

1. Newbury Town Council

From: [REDACTED]
To: [REDACTED]
Subject: Fwd: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)
Date: 31 March 2023 13:53:50
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Hi all,

Here's the response from Newbury District Council, for information.

Ivor

----- Forwarded message -----

From: Parish Clerk <coldashpc@gmail.com>
Date: Thu, 30 Mar 2023 at 09:29
Subject: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)
To: Ivor Mcardle <[REDACTED]>

Please see response from Newbury Town Council

Linda

From: [REDACTED] [newbury.gov.uk](mailto:[REDACTED]@newbury.gov.uk)
[REDACTED] March 2023 09:12
To: Parish Clerk
Subject: RE: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)

Sorry,

All responses decided at Committee level.

Kind regards



HUGH PEACOCKE
(He/Him/His)
Chief Executive Officer

T [REDACTED]
E [REDACTED]
W www.newbury.gov.uk
Follow us:

Newbury Town Council, Market Place, Newbury, Berkshire, RG14 5AA, United Kingdom

Mayor's Charities 2022/23 - Newbury Speakability and Eight Bells for Mental Health Newbury
Making Newbury a Town we can all be proud of

From: Parish Clerk <coldashpc@gmail.com>

Sent: Thursday, March 30, 2023 9:05 AM

To: Hugh Peacocke <[\[REDACTED\]@uk](mailto: [REDACTED]@uk)>

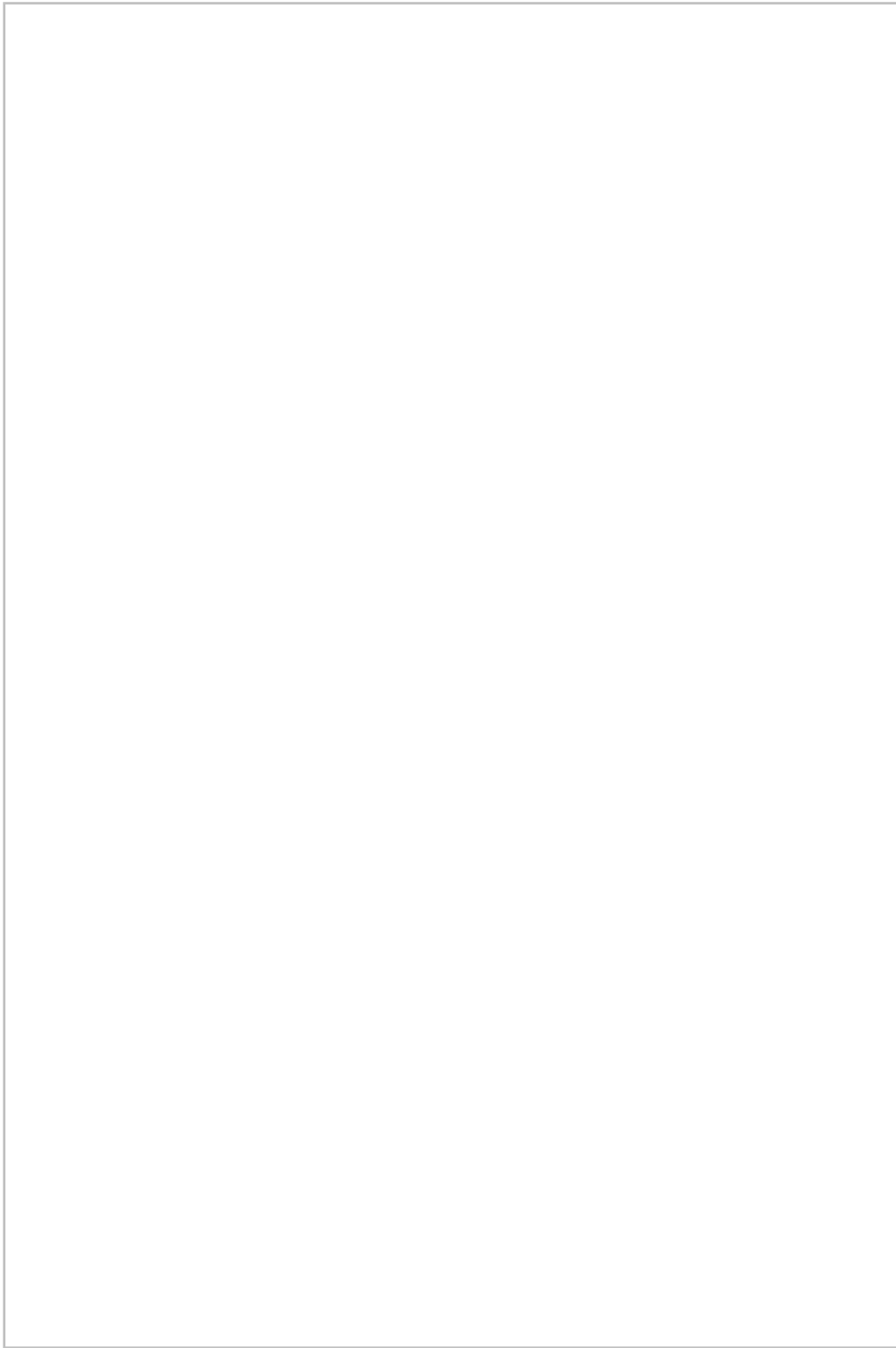
Subject: RE: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)

This is an **EXTERNAL EMAIL. STOP. THINK** before you **CLICK** links or **OPEN** attachments.

Good Morning Hugh

Thank you for your response.

Would you be able to complete the online survey attached QR code below or the paper survey and return?



Many thanks

Linda

Linda Randall

Clerk to Cold Ash Parish

Tel: 01635860004

Mobile 07824839146

<https://coldashpc.org.uk>



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<https://coldashpc.org.uk/privacy-policy/>

From: Hugh Peacocke [REDACTED]
Sent: 29 March 2023 10:04
To: coldashpc@gmail.com
Subject: RE: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)

Dear Linda

This matter was considered by our Planning and Highways Committee on Monday 27 march.

The committee wish CAPC well in your endeavours to make a NDP.

2. matters were agreed to bring to your attention:
 1. Please consider the establishment of green gaps between Cold Ash Parish and Clay Hill Parish/Ward in relation to the West Berks Appropriate Countryside Designations Study (Nov 2022) & various Landscape Character Assessments and ask for Parcel 9 which includes these areas below to be designated as Local Green Gap/Wedge:
 - a. Stoney Lane, Stone Copse & Ashmore Green
 - b. Messenger Wood & Copse between Pear Tree Lane & Stoney Lane

c. Area North of Shaw Cemetery between Long Lane & Pear Tree Lane

2. This council endorses the request by Cold Ash NDP in Appendix C, Local Green Spaces , to designate No.6 - Waller Drive Recreational Park - as a Local Green Space on the basis of recreational and tranquillity value.

Please acknowledge receipt of our response in this matter.

Kind regards



HUGH PEACOCKE
(He/Him/His)
Chief Executive Officer

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E [REDACTED]
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Mayor's Charities 2022/23 - Newbury Speakability and Eight Bells for Mental Health Newbury
Making Newbury a Town we can all be proud of

From: Hugh Peacocke
Sent: Monday, March 13, 2023 9:42 AM
To: 'coldashpc@gmail.com' <coldashpc@gmail.com>
Subject: RE: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)

Dear Sir/ Madam,

The document referred to above, dated 1 March to 19 April, was received by us this morning, 13 march.

We will respond by 19 April, if possible.

Kind regards

From: Margaret Gore [REDACTED]
Sent: Monday, March 13, 2023 9:25 AM
To: Hugh Peacocke [REDACTED]
Subject: FW: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)

Good morning, Hugh,

Please see mail below for your information.

Kind regards

Margaret



MARGARET GORE
(She/Her/Hers)
Senior Accounts Officer
Corporate Services

T [REDACTED]
E [REDACTED]
W www.newbury.gov.uk
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Mayor's Charities 2022/23 - Newbury Speakability and Eight Bells for Mental Health Newbury
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From: Parish Clerk <coldashpc@gmail.com>
Sent: Monday, March 13, 2023 7:33 AM
To: Parish Clerk <coldashpc@gmail.com>
Subject: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)

This is an **EXTERNAL EMAIL. STOP. THINK** before you **CLICK** links or **OPEN** attachments.

Good Morning

Please find attached letter from Cold Ash Parish Council, Neighbourhood Development Plan Steering Group Chairman Cllr McArdle, giving details on providing comments on the Pre-Submission Consultation (Regulation 14).

Kind regards

Linda

Linda Randall

Clerk to Cold Ash Parish

Tel: 01635860004

Mobile 07824839146

<https://coldashpc.org.uk>



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2. National Highways

From: [REDACTED]
To: [Parish Clerk](#)
Cc: [REDACTED]
Subject: Re: FORMAL RESPONSE@2023 03 31: #19487 CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)
Date: 03 April 2023 09:03:02

Thanks Linda.

Sent from my iPhone

On 3 Apr 2023, at 07:23, Parish Clerk <coldashpc@gmail.com> wrote:

FYI

From: [REDACTED]
Sent: 31 March 2023 17:50
To: coldashpc@gmail.com
Cc: Planning SE; Patrick Blake; Spatial Planning
Subject: FORMAL RESPONSE@2023 03 31: #19487 CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)

FAO: Parish Clerk

Our Ref: NH/23/00229 (Tracker ID: #19487)

RE: Cold Ash Neighbourhood Development Plan Invitation to provide comments on the Pre-Submission Consultation (Regulation 14) A34

Thank you for e-mail dated 10 March 2023, inviting National Highways to comment on the above Consultation.

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case the A34 Trunk Road.

Having reviewed documents in relation to this consultation we have 'No Comments'.

I hope this is helpful

Regards

Mrs Beata Ginn

Assistant Spatial Planner (Area 3)

National Highways | Bridge House | Walnut Tree Close | Guildford GU1 4LZ

Tel: +44 (0) 300 470 1118 **Mobile:** [REDACTED]

Web: <https://nationalhighways.co.uk/our-roads/planning-and-the-strategic-road-network-in-england/>

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National Highways Limited | General enquiries: 0300 123 5000

|National Traffic Operations Centre, 3 Ridgeway, Quinton

Business Park, Birmingham B32 1AF |

<https://nationalhighways.co.uk> | info@nationalhighways.co.uk

Registered in England and Wales no 9346363 | Registered Office:

Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ


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3. Historic England

By e-mail to: coldashpc@gmail.com

Our ref:
PL00792611
Your ref:
Date: 15/06/2023

Direct Dial:

Mobile: 

Dear Ms Randall ,

Draft Neighbourhood Plan for Cold Ash

Thank you for consulting Historic England about your Regulation 14 draft Neighbourhood Plan. This is the first opportunity Historic England has had to review your neighbourhood plan. As the Government's adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully considered at all stages and levels of the local planning process.

Neighbourhood Plans are an important opportunity for local communities to set the agenda for their places, setting out what is important and why about different aspects of their parish or other area within the neighbourhood area boundary, and providing clear policy and guidance to readers – be they interested members of the public, planners or developers – regarding how the place should develop over the course of the plan period.

We welcome the production of this neighbourhood plan and are pleased to see that the historic environment of your parish features throughout this draft.

Although your neighbourhood area does contain a number of designated heritage assets, at this point we don't consider there is a need for Historic England to be involved in the detailed development of the strategy for your area, but we offer some general advice and guidance below, which may be of assistance. The conservation

officer at your local Council will be the best placed person to assist you in the development of the Plan with respect to the historic environment and can help you to consider and clearly articulate how a strategy can address the area's heritage assets.

Paragraph 190 of the National Planning Policy Framework (2021) sets out that Plans, including Neighbourhood Plans, should set out a positive strategy for the conservation and enjoyment of the historic environment. In particular, this strategy needs to take into account the desirability of sustaining and enhancing the significance of all types of heritage asset where possible, the need for new development to make a positive contribution to local character and distinctiveness; and ensure that it considers opportunities to use the existing historic environment to help reinforce this character of a place.

It is important that, as a minimum, the strategy you put together for your area safeguards those elements of your neighbourhood area that contribute to the significance of those assets. This will ensure that they can be enjoyed by future generations of the area and make sure your plan is in line with the requirements of national planning policy, as found in the National Planning Policy Framework.

The government's [National Planning Practice Guidance](#) on neighbourhood planning is clear that, where relevant, Neighbourhood Plans need to include enough information about local heritage to guide local authority planning decisions and to put broader strategic heritage policies from the local authority's local plan into action but at a *neighbourhood* scale. Your Neighbourhood Plan is therefore an important opportunity for a community to develop a positive strategy for the area's locally important heritage assets that aren't recognised at a national level through listing or scheduling. If appropriate this should include enough information about local non-designated heritage assets, including sites of archaeological interest, locally listed buildings, or identified areas of historic landscape character. Your plan could, for instance, include a list of locally important neighbourhood heritage assets, (e.g. historic buildings, sites, views or places of importance to the local community) setting out what factors make them special. These elements can then be afforded a level of protection from inappropriate change through an appropriately worded policy in the plan. We refer you to our guidance on local heritage listing for further information: HE Advice Note 7 - local listing: <https://www.historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7>

The plan could also include consideration of any Grade II listed buildings or locally designated heritage assets which are at risk or in poor condition, and which could then be the focus of specific policies aimed at facilitating their enhancement. We would refer you to our guidance on writing effective neighbourhood plan policies,

which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/policy-writing/>

If you have not already done so, we would recommend that you speak to the staff at local authority archaeological advisory service who look after the Historic Environment Record and give advice on archaeological matters. They should be able to provide details of not only any designated heritage assets but also non designated locally important buildings, archaeological remains and landscapes. Some Historic Environment Records may be available to view on-line via the Heritage Gateway (www.heritagegateway.org.uk). It may also be useful to involve local voluntary groups such as a local Civic Society, local history groups, building preservation trusts, etc. in the production of your Neighbourhood Plan, particularly in the early evidence gathering stages.

Your local authority might also be able to provide you with more general support in the production of your Neighbourhood Plan, including the provision of appropriate maps, data, and supporting documentation. There are also funding opportunities available from Locality that could allow the community to hire appropriate expertise to assist in such an undertaking. This could involve hiring a consultant to help in the production of the plan itself, or to undertake work that could form the evidence base for the plan. More information on this can be found on the My Community website here: <http://mycommunity.org.uk/funding-options/neighbourhood-planning/>.

The Conservation Area may have an appraisal document that would ordinarily set out what the character and appearance of the area is that should be preserved or enhanced. The neighbourhood plan is an opportunity for the community to clearly set out which elements of the character and appearance of the neighbourhood area as a whole are considered important, as well as provide specific policies that protect the positive elements, and address any areas that negatively affect that character and appearance. An historic environment section of your plan could include policies to achieve this and, if your Conservation Area does not have an up to date appraisal, these policies could be underpinned by a local character study or historic area assessment. This could be included as an appendix to your plan. Historic England's guidance notes for this process can be found here: [HE Advice Note 1 - conservation area designation, appraisal and management](#), and here: <https://historicengland.org.uk/images-books/publications/understanding-place-historic-area-assessments/>. The funding opportunities available from Locality discussed above could also assist with having this work undertaken.

The NPPF (paragraphs 124 - 127) emphasises the importance placed by the government on good design, and this section sets out that planning (including Neighbourhood Plans) should, amongst other things, be based on clear objectives and a robust evidence base that shows an understanding and evaluation of an area, in this case the Parish of Botley. The policies of neighbourhood plans should also ensure that developments in the area establish a strong sense of place and respond to local character and history by reflecting the local identity of the place – for instance through the use of appropriate materials, and attractive design.

Your neighbourhood plan is also an opportunity for the community to designate Local Green Spaces, as encouraged by national planning policy. Green spaces are often integral to the character of place for any given area, and your plan could include policies that identified any deficiencies with existing green spaces or access to them or aimed at managing development around them. Locality has produced helpful guidance on this, which is available here:

[https://mycommunity.org.uk/resources/neighbourhood-planning-local-green-spaces.](https://mycommunity.org.uk/resources/neighbourhood-planning-local-green-spaces)

You can also use the neighbourhood plan process to identify any potential Assets of Community Value in the neighbourhood area. Assets of Community Value (ACV) can include things like local public houses, community facilities such as libraries and museums, or again green open spaces. Often these can be important elements of the local historic environment, and whether or not they are protected in other ways, designating them as an ACV can offer an additional level of control to the community with regard to how they are conserved. There is useful information on this process on Locality's website here: <http://mycommunity.org.uk/take-action/land-and-building-assets/assets-of-community-value-right-to-bid/> .

Communities that have a neighbourhood plan in force are entitled to claim 25% of Community Infrastructure Levy (CIL) funds raised from development in their area. The Localism Act 2011 allows this CIL money to be used for the maintenance and on-going costs associated with a range of heritage assets including, for example, transport infrastructure such as historic bridges, green and social infrastructure such as historic parks and gardens, civic spaces, and public places. As a Qualifying Body, your neighbourhood forum can either have access to this money or influence how it is spent through the neighbourhood plan process, setting out a schedule of appropriate works for the money to be spent on. Historic England strongly recommends that the community therefore identifies the ways in which CIL can be used to facilitate the conservation of the historic environment, heritage assets and their setting, and sets this out in the neighbourhood plan. More information and guidance on this is available from Locality, here:

<https://mycommunity.org.uk/resources/community-infrastructure-levy-neighbourhood-planning-toolkit/>

If you are concerned about the impact of high levels of traffic through your area, particularly in rural areas, the “Traffic in Villages” toolkit developed by Hamilton-Baillie Associates in conjunction with Dorset AONB Partnership may be a useful resource to you.

Further information and guidance on how heritage can best be incorporated into Neighbourhood Plans has been produced by Historic England, including on evidence gathering, design advice and policy writing. Our webpage contains links to a number of other documents which your forum might find useful. These can help you to identify what it is about your area which makes it distinctive, and how you might go about ensuring that the character of the area is protected or improved through appropriate policy wording and a robust evidence base. This can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>.

Historic England Advice Note 11- Neighbourhood Planning and the Historic Environment, which is freely available to download, also provides useful links to exemplar neighbourhood plans that may provide you with inspiration and assistance for your own. This can be found here: <https://historicengland.org.uk/images-books/publications/neighbourhood-planning-and-the-historic-environment/>

The following general guidance also published by Historic England may also be useful to the plan forum in preparing the neighbourhood plan or considering how best to develop a strategy for the conservation and management of heritage assets in the area. It may also be useful to provide links to some of these documents in the plan:

HE Advice Note 2 - making changes to heritage assets:
<https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

HE Good Practice Advice in Planning 3 - the setting of heritage assets:
<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

If you are considering including Site Allocations for housing or other land use purposes in your neighbourhood plan, we would recommend you review the following two guidance documents, which may be of use:

HE Advice Note 3 - site allocations in local plans:

<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans>

HE Advice Note 8 - Sustainability Appraisal and Strategic Environmental Assessment

: <https://historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

We recommend the inclusion of a glossary containing relevant historic environment terminology contained in the NPPF, in addition to details about the additional legislative and policy protections that heritage assets and the historic environment in general enjoys.

Finally, we should like to stress that this advice is based on the information provided by Cold Ash Parish Council in their correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed neighbourhood plan, where we consider these would have an adverse effect on the historic environment.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Louise

A solid black rectangular redaction box covering the signature area.

Historic Places Advisor,

4. South Oxfordshire District Council and Vale of White Horse District Council

From: [REDACTED]
To: [REDACTED]
Subject: Fwd: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)
Date: 13 April 2023 07:21:01

For info.

Sent from my iPhone

Begin forwarded message:

From: Parish Clerk <coldashpc@gmail.com>
Date: 13 April 2023 at 06:55:43 BST
To: [REDACTED]
Subject: FW: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)

FYI

From: Planning Policy S&V [mailto:[REDACTED]]
Sent: 12 April 2023 13:55
To: Parish Clerk
Subject: RE: CAPC NDP - Invitation to provide comments on Pre Submission (Reg14)

Good afternoon

Thank you for your email and the information.

