CD10/63). The promoters of the Sandleford site previously had an option on this land and have now acquired it. The Rugby Club have no objection to the development. The land does not include any current pitches. There is no evidence that the loss of this land would result in a harmful loss of recreational space.

108. Sport England has been consulted at each stage of the evolution of the Core Strategy. Detailed comments were provided only in respect of *Options for the Future* (2 July 2009, ref 318859). Sport England would need to be consulted on any planning application for development which included this land. On the evidence before me, the inclusion of this land is not an impediment to delivery. If it were subsequently found that replacement recreational land should be found for the land to be lost, there would be considerable scope to do so within the new open space in the proposed allocation.

#### Other matters

109. There is a deliverable solution for sewage treatment as confirmed by the Environment Agency (Representation 32027 for hearings, November 2010 and

Thames Water Study CD10/65). An upgrade to wastewater infrastructure is included in the proposed list of critical infrastructure. Sustainable Urban Drainage Systems (SUDS) are also included. The large areas of green space within the allocated site provide ample scope to accommodate SUDS and thus to ensure that the development does not increase the risk of flooding to the River Enborne, which forms the southern boundary of the allocation.

110. The development of the site in the manner broadly set out in the Core Strategy has been actively promoted by the landowners over a number of years. Although the site it is not yet directly controlled by house builders there is nothing to suggest that the land will not be made available for development quickly so that it can contribute to land supply within 5 years. Being a greenfield site and in the absence of any particularly unusual infrastructure requirements (other than the somewhat elongated access road to the south western part of the site which is not required at the outset) there is no reason to doubt the development would be viable.

#### *Overall conclusion on policy CS4*

111. The aim of policy CS4 is sound, but the detailed wording of the policy needs elaboration to make it effective. The general extent of the area for development should be shown, at least diagrammatically on a plan, given the large red line allocation on the Proposals Map. In addition, it needs to be made clear that the total number of dwellings to be developed on the site will be dependent on adequately accommodating on the land the other elements of the proposal and any on-site mitigation. Critical infrastructure needs to be identified. These matters are addressed in **MMs 5.6, 5.7, 5.8, 7.4 and 7.5**.

#### **Issue 4 – Is the approach to economic development clear, consistent with national policy and justified by local evidence?**

112. The strategy for business development is primarily informed by the *Employment Land Assessment* (ELA) 2007 CD09/21. Given the passage of time and the recession this evidence is becoming dated, but it was supplemented by some updated evidence in February 2011 (*Examination Proposed Focussed Changes Topic Paper* CD08/13). There is no better evidence with which to replace the ELA and the Council recognises the need to review this evidence in progressing employment policies in the Site Allocations and Delivery DPD. Overall, I consider that there is proportionate evidence to inform the strategic approach to be set out in this Core Strategy.

113. In summary, the ELA points to continued significant growth in B1 floorspace, a significant reduction in land for B2 uses and limited, but uncertain change in demand for B8 uses (3.130). No more employment land is needed if existing employment land can be recycled to meet the changing market needs. The ELA used a plot to floorspace ratio of 0.4 across all land use types (3.26) in relating changing floorspace requirements to land requirements. This ratio is consistent with an example given in the national guidance on such studies (CD04/09 Box D7). The actual ratio achieved in any redevelopment will vary considerably depending on the nature of the site and the proposals, but this ratio is reasonable for a district-wide study of this nature.

114. Policy CS10 in the submitted Plan is unsound. It does not properly reflect the

Council's intentions and does not significantly move forward planning policy on this matter. The policy does not provide any real direction for the further work in the Site Allocations and Delivery DPD (but delegates all critical choices to that plan). In the interim, the policy would not usefully inform any decisions to be made on major employment applications. It is also too inflexible with regard to other types of economic development besides B class use. In relation to B1 office development, the policy treats all employment sites the same, wherever their location. This is not consistent with the NPPF, since office uses are town centre uses. Also, the mechanisms for monitoring are inadequate. The policy as submitted was not justified, effective, nor consistent with national policy.