I am writing to confirm that we have no comments to add.

Kind regards
Emma

The Planning Policy Team
South Oxfordshire District Council and Vale of White Horse District
Council

Email: planning.policy@southandvale.gov.uk
Visit us at: <http://www.southoxon.gov.uk/> and
www.whitehorsedc.gov.uk

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<image002.png>

5. Thames Water



David Wilson

E: [REDACTED]
M: [REDACTED]

Cold Ash Parish Council
Issued via email: coldashpc@gmail.com

1st Floor West
Clearwater Court
Vastern Road
Reading
RG1 8DB

12 April 2023

West Berkshire – Cold Ash Neighbourhood Development Plan Pre-Submission Consultation (Regulation 14)

Dear Sir/Madam,

Thank you for allowing Thames Water Utilities Ltd (Thames Water) to comment upon the above.

As you will be aware, Thames Water are the statutory water supply and sewerage undertaker for the West Berkshire district and are hence a “**specific consultation body**” in accordance with the Town & Country Planning (Local Planning) Regulations 2012.

We have the following comments on the consultation in relation to our water supply and sewerage undertakings:

Paragraph 5.80 and Policy CAP5 - General Water and Wastewater Infrastructure Comments

We support paragraph 5.80 in principle, but consider that the wording and Policy CAP5 wording can be improved to cover both sewerage and water supply infrastructure.

A key sustainability objective for the preparation of Local Plans and Neighbourhood Plans should be for new development to be co-ordinated with the infrastructure it demands and to take into account the capacity of existing infrastructure. Paragraph 20 of the revised National Planning Policy Framework (NPPF), 2021, states: “*Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for... infrastructure for waste management, water supply, wastewater...*”

Paragraph 11 states: “*Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:*

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”

Paragraph 28 relates to non-strategic policies and states: “*Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for*

specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure...

Paragraph 26 of the revised NPPF goes on to state: *“Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary....”*

The web based National Planning Practice Guidance (NPPG) includes a section on ‘water supply, wastewater and water quality’ and sets out that Local Plans should be the focus for ensuring that investment plans of water and sewerage/wastewater companies align with development needs. The introduction to this section also sets out that *“Adequate water and wastewater infrastructure is needed to support sustainable development”* (Paragraph: 001, Reference ID: 34-001-20140306).

Thames Water therefore recommends that developers engage with them at the earliest opportunity (in line with paragraph 26 of the revised NPPF) to establish the following:

- The developments demand for water supply infrastructure;
- The developments demand for Sewage/Wastewater Treatment and network infrastructure both on and off site and can it be met; and
- The surface water drainage requirements and flood risk of the development both on and off site and can it be met.

Thames Water offer a free Pre-Planning service which confirms if capacity exists to serve the development or if upgrades are required for potable water, waste water and surface water requirements. Details on Thames Water’s free pre planning service are available at: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/water-and-wastewater-capacity>

In light of the above comments and Government guidance, the Neighbourhood Plan should include a specific reference to the key issue of the provision of wastewater/sewerage and water supply infrastructure to service development proposed in a policy. This is necessary because it will not be possible to identify all of the water/sewerage infrastructure required over the plan period due to the way water companies are regulated and plan in 5 year periods (Asset Management Plans or AMPs). We recommend that the Neighbourhood Plan include the following policy/supporting text:

“Where appropriate, planning permission for developments which result in the need for off-site upgrades, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades.”

“The Local Planning Authority will seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments. Developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint the Local Planning Authority will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.”

POLICY CAP5 - Comments in Relation to Flood Risk and Sustainable Drainage Systems

We support Policy CAP5 in principle in relation to SuDS and drainage systems, but consider that this needs to be strengthened.

The National Planning Practice Guidance (NPPG) states that a sequential approach should be used by local planning authorities in areas known to be at risk from forms of flooding other than from river and sea, which includes "Flooding from Sewers".

Flood risk sustainability objectives and policies should also make reference to 'sewer flooding' and an acceptance that flooding can occur away from the flood plain as a result of development where off site sewerage infrastructure and capacity is not in place ahead of development.

With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, watercourses or surface water sewer. It is important to reduce the quantity of surface water entering the sewerage system in order to maximise the capacity for foul sewage to reduce the risk of sewer flooding.

Limiting the opportunity for surface water entering the foul and combined sewer networks is of critical importance to Thames Water. Thames Water have advocated an approach to SuDS that limits as far as possible the volume of and rate at which surface water enters the public sewer system. By doing this, SuDS have the potential to play an important role in helping to ensure the sewerage network has the capacity to cater for population growth and the effects of climate change.

SuDS not only help to mitigate flooding, they can also help to: improve water quality; provide opportunities for water efficiency; provide enhanced landscape and visual features; support wildlife; and provide amenity and recreational benefits.

With regard to surface water drainage, Thames Water request that the following paragraph should be included in the Neighbourhood Plan "***It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding.***"

Water Efficiency/Sustainable Design

The Environment Agency has designated the Thames Water region to be "seriously water stressed" which reflects the extent to which available water resources are used. Future pressures on water resources will continue to increase and key factors are population growth and climate change.

Water conservation and climate change is a vitally important issue to the water industry. Not only is it expected to have an impact on the availability of raw water for treatment but also the demand from customers for potable (drinking) water. Therefore, Thames Water support the mains water consumption target of 110 litres per head per day (105 litres per head per day plus an allowance of 5 litres per head per day for gardens) as set out in the NPPG (Paragraph: 014 Reference ID: 56-014-20150327) and support the inclusion of this requirement in the Policy.

Thames Water promote water efficiency and have a number of water efficiency campaigns which aim to encourage their customers to save water at local levels. Further details are available on the our website via the following link:

<https://www.thameswater.co.uk/Be-water-smart>

It is our understanding that the water efficiency standards of 105 litres per person per day is only applied through the building regulations where there is a planning condition requiring this standard (as set out at paragraph 2.8 of Part G2 of the Building Regulations). As the Thames Water area is defined as water stressed it is considered that such a condition should be attached as standard to all planning approvals for new residential development in order to help ensure that the standard is effectively delivered through the building regulations.

Within Part G of Building Regulations, the 110 litres/person/day level can be achieved through either the 'Calculation Method' or the 'Fittings Approach' (Table 2.2). The Fittings Approach provides clear flow-rate and volume performance metrics for each water using device / fitting in new dwellings. Thames Water considers the Fittings Approach, as outlined in Table 2.2 of Part G, increases the confidence that water efficient devices will be installed in the new dwelling. Insight from our smart water metering programme shows that household built to the 110 litres/person/day level using the Calculation Method, did not achieve the intended water performance levels.

Proposed policy text:

“Development must be designed to be water efficient and reduce water consumption. Refurbishments and other non-domestic development will be expected to meet BREEAM water-efficiency credits. Residential development must not exceed a maximum water use of 105 litres per head per day (excluding the allowance of up to 5 litres for external water consumption) using the ‘Fittings Approach’ in Table 2.2 of Part G of Building Regulations. Planning conditions will be applied to new residential development to ensure that the water efficiency standards are met.”

Site Allocations

There are no new allocations in the draft Neighbourhood Plan and the level of information does not enable Thames Water to make an assessment of the impact the proposed development will have on the waste water/sewerage network infrastructure and sewage treatment works. To enable us to provide more specific comments we require details of the type and scale of development together with the anticipated phasing.

Paragraph 1.35 of the draft NP states: *When submitting the Nutrient calculator you will also need to provide evidence that you have received permission for connection or have applied for connection to Thames Water systems and which precise WwTW you have applied to connect to.*

We recommend Developers contact Thames Water to discuss their development proposals by using our pre app service via the following link: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/water-and-wastewater-capacity>

It should be noted that in the event of an upgrade to our sewerage network assets being required, up to three years lead in time is usual to enable for the planning and delivery of the upgrade. As a developer has the automatic right to connect to our sewer network under the Water Industry Act we may also request a drainage planning condition if a network upgrade is required to ensure the infrastructure is in place ahead of occupation of the development. This will avoid adverse environmental impacts such as sewer flooding and / or water pollution.

We recommend developers attach the information we provide to their planning applications so that the Council and the wider public are assured wastewater and water supply matters for the development are being addressed.

We trust the above is satisfactory, but please do not hesitate to contact David Wilson on the above number if you have any queries.

Yours faithfully,

David Wilson
Thames Water Property Town Planner

6. Downe House School

From: [REDACTED]
Subject: Fwd: Downe House Profile for Cold Ash Neighbourhood
Date: 17 April 2023 23:13:01

Here's the submission from Downe House, for consideration

Best regards
Ivor

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 17 April 2023 at 17:02:47 BST
To: M Liggins <[REDACTED]>
Cc: M Godfrey <[REDACTED]>
Subject: Re: Downe House Profile for Cold Ash Neighbourhood

Dear Michael,

Thanks for this I'll share it with my fellow steering group members, to agree how to incorporate it into our NDP

I look forward to seeing Matt on Thursday and to catching up with you further, in due course

Best wishes

Ivor

Sent from my iPhone

On 17 Apr 2023, at 15:07, M Liggins <[REDACTED]> wrote:

Dear Ivor

I hope you are well and that you have had a good Easter break. We are now back in school and we have provided the information you requested in your email. The only thing we are waiting on is a list of our Heritage Sites. I will forward this as soon as we have compiled this.

I hope you will find the information (below) useful and that it can help to inform your representation of Downe House in the Cold Ash Neighbourhood Plan.

Many thanks for your offer to speak to our students about your experience working in programme/change management. This is something that we cover early in our Michaelmas Term. We would be delighted for you to share your knowledge and experience and I will be in touch with further details when we have firmed up the dates for covering this section of the curriculum.

Meanwhile, we look forward to further developing our community partnership work with you. I am aware that Matt Godfrey (Deputy Head) will be attending the Cold Ash Annual Parish Meeting on 20th April and I hope we will get a sense of the areas we could contribute to at this event.

Best wishes

Michael

Introducing Downe House

Widely recognised as one of the leading all-girls' schools in the UK, Downe House also features in the independently researched Fortune/Statista list of 100 World's Top Boardings Schools 2023.

Established in 1907, Downe House is a traditional boarding and day school with a modern approach for girls aged 11-18. Situated in a beautiful Berkshire 110-acre woodland estate, Downe House offers family-friendly boarding balanced with an exceptional range of opportunities. Downe House has been a Microsoft Showcase School since 2018.

Downe House honours an exceptional programme to nurture global citizens and expands the pupils' cultural horizons. Every pupil in the Lower Fourth (Year 8) spends a term at our school in France, Downe House Sauveterre, a beautiful chateau that allows the students to experience French life, language and culture. Older pupils have the opportunity to take part in the Global Schools' Exchange Programme, studying abroad in one of 15 partner schools across 6 continents. There is also a Global Internship Programme as well as DH LINKS, the School's comprehensive networking and careers initiative, along with our World Ready Programme, which is layered into every aspect of School life, tailored for every stage of development as pupils progress up through the year groups, to prepare them for the wider world.

Pupils are also given the opportunity to stretch their learning beyond academic qualifications and traditional extra-curricular activities, to enable them to stand out from the crowd in the competitive recruitment world. Including the Wakefield Award, Mini MBA, Sixth Form Interview Programme using VR and AI technology, the Ivy House Leadership Award and so much more.

Although personal triumphs and individual achievements are the most celebrated within School, the foundation of

academic success is evident from the GCSE and A Level statistics. In 2022, at I/GCSE 88% of grades were 9-7 and remarkably 34% achieved 9 or more grades 9-8 (A*-A**). At A Level 92% of pupils achieved A* to B grades with the A*/D1/D2 percentage remaining consistently high, at 75%. These outstanding results achieved places at some of the world's top universities for our graduates.

Our History

Established in 1907, Downe House UK is a traditional school with a modern twist

Founded by Miss Olive Willis at Down House, the former home of Charles Darwin, in the village of Downe in Kent, Downe House UK aims to ignite a love of learning in every pupil making them believe that there is nothing they cannot achieve in the world.

Disillusioned by the independent education that existed for girls at the time, our founder, Miss Olive Willis, held the strong belief that a school should meet the needs of young women by valuing and prizing individuals and engendering a strong sense of community.

She believed that excellence, excitement and enthusiasm for the world around should be hallmarks of that school community, that teachers should not be placed on pedestals and that girls should not be expected to rush around in a feverish attempt to behave like boys.

Consequently, Downe House was established as 'a school where each individual within the community matters and where relationships between staff and pupils are normal'.

Our values have not changed since the School opened in 1907; kindness and respect for others are as valued today as they were when the School was founded. Downe House's aim has always been to enable, encourage and prepare girls to play a full and positive part as citizens of a global community and as outstanding women of the future.

An Environmentally-Friendly School

In recognition of our efforts to become a more sustainable and environment-conscious school, we have received the Green Flag Award – the highest Eco-Schools achievement. Recognising that the time to act is now, we are part of the [Eco-Schools programme](#). It is the largest sustainable schools programme in the world, present in 67 countries and around 52,000 schools. The Eco-Schools Green Flag is an internationally recognised award for excellence in environmental action and learning. They are setting an example of how green schools can lead the way for a more environmentally aware nation.

Each September we hold elections to establish a student-led Eco-committee. The aim of the Eco-committee is to achieve eco credentials by creating meaningful reflection and action on how we can be a more environmentally aware school. Our Eco-committees have helped establish us as one of the best environmentally friendly schools in the UK. We are currently a Green Flag Award Eco-School.

Every school taking part in the Eco-Schools programme follows the same Seven Step framework that takes schools between one and two academic years to complete and the process is designed to engage the whole school and its wider community. The process includes:

- Establishing a student-elected Eco-committee with one representative from each year group
- The Eco-committee conducts an Environmental Audit of the school in all ten Eco-Schools topics – these include: Biodiversity, Energy, Litter, Water, Healthy Living, Transport and Waste. [Read ours here](#).
- Using the results from the environmental audit, the Eco-committee decides on an action plan for three chosen topic areas
- The committee oversees the implementation of the action plan and monitor its success
- Eco-committee consistently [shares their plans and findings](#) with the school through school assemblies, online media and the Eco-committee board

Ways in which Downe House could engage with the Development Plan Non-Policy Actions:

Relevant Non-Policy Actions	Possible Areas of Engagement
Potential to identify locally significant heritage assets to add to the Local List.	Providing access to the site in line with Health and Safety and Safeguarding guidelines. This might include access to sporting facilities and a developing plan to create a Downe House Site Circular Walk that would be available for local schools and the wider community to access through the appropriate channels.
Improve information about local history and heritage	Provide historical information about the history of the school.
Establish an online business directory for the parish	We would be happy to feature in the directory

From: Ivor McArdle [redacted]
Sent: Wednesday, March 15, 2023 5:36 PM
To: M Godfrey [redacted]
Cc: E Ashley [redacted]
[redacted] meeting

Hi Matt,

Thanks to you and the other members of your team for finding the time to meet with me today. The meeting was very positive and I feel we are starting to build a solid basis for a productive relationship between Cold Ash Parish Council and Downe House school, which will benefit both communities.

I've taken the liberty of capturing my views on what we discussed and agreed to do. Please let me know if you or any members of your team disagree with anything I've written or think I've missed anything. I don't have the email addresses for the other attendees from Downe House, so if you could share this with them that would be great.

My notes

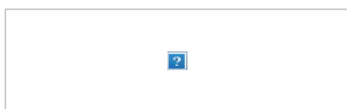
1. We discussed the initiatives that Downe House has taken to engage with the parish, which includes the swimming club, which has opened up access to your swimming pool to outsiders, and the fact that you're now inviting your neighbours and councillors to events in the school (e.g., lunchtime concerts, summer open day, etc.). You shared some other embryonic ideas, such as nature walks through your grounds. We agreed that I would link in with Michael on these going forward (can you please let me have his contact details).
 2. We discussed the past PR issues that Downe House has had in the parish, recognising that many are based on perception rather than reality. It was acknowledged that communication will be key, going forward. I suggested that it may be a good idea for a member of your team to present at the Cold Ash Annual Parish Meeting, to share your desire to build a mutually beneficial relationship with the community. I've checked the details of the meeting and confirm that it's in Acland Hall, 7-9pm on the 20th April. I will ask Linda, our parish clerk, to add you to the agenda, with a time slot of 10 minutes. We also discussed other communication channels within the parish (the Parish Magazine, Facebook groups, Community Bulletin, etc.). If you'd like any help navigating these, please let me know.
 3. I provided the background and aims of the Cold Ash Neighbourhood Plan and acknowledged that we haven't adequately engaged with Downe House in its development; as the biggest employer in the parish, one of the best schools in the world, with great heritage and environmental assets, it's right and proper that what you bring to the parish is clearly articulated. We agreed that the NDP is a good vehicle to articulate Downe House's position in the parish and would provide a good basis to build our relationship on. In particular, we agreed that you, or a member(s) of your team, would:
 - a. Provide a description of Downe House that you would like included in the NDP
 - b. That this would include, your heritage and environmental assets
 - c. Provide any comments you have on the plan
 - d. Consider whether there's any opportunities in the projects listed in section 10 of the document for Downe House pupils to get involved, as this could benefit both them and the parish.
 4. We discussed other opportunities for Downe House, such as Biodiversity Opportunity Areas. Exploring such opportunities within the parish is covered in the NDP and it is something that we'd be happy to discuss further once our NDP is in place and we start actioning the things within it, to deliver the full benefits to the parish and communities within it
- From a personal perspective, I'd be happy to have a further discussion with Michael on whether there's something I could do in relation to sharing Programme/Change Management skills with some of your pupils.

I feel excited about the opportunities this relationship could bring to both of our communities, whilst recognising the considerations and limitations that running a school under the current rules and regulations brings.

Please let me know if you require anything else from me at this stage.

Best regards

Ivor McArdle
Cold Ash Parish Councillor and Chair of the Cold Ash NDP Steering Group



Mr Michael Liggins
Director of Projects, Head of Department for Economics and Business Studies
Direct Tel: [redacted]
Email: [redacted]
Downe House, Cold Ash, Thatcham, Berkshire RG18 9JJ



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7. Mid and West Berkshire Access Forum

MID AND WEST BERKSHIRE LOCAL ACCESS FORUM

Secretary Sandra Griffin

To: Cold Ash Parish Council

By email to: coldashpc@gmail.com

Mid & West Berks Local Access Forum
Countryside Department
West Berkshire Council
Market Street
Newbury RG14 5LD

17 April 2023

Cold Ash Neighbourhood Development Plan; Regulation 14 Consultation Comments by the Mid and West Berkshire Local Access Forum

1 Introduction

The Mid and West Berkshire Local Access Forum welcomes the opportunity to comment on the draft Cold Ash Neighbourhood Development Plan at the time of its Regulation 14 Consultation.

The Forum is a statutory advisory body to West Berkshire Council, Reading Borough Council, and Wokingham Borough Council, appointed under Section 94 of the Countryside and Rights of Way Act 2000 ('CROW'). It is a statutory advisor on the improvement of public access to land within the area, for open-air recreation and the enjoyment of the area to these 'appointing authorities' and other relevant bodies, which include parish councils. In carrying out these functions, a Forum must have regard to the needs of land management and the desirability of conserving the natural beauty of the area.

As the consultation on your draft Neighbourhood Development Plan (draft NDP) has taken place between meetings of the Forum, I have, as the Forum's Chair, invited members to review the document and to make comments. I have then collated these comments into this document, and I now submit them to the Steering Group on behalf of the Forum.

The Forum would be happy to engage with Cold Ash Parish Council as the plan is further developed, or to put you in contact with a member with expertise in a particular aspect.

2 General Comments

We warmly welcome the emphasis in this draft NDP on public rights of way (PROW), active travel, iconic views and access to green spaces. We support all of the proposed policies and projects that promote these. Our comments are therefore intended to assist in strengthening these aspects of the Neighbourhood Development Plan, and in clarifying some small points.

Walking, cycling and horse riding in the countryside offer huge benefits for 'wellbeing' (mental and physical health), quality of life and sustainable living. These benefits might be mentioned at appropriate places in the document.

Dog walking also provides exercise and wellbeing for many residents. This is recognised in Appendix C for the three local green spaces that are open to the public. However, many residents of Cold Ash (and the parts of Thatcham and Newbury that border Cold Ash) will walk their dogs on PROW, and we suggest that this is recognised in the NDP.

Circular routes are particularly valuable for recreation and exercise. We therefore suggest that you might consider in the NDP how a number of off-road circular routes of different lengths and types could be developed. Many of the PROW in Cold Ash parish form part of wider circular routes - and we suggest that this is also recognised in the NDP.

Equestrian activities are only mentioned in relation to sunken lanes. However, there are many paddocks and equestrian centres within the parish or close to it. Horse riders need continuous routes of bridleways, BOATs and safe country lanes. We suggest that these equestrian aspects are mentioned in the NDP.

3 Comments on specific paragraphs and sections

General; terminology: The terminology to describe access for pedestrians, cyclists and equestrians is ambiguous, and in some places is incorrect. There are three types of PROW in Cold Ash parish; public footpaths, public bridleways and byways open to all traffic (BOATS)¹. The term 'public rights of way' should be used, except where a specific type of PROW is intended. Where a landowner gives permission for the public to use a route that is not a PROW, this is a 'permissive footpath' or 'permissive bridleway'. To avoid ambiguity, we suggest that a pedestrian route along the side of roads are described by its legal term 'footway'.

Paragraph 2.3: This describes all PROW, so 'footpaths' should be replaced by 'public rights of way'.

Paragraph 2.29: The Forum welcomes and supports the statements in this paragraph. However, there is a BOAT on the northern edge of the parish (numbered COLD/5, COLD/25 and COLD/26); This is important to horse riders, and should be mentioned.

Paragraph 5.57: 'Existing public footpaths are to be maintained, with new landscaped connections into the site and the wider footpath network encouraged.' It is unclear whether the 'footpaths' and 'connections' are meant to be public footpaths and/or footways, and we suggest that this is clarified.

Policy CAP8 and Section 6 - Iconic Views: We warmly welcome this policy, and we note that many of these views are only visible from PROW.

Policy CAP11 and Paragraph 7.11: Public footpaths as well as pavements should, where possible, be accessible for people with disabilities, the elderly and parents with buggies and prams. The surface and any necessary gates should be appropriate for as many types of users as possible, with any existing stiles replaced by gates and steps removed. It is particularly disappointing that the bund constructed at the southern end of COLD/4/1 by West Berkshire Council has two long sets of steps and gates that are too small for a buggy.

Policy CAP11: We welcome and strongly support all elements of this policy.

Figures 7.1 and 7.2: It would be helpful if the PROW could be numbered using the numbering of the West Berkshire Council definitive map - especially as some PROW are referred to by their number in the text. The public footpath to the west of Henwick Manor, which runs along the boundary to the parish, is hidden by the line for the boundary.

Paragraph 7.17: The sunken lanes do not by themselves form a continuous route for horse riding. Bucklebury Alley, Fishers Lane and the BOAT from Hermitage Road to Bucklebury Alley are also important.

Policy CAP7 and Paragraphs 7.14 and 7.15: Lawrences Lane, on the east of the parish, fulfils the criteria of a 'sunken lane' in paragraph 7.14, so we suggest that it is added to the list of sunken lanes in paragraph 7.15 and Policy CAP12. The Forum supported the experimental traffic regulation order for Lawrences Lane; the Advice of the Forum to West Berkshire Council is attached to these comments.

¹ There are no examples of the fourth type of PROW – restricted byways – in Cold Ash.

Section 9 and elsewhere: We are surprised that there is no mention in the draft NDP of farming, whether as a rural business, employment or its contribution to the landscape.

Yours sincerely,



Simon Pike, Chair, Mid and West Berkshire Local Access Forum

A local access forum under Section 94 of the Countryside & Rights of Way Act 2000, appointed by, and advising:



MID AND WEST BERKSHIRE LOCAL ACCESS FORUM

Secretary Sandra Griffin

To: Traffic and Road Safety Team, West Berkshire Council

By email to: trafficanroadsafety@westberks.gov.uk

Mid & West Berks Local Access Forum
Countryside Department
West Berkshire Council
Market Street
Newbury RG14 5LD

25 January 2023

Your ref: 008301MS

Lawrence's Lane, Thatcham/Cold Ash - Prohibition of Motor Vehicles (Experimental Order) 2022

Advice of Mid and West Berkshire Local Access Forum

1 Introduction

The Mid and West Berkshire Local Access Forum welcomes the opportunity to comment and provide advice on the Experimental Traffic Regulation Order (TRO) for Lawrences Lane.

The Forum is a statutory advisory body to West Berkshire Council, Reading Borough Council, and Wokingham Borough Council, appointed under Section 94 of the Countryside and Rights of Way Act 2000 ('CROW'). It is a statutory advisor on the improvement of public access to land within the area, for open-air recreation and the enjoyment of the area to these 'appointing authorities' and other relevant bodies. This includes highways, apart from their use by motor vehicles. In carrying out these functions, a Forum must have regard to the needs of land management and the desirability of conserving the natural beauty of the area.

A key function of a Local Access Forum is to advise its appointing authority (in this case, West Berkshire Council) as to the improvement of public access to land for the purposes of open-air recreation and the enjoyment of the area, and for any other lawful purpose (with the restriction that, for mechanically propelled vehicles, this relates only to byways open to all traffic). In turn, the Council is required, under Section 94(5) of CROW, to have regard to that advice.

The deadline for submission of comments on the Experimental TRO was 19th January, but the Forum did not meet until 25th January. The Forum can only agree advice at one of its public meetings. The Chair of the Forum therefore developed a submission, with comments from Forum Members, which he has already submitted to the Traffic and Road Safety Team of West Berkshire Council on behalf of the Forum.

This letter constitutes formal advice from the Mid and West Berkshire Local Access Forum. West Berkshire Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

2 Advice of the Mid and West Berkshire Local Access Forum

The Forum supported the Council's proposal for removal of motor traffic in response to its consultation on Active Travel in April 2021. In our response, we highlighted the importance of considering the needs of equestrians, as well as walkers and cyclists.

The Covid pandemic has led many people to walk and cycle (as evidenced by increased 'wear and tear' of public rights of way), and this has continued. This has been promoted by the Government through new policies and schemes for active travel - including the one on which the Forum submitted comments. Lawrences Lane is an important route for active travel, both as a circular walk from North East Thatcham and for access to Bucklebury Common and the AONB.

The Forum notes that the "West Berkshire Active Streets" online survey that the Council undertook in 2021 attracted 112 comments, a substantial majority of which supported the principle of the Experimental TRO (it was not described in that way in the survey). Several of these comments describe 'near misses' of potentially serious accidents.

The Mid and West Berkshire Forum welcomes the Experimental TRO for Lawrences Lane that has been in force since July. The lane is clearly unsafe and unsuitable for both active travel users (walkers, cyclists and equestrians) and motor vehicles. The Forum therefore advises West Berkshire Council that the TRO should be made permanent.

3 The legal purposes for a Traffic Regulation Order

The legal basis for a Traffic Regulation Order is the Road Traffic Regulation Act 1984. Section 1 of this Act gives six purposes for making a TRO, of which four are relevant to Lawrences Lane:

"The traffic authority ... may make a "traffic regulation order" ... where it appears to the authority making the order that it is expedient to make it—

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road ... , or
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot."

The most common reason for making a TRO is safety or unsuitability - i.e. paragraphs (a) and (d) - and both of these apply to Lawrences Lane. However, the Lane is an active travel route; it is therefore "specially suitable for use by persons on horseback or on foot" and "facilitating the passage on the road" of pedestrians, persons on horseback and cyclists is important.

The Road Traffic Regulation Act 1984 therefore provides four strong reasons for a permanent traffic regulation order to prohibit motor vehicles on Lawrences Lane.

4 The unsuitability of Lawrences Lane for motor vehicular traffic

Lawrences Lane is a single-track road around 1.2km long, without any 'official' passing places. As can be seen from the photos, the carriageway is very narrow - typically only 2.8m wide and in some places only 2.6m. For much of its length, there are steep earth banks and hedges immediately beside the carriageway, so it is impossible for any walker, cyclist or equestrian to get off the

carriageway to allow a motor vehicle² to pass in either direction. Between the track to Park Farm and the southern end, there are only four ‘unofficial’ passing places - field entrances and short sections of verge. There are blind bends between them, and two of them are 300m apart.

It appears that many of the vehicles that use Lawrences Lane are directed along it by ‘sat nav’ devices - including supermarket delivery vans, which are approximately 2.1m wide plus mirrors.

There does not appear to be any specific Government guidance on the characteristics of rural roads, and in particular single-track roads. In this absence, specific guidance has been developed in relation to HS2 construction³, which can be regarded as best practice:

“A.6.7 For safety reasons, the normal width of single-track roads shall be 3.5 metres (above which the risk of uncertainty increases about whether two vehicles can pass each other over a length without passing places). However, the need for local widening at bends must be determined on a case-by-case basis using vehicle tracking design tools.

A.6.8 Inter-visible passing places must be provided on single-track roads at a maximum spacing of 200 metres.”

It is clear that Lawrences Lane falls far short of the HS2 guidance - in terms of carriageway width, lack of ‘official’ passing places, the distance between unofficial passing places and their inter-visibility. It is not possible for a motor vehicle of any size to safely pass any other user of the road except at the unofficial passing places and, for many types of user, it is physically impossible.

If a motor vehicle meets another user on the lane, then one of them will need to go backwards to an unofficial passing place. For a motor vehicle, this would involve reversing around blind bends. For a walker, it could take several minutes to reach the passing place. It is likely that some drivers would instead attempt to squeeze past the other road user, even though it is unsafe to do so.



² In these comments, ‘vehicle’ and ‘motor vehicle’ generally refer to motor vehicles with four or more wheels, especially cars and vans. Some of the discussion may not be applicable to motorcycles.

³ Design approach statement – Roads: Appendix A – HS2 Rural Road Design Criteria; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/405938/HS2_Rural_Road_Design_Criteria.pdf

5 Needs of particular classes of user

Rule 163 of the Highway Code gives the following advice on overtaking:

“Overtake only when it is safe and legal to do so. You should ...

- give motorcyclists, cyclists and horse riders and horse drawn vehicles at least as much room as you would when overtaking a car (see Rules 211 to 215). As a guide:
- leave at least 1.5 metres when overtaking cyclists at speeds of up to 30mph, and give them more space when overtaking at higher speeds
- pass horse riders and horse-drawn vehicles at speeds under 10 mph and allow at least 2 metres of space
- allow at least 2 metres of space and keep to a low speed when passing a pedestrian who is walking in the road (for example, where there is no pavement)
- take extra care and give more space when overtaking motorcyclists, cyclists, horse riders, horse drawn vehicles and pedestrians in bad weather (including high winds) and at night
- you should wait behind the motorcyclist, cyclist, horse rider, horse drawn vehicle or pedestrian and not overtake if it is unsafe or not possible to meet these clearances.”

It is generally not possible to achieve these distances on Lawrences Lane.

5.1 Walkers/pedestrians

Pedestrians include not only able-bodied walkers, but also children and people with buggies.

5.2 Cyclists

Consideration needs to be given to all types of cycle, not only bicycles. The Department for Transport note on Cycle Infrastructure Design provides guidance on the typical dimensions of different types of cycle (Local Transport Note 1/20, July 2020; Figure 5.2).

This note does not give specific guidance for the minimum width of a single-track road. However, the section on Quiet Mixed Traffic Streets and Lanes sets out an ‘absolute minimum acceptable lane width’ of 2.75m for a traffic lane of a two lane road Traffic (cars only, speed limit 20/30mph), on the assumption that traffic is free to cross the centre line to pass a cyclist.

Lawrences Lane does not meet this criterion.

5.3 Horse riders

In its response to the “West Berkshire Active Streets” online survey, the British Horse Society said “A small survey by the Society has shown that this lane is used as part of horse riding routes in the area by those who keep horses in Cold Ash & Ashmore Green.” Several of the other responses are from horse riders who use the lane.

It is clear that a driver cannot comply with rules 163 and 215 of the Highway Code if they meet a horse rider on the lane.

5.4 Horse drawn vehicles

Horse drawn vehicles are not prohibited by this TRO, so can use the lane and also need to be taken into account.

A local access forum under Section 94 of the Countryside & Rights of Way Act 2000, appointed by, and advising:



8. Local Resident

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Cold Ash Parish Council: Pre-submission Draft neighbourhood Plan, feedback survey Regulation 14 Consultation.
Date: 18 April 2023 19:29:45
Attachments: [CCF_000068\(1\).pdf](#)
[Untitled attachment.00412.htm](#)

Dear [REDACTED]

Thank you for your considered comments. These will be fed into the review of the NDP and will be included, as appropriate.

We may need to come back to you, as you clearly have a lot of knowledge and experience that would be valuable in finalising our submission. We have tried to engage Parishioners, and those working in the parish, to get involved in the development of our NDP, but with limited success. I assure you that any underrepresentation is not intentional; it is, in fact, the total opposite to what we've been trying to achieve.

Once the consultation closes we'll start the process of updating the document, which we'll aim to include you in.

Kind regards
Ivor

Sent from my iPhone

On 18 Apr 2023, at 15:18, sharon bovingdon
[REDACTED] > wrote:

Dear Ivor & CAPC members,

I would like to request an amendment be made to section 9.2 of the draft neighbourhood development plan.

Mr Simon Pike (Chair – Local access forum, Thatcham Town Council) has kindly already highlighted that there is an alarming lack of representation for farming, the agricultural industries and rural businesses.

This is a rural parish, which has grown off the back of the rural economy and local farming and agricultural enterprises, and it is disappointing, if not dangerous, to see such alarming misinformation readily published in the draft NDP.

Section 9.2 reads: "In line with experiences across the British countryside, employment opportunities in the agricultural sector have reduced".

As the parish representatives for this community, you simply must do better. Publishing broad misstatements will not do, and clearly there needs to be an element of education here to bring greater awareness of the true opportunity that

exists within the agricultural sector and wider rural industries.

“Employment opportunities in the agricultural sector” have not “reduced” – the truth is in fact, the exact opposite.

Registrations to study land-based degrees are on the rise, and the agricultural industry has the highest level of new entrants (from non-farming backgrounds) and diversity than ever seen previously.

As the sector transitions to meet net-zero targets and work towards food production in light of ever-changing legislation and sustainability goalposts, the industry has welcomed a wealth of new career opportunities and working professionals.

Farming and agricultural industries permeate a far larger social sphere than you have given credit, and to imply that the sector offers up no new opportunities is damaging and frankly insulting. It highlights a stark disconnect of the councillors with the parish and rural landscape within which they live, and supposedly represent.

More than ever, the sector needs agronomists, meteorologists, geologists, data analysts, recruiters, PR, journalists, lawyers, policy writers, policy analysts, vets, land agents and estate agents, quality assurance (especially in light of the recent food fraud scandal unearthed by *Farmers Weekly*), renewables specialists.... The list goes on. I have linked below an article which I hope will be enlightening as to the vast opportunity that exists within the land-based industries, and I hope you will take this into account and revise the above statement in section 9.2 of the NDP.

In light of the current economic climate and drive for sustainability, it is not wise to devalue and isolate those working within the agricultural sector. Who puts food on your tables? Who upholds the strict and world-leading welfare standards on British farms? Who produces sustainable food goods with a lower carbon-footprint than you will see in any supermarket? Who produces a significant share in this country's renewable energy supply, via solar, wind turbines, anaerobic digestion plants and biomass boilers? Who stewards the countryside, for the enjoyment of the parish? Your local farmers.

Please do see the links below, for your perusal.

<https://www.fwi.co.uk/farm-life/a-z-of-careers-in-agriculture>

<https://www.fwi.co.uk/careers/beginners-guide-careers-agriculture-farming#tabs-1>

<https://www.fwi.co.uk/farm-life/how-farmers-are-helping-to-educate-school-children-about-agriculture>

The last of the links above includes a statement from Anna Jarratt, head teacher at St Finian's Catholic primary school in Cold Ash, on the importance of the link

between schools and agriculture. (see attachment)

I welcome your thoughts and look forward to your comments.

Kind regards

██████████ - ██████████ .

9. Local resident on Facebook



Cold Ash Parish Council



3 h ·

policies to influence development proposals.

The Plan must undergo a rigorous process, including a series of consultations, an independent examination and finally a local

Please complete online (scan QR code or use the link below) or return paper copies to the Parish Office by **19th April 2023**.



Like



Comment



Share



3

2 shares

Most relevant



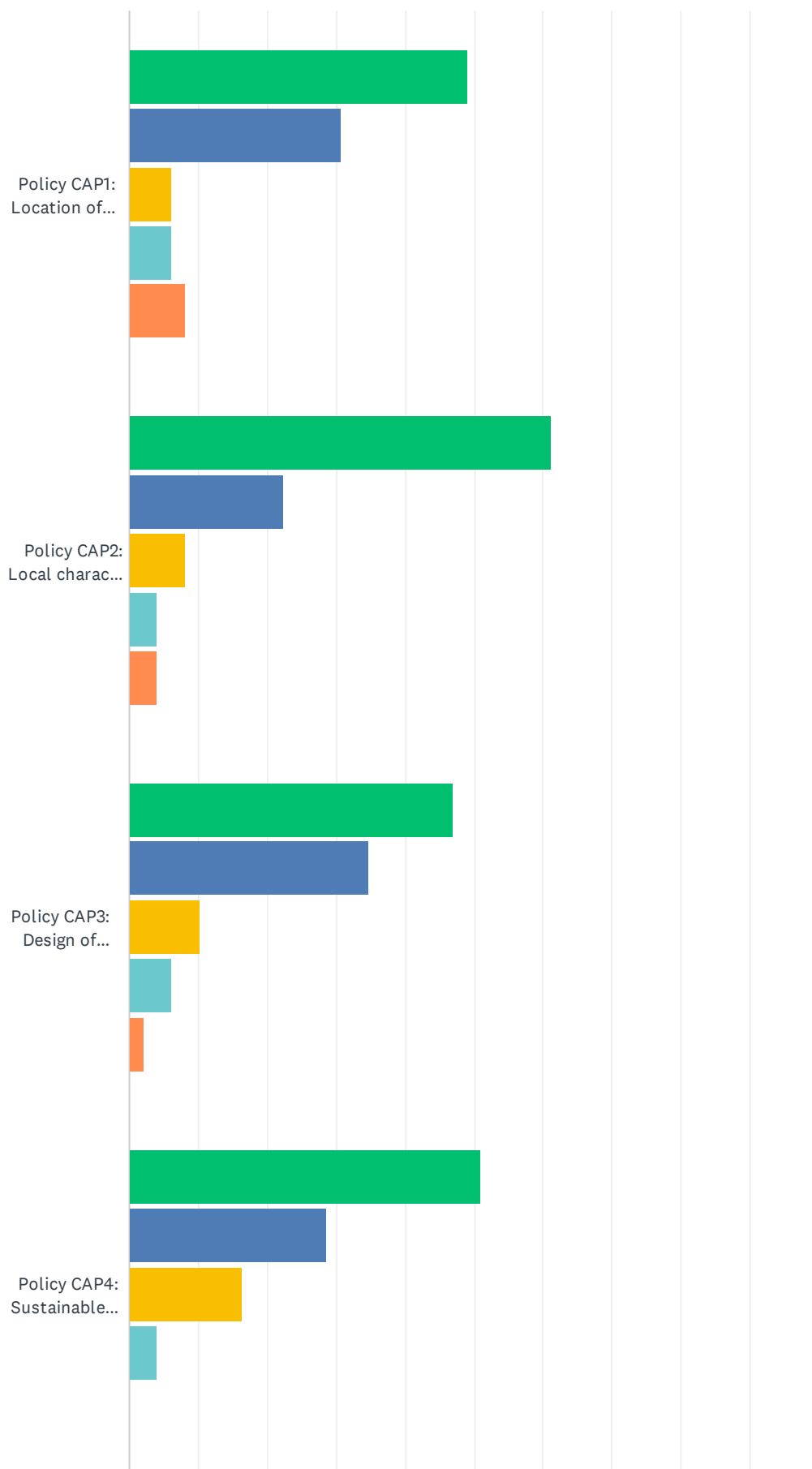
Why are there no Green Gaps suggested between Ashmore Green and North Newbury and East side of B4009 & North Newbury?? Without these there is no protection for continued expansion as most of Stoney Lane and across to B4009 is not in the ANOB and we all know the Settlement Boundaries just get redrawn to include sites put forward. And in these cases it's the North Newbury Settlement Boundary that will just keep being expanded into your Parish?