115. The Council completely redrafted the policy and text in February 2011 (CD07/41) and the proposed changes were subject to further revisions in October 2011 (CD07/74), following the hearings in June 2011. The policy now proposes a clear aim, namely managing the nature of the change in business floorspace indicated in the ELA. It sets out a town centre first policy for office use and a sequential approach based on local circumstances for office development that cannot be accommodated in town centres. The town centres of the District have limited capacity to accommodate large scale office use and it is important to maximise their potential to accommodate such use as well as recognising that some office growth will need to be in edge of centre locations. The Council has identified an appropriate sequence of sustainable business locations outside the centres and these are listed in the new text.
116. The policy now sets a clear task for the Site Allocations and Delivery DPD in reviewing the existing Protected Employment Areas (PEAs). In the meantime, it introduces necessary flexibility to accommodate other non-B class economic development. Consistent with this more flexible approach, saved Local Plan policy ECON1 is to be superseded as it is outdated and inflexible. The role of the strategically important employment locations of New Greenham Park, Vodafone (north Newbury) and the AWE sites are acknowledged. The Site Allocations and Delivery DPD will consider appropriate designations consistent with their importance. This is a sound approach.
117. The above changes are incorporated in **MM 5.19** and **MM 6.2** adds to the monitoring framework the floorspace targets for different B1 class uses. **MM 7.6** includes ECON1 in the list of local plan policies to be superseded in Appendix E of the Plan. **MM 7.7** lists in a new appendix the existing Protected Employment Areas to provide clarity with the additional new text. These changes are necessary to make the Plan sound. As a consequence, changes are needed to the references to the town centre and/or employment sections of ADPPs 2-6. The consequential changes are: **MMs 4.7, 4.8, 4.10, 4.16, 4.22, 4.28**. Some of the wording in these changes has been amended from that previously published by the Council to ensure clarity and consistency with the new CS10.

### **Issue 5 – Are other policies in the plan consistent with national advice, justified by the evidence and effective?**

118. *Figure 3* in the Core Strategy is a diagram of *Newbury Town Centre* and illustrates the *Newbury 2025 Vision*. It is not seeking to allocate the quarters or areas for redevelopment shown. Flood zones 2 and 3 affect parts of

Newbury town centre which are shown as areas for change in Figure 3. There is a potential conflict between minimising flood risk and what is shown. The status of Figure 3 is ambiguous and since it is not seeking to illustrate what is specifically proposed in the Core Strategy, it is not required in the Plan. The Council has agreed to its deletion which is made in **MM 4.6**.