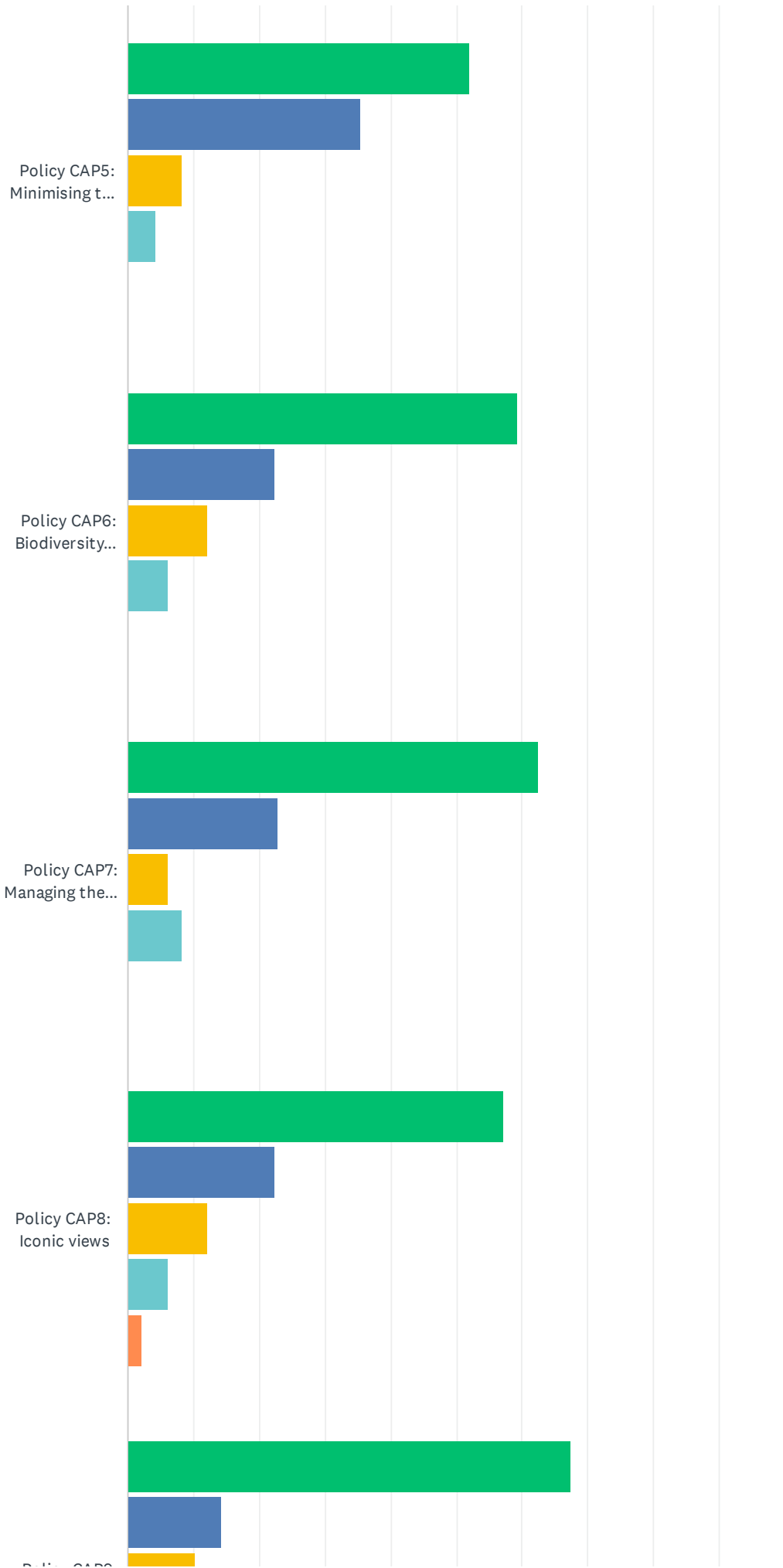
2 h Like Reply

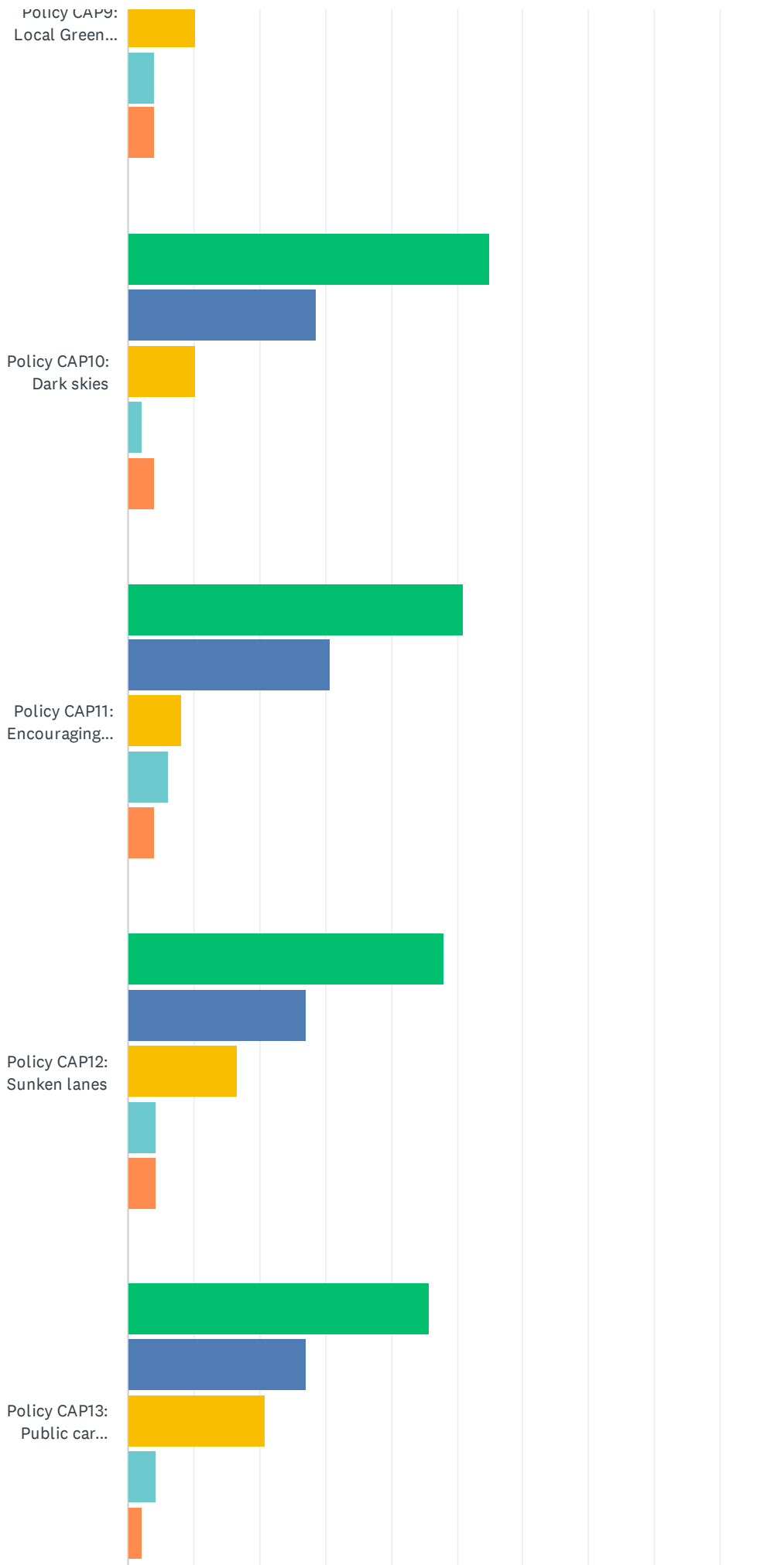
10 (a). Local residents via Survey Monkey – Summary of Feedback

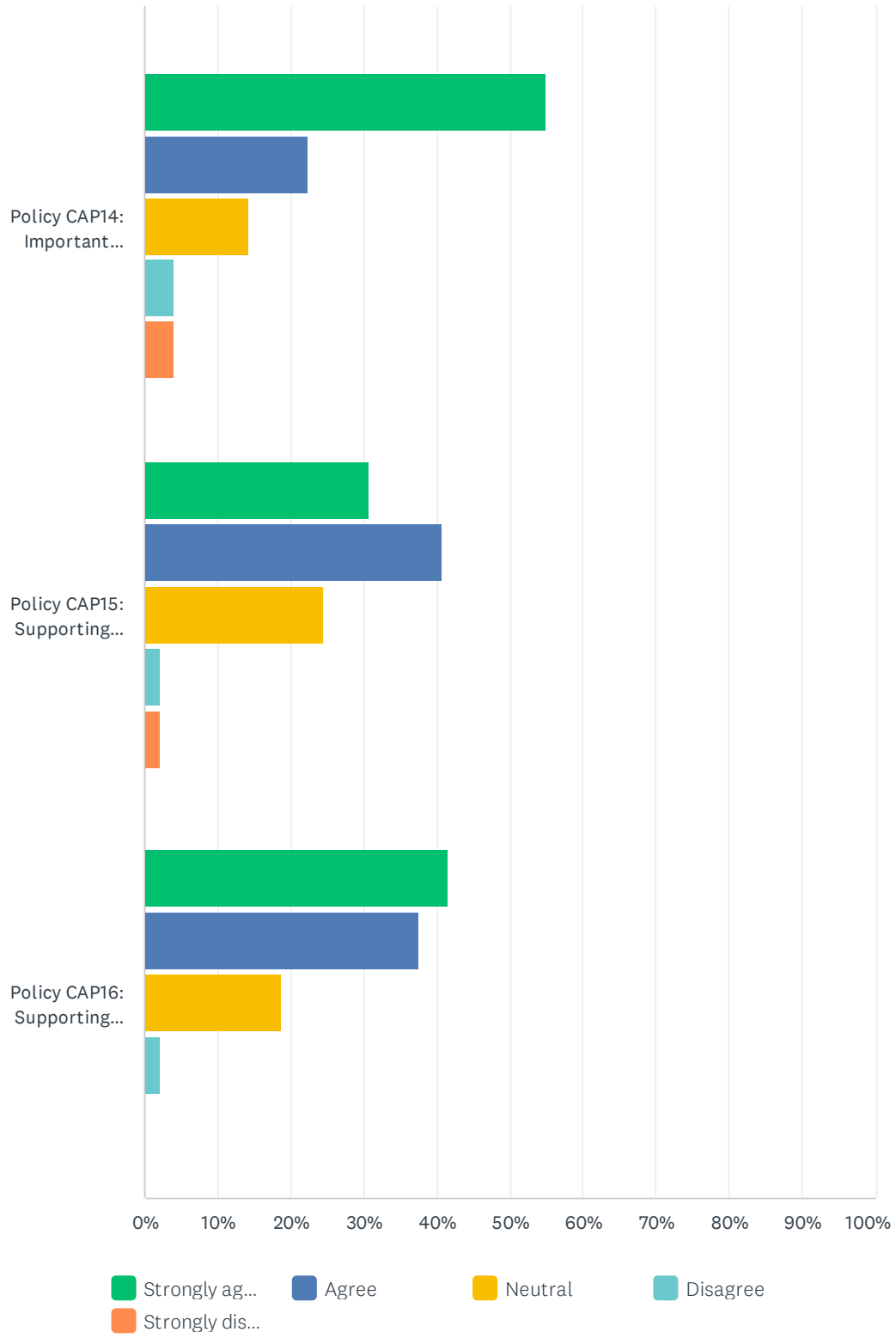
Q1 To what extent do you agree with the following policies?

Answered: 49 Skipped: 1









	STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	TOTAL
Policy CAP1: Location of development	48.98% 24	30.61% 15	6.12% 3	6.12% 3	8.16% 4	49
Policy CAP2: Local character and heritage	61.22% 30	22.45% 11	8.16% 4	4.08% 2	4.08% 2	49
Policy CAP3: Design of development	46.94% 23	34.69% 17	10.20% 5	6.12% 3	2.04% 1	49
Policy CAP4: Sustainable design	51.02% 25	28.57% 14	16.33% 8	4.08% 2	0.00% 0	49
Policy CAP5: Minimising the risk of flooding	52.08% 25	35.42% 17	8.33% 4	4.17% 2	0.00% 0	48
Policy CAP6: Biodiversity and the network of green and blue infrastructure	59.18% 29	22.45% 11	12.24% 6	6.12% 3	0.00% 0	49
Policy CAP7: Managing the environmental impact of development	62.50% 30	22.92% 11	6.25% 3	8.33% 4	0.00% 0	48
Policy CAP8: Iconic views	57.14% 28	22.45% 11	12.24% 6	6.12% 3	2.04% 1	49
Policy CAP9: Local Green Spaces	67.35% 33	14.29% 7	10.20% 5	4.08% 2	4.08% 2	49
Policy CAP10: Dark skies	55.10% 27	28.57% 14	10.20% 5	2.04% 1	4.08% 2	49
Policy CAP11: Encouraging sustainable movement	51.02% 25	30.61% 15	8.16% 4	6.12% 3	4.08% 2	49
Policy CAP12: Sunken lanes	47.92% 23	27.08% 13	16.67% 8	4.17% 2	4.17% 2	48
Policy CAP13: Public car parking	45.83% 22	27.08% 13	20.83% 10	4.17% 2	2.08% 1	48
Policy CAP14: Important community facilities	55.10% 27	22.45% 11	14.29% 7	4.08% 2	4.08% 2	49
Policy CAP15: Supporting commercial businesses and expansions	30.61% 15	40.82% 20	24.49% 12	2.04% 1	2.04% 1	49
Policy CAP16: Supporting SMEs, flexible start-ups, and homeworking	41.67% 20	37.50% 18	18.75% 9	2.08% 1	0.00% 0	48

#	PLEASE ADD ANY COMMENTS YOU HAVE ON ANY OF THE POLICIES. PLEASE INDICATE WHICH POLICY YOU ARE COMMENTING ON BY QUOTING THE POLICY NUMBER.	DATE
1	Good document overall. CAP14 - care needed when considering any further development of the Hermitage rd rec ground, which should not risk destroying the essentially village ambience and relaxed, tranquil nature of the rec ground. It must not be turned into a suburban park with all the associated anti-social behaviour. There is already a great deal of use of the rec ground and it cannot be made into all things for all people without ruining it.	4/18/2023 7:02 PM
2		4/18/2023 5:25 PM
3	CAP14 -I feel that the recreation ground is already fully utilised, in fact getting over used - the sports activities tend to dominate the area to the detriment of picnics, dog walking etc I would strongly object to any development of the rifle shed -the parking on ashmore green road for the current sporting activities already causes obstruction and danger. There is already a community space in Acland hall which if necessary could be maximised. This contains toilets and i can see no legitimate reason for public toilets being added to the site - this will only attract antisocial behaviour. There is a well used play ground and the teenagers have the tennis courts, basketball hoops and the field to play in. The provision of set gym equipment and/or other youth play areas will again over develop the recreation ground in my opinion -any development should respect the village ambience CAP16 - would want to	4/18/2023 3:39 PM

	ensure that no commercial activity is permitted in peoples houses or gardens which reduces residents amenity	
4	<p>CAP8 - iconic views - V4 is incorrectly shown on fig 6.5 map. Please amend! Section 9 - is misinformation and needs re-writing!! : This is a rural parish, which has grown off the back of the rural economy and local farming and agricultural enterprises, and it is disappointing, if not dangerous, to see such alarming misinformation readily published in the draft NDP. Section 9.2 reads: "In line with experiences across the British countryside, employment opportunities in the agricultural sector have reduced". As the parish representatives for this community, you simply must do better. Publishing broad misstatements will not do, and clearly there needs to be an element of education here to bring greater awareness of the true opportunity that exists within the agricultural sector and wider rural industries. "Employment opportunities in the agricultural sector" have not "reduced" – the truth is in fact, the exact opposite. Registrations to study land-based degrees are on the rise, and the agricultural industry has the highest level of new entrants (from non-farming backgrounds) and diversity than ever seen previously. As the sector transitions to meet net-zero targets and work towards food production in light of ever-changing legislation and sustainability goalposts, the industry has welcomed a wealth of new career opportunities and working professionals. Farming and agricultural industries permeate a far larger social sphere than you have given credit, and to imply that the sector offers up no new opportunities is damaging and frankly insulting. It highlights a stark disconnect of the councillors with the parish and rural landscape within which they live, and supposedly represent. More than ever, the sector needs agronomists, meteorologists, geologists, data analysts, recruiters, PR, journalists, lawyers, policy writers, policy analysts, vets, land agents and estate agents, quality assurance (especially in light of the recent food fraud scandal unearthed by Farmers Weekly), renewables specialists.... The list goes on. I have linked below an article which I hope will be enlightening as to the vast opportunity that exists within the land-based industries, and I hope you will take this into account and revise the above statement in section 9.2 of the NDP. In light of the current economic climate and drive for sustainability, it is not wise to devalue and isolate those working within the agricultural sector. Who puts food on your tables? Who upholds the strict and world-leading welfare standards on British farms? Who produces sustainable food goods with a lower carbon-footprint than you will see in any supermarket? Who produces a significant share in this country's renewable energy supply, via solar, wind turbines, anaerobic digestion plants and biomass boilers? Who stewards the countryside, for the enjoyment of the parish? Your local farmers. Please do see the links below, for your perusal. https://www.fwi.co.uk/farm-life/a-z-of-careers-in-agriculture https://www.fwi.co.uk/careers/beginners-guide-careers-agriculture-farming#tabs-1 https://www.fwi.co.uk/farm-life/how-farmers-are-helping-to-educate-school-children-about-agriculture The last of the links above includes a statement from Anna Jarratt, head teacher at St Finian's Catholic primary school in Cold Ash, on the importance of the link between schools and agriculture. I welcome your thoughts and look forward to your comments. ' Kind regards Sharon Bovington - Broad View FARM, The Ridge, COLD ASH RG189HX - 07901607922.</p>	4/18/2023 3:02 PM
5	<p>CAP1 1. Irrespective of the number of houses mandated to be built (I understand to be currently zero) I believe there should be a goal to build a small number each year to fulfill the previously stated need for housing to bring in young families to the community and, secondly, housing to allow those with large houses and gardens to downsize but stay within the community. 2. Given the huge national shortage of housing our own community should be prepared to make a contribution by scheduling a limited number of houses per year. 3. The current Settlement Boundaries effectively prevent development. Given that 'ribbon development' along the major parish roads already exists (Red Shute Hill, Hermitage Road, The Ridge etc.) the Settlement Boundaries should be redrawn to include these roads to a depth of, say, 100m either side. Given the number of access points already existing it would be possible to build individual houses and small developments with very little visual impact.</p>	4/16/2023 4:51 PM
6	Thank you for an extremely thorough document w which We support Thanks for all the hard work that has gone into it	4/11/2023 7:27 PM
7	Regarding CAP 10 point d. There are alternative technology's to passive Infrared detection for movement detection such as Microwave doppler. I suggest adding text in[] to cover: "Where appropriate, lights should be controlled by passive infrared detectors [or by other suitable means] so that they only come on when needed".	4/11/2023 5:14 PM
8	CAP 12 The sunken lanes are an interesting link with the past, and should be preserved as far as possible	4/10/2023 12:35 PM
9	Generally good policies. Sceptical about sustainable development - how is building houses better for environment and resources? But good job overall, well done. CAP14 Don't try to do too much, especially with recreation ground. Trying to squeeze too much into the ground will cause problems. Stick with little improvements. Don't turn it into a suburban leisure park	4/1/2023 4:20 PM

- it will lose its character. One of its appeals is its general quietness for dog walkers and people just walking around or sitting on benches.

10	CAP14 - danger of over developing rec ground. Loud music and antisocial behaviour increased in last few years so further development must be carefully thought through and put no noise or loud music notices up. Rifle shed ok as storage but not sensible to use as café or meetings; not enough parking and would add to congestion on Ashmore Green Rd. Acland hall is obvious place to put a cafe because the car parking and kitchen & toilets are already there!	3/30/2023 11:34 AM
11	<p>COLD ASH NEIGHBOURHOOD PLAN. Response of the British Horse Society. I am responding to CAP 11 and CAP 12 and making some general points on behalf of the British Horse Society as its local Access & Bridleways Officer. I have submitted these comments both online and by email as the online submission removes the formatting which makes the submission less easy to read. A neutral response has been given where that policy is outside the Society's remit. The Society supports CAP11 and 12 but would like to suggest some different wording in places, if it is possible at this stage, to ensure equestrians are not excluded and are catered for. This is essential if the parish is to remain horse friendly. It might be noted that horse keeping in the parish helps to keep a rural ambience which the plan mentions a number of times. It also makes a significant contribution to the local economy.</p> <p>1. CAP 11 point 3: The current wording says 'The provision of new footpaths and cycle routes that, where feasible, are physically separated from vehicular traffic will be strongly supported'. The Society requests that the wording is amended as follows 'The provision of new public and permissive rights of way, and cycle routes that, where feasible, are physically separated from vehicular traffic will be strongly supported'. Footpaths are not legally open to horse riders. Broadening the term will mean they are not excluded. If amended, the Society strongly supports this policy. You will no doubt be aware of the permissive bridleway through Westrop Farm created by Bernard Clarke. This is a godsend to local horse riders as it provides safe access to the Pang Valley bridleway network especially as the definitive bridleway though Broad View Farm was inhospitable for many years. Further permanent (definitive) or permissive bridleways would be much welcomed by the equestrian community and, of course, bridleways can also be used by walkers and cyclists.</p> <p>2. CAP 12 Sunken Lanes. 7.13 and 7.17: The Society welcomes and appreciates the inclusion and needs of horse riders here. Although not mentioned in the plan, there are a number of horses kept in the parish, some owned by Cold Ash residents, some not, particularly at Elmshurst Farm and Poplar Farm. In addition, many riders from Hermitage, Curridge, and Bucklebury parish ride through Cold Ash parish using these lanes and the bridleways and byways, the Ridge and even the Hermitage Rd as part of their circular rides in the area. Furthermore, horse drawn carriage drivers, with horses kept at Poplar Farm, use the local roads. These horses support rural economies and help keep the parish rural. The Society will strongly support the concept of 'Quiet lanes' and any measures to make the roads safer for horse riding and carriage driving in the hope that these roads will remain suitable for horses. We do not see this listed in section 10 as a non-policy action. The focus on sunken lanes, while interesting as a feature, does lead to the lack of mention of the other lanes, Bucklebury Alley and Lawrences Lane. Bucklebury Alley is particularly important for horse travel and favoured by horse riders. . The public rights of way network is mentioned throughout the plan and appears to be very much valued. Thus it is a somewhat surprising that it does not have its own headed section. However, it is covered in Section 7 and policy CAP 11. Inaccuracies and unclear statements: There are some inaccuracies in the description of the public rights of way network. We request these are corrected because, while walkers can use all types of public rights of way, other user groups cannot. Para 2.3 is not factually correct as not all the public rights of way in the area covered by the plan are footpaths. We suggest the word 'footpaths' is changed to 'public rights of way.' Para 2.29: The Society welcomes and supports the statements here. However, we suggest that for accuracy mention should be made that the parish does have three BOATs (byways open to all traffic): Cold 5/1, COLD 5/2, COLD 5/3, COLD25/1 and COLD26 /1. We suggest mention is made of these because they legally cater for more than just walkers, ie. horse riders, cyclists, horse drawn carriages and public motor vehicles. This needs to be recognised by all to avoid confusion and conflict. Para 5.57. 'Existing public footpaths are to be maintained, with new landscaped connections into the site and the wider footpath network encouraged.' It is unclear whether this is referring to footpaths as part of the public rights of way network or footways (pavements) alongside roads. If footways (pavements) are meant, we suggest the correct term is used according to Highway designation. If public rights of way are being referred to, we suggest the term 'public rights of way' is used. This point also applies to the summary where footways (pavements) may be meant in this statement 'Movement around the parish is a recognised issue, as many of the roads are little more than upgraded country tracks, several without footpaths' 6.16. '• a comprehensive network of Public Rights of way (see Public Rights of Way), including a network of bridleways': there really isn't a network of bridleways. As alluded to elsewhere, most of the public rights of way are of footpath status. Page 104 V4: 'footpath' 25 is not a public footpath but a byway</p>	3/29/2023 6:47 PM

(BOAT) and bridleway. This needs to be corrected. Ridden horses and cyclists can thus use this path and need to be accommodated along it. J C Bridger 29th March 2023
Janice.bridger@btopenworld.com

12	Policy CAP3 - Design of Development - crucial Policy CAP7 - Managing the environmental impact of development - crucial	3/29/2023 4:28 PM
13	CAP8. Inclusion of another Iconic view, looking south east towards the Downs, from the Quiet Garden off Gladstone Lane.	3/28/2023 12:03 AM
14	CAP 10 The dark skies policy could go further to cover adding lighting, whether security or garden enhancement to existing homes. Consider how to make homeowners aware of policy particularly in an area of AONB?	3/27/2023 9:37 PM
15	Cap14. I would have expected the NDP to highlight more significantly what services are NOT currently available within the area. There is a brief mention in 8.1, but I think it is important in a planning document to highlight this more strongly, as it is an important consideration when considering future development as to whether the area can support the extra population requirements. So I would also think it would be useful to include the distances/maps showing the nearest secondary schools, doctors, dentists, shops, fuel station, train stations, etc. Are local schools full or is there capacity to support new residents? I appreciate this will change with time, but an indication would be helpful.	3/24/2023 7:40 PM
16	Whilst I approve of all the proposed policies in particular I would say: CAP 1: I believe the maintenance of the settlement boundaries is paramount CAP 10: Dark skies retention is very important CAP 12: The protection of the sunken lanes as these, once lost, cannot be recovered CAP 13: Promoting the use of bikes/e-bikes and electric cars will be beneficial, but sufficient parking should be available for all vehicles as restricting car park spaces rarely stops people using them, they just park on verges, etc.	3/24/2023 11:49 AM
17	I feel Cold Ash has become rather offensive in the way they protest to every planning that is put forward unless it is for themselves, in their gardens etc.. We own a farm. We have found on the whole that Cold Ash Parish Council feel they own our land and not my dear Father who is in his 80's now. I saw a drone photo published last week of our farm as if it is owned by The parish council . We were not asked . Let alone thanked for the hard work that goes into the daily running of a farm to keep it up. We have suffered vandalism and harsh words . We are gentle folk . I think giving this kind of power, these 'steering groups goes to peoples heads. I wish it was more friendly.	3/17/2023 10:24 PM
18	Where is the infrastructure to sustain all this development! Site plans and existing and future developments would have been helpful. Traffic will increase, what provision for highway maintenance of new roads when they can't maintain existing, no mention about public transport, we cannot even have gas or mains sewage so how will this affect existing?	3/17/2023 11:10 AM
19	CAP2, CAP3. personally I have no problem with modern building design sitting along side older buildings. I think it is more honest than attempting a recreation of a design from the 50s, 60s, 70s, 80s just because that is what is next door. We should allow the world to move forward and if different materials and philosophies dictate different building designs then they should not be asked to replicate something older. Deliberately avoiding challenging someone's view of what is aesthetically pleasing to them, based on what they have today is not the right approach. A specific example would be if a passiv house (ultimate eco friendly approach) was proposed. There would be very specific design criteria driven by the need to maximise solar gain (large windows on south side), prevent heat loss (small windows on north side), and potentially other impacts to roof design based on air circulation and the need for optimal angle for solar panels. These policies should not provide an excuse for someone to object to change because 'it doesn't look like a proper traditional house'. Separately, I have pointed out a mistake to the labelling of Cleardene Woods. I contacted Ivor directly, but he asked that I put it into the comments here to track it.	3/16/2023 5:35 PM
20	CAP1 - Strikes of nimbyism - whilst non-settlement boundary development should be avoided, diverse housing requirement should be considered. Small, sensitive developments outside of settlements can be done well. It's just that effort is required. CAP10 - Should not prioritise dark skies over safety which itself is unmentioned within the policy CAP. CAP12 - Some urgency should be given to the condition of these sunken roads. Fisher's Lane for example, should be considered as a quiet lane given the otherwise lack of safe East-West pedestrian or cycle access until Red Chute or North Thatcham. CAP14 - There should be no permitted circumstances where development may result in the loss of any public community facility whether in terms of buildings, developed areas (car parks, tennis courts, etc) or a loss of community space.	3/13/2023 1:38 PM
21	Is there not a spelling mistake on page 87? Under ref 12 should it not be 'Quiet' not 'Quiet'?	3/13/2023 1:13 PM
22	CAPC8: it's disappointing that one of the iconic views of Ashmore Green and up to Cold	3/7/2023 9:08 AM

Ash one way and into Thatcham and Newbury the other, comes from the footpath next to Stone Copse across to Henwick Farm doesn't get mentioned here. This was submitted at the time of asking but this end of Ashmore Green seems to have been missed out.

23	Protecting settlement boundaries is very important to keep Cold Ash a village and protect wildlife and green spaces.	3/1/2023 9:57 AM
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Q2 Please provide any comments you have on the Non-Policy Actions (Community projects) contained in Section 10 of the Cold Ash Neighbourhood Plan?

Answered: 18 Skipped: 32

#	RESPONSES	DATE
1	More should be done to create cycle facilities. Why not a leisure track along the Ridge.	4/19/2023 10:56 AM
2	Some good ideas, but not regarding development of the rifle club, which does not have the parking and is already congested. The Acland Hall already provides good facilities and has the space and facilities and parking and is the logical place to develop any further facilities.	4/18/2023 7:02 PM
3	i strongly disagree with the proposal to re-purpose the rifle shed as a community amenity such as a cafe -we have a village hall which is purpose built for such activity and has adequate parking, in addition we have the church meeting rooms - any developemt of the rifle shed will impact parking on ashmore green road already under pressure with the increased football activities taking place. any proposal to increased community faciities should clearly demonstrate why the Acland hall is not meeting this need. Ideas to develop options for older children /teenagers beyond the activities already provided should have been articulated in the project list -the older children have football clubs and cricket -any formal further development will impact the rural ambiance of the recreation ground and be less family and older people friendly	4/18/2023 3:39 PM
4	All of the actions seem very appropriate	4/11/2023 7:27 PM
5	I broadly agree with these actions. I (we) would like to see a local planning bylaw added whereby anyone who fells trees or otherwise clears land without the Parish Council (PC)'s knowledge and agreement prior to applying for planning permission is compelled to replace all trees 3 fold as a penalty and any subsequent planning application refused until the matter has been addressed to the complete satisfaction of the PC.	4/11/2023 5:14 PM
6	Apart from the "dark skies initiative, most of these ideas are of little practical value.	4/10/2023 12:35 PM
7	There is a wide variety of subjects/interests covered by these actions, only a few of which are of direct interest to myself. None though would cause me any particular concern.	4/3/2023 3:09 PM
8	Some ideas seem sensible like protecting trees and WAG. But community cafe in rifle shed sounds nuts, when there is the Acland Hall with much better parking and kitchen etc already.	4/1/2023 4:20 PM
9	Good re biodiversity / wildlife. What would community energy scheme look like? Protect trees / hedges.	3/30/2023 11:34 AM
10	We would like to see 'Quiet lanes' mentioned here	3/29/2023 6:47 PM
11	Attempt to address the sheer volume and speeding of traffic in the village, including 'rat running' on Cold Ash Hill to M4/A34 and on Collaroy Road to St Finians School?	3/29/2023 4:28 PM
12	Any 20mph zones outside schools be operational only at school opening/closing times.	3/28/2023 12:03 AM
13	18. Agree. Play areas need to be larger with more equipment for toddlers and primary school age. Equipment for teenagers needs to be considered.	3/27/2023 9:37 PM
14	In particular I support No 12, making the sunken lanes into 'quiet lanes' [NB in No 12 there is a typo 'quite' for 'quiet']	3/24/2023 11:49 AM
15	Community is important and should be inclusive, not exclusive	3/17/2023 10:24 PM
16	Cold ash and its surrounding areas need to stay the way it is ! We don't need more houses or people destroying the wild life and it's natural beauty. Corporate greed needs to stop .	3/14/2023 8:25 AM
17	Providing cycle parking next to a rifle club shed? Quite frankly, ridiculous that that has even made it to such a document, along with the dark skies item (6) which is well covered in CAP10.	3/13/2023 1:38 PM
18	No more houses should be built without public transport and more doctors as Thatcham Medical Practice is already over capacity.	3/1/2023 9:57 AM

10 (b). Local residents via Survey Monkey – Raw Data

Response	Collector	Start Date	End Date	IP Address	Email Add	First Nam	Last Nam	Custom D	To what e
									Policy CA
1.14E+11	4.21E+08	#####	#####	5.67.121.136					Strongly aξ
1.14E+11	4.21E+08	#####	#####	216.213.140.2					Strongly aξ
1.14E+11	4.21E+08	#####	#####	216.213.137.41					Agree
1.14E+11	4.21E+08	#####	#####	216.213.140.2					Strongly aξ
1.14E+11	4.21E+08	#####	#####	81.152.250.213					Agree
1.14E+11	4.21E+08	#####	#####	213.18.172.89					Strongly aξ
1.14E+11	4.21E+08	#####	#####	84.71.252.53					Agree
1.14E+11	4.21E+08	#####	#####	216.213.144.30					Disagree
1.14E+11	4.21E+08	#####	#####	92.27.134.113					Strongly aξ
1.14E+11	4.21E+08	#####	#####	213.18.180.10					Strongly aξ
1.14E+11	4.21E+08	#####	#####	13.40.150.93					Agree
1.14E+11	4.21E+08	#####	#####	5.64.24.129					Agree
1.14E+11	4.21E+08	#####	#####	213.18.188.253					Agree
1.14E+11	4.21E+08	#####	#####	216.213.141.4					Agree
1.14E+11	4.21E+08	#####	#####	86.18.47.18					Strongly aξ
1.14E+11	4.21E+08	#####	#####	2.219.1.244					Strongly aξ
1.14E+11	4.21E+08	#####	#####	92.8.195.194					Strongly aξ
1.14E+11	4.21E+08	#####	#####	146.90.232.124					Strongly aξ
1.14E+11	4.21E+08	#####	#####	51.7.252.214					Strongly aξ
1.14E+11	4.21E+08	#####	#####	51.7.252.214					Strongly aξ
1.14E+11	4.21E+08	#####	#####	109.148.172.105					Neutral
1.14E+11	4.21E+08	#####	#####	95.147.170.55					Strongly aξ
1.14E+11	4.21E+08	#####	#####	216.213.137.38					Agree
1.14E+11	4.21E+08	#####	#####	151.224.44.39					Disagree
1.14E+11	4.21E+08	#####	#####	84.67.22.164					Strongly aξ
1.14E+11	4.21E+08	#####	#####	86.137.97.234					Strongly aξ
1.14E+11	4.21E+08	#####	#####	213.18.167.97					Strongly aξ
1.14E+11	4.21E+08	#####	#####	213.18.164.88					Strongly aξ
1.14E+11	4.21E+08	#####	#####	5.66.167.184					Agree
1.14E+11	4.21E+08	#####	#####	81.158.58.83					Neutral
1.14E+11	4.21E+08	#####	#####	216.213.141.150					Strongly aξ
1.14E+11	4.21E+08	#####	#####	213.18.177.118					Strongly aξ
1.14E+11	4.21E+08	#####	#####	148.252.132.248					Disagree
1.14E+11	4.21E+08	#####	#####	89.105.17.187					Strongly aξ
1.14E+11	4.21E+08	#####	#####	86.170.166.231					Strongly di
1.14E+11	4.21E+08	#####	#####	213.18.167.70					Agree
1.14E+11	4.21E+08	#####	#####	176.26.202.224					Agree
1.14E+11	4.21E+08	#####	#####	213.18.170.199					Strongly aξ
1.14E+11	4.21E+08	#####	#####	5.66.166.202					Strongly aξ
1.14E+11	4.21E+08	#####	#####	86.145.202.181					Agree
1.14E+11	4.21E+08	#####	#####	86.137.97.130					Neutral
1.14E+11	4.21E+08	#####	#####	94.31.7.178					Strongly di
1.14E+11	4.21E+08	#####	#####	216.213.130.141					Agree
1.14E+11	4.21E+08	#####	#####	195.11.162.98					Strongly di
1.14E+11	4.21E+08	#####	#####	216.213.152.238					

1.14E+11	4.21E+08	#####	#####	90.242.33.138	Strongly di
1.14E+11	4.21E+08	#####	#####	86.172.174.81	Agree
1.14E+11	4.21E+08	#####	#####	213.18.191.191	Agree
1.14E+11	4.21E+08	#####	#####	216.213.144.78	Strongly aξ
1.14E+11	4.21E+08	#####	#####	216.213.140.31	Strongly aξ

Disagree Disagree Neutral Disagree Disagree Disagree Disagree Strongly di Disagree Disagree
Strongly aξ Agree Agree Strongly aξ Agree Agree Agree Strongly aξ Neutral Agree
Agree Agree Agree Agree Strongly aξ Strongly aξ Strongly aξ Agree Agree Agree
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Strongly aξ Agree Strongly aξ Strongly aξ Strongly aξ Strongly aξ Strongly aξ Strongly aξ Strongly aξ Strongly aξ

						Please provide any comments you have
Policy CA	Policy CA	Policy CA	Policy CA	Policy CA	Please ad	Open-Ended Response
Strongly agree	Strongly agree	Strongly agree	Neutral	Neutral		More should be done to create cycle facilities
Agree	Neutral	Agree	Agree	Strongly agree	Good docu	Some good ideas, but not regarding develop
Agree	Agree	Agree	Agree	Agree		
Strongly agree	Strongly disagree	Strongly disagree	Neutral	Neutral	CAP14 - I fi	strongly disagree with the proposal to re-pl
Agree	Neutral	Agree	Agree	Agree	CAP8 - iconic views - V4	is incorrectly shown on fig 6.5 r
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree		
Agree	Strongly agree	Neutral	Agree	Strongly agree		
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree	CAP1 1.	Irrespective of the number of houses mandate
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree		
Strongly agree	Agree	Strongly agree	Agree	Agree	Thank you	All of the actions seem very appropriate
Neutral	Strongly agree	Strongly agree	Agree	Strongly agree	Regarding I	broadly agree with these actions. I (we) wo
Agree	Agree	Agree	Agree	Agree		
Agree	Strongly agree	Strongly agree	Agree	Agree		
Strongly agree	Neutral	Neutral	Neutral	Agree	CAP 12 Th	Apart from the "dark skies initiative, most of
Neutral	Neutral	Agree	Agree	Agree		
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree		
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree		
Agree	Agree	Agree	Agree	Agree		There is a wide variety of subjects/interests
Neutral	Agree	Neutral	Neutral	Agree	Generally ξ	Some ideas seem sensible like protecting tre
		Disagree	Neutral	Agree	CAP14 - da	Good re biodiversity / wildlife. What would
Strongly disagree	Neutral	Neutral	Neutral	Neutral	COLD ASH	We would like to see 'Quiet lanes' mentione
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree	Policy CAP.	Attempt to address the sheer volume and sp
Agree	Strongly agree	Strongly agree	Agree	Agree		
Neutral	Neutral	Neutral	Neutral	Neutral		
Strongly agree	Strongly agree	Strongly agree	Agree	Strongly agree		
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree	CAP8. Inc	Any 20mph zones outside schools be operat
Strongly agree	Strongly agree	Strongly agree	Agree	Agree	CAP 10 Th	18. Agree. Play areas need to be larger with
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree		
Neutral	Agree	Agree	Agree	Agree		
Neutral	Neutral	Neutral	Neutral	Neutral	Cap14.	I would have expected the NDP to highlight mor
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree	Whilst I ap	In particular I support No 12, making the sun
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree		
Neutral	Agree	Strongly agree	Agree	Neutral	I feel Cold	.Community is important and should be inclu
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree		
Disagree	Disagree	Disagree	Disagree	Disagree	Where is the infrastructure	to sustain all this developm
Agree	Neutral	Agree	Neutral	Agree		
Agree	Strongly agree	Strongly agree	Agree	Strongly agree	CAP2, CAP3.	personally I have no problem with modern
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree		
Strongly agree	Strongly agree	Strongly agree	Strongly agree	Strongly agree		
Strongly agree	Agree	Agree	Neutral	Neutral		
Neutral	Neutral	Neutral	Neutral	Neutral		
Agree	Neutral	Strongly agree	Strongly disagree			Cold ash and its surrounding areas need to s
Strongly agree	Agree	Strongly agree	Agree	Neutral		
Disagree	Strongly agree	Strongly disagree	Strongly agree	Strongly agree	CAP1 - Stri	Providing cycle parking next to a rifle club sh
						Is there not a spelling mistake on page 87? Under ref 12