119. *Policy CS5 Housing Type and Mix*. The first part of policy CS5 imposes on applicants the task of having regard to a range of, in part, complex evidence and to demonstrate how this evidence has informed the dwelling mix. This is unreasonable and impractical, especially for small and medium scale proposals. The scope of the policy is not justified. This unsoundness is addressed by the deletion of the last 2 bullets of the first part of the policy. Nonetheless, it is important that local needs are addressed, especially in rural areas and additional text to highlight this is justified. These changes are made in **MMs 5.9** and **5.10**. The second part of the policy contains appropriate local guidance on density, consistent with the NPPF (paragraph 47).
120. *Policy CS6 Infrastructure*. The policy is expressed in very general terms and refers to the IDP which is separate from the Core Strategy. The policy is not effective in ensuring the needed infrastructure is secured. As mentioned above, the Council propose to include a new Appendix listing critical infrastructure and to refer to this Appendix in policy CS6. This would make the Core Strategy sound and is achieved by **MM 5.11** and **MM 7.5**.
121. The *Critical Infrastructure Schedule* in MM 7.5 is divided between the different spatial areas and different types of infrastructure. Some specific infrastructure required for the strategic allocations at Newbury Racecourse and Sandleford are also listed. Some items in the list are disputed by the developer of the Racecourse site. I previously commented on this disagreement in a note of 13 May 2011 and, having considered further comments, expressed preliminary conclusions in my note of 13 July 2011. Some of the changes accepted by the Council at that time were not made when the Plan was republished in November 2011.
122. The Council agreed to the deletion of the car club requirement and I have removed it from the list. The *sustainable travel route through the Racecourse site including bus gate* is a means to achieving other aims and does not need to be separately identified. The Council agreed that the reference under Waste Water to *upgrading the main terminal pumping station* in Newbury should be relocated under the Newbury/Thatcham Spatial Area and not be specific to the Racecourse development. I have made this change. The reference to reinforcement of the substation appears justified. The changes from the Council's published list are included in **MM 7.5** which are necessary to make the list justified.
123. Policy CS3 proposes the Newbury Racecourse strategic allocation. The wording of the policy does not fully reflect the planning permission that has been granted for that development and the Council proposed some changes and updating. Given the addition to the Core Strategy of the Critical Infrastructure Schedule, which includes matters relevant to the Racecourse as discussed above, I see no need to change policy CS3.
124. *Policy CS7 Affordable Housing*. On the basis of the evidence in the BHMA



2007 (CD09/14) and given the absence of any evidence of substance which undermines its conclusions, there is a well justified need for a substantial scale of affordable housing. It is justified to seek to maximise the provision of affordable housing, subject to not adversely affecting the viability of development and the achievement of other planning objectives.

125. The *Economic Viability Assessment 2007* (CD09/17) and *Economic Viability Assessment Update 2009* (CD09/18) assessed the viability of various affordable housing requirements in relation to a range of house price bands typical of the District at the time of the studies. I have not seen substantial evidence to challenge the general approach or underlying assumptions made in these studies, but viability may critically change if such underlying inputs change. To be justified and effective the policy needs to explicitly indicate that the proportions of affordable housing set out will be sought by negotiation and will take into account the economics of provision. Also for effectiveness, changes are required to the wording of the policy with respect to integrating affordable units within the development and the recycling of subsidy when units cease to be affordable. These changes are made in **MM 5.12**.
126. Additions to the explanatory text to CS7 are necessary to explain how the policy will be applied in practice and to refer to Affordable Rent. These changes are made in **MM 5.13** and **5.14**. Also for clarity and to avoid inconsistency, the definition of affordable housing in the Glossary needs to be changed to that in the NPPF. This is done in **MM 7.9**.
127. *Policy CS8 Rural Exception Sites*. The policy is not consistent with the NPPF (paragraph 54) since criterion 3 states that proposals should not include any element of market housing. The Council has not addressed the potential benefit of some market housing being allowed so as to facilitate such schemes. However, Rural Exception sites are currently permitted by Local Plan policy HSG.11. This is similar to policy CS8, but does not expressly exclude market housing. Rather than try and amend policy CS8 at this late stage in the Examination, soundness can be achieved by deleting policy CS8 and the related section. The Council can then properly consider the matter afresh in a later DPD. This approach is acceptable to the Council. This change is made in **MM 5.15**. As a result of the deletion of CS8, policy HSG.11 needs to be removed from Appendix E which lists the Local Plan policies to be replaced by the Core Strategy. This is achieved in **MM 7.6**. It also needs to be removed from the Monitoring Framework, which is achieved through **MM 6.1**.
128. *Policy CS9 Gypsies and Travellers and Travelling Showpeople*. I have considered the soundness of this policy in the light of national guidance in *Planning Policy for Traveller Sites* March 2012 and the NPPF. The policy rightly makes clear that identified needs will be met by allocations in the Site Allocations and Delivery DPD. The criteria for allocations and any other applications are reasonable for sites outside settlement boundaries, but would be unjustified within settlement boundaries, where such sites should be treated in the same way as other residential development. Their applicability only outside settlement boundaries is needed for the policy to be justified and is made clear in **MM 5.17**.
129. *CS13 Equestrian/Racehorse Industry*. The aim of policy CS13 to favour the retention of suitable existing equestrian establishments is appropriate, but as