Strongly disagree	Agree	Agree	Agree	
Agree	Agree	Strongly agree	Neutral	Agree
Agree	Agree	Agree	Agree	Agree
Strongly agree	Agree	Strongly agree	Strongly agree	Strongly agree
Strongly agree	Agree	Strongly agree	Agree	Protecting No more houses should be built without putting

on the Non-Policy Actions (Community projects) contained in Section 10 of the Cold Ash Neighbourhood

ment of the rifle club, which does not have the parking and is already congested. The Acland Hall already provides

urpose the rifle shed as a community amenity such as a cafe -we have a village hall which is purpose built for such a purpose. Please amend! Section 9 - is misinformation and needs re-writing!! : This is a rural parish, which has green

d to be built (I understand to be currently zero) I believe there should be a goal to build a small number each year

uld like to see a local planning bylaw added whereby anyone who fells trees or otherwise clears land without the necessary

covered by these actions, only a few of which are of direct interest to myself. None though would cause me any harm or

eeding of traffic in the village, including 'rat running' on Cold Ash Hill to M4/A34 and on Collaroy Road to St Finian's

more equipment for toddlers and primary school age. Equipment for teenagers needs to be considered.

re significantly what services are NOT currently available within the area. There is a brief mention in 8.1, but I think it is

ent! Site plans and existing and future developments would have been helpful. Traffic will increase, what provisions

building design sitting along side older buildings. I think it is more honest than attempting a recreation of a desirable

stay the way it is ! We don't need more houses or people destroying the wild life and it's natural beauty. Corporate

ied? Quite frankly, ridiculous that that has even made it to such a document, along with the dark skies item (6) v

if Ashmore Green and up to Cold Ash one way and into Thatcham and Newbury the other, comes from the foot

des good facilities and has the space and facilities and parking and is the logical place to develop any further fac
ich activity and has adequate parking, in addition we have the church meeting rooms - any developemt of the ri
own off the back of the rural economy and local farming and agricultural enterprises, and it is disappointing, if n
ar to fulfill the previously stated need for housing to bring in young families to the commmunity and, secondly,
ie Parish Council (PC)'s knowledge and agreement prior to applying for planning permission is compelled to repl

ink it is important in a planning document to highlight this more strongly, as it is an important consideration wh
vision for highway maintenance of new roads when they can't maintain existing, no mention about public transp
ign from the 50s, 60s, 70s, 80s just because that is what is next door. We should allow the world to move forwa

path next to Stone Copse across to Henwick Farm doesn't get mentioned here. This was submitted at the time of

file shed will impact parking on ashmore green road already under pressure with the increased football activities: not dangerous, to see such alarming misinformation readily published in the draft NDP. Section 9.2 reads: "In li

housing to allow those with large houses and gardens to downsize but stay within the community. 2. Given the

ace all trees 3 fold as a penalty and any subsequent planning application refused until the matter has been addr

en considering future development as to whether the area can support the extra population requirements. So I

ard and if different materials and philosophies dictate different building designs then they should not be asked t

s taking place. any proposal to increased community faciities should clearly demonstrate why the Acland hall is i
ne with experiences across the British countryside, employment opportunities in the agricultural sector have re

: huge national shortage of housing our own community should be prepared to make a contribution by scheduli

would also think it would be useful to include the distances/maps showing the nearest secondary schools, doct

:o replicate something older. Deliberately avoiding challenging someone's view of what is aesthetically pleasing

not meeting this need. Ideas to develop options for older children /teenagers beyond the activities already produced". As the parish representatives for this community, you simply must do better. Publishing broad missta

ng a limited number of houses per year. 3. The current Settlement Boundaries effectively prevent developmen

ors, dentists, shops, fuel station, train stations, etc. Are local schools full or is there capacity to support new res

to them, based on what they have today is not the right approach. A specific example would be if a passiv hous

vided should have been articulated in the project list -the older children have football clubs and cricket -any form
statements will not do, and clearly there needs to be an element of education here to bring greater awareness of

t. Given that 'ribbon development' along the major parish roads already exists (Red Shute Hill, Hermitage Road,

se (ultimate eco friendly approach) was proposed. There would be very specific design criteria driven by the nee

nal further development will impact the rural ambiance of the recreation ground and be less family and older pe
the true opportunity that exists within the agricultural sector and wider rural industries. “Employment oppor

The Ridge etc.) the Settlement Boundaries should be redrawn to include these roads to a depth of, say, 100m e

ould to maximise solar gain (large windows on south side), prevent heat loss (small windows on north side), and pr

tunities in the agricultural sector” have not “reduced” – the truth is in fact, the exact opposite. Registrations t
either side. Given the number of access points already existing it would be possible to build individual houses an

otentially other impacts to roof design based on air circulation and the need for optimal angle for solar panels.

These policies should not provide an excuse for someone to object to cha

11. Nexus Planning for Croudace Homes Ltd.

Cold Ash Parish Council

By Email Only: coldashndp@gmail.com

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Reading RG1 1AX
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19 April 2023

Our Ref: 30695

Dear Sir/Madam

**Consultation on draft Neighbourhood Plan for Cold Ash (Regulation 14 Pre-Submission Consultation) –
Representations on behalf of Croudace Homes Ltd**

On behalf of our client, Croudace Homes Ltd ('Croudace'), we are pleased to submit representations to the draft Cold Ash Neighbourhood Plan (the 'draft Neighbourhood Plan').

This letter is accompanied by a technical submission prepared by CSA Landscape on behalf of Croudace, which is attached at **Appendix A**.

Context

Croudace has an option agreement with the landowners of Henwick Park, Thatcham and is promoting the site for residential development.

Site Context

The land at Henwick Park, Thatcham (also known as 'Land North of Bowling Green Road') (the 'site') extends to 24.5 hectares (ha) of open agricultural (arable and pastoral) land, adjoining the built-up area of Thatcham.

An illustrative red line boundary is shown at **Figure 1** below and shows that the site boundary excludes the Regency Park Hotel, on the western side, and the curtilages of individual existing dwellings to the south (including 'The Creek', 'Creek Cottage' and 'Creek Bungalow').

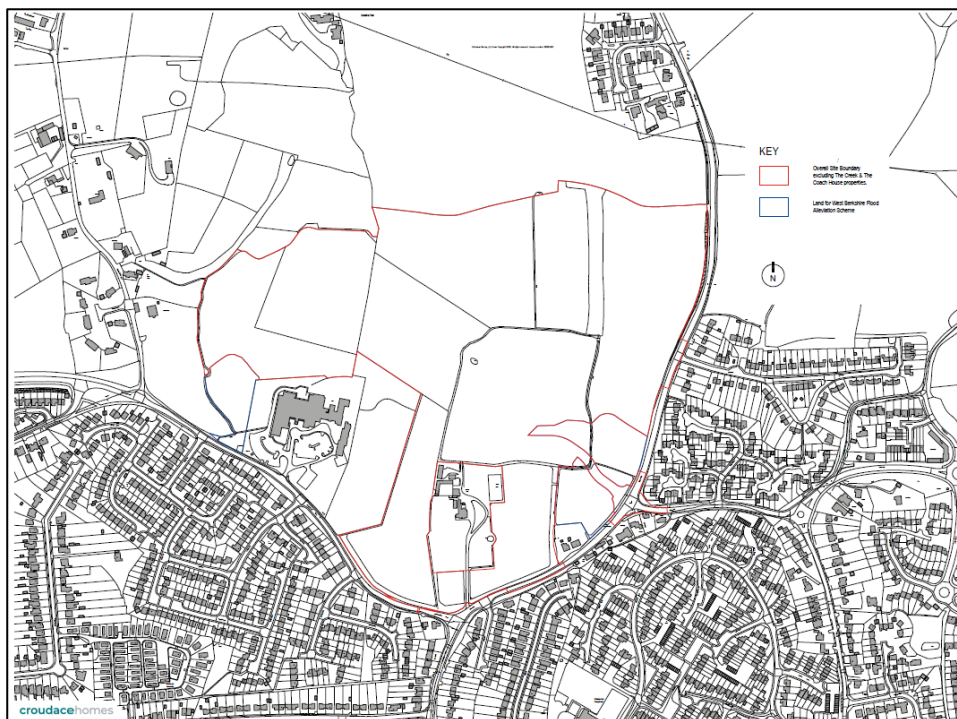
The site is divided into irregularly shaped fields, separated by fences, hedges and trees, and apart from an open boundary on part of the eastern side, views from adjoining roads and surrounding publicly accessible areas are largely screened by vegetation.

In the site's south eastern and south western corners are the locations of two extant planning permissions¹ for three flood detention basins associated with the Thatcham Flood Alleviation Scheme. Permission was secured by the West Berkshire Council (the 'Council') who will manage the construction and maintenance of the detention basins going forward, with early enabling works having commenced. The drainage basins do not conflict with Croudace's proposals

¹ Refs: 21/03135/COMIND and 21/03154/COMIND

for the site and in fact the commencement of their construction, and their ultimate existence, urbanises the landscape within which the site lies.

Figure 1: Illustrative Site Location (Source: Paul Brown RIBA)



The site is relatively free of constraints and does not lie within the North Wessex Downs Areas of Outstanding Natural Beauty ('AONB'). There are no designated heritage assets or ancient woodlands on or near the site. It is not within a valued landscape as described at paragraph 174 of the National Planning Policy Framework (the 'NPPF') and is not subject to any other landscape designations.

Planning History and Context

In July 2015, Croudace submitted an outline planning application on the site for up to 265 homes². However, the Council refused the application at Planning Committee on December 2015 on five grounds.

Croudace subsequently reduced the scheme to 225 homes to seek to address some of the grounds for refusal, and then lodged an appeal with the Planning Inspectorate³. This was duly heard at a Public Inquiry (conjoined with the scheme at 'Siege Cross', Land North of Bath Road, Thatcham) during November and December 2016. Helpfully, Statements of Common Ground ('SoCG') were signed between Croudace and the Council which confirmed there were no outstanding technical objections (e.g. landscape, ecology, transport, heritage and/or flood risk) to the amended scheme, and that the only area of contention concerned the principle of development (i.e. development in open countryside outside the settlement boundary).

² Ref. 15/01949/OUTMAJ

³ Ref. APP/WO340/W/16/3144193

Following the Inquiry, Inspector John Chase in his report (4 April 2017) concluded that although the principle of development was contrary to a range of policies, those policies were inconsistent with the NPPF and the Council was not able to demonstrate a five year housing land supply ('5YHLS'). As such, he recommended that both appeals be allowed.

However, the appeals were recovered for determination by the SoS who, in his decision letter (27 July 2017), disagreed with the Inspector's recommendation, dismissed both appeals and refused planning permission. (**Appendix B**).

In making his decision the SoS found that the Council could now demonstrate a 5YHLS (i.e. the 'tilted balance' was not engaged). As such, there were no material considerations sufficient to indicate that the proposals should be determined other than in accordance with the development plan. Significantly, however, he agreed with the appellant, the Council and the Inspector and found no technical matters that would preclude development (on particular, there were no issues relating to landscape, ecology, transport, heritage or flood risk) at the site and no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing proposed.

Croudace has recently submitted a further planning application on land at Henwick Park (Ref: 23/00798/OUTMAJ). Submitted in outline (with all matters reserved except for site access to the highway), the application seeks permission for development with the following description:

"Outline application (with all matters reserved except site access to the highway) for up to 80 bed care home (Class C2), up to 200 residential dwellings (Class C3) comprising market, 45% (up to 90 no.) affordable and 10% (up to 20 no.) self/custom build homes (Class C3) and public open space including a country park, allotments, community orchard, trim trail and equipped play areas, together with access from Bowling Green Road and Cold Ash Hill, landscaping, sustainable drainage systems and associated works and infrastructure."

In addition, Croudace submitted representations to the Council's Proposed Submission (Regulation 19) Local Plan Review consultation which closed on 3 March 2023. These representations included a full review of the relevant aspects of the Council's evidence base which informed the Proposed Submission Local Plan (the 'LPR').

Croudace has requested the following changes to the emerging Local Plan Review to make it 'sound':

- a. Extension of the plan period;
- b. Adoption of a more ambitious approach to plan-making by increasing the housing requirement;
- c. Making a more realistic assessment of housing land supply;
- d. Reduction in the reliance on the large strategic site at North East Thatcham;
- e. Reduction of the level of growth proposed in the North Wessex Downs AONB;
- f. Removal of allocations in areas affected by nutrient neutrality;
- g. Ensuring the needs for all types of housing are accounted for;
- h. Identification of land to provide inherent flexibility for the future;
- i. Consideration and allocation of sustainable, reasonable alternative sites.

Croudace considers that without making the changes outlined, the Council risks not being able to delivery sufficient market and affordable homes within the first five years of the Plan Period.

The Draft Neighbourhood Plan

Croudace supports the principles which sit behind the production of a Neighbourhood Plan for Cold Ash and in line with the National Planning Policy Framework at paragraph 29 agrees that *“neighbourhood planning gives communities the power to develop a shared vision for their area”*.

However, Croudace draws attention to the same paragraph which confirms that *“Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies”* whilst footnote 18 outlines that *“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”*

By bringing forward a neighbourhood plan for consultation at this stage, i.e. upon submission of the LPR to the Secretary of State, Croudace considers that the Parish Council is acting prematurely. At paragraph 1.11 of the draft Neighbourhood Plan, the current Local Development Plan for the Council is set out and it is confirmed that strategic policies are contained in these documents. At paragraph 1.14 however, the draft Neighbourhood Plan confirms that synchronicity with the LPR has also been sought.

In seeking to align with both the extant development plan and the emerging LPR, Croudace considers that the draft Neighbourhood Plan is both:

- a. Close to being outdated – as the development plan which contains strategic policies will soon be replaced by the LPR or a later iteration of it; and
- b. Premature – as the LPR has only recently been submitted to the Secretary of State and may be subject to changes following examination.

In addition Croudace wishes to emphasise the basic conditions that a draft neighbourhood plan must meet if it is to proceed to referendum, as set out within Planning Practice Guidance⁴ (PPG) as follows:

- a. *Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
- d. *The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*
- e. *The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- f. *The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*
- g. *Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

Whilst acknowledging that Neighbourhood Plans generally have a mandate to act in the best interests of the Neighbourhood Areas to which they relate, Croudace does not believe that they should seek to restrict the development of sustainable sites, proposals for which would otherwise be acceptable in the absence of a neighbourhood plan which restricts development of certain types or in certain locations.

Policy CAP1: Location of Development

⁴ Paragraph 065 Reference ID: 41-065-20140306 (N.B. points b and c do not relate to neighbourhood plans and so are omitted).

Policy CAP1 confirms that development will be focused within the settlement boundaries as set out at Figure 4.1 of the draft Neighbourhood Plan and that proposals outside of settlement boundaries will not be supported except for in certain scenarios, whilst the policy also references the buffer zone outlined at Figure 4.1, confirming that this area is most sensitive to “physical and/or visual coalescence and loss of separate identity of the individual settlements in the parish from neighbouring settlements, and from each other.”

An extract of Figure 4.1 is included below, with the broad location of Croudace’s land indicated with the blue star.

Figure 2 – Extract from draft Neighbourhood Plan Figure 4.1 (Cold Ash Parish Council).

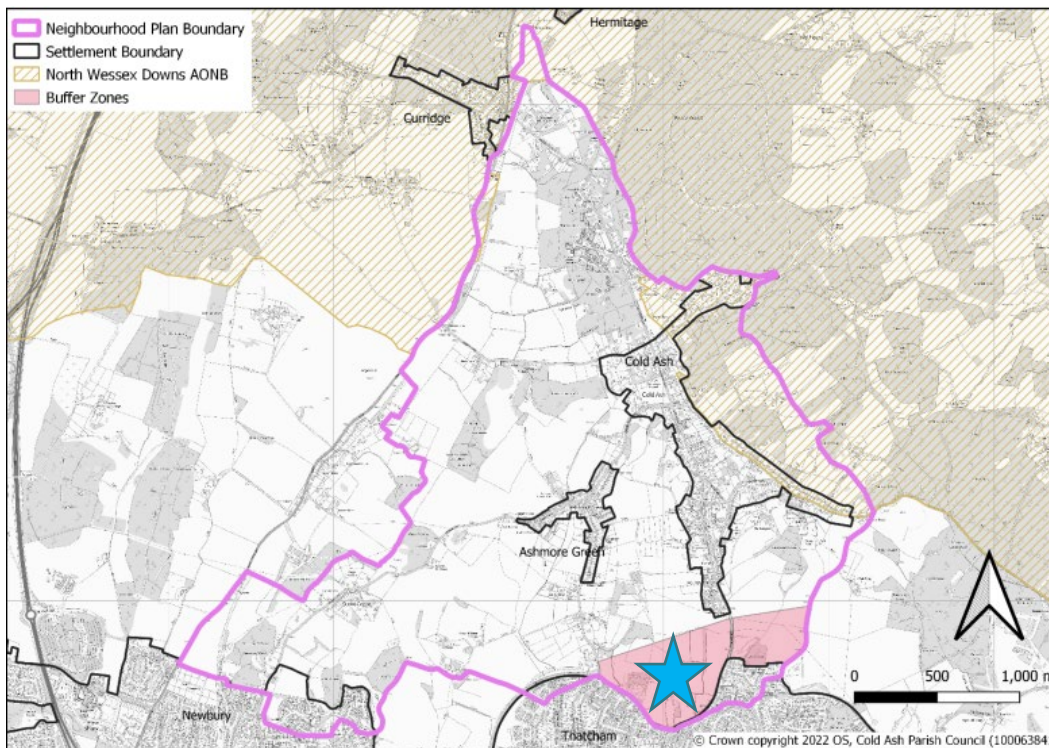


Figure 2 above demonstrates that the location of Croudace’s land at Henwick Park and the draft Neighbourhood Plan’s ‘buffer zone’ are largely one and the same and given the planning history associated with Henwick Park as denoted above, Croudace considers that the location of the ‘buffer zone’ has been strategically placed to prevent development at Henwick Park from materialising. We explore this in further detail later in this representation.

Croudace does not consider the inclusion of a ‘buffer zone’ in this location to be justified based on the evidence available.

The draft Neighbourhood Plan is accompanied by a limited evidence base and one that does not differ greatly from that which underpins the LPR. As the ‘buffer zone’ largely relates to landscape matters, Croudace has instructed CSA Landscape to undertake a review of the landscape policies and evidence base documents referred to by the draft Neighbourhood Plan, together with other evidence produced by the Council.