submitted it is neither justified nor effective because it does not take into account whether there is a need or demand to retain the facility. There is no benefit in retaining unused sites for long periods and likely negative consequences in doing so. Furthermore, the criteria for considering "suitability" should be explained. It is necessary to strike a balance between the protection of stable yards and sufficient flexibility so as to allow new uses if there is no need for them. Soundness is achieved by the changes to the policy and text in **MMs 5.20** and **5.21**.

130. *Policy CS14 Transport*. The first sentence is ambiguous as to the intended scope and application of the policy, making it ineffective. A new opening sentence is required to make clear that the policy contains criteria that are to apply to development, so far as relevant to the scale of development proposed. Complementary additional supporting text is needed to ensure clarity and effectiveness of the policy. These changes are included in **MMs 5.22** and **5.23**.
131. *Policy CS16 Sustainable Construction and Energy Efficiency*. Following the hearings in November 2010, I requested that the Council consult on a change to this policy to delete the requirements relating to the Code for Sustainable Homes (CfSH) and BREEAM. This was because I was not satisfied that these requirements were justified in relation to then national policy in the Supplement to PPS1 (December 2007) particularly paragraphs 30-32. That Supplement has been replaced by the NPPF.
132. The NPPF requires (paragraphs 94 - 95) local authorities to adopt proactive strategies to mitigate and adapt to climate change. When setting any local requirements for a building's sustainability they should do so in a way consistent with the Government's zero carbon policy and to adopt national standards. The particular tests for the justification of such local standards previously in the Supplement have been dropped. The NPPF does however require (paragraph 21) investment not to be overburdened by the combined requirements of planning policy expectations.
133. The requirements in CS16 refer to nationally described standards consistent with the Government's zero carbon policy. There is an additional administrative cost burden in providing the supporting evidence at application stage and subsequently demonstrating compliance with such a policy. The energy efficiency levels required by the Code are currently planned to be achieved by further tightening of the Building Regulations to 2016. Meeting these energy levels represents the most significant aspects of meeting the Code in construction terms. As the Council is not proposing any acceleration of this element compared with what is likely to be required under the Building Regulations, the additional cost burden of the Council's policy is unlikely to be substantial.
134. The Environment Agency expressed strong support for the policy because of the need to limit domestic water use in this area of water stress. Code levels 3-4 introduce tighter water restrictions than currently required by the Building Regulations. On balance, in the light of the changed national guidance, CS16 is sound as submitted.
135. *Policy CS17 Flooding*. The policy confirms the need to adhere to national

guidance on minimising and managing flood risk. The requirement in relation to SUDS is not appropriately worded or located within the structure of the policy to be effective. This is overcome by the change in **MM 5.26**.