CSA Landscape’s work is attached at **Appendix A**. In summary, it outlines the following points which Croudace considers to be of paramount importance in the context of this representation.

- c. The location and size of the ‘buffer zone’ is entirely contrary to Draft LPR Policy DM2 which identifies two new ‘green gaps’ to the north of Thattham.
- d. Draft Neighbourhood Plan Policy CAP1 is not supported by any evidence to justify its inclusion and is at odds with the findings of various landscape studies in the Council’s LPR evidence base.
- e. The Character Zones set out within draft Neighbourhood Plan Policies CAP2 and CAP3 are unduly restrictive and do not make adequate provision for development which responds to its location at the Urban Fringe of Thattham as opposed to elsewhere in the Parish.
- f. Draft Neighbourhood Plan Policy CAP8 identifies a view which looks southwards towards Thattham across Henwick Park, as ‘iconic’. There is little evidence to suggest that it is notably specific, nor what valuable attributes should be protected.

Returning to the review of the Council’s evidence base which informed the LPR, it is clear that the Council’s evidence considers Henwick Park to be an appropriate location for development – it is referenced several times within the ‘West Berkshire Strategic Vision 2050’ and the ‘Thattham Strategic Growth Study’ that the site is identified as being within an area identified for future growth and is relatively unconstrained particularly if development were to take place below the 95m above ordnance datum (AOD) which traverses the site.

The Housing and Economic Land Availability Assessment (HELAA) confirms that the site is ‘potentially developable in part’. Croudace’s assessment is that when considering the matters which raise ‘doubt’ as to the site’s developability – the requirement for surface water attenuation and the need to contain development beneath the 95m contour – which are addressed in full as part of Croudace’s recent planning application, the site is entirely suitable, available, achievable and therefore deliverable and developable.

In reaching these conclusions, it must be the case (and as evidenced by the 2017 Appeal Decision, is the case) that the Council do not consider there to be any technical constraints which would preclude the development of the southern part of the site for residential-led purposes. For clarity, this means that the Council do not consider there to be landscape constraints which preclude development of the site.

This position is further bolstered by the Council’s evidence relating to landscape such as the ‘West Berkshire Appropriate Countryside Designation Study’. The site formed part of the assessment carried out to determine whether specific designations for countryside areas around Newbury and Thattham would be an appropriate inclusion within the LPR, assessing the suitability of several parcels of land to be subject to Green Belt, Green Gap/Wedge or Local Green Space designations.

In addition, the construction of the drainage basins associated with the Thattham Flood Alleviation Strategy has altered the landscape within which the site sits. The urbanising effect of this development, which has commenced, has further eroded any landscape quality which may have previously existed in this area and has already breached the ‘buffer zone’ the draft Neighbourhood Plan seeks to rely on to prevent the northward expansion of Thattham.

In summary, whilst the study found that there would be some benefits to be derived from designated Green Gaps on two specific pieces of land located directly between Ashmore Green and Thattham and Cold Ash and Thattham, the land at Henwick Park lies between the two suggested designations (as shown by **Figure 3** below). It is clear that the site therefore does not play an important role in countryside terms, enough to warrant specific ‘Green Gap’ protection. This clearly demonstrates that Henwick Park is capable of delivering built development without eroding an essential gap between settlements and that development would not be seen to visually or physically reduce the distance between settlements.

The Green Gaps recommended by the Council’s evidence base are carried forward into draft planning policy at draft LPR Policy DM2. The draft policy aims to prevent the coalescence of Newbury and Thatcham to maintain the separate identity of the distinct settlements around both towns.

Croudace consider that the draft LPR Policy DM2 is founded on evidence and its purpose is generally supported.

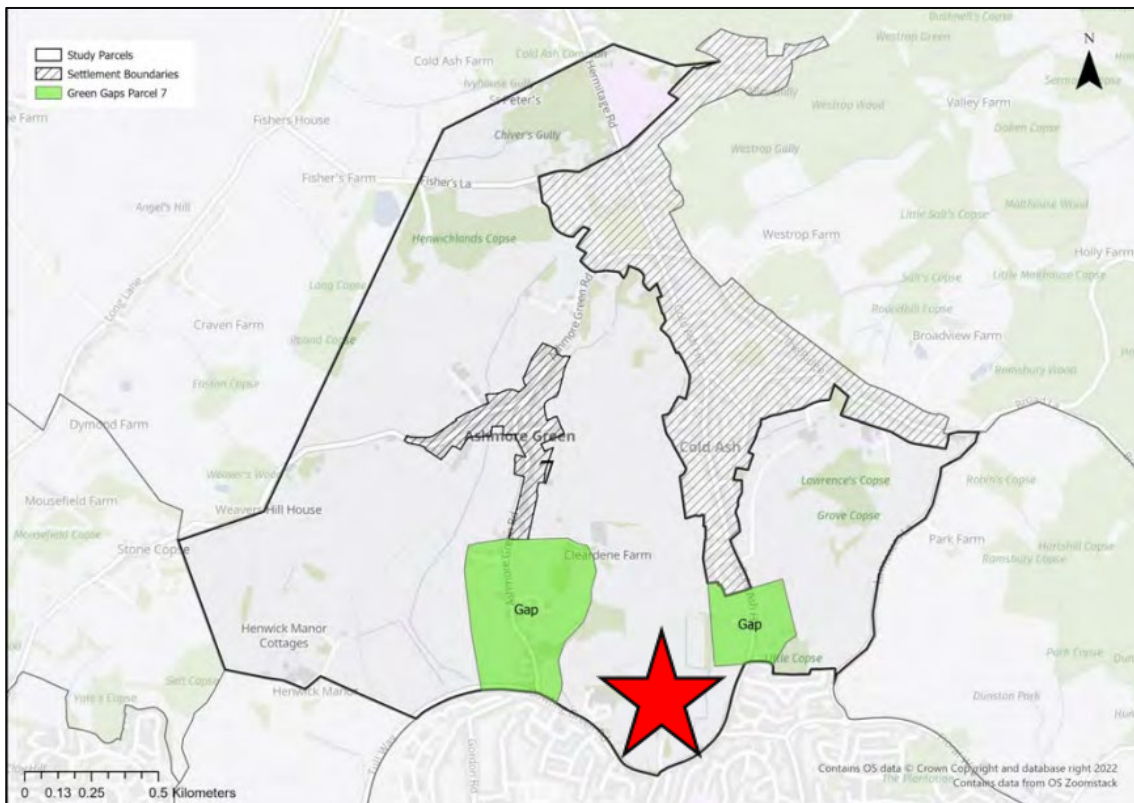


Figure 3 – Extract of Parcel 7 showing proposed ‘Green Gaps’ from West Berkshire Appropriate Countryside Designation Study (Source: ARUP, annotated by Nexus Planning with red star showing the broad site location)

Noting the above, it is clear that the ‘buffer zone’ referred to in draft Neighbourhood Plan Policy CAP1 and outlined at Figure 4.1 of the draft Neighbourhood Plan is not founded in evidence, is restrictive to the delivery of sustainable development and would therefore not be in conformity with strategic policies contained in the emerging development plan.

It is on this basis that Croudace objects to the draft Neighbourhood Plan in its present form and considers that it does not meet the ‘basic conditions’ test.

Croudace’s Objection - Summary

In line with the requirements of national planning policy and guidance, neighbourhood plans are required to meet the ‘basic conditions’ test set out earlier in these representations and within PPG.

In seeking to adopt a ‘buffer zone’ which covers a greater land area than that proposed by the LPR and which evidence supports, Croudace consider that the draft Neighbourhood Plan fails to meet the basic conditions test in relation to

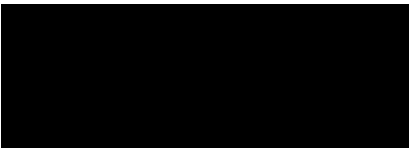
the prevention of sustainable development and the lack of general conformity with the emerging LPR policies which relate to this matter.

Croudace does not consider there to be robust evidence to justify the proposed designation of the land identified within Figure 4.1 of the draft Neighbourhood Plan as a 'buffer zone'.

Croudace acknowledges the role of neighbourhood plans as a tool for local people to shape the development of their community. However it is clear that neighbourhood plans must be consistent with national planning policy and guidance and the strategic requirements for the wider authority area. Neighbourhood plans and the policies within them should be supported by robust evidence which points to the application of the policies in question.

Croudace respectfully requests therefore that the draft Neighbourhood Plan be amended to take account of the evidence to hand and looks forward to a further iteration of the plan being produced which does not seek to unnecessarily restrict sustainable development and which accords with the basic conditions set out.

Yours faithfully



Jack Dickinson
Principal Planner



enc.

Appendix A – Secretary of State Decision (APP/WO340/W/16/3144193)

Appendix B – CSA Landscape Response to Draft Neighbourhood Plan

Appendix A – CSA Landscape Response to Draft Neighbourhood Plan

Landscape Response to Cold Ash Parish Neighbourhood Development Plan 2021 to 2039, Pre - Submission Version Plan for consultation at Regulation 14

Land at Henwick Park, Bowling Green Road, Thatcham, March 2023

1.0 Introduction

- 1.1 This Landscape Response has been prepared by CSA Environmental on behalf of Croudace Homes to formally respond to the draft Neighbourhood Plan (the 'NDP') for Cold Ash (Regulation 14 Pre-submission Consultation). Croudace Homes has submitted an outline planning application for residential development at land at Henwick Park, Bowling Green Road, Thatcham (the 'Site'). The proposals are for 200 new homes, a care home (up to 80 bedrooms), with public open space including a country park, associated infrastructure and access.
- 1.2 The NDP contains a number of landscape policies which could impact on the proposed development of the Site. The following emerging NDP policies are therefore considered in this Response:
- Draft Policy CAP1: Location of Development;
 - Draft Policy CAP2: Local Character and Heritage;
 - Draft Policy CAP3: Design of Development;
 - Draft Policy CAP8: Iconic Views.
- 1.3 This Response considers the relevant landscape policies and the landscape evidence base documents which are referred to in the NDP, together with other landscape evidence produced by West Berkshire Council. The Site at Henwick Park was also the subject of a previous outline planning application (Planning Application Ref: 15/01949/OUTMAJ) for 265 dwellings, which was refused planning permission on the 17th December 2015 and subsequently appealed. Prior to the appeal the applicant and the Local Planning Authority prepared a Landscape Statement of Common Ground which is also referred to in this Response.

2.0 Relevant West Berkshire Landscape Policy

West Berkshire Planning Policy

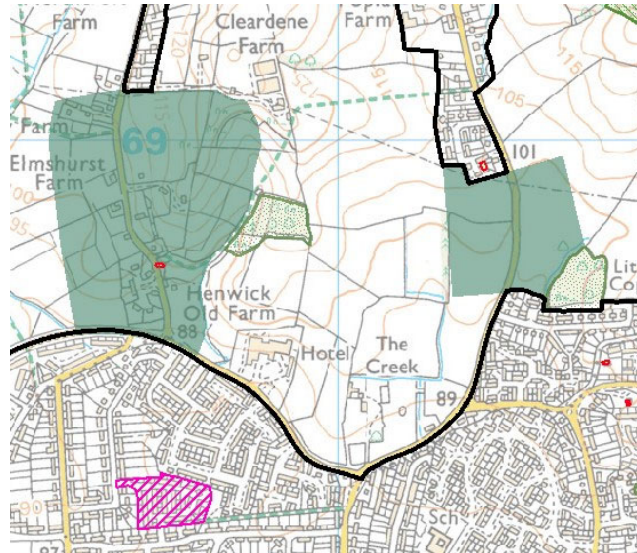
- 2.1 Current adopted planning policy in West Berkshire is set out in a number of different documents, including the Core Strategy Development Plan Document ('DPD') and the Housing Site Allocations DPD. Neither the adopted Development Plan nor the associated policies mapping identify a specific requirement for a 'gap' between the settlements of Thatcham, Cold Ash and Ashmore Green. Policy CS 19 Historic Environment and Landscape Character

states that new development proposals should ensure *'development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.'* The policy also states that proposals for development should be informed by relevant landscape character assessments.

2.2 The Council are in the process of preparing the Local Plan Review 2022 – 2039 and have published the Proposed Submission document to which Croudace made representations. Draft Policy DM2: Separation of Settlements around Newbury and Thatcham is of particular relevance. The draft policy states that in order to prevent the coalescence of Newbury and Thatcham and to maintain the separate identity of the distinct settlements around both towns, gaps between settlements have been identified. Land between Thatcham and Cold Ash is identified in this policy, and it is stated that development which would detract from the open or rural character of these gaps will not be permitted and would only be allowed where it:

- Would not diminish the clear physical and visual separation between distinct settlements; and
- Would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development.

2.3 The Proposed Local Plan Review Policies Map indicates two potential Green Gaps to the north of Thatcham (see extract below). The first extends through countryside between Ashmore Green village and the north western edge of Thatcham, and appears to broadly align with the western Site boundary meaning the Site at Henwick Park is excluded from this proposed Gap. The second extends through countryside either side of Cold Ash Hill between Cold Ash village and the north east corner of the Thatcham, and appears to include the north eastern corner of the Site, which the recently submitted planning application identifies as an area of open space, rather than built development. It is important to note that the land identified as a Green Gap in draft Policy DM2 is not consistent with the buffer zones identified in draft Policy CAP1 of the NDP.



Extract from Proposed Submission Local Plan Review Proposals Map

3.0 Landscape Evidence

3.1 West Berkshire Council have undertaken several Landscape studies as part of their landscape evidence base. The following are the most relevant to this Response.

West Berkshire Landscape Character Assessment (2019)

3.2 The Parish at Cold Ash lies within the WH: Woodland and Heathland Mosaic Landscape Character Type ('LCT'), and WH4: Cold Ash Woodland and Heathland Mosaic Landscape Character Area ('LCA'). The assessment provides a description of the key characteristics of the LCA. Under the heading of 'Detractors' the assessment notes that the expansion of Thatcham and villages within the LCA has reduced the physical and perceptual separation between settlements. It notes that this is particularly evident to the west of the LCA where there is near coalescence along the main connecting roads between Thatcham, Cold Ash and Ashmore Green, amongst others.

3.3 The Landscape Strategy for the LCA includes the objective to retain the distinction between, and individual identity of settlements, through a clear understanding of landform, tree cover and rural buildings in characterising settings and in forming boundaries that conserve and enhance distinctions in character [our underlining]. It is clear from this statement that any assessment of settlement separation should be based on a clear understanding of the above factors and is not just a matter of physical proximity.

West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites (May 2009)

3.4 The majority of the Site at Henwick Park was identified within Area 8: North Thatcham in this report. The assessment considered its landscape sensitivity to

potential strategic scale development. The assessment recommended in respect of Area 8:

'Extension of Thatcham onto the more prominent higher ground on the shallow ridgeline should be avoided. However, provided that the extant vegetation and the setting of the historic farmhouses is retained and used to break up the site, the lower fields in the south-east part of the area may be suitable for urban expansion [our underlining]. Built development on the small scale steeply sided valley near Henwick Old Farm should be avoided.'

Landscape Capacity Assessment of Potential Housing Sites within and adjacent to the North Wessex Downs Area of Outstanding Natural Beauty, West Berkshire (August 2015)

- 3.5 Kirkham Landscape Planning Ltd prepared The Landscape Capacity Assessment to provide a high level assessment of the potential merits and landscape and visual constraints of a number of potential housing sites, within and adjacent to the North Wessex Downs AONB. The assessment formed part of the evidence base for the Site Allocations DPD. The Site at Henwick Park was identified as Site THA011 within this report. The relevant extract from this assessment is included in **Appendix A**.
- 3.6 In terms of relationship to the adjacent settlement, the assessment states that the Site adjoins modern housing to the south and south east, with the south eastern part of the Site located on the lower slopes below the 95m AOD contour, and the remainder of the Site lying on the rising middle slopes. It also sets out that the open fields are an important part of the open landscape above Thatcham, as well as an important open space between Thatcham and Cold Ash.
- 3.7 The assessment concludes that development on the whole of THA011 would result in harm to the natural beauty of the AONB and would lead to the perception of merging of Thatcham and Cold Ash, which would result in an adverse impact on the settlement pattern of the AONB. It recommends that only part of the Site be pursued as a potential housing site, with development contained below the 95m AOD contour, as well as outside the central 'square' field and south of Southend [road] off Cold Ash Hill. It also recommends retaining generous areas of Green Infrastructure to the north of the housing area.
- 3.8 The proposed development at Henwick Park accords with the advice contained in this assessment. The northern part of this area above the 95m contour is proposed as open space. Importantly, the assessment does not suggest that development of the lower lying parts of this area would lead to any loss of separation between Thatcham and Cold Ash, which has clearly formed part of its consideration.

Appropriate Countryside Designation Study (November 2022)

- 3.9 West Berkshire District Council commissioned Ove Arup and Partners ('Arup') to conduct a focused study to help identify if appropriate and specific planning designations for the countryside around Newbury and Thatcham are required to support the emerging Local Plan Review. The type of designations considered were Green Belt, Green Gap / Wedge and Local Green Space. The Study identifies land parcels on the periphery of these settlements and provides an assessment against a series of criteria to determine whether these parcels meet the purposes of these designations.
- 3.10 Parcel 7 is relevant to this Response, as it includes land to the north / north west of Thatcham up to the boundary with Cold Ash and incorporates the settlement at Ashmore Green. In terms of Green Belt purposes the Study notes that the parcel partially meets the criteria of Purpose 2 in that it provides an essential gap between the settlements of Thatcham, Cold Ash and Ashmore Green. It also found that it meets the criteria of Purpose 3 as it is largely undeveloped land. However, the Study concludes that the special circumstances do not exist to justify the designation of new Green Belt land at the periphery of Thatcham and Newbury.
- 3.11 In terms of the criteria for Green Gap / Wedge, the Study found that the parcel partially meets Criteria 1 in that it forms an essential gap between Cold Ash, Thatcham and Ashmore Green; and partially meets Criteria 3 in that it contains a network of public rights of way and provides access to the countryside. As a result, it suggests two potential Green Gaps, one to the south of Ashmore Green and a second between Cold Ash and Thatcham which includes the north east corner of the Site (which is not proposed for development). The vast majority of the Site at Henwick Park (approximately 88 percent of the Site lies outside the potential Green Gap) is not identified as a potential Green Gap.
- 3.12 The areas identified as potential Green Gaps are consistent with the Green Gaps identified in Policy DM2 of the emerging Local Plan Review.

Landscape Statement of Common Ground ('SOCG') Appeal Ref: 16/00008/INQ)

- 3.13 As set out above the Site was the subject of an outline planning application which was refused planning permission in December 2015 Following refusal of the application and lodging of the appeal, the Appellant entered into dialogue with the LPA with the objective of seeking to agree an alternative scheme that would be acceptable on landscape grounds. Accordingly, the Appellant prepared a scheme for 225 dwellings.
- 3.14 The Landscape SOCG records the subsequent exchanges between the Applicant and the Council's landscape consultant which culminated in a letter on the 19th September from Kirkham Landscape Planning, the Council's landscape consultant, which stated that:

'In conclusion I am satisfied that the revised limit of development would overcome my original landscape and visual objections to both the appeal scheme 15/01949/OUTMAJ and the revised application 16/01508/OUTMAJ. However in order to ensure that the treatment of the open land to the north and west does not urbanise the character of the landscape between Cold Ash and Thatcham, I recommend that a revised parameters plan limits the development area to that shown on 22289A/04S, with the land beyond within the red line divided into 1) public open space for the development and 2) open land proposed to remain in agricultural or set aside for ecological habitat creation [our underlining]. Public access to the latter would depend on the final balance of land uses.'

3.15 It is clear the settlement was an important consideration for the Council's landscape consultant in determining the extent of development at Henwick Park. The Landscape Statement of Common Ground states the following in respect of the revised scheme:

- *'The proposed development extends no further north than the existing housing in Thatcham, which lies immediately to the east of Cold Ash Hill and will be contained by a linear wooded landscape buffer to its northern edge. As such it will not give rise to any greater actual or perceived coalescence between the two settlements.*
- *Similarly there will be no actual or perceived impact on the coalescence of Thatcham and Ashmore Green [our underlining].*

3.16 The above conclusion clearly acknowledges that some development can be accommodated at Henwick Park without reducing the actual or perceived separation between Thatcham and the settlements at Cold Ash and Ashmore Green. This conclusion clearly contradicts the proposed buffer zones identified in draft Policy CAP1 of the NDP, which include the entirety of the land at Henwick Park.

4.0 Review of Draft Policies in the Neighbourhood Development Plan

Draft Policy CAP1: Location of Development

4.1 Draft policy CAP1 sets out that development will be focused within the settlement boundaries. Development will not be supported outside these boundaries unless in accordance with policies of the Core Strategy and the Housing Sites Allocations DPD (or their successor).

4.2 The policy goes on to state that development *'must not individually or cumulatively result in physical and/or visual coalescence and loss of separate identity of the individual settlements in the parish (Cold Ash or Ashmore Green) from neighbouring settlements, and from each other.'* Figure 4.1 of the NDP identifies a buffer zone which represents the area most sensitive to coalescence (see below).

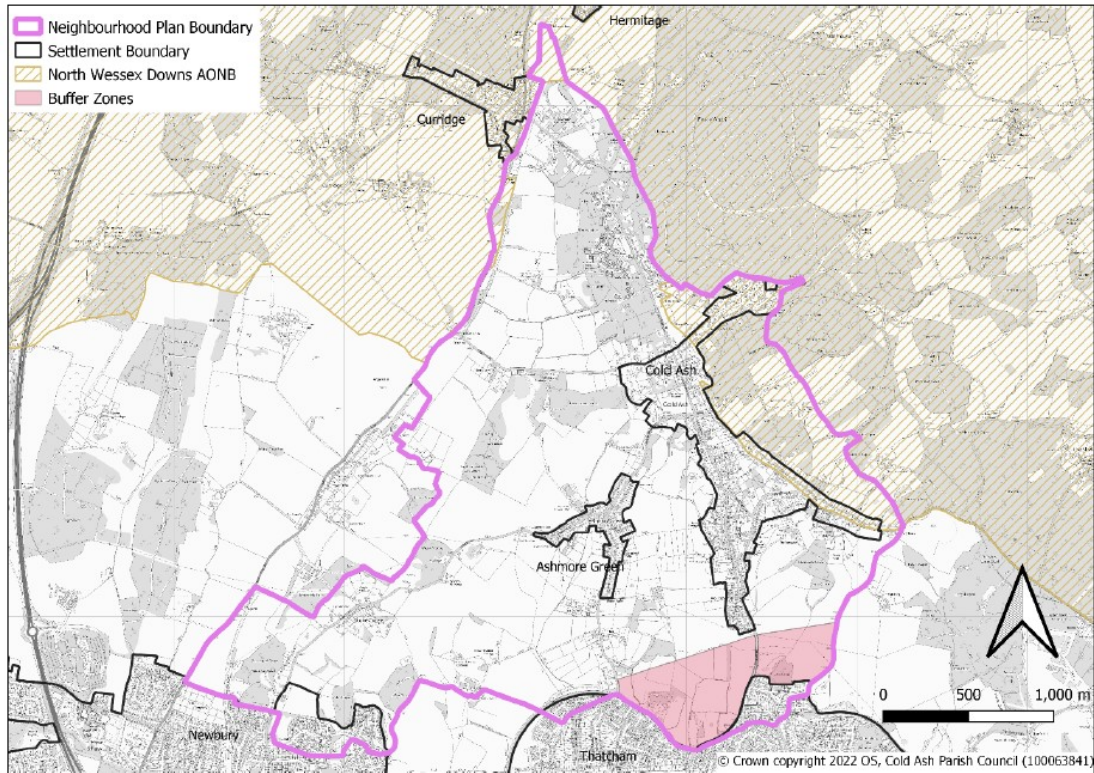


Figure 4.1: Settlement boundaries and buffer zone, where development should be avoided to prevent further coalescence (Extract from Cold Ash NDP)

- 4.3 The identified buffer zone is located at the north west edge of Thatcham and includes the land within the Site. The buffer is focused primarily on the urban area of Thatcham and is largely separated from the urban edges of Cold Ash and Ashmore Green and seems primarily concerned with restricting further development at the edge of Thatcham. To the west, the buffer follows a short section of Ashmore Green Road. To the east, it follows the parish boundary. The northern edge of the buffer is roughly parallel with the southern edge of Cold Ash and crosses the surrounding land in a horizontal alignment perpendicular to Cold Ash Hill (road). The northern boundary does not therefore follow any logical landscape, topographic or other boundary feature.
- 4.4 The preamble to draft Policy CAP1 states that the rural 'buffer zone' has been identified by the community as the areas where development would most likely lead to coalescence, impacting the character of the villages. However, there does not appear to be any evidence or independent assessment which has been produced to support this conclusion, nor the location and extent of the proposed buffer zone.
- 4.5 The need to maintain settlement separation between the edge of Thatcham and the settlements at Cold Ash and Ashmore Green has been acknowledged in various landscape evidence base documents prepared by West Berkshire Council. Most recently, Arup reviewed the requirement for Green Gaps on the periphery of Thatcham in order to prevent coalescence between the town and its neighbouring settlements. This identified two potential Green Gaps to

the south of Ashmore Green and between Cold Ash and the edge of Thatcham. The findings of this study have been reflected in draft Policy DM2 of the emerging Local Plan.

- 4.6 The extent of the proposed Green Gaps set out in the draft Policy DM2 and identified on the Local Plan Review Proposals Map bear little resemblance to the proposed extent of the buffer zone suggested in the NDP, which encompasses a much larger area including the land within the Site and extending up to Heath Lane and Bowling Green Road at the north western edge of Thatcham. In fact, the proposed Green Gaps only occupy approximately 21 percent of the proposed buffer zones. As such, the proposed buffer zones are contrary to emerging Policy in West Berkshire and are at odds with the supporting evidence which underpins Policy DM2.
- 4.7 In addition to the above, the extent of the proposed buffer zones suggested in draft policy CAP1 is not supported by existing landscape evidence base documents and by the consensus reached at the Planning Appeal between the appellant and West Berkshire Council's landscape consultant. The various landscape sensitivity and capacity studies which considered the Site at Henwick Park concluded that there was capacity to accommodate development in this location, provided it was located below the 95m contour and did not intrude on the upper slopes of the Site. This approach was subsequently endorsed by the Council's Landscape consultant at appeal and set out in the Statement of Common Ground. The proposed buffer zones are therefore entirely contrary to existing landscape evidence and place a significant constraint on future development proposals at Henwick Park (the Site) which is entirely unwarranted and unjustified by supporting evidence.

Draft Policy CAP2: Local Character and Heritage

- 4.8 Draft policy CAP2 states that development should conserve and enhance the character of the Zone in which it is located as identified on Figure 5.1 and described in Table 5.1. The Site at Henwick Park lies within the Rural Zone and adjacent to the Urban Fringe at Thatcham. Table 5.1 notes that rural zones are effectively open countryside and it is not anticipated that any development will occur in these zones. It goes on to note that should any development be proposed, it should take its cue from the character of the Village Zones as opposed to the Urban Fringe.
- 4.9 We fully support the intention to conserve and enhance local character and that development proposals should respond accordingly. However, in respect of the Site at Henwick Park, this land parcel clearly relates to settlement on the urban fringe of Thatcham and is somewhat detached from the Village Zones at Cold Ash and Ashmore Green. Whilst it is incumbent on any development in this location to respond to its immediate landscape and townscape context (as set out in the various landscape studies commissioned by West Berkshire), it would seem more appropriate that development proposals relate to and appropriately respond to their setting on the edge of the built up area of

Thatcham as opposed to design guidance for the nearby Village Zones. This policy is therefore unduly restrictive and should be revised to better reflect the disposition of land in the parish and its relationship to neighbouring settlements.

Draft Policy CAP3: Design of Development

- 4.10 Draft Policy CAP3 supports the delivery of high-quality design which demonstrates an appreciation and understanding of vernacular and local character, including buildings, landscape and local architecture. Again, whilst this is fully supported, we would note that the Site at Henwick Park lies adjacent to the settlement edge at Thatcham and development here should be consistent with the scale and pattern of development within the immediate area.
- 4.11 Draft Policy CAP3 also sets out the requirement that design proposals should be landscape led. The outline application for development at Henwick Park has been informed by a Landscape and Visual Impact Assessment ('LVIA') and by published landscape guidance. It will deliver significant areas of open space and natural green space as part of the development proposals. Croudace therefore support the intention that design proposals are landscape led.

Draft Policy CAP8: Iconic Views

- 4.12 Draft Policy CAP8: Iconic Views identifies a number of iconic views which have been identified by the community as important to safeguard. It states that development should be located and designed to avoid significant harm to these iconic views. A brief description of these iconic views is set out in Appendix B of the draft NDP.
- 4.13 View 7 from Footpath 15 looking south is of particular relevance to the Site at Henwick Park. This viewpoint is located on a high point on the footpath looking south towards Ashmore Green Road and Cold Ash Hill in the direction of Thatcham. It is described as follows:

'From the high point of Footpath 15, provides an idyllic view of the south of the parish towards Newbury, including Berkshire and Hampshire. This view is important to residents as it provides views across the last open landscape between the parish and Newbury and Thatcham. It also adds to the enjoyment of walking Footpath 15.'

- 4.14 View 7 is a pleasant view across farmland in the direction of the urban areas of Thatcham and Newbury. Whilst it does encompass open fields at the edge of the Parish and the boundary with Thatcham this does not in itself make this view 'iconic'. Due to the elevated nature of the view from a short section of the footpath, views are far reaching and extend south across the urban areas of Thatcham and Newbury. However, the view does not contain any notable landmarks and includes housing in Cold Ash and the roof tops of housing in Thatcham in the middle distance. Neither the policy nor the description in Appendix B clearly set out the valuable attributes of the view which are

considered worthy of protection, and these should be fully evidenced in order to support this policy. It is also pertinent to note that there is no reference to 'iconic' or valuable views in the West Berkshire landscape evidence documents.

- 4.15 Notwithstanding the above, the proposed development at Henwick Park is set back beyond the existing farmland which occupies the foreground of the view, with the land on the higher ground in the northern part of the Site identified as a new 'country park'. Views of the proposed housing will be limited to heavily filtered views of houses in the eastern part of the Site, through the intervening boundary vegetation and some limited, filtered views of the upper parts of housing in the central parts of the Site. However, these will be seen in the context of the existing roofscape within Thatcham, which is visible amongst the surrounding field boundary vegetation. The proposed disposition of open spaces and the siting of housing on the lower slopes of the Site, will ensure that impacts on the character of this view will be very limited.

5.0 Conclusion

- 5.1 The draft Cold Ash NDP 2021 to 2039, Pre - Submission Version Plan includes a number of draft landscape policies which could impact on the proposed development on land at Henwick Park which is the subject of an outline planning application for residential development.
- 5.2 Draft Policy CAP1 states that development '*must not individually or cumulatively result in physical and/or visual coalescence and loss of separate identity of the individual settlements in the parish (Cold Ash or Ashmore Green) from neighbouring settlements, and from each other.*' Figure 4.1 of the NDP identifies a buffer zone which represents the area most sensitive to coalescence and which includes the Site at Henwick Park. However, the location and size of this Green Buffer is entirely contrary to policy DM2 of the emerging Local Plan Review which identifies two Green Gaps to the north of Thatcham. Furthermore, CAP1 is not supported by any evidence to justify its inclusion and is at odds with the findings of various landscape studies in the West Berkshire evidence base. It is a restrictive policy and places an undue constraint on development at Henwick Park. This policy should be revised, and the identified buffer zone should be deleted.
- 5.3 We broadly support the landscape provisions set out in draft Policies CAP2 and CAP3 which relate to local character and design, amongst other things. However, the Character Zones referred to in these policies are unduly restrictive and do not make adequate provision for development which responds to its location at the Urban Fringe of Thatcham, as opposed to elsewhere in the Parish.
- 5.4 Draft Policy CAP 8 identifies a number of 'iconic' viewpoints including a view which looks south towards Thatcham from an elevated section of footpath 15. Whilst, it is acknowledged that this view is pleasant, although this is a subjective

judgement, there is little evidence to suggest that it is notably special, nor what valuable attributes should be protected. In the absence of any objective assessment there is no evidence to support the definition of these 'iconic' views or the draft policy. Notwithstanding this, the proposed development at Henwick Park has been sensitively designed to limit impacts on views from the north. The disposition of open spaces and the siting of housing on the lower slopes of the Site, ensure that impacts on the character of this view will be minimal.

Appendix B – Secretary of State Decision (APP/WO340/W/16/3144193)



Department for
Communities and
Local Government

Steven Doel
Nexus Planning
Suite A
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Addlestone Road
Weybridge
Surrey
KT15 2BW

Our ref: APP/WO340/W/16/3144193
Your ref: 15/01949/OUTMAJ

27 July 2017

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY CROUDACE HOMES LTD
LAND AT HENWICK PARK, WEST OF HEATH LANE AND NORTH OF BOWLING
GREEN ROAD, THATCHAM, BERKSHIRE
APPLICATION REF: 15/01949/OUTMAJ**

1. I am directed by the Secretary of State to say that consideration has been given to the report of John Chase MDC, Dip Arch, RIBA, MRTPI, who held a public local inquiry between 15 November and 7 December 2016 into your client's appeal against the decision of West Berkshire Council ("the Council") to refuse your client's application for planning permission for up to 265 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas; provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan in accordance with application ref: 15/00296/OUTMAJ, dated 17 December 2015.
2. On 1 April 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and outline planning permission be granted subject to the conditions set out in Annex 3 of the Inspector's Report (IR).
4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation, dismisses the appeal and refuses planning permission. A copy of the IR is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

5. Following submission of the appeal, the appellants prepared revised proposals for a reduced scheme of 225 houses, in order to address some of the grounds of refusal. The Council do not resist the substitution and have notified local residents of the new scheme, giving them time for responses.
6. The Secretary of State does not consider that the reduced scheme of 225 houses raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal. He is satisfied that no interests have thereby been prejudiced and has determined the appeal on that basis.

Matters arising since the close of the inquiry

7. Following the close of the original inquiry, the Secretary of State received representations from the Council which were sent to the Planning Inspectorate on 10 April 2017. These included information on an updated five year housing land supply (HLS) and the Inspector's Report for the Housing Site Allocations Development Plan Document (DPD) dated 6 April 2017 which was due to be adopted on 9 May 2017. The Secretary of State also received representations from your company on behalf of your clients on 23 March 2017 and Barton Willmore on 29 March 2017.
8. On 3 May 2017 the Secretary of State wrote to the parties to afford them the opportunity to comment on the additional information referred to in paragraph 7 above. The Secretary of State has taken the representations received into account in reaching his decision. A list of representations received is at Annex A.
9. On 9 May 2017 the Housing Site Allocations DPD was formally adopted by West Berkshire Council.
10. On 17 May 2017, the Secretary of State wrote to the parties to afford them the opportunity to comment on the implications, if any, of the Supreme Court judgment on the cases of Cheshire East BC v SSCLG and Suffolk DC v SSCLG which was handed down on 10 May 2017. These representations were recirculated to the main parties who were invited to comment on the representations of other parties. These additional representations were recirculated. A list of representations received is at Annex A.
11. Copies of all the correspondence referred to above can be obtained upon request to the address at the bottom of the first page of this letter.

Policy and statutory considerations

12. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
13. In this case the development plan consists of saved policies from the West Berkshire District Local Plan (2002); the Core Strategy (2012); and the Housing Site Allocations DPD which was adopted on 9 May 2017. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR175. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the

Guidance'), as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

Main issues

14. The Secretary of State agrees with the Inspector that the main issues are those set out at IR 146-147, taking account of the subsequent adoption of the Site Allocations DPD.

Housing Land Supply

Assessment of Need

15. The Secretary of State has carefully considered the Inspector's analysis of assessment of need at IR150, including the finding that the Strategic Housing Market Assessment (SHMA) assessed a need of 665 dwellings per annum (dpa) in West Berkshire.
16. With regard to the demographic assessment, for the reasons given at IR151, the Secretary of State agrees that the similarity of outcome between different methodologies diminishes the extent to which the alterations sought by the appellants would have a material effect on the assessment of demographic need. For the reasons given at IR152-153, the Secretary of State agrees that it has not been shown that the SHMA has failed to take account of relevant factors, nor that its methodology is fundamentally flawed in respect of demographic assessment.
17. He further agrees, for the reasons set out by the Inspector, that the evidence falls short of proving that the SHMA has significantly underestimated the level of in-migration (IR154).
18. The Secretary of State, for the reasons given at IR155-158, agrees that the evidence falls short of proving that the basis of the SHMA employment estimate is unduly pessimistic in its approach. Similarly, he agrees that the alternative evidence does not prove that the SHMA is wrong on the source and quality of data to set activity rates, commuting ratios and whether double jobbing should be taken into account.
19. For the reasons set out by the Inspector at IR159, the Secretary of State agrees the SHMA assesses need throughout the Housing Market Area, and it is not counter to the Guidance if appropriate adjustments are made between authorities.
20. The Secretary of State agrees, for the reasons given at IR160-161, that the proposed uplift in response to market signals does not seem unreasonably low.
21. With regard to affordable housing, the Secretary of State, for the reasons set out by the Inspector at IR162-164, agrees that the Council has addressed the need for affordable housing, and the evidence does not show that the criteria used are either so adrift of normal practice, or that the expectations of the level of delivery are so unrealistic, as to justify rejecting the SHMA figure on those grounds.
22. For the reasons given at IR165-166, the Secretary of State agrees with the Inspector that with regard to the report to Government of the Local Plans Expert Group (LPEG), it is not possible to give substantial weight to the relevant LPEG proposals.

Conclusions on Housing Need

23. The Secretary of State agrees that while the SHMA has not been tested at a Local Plan Examination, there were opportunities for third party involvement while it was being drawn

up. He further concludes that the representations of the appellant fall short of proving that the SHMA is fundamentally flawed in its methodology or results. While some of the data is now of some age, he concludes, in agreement with the Inspector, that any variation is not of such significance as to invalidate the results. The Secretary of State thus agrees with the Inspector's conclusions at IR167-168 that there are grounds to consider that 665 dpa is an adequately realistic measure of the objectively assessed need in West Berkshire, and he has used this as his starting figure.

Land Supply

The Buffer

24. The Secretary of State has carefully considered the Inspector's analysis of the buffer at IR169-172 and carefully considered the Inspector's conclusion that there are grounds to consider that there is a record of persistent under delivery and that a buffer of 20% is now justified. However, the Secretary of State disagrees with the Inspector's conclusions. In coming to this conclusion, the Secretary of State has had regard to report into the West Berkshire Housing Site allocations DPD and the DPD Inspector's conclusions (DPD IR134) that the housing supply situation is satisfactorily monitored with no reasons to conclude that there is any significant threat to the delivery of housing in West Berkshire. The Secretary of State also concludes that while there has been an undersupply in 6 of the past ten years, this has been in part due to the influence of the recession. As such he finds that a 5% buffer is appropriate.
25. It is common ground between the parties that there is a shortfall of 417 dwellings. As such the Secretary of State concludes that net housing need is 3,742 $[(665 \times 5) + 417]$, to which he adds a 5% buffer, to give an overall housing need of 3,929 units.

Deliverable Housing Land

26. The Secretary of State has carefully considered the Inspector's analysis of deliverable housing land at IR 173-179. With regard to Sandleford Park, the Secretary of State has considered the Inspector's conclusions, and had regard to the representations of the parties, and agrees with the Inspector that it should be removed from the figures for deliverable sites given doubts as to whether it will deliver within the 5 year period.
27. The Secretary of State has gone on to consider the Core Strategy site at Newbury Racecourse (IR175). Given the revised trajectory of February 2017 from the developer, and noting that units on the site are selling well and that development is now under way on the third phase of the site, the Secretary of State concludes that it is realistic to deduct only 102 sites