136. *Thames Basin Heaths Special Protection Area (TBH SPA)*. Paragraph 5.91 of the submitted Core Strategy refers to a 5km zone from the nearest part of the TBH SPA within which it is possible certain developments may affect the SPA. No part of the SPA is within the District, but 5km and 7km zones from the edge of the SPA extend across a small rural area in the south east corner. The plan does not adequately explain the necessary planning approach within these zones to ensure that there is no significant effect on the SPA. This ineffectiveness is overcome by additional text in the Environment section of ADPP6 covering the East Kennet Valley, the related text for that policy and in the section on Biodiversity. These changes are in **MMs 4.26, 4.29 and 5.27**.
137. *CS20 Historic Environment and Landscape Character*. Part b) of the policy refers to *the retention of the individual identity of separate settlements and parts thereof*. Given the need for significant greenfield developments on the edges of the main settlements this statement is too absolute. It is also not focussed on securing identified and desirable outcomes, particularly as policy CS20 is intended to replace the Local Plan local gap policy which is no longer appropriate. The wording is not justified or effective. Replacement wording has been proposed by the Council which is more in keeping with the overall aims of the policy. This change is made in **MM 5.28** along with consequential amendments to the supporting text.
138. *Minerals and Waste*. The Core Strategy does not address Minerals and Waste planning. At submission, the Council was working with the other Berkshire authorities on a Joint Minerals and Waste Development Framework (to include a Core Strategy and a Development Control and Preferred Area DPD). In October 2011 this joint work ceased. The Council has now amended its LDS (May 2012, CD07/87) to include a *West Berkshire Minerals and Waste Local Plan*. This will ensure that all relevant matters are eventually covered by other DPDs making up the future overall Local Plan for the area. **MM 2.1** is necessary to explain how Minerals and Waste will be addressed.
139. *Monitoring*. As a result of the various changes to the plan already highlighted there are consequential changes required to the Monitoring Framework. These are made in **MMs 6.1 and 6.2**. Monitoring should not be made unduly onerous or disproportionate. Overall, with the changes proposed, the plan is sound in relation to monitoring.
140. *Sustainable development*. At the heart of the NPPF is a presumption in favour of sustainable development. It is necessary for soundness to make clear that the Council's approach to decision-making will accord with this presumption. The Planning Inspectorate considers that a suggested model policy will, if incorporated into a Local Plan, be an appropriate way of meeting this expectation. Whilst the Council and others consider that the policy is not needed, the absence of such a policy in this plan might imply that the Council was intending to take a different approach, which is not the case. To be effective and therefore sound, a policy is required. The Council suggested a transposition of the 1<sup>st</sup> and 2<sup>nd</sup> paragraphs of the model policy and reference to the *development plan* so as to be more inclusive than the references to

local plan and neighbourhood plan in the model wording. This change is an acceptable local preference. I have, however, retained the word *always* from the model policy in the sentence referring to the Council working proactively with applicants, since this emphasis is an important part of the approach advocated by the NPPF. The finalised wording for the policy is in **MM 1.1**.

141.No changes are required to any other policies in the Plan.

## Assessment of Legal Compliance

142.My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The LDS at submission was dated April 2010 (CD07/21). This expected the Core Strategy to be adopted in March 2011. Given the extended nature of this Examination, this date soon become unachievable. The Council's latest LDS is May 2012 (CD07/87) which envisages adoption in September 2012, which is still possible. The Core Strategy's content is compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI (CD07/22) was adopted in July 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed changes incorporated in the main modifications.
Sustainability Appraisal (SA)	The SA/SEA report at submission failed to meet the requirements of the Regulations. For the reasons set out earlier in this report, the <i>SA/SEA Update October 2011</i> and the Council's consideration of the consultation responses on this report now satisfy the requirements.
Appropriate Assessment (AA)	Natural England had some concerns with the Habitats Regulations Appropriate Assessment at submission (CD07/15B), but it was subsequently satisfied with a revised AA in August 2010 (CD07/15). The AA concludes that there would be no significant adverse effects on protected habitats. The AA is fit for purpose.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Core Strategy is in general conformity with the RS, the SEP.
Sustainable Community Strategy (SCS)	The SCS - <i>A Breath of Fresh Air</i> (CD10/02 & CD10/03) is referred to in paragraph 2.9 of the CS. Sufficient regard has been given to this document in the overall objectives and policies of the CS for this requirement to be met.
2004 Act (as amended)	The Core Strategy complies with the Act and the

and 2012 Regulations.

Regulations.

## **Overall Conclusion and Recommendation**

**143. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**

**144. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Annex (and its Appendices) the West Berkshire Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and, on balance, sufficiently meets the aims of the NPPF to be considered sound.**

*Simon Emerson*

Inspector

The report is accompanied by an Annex setting out the Main Modifications and Appendices to the Annex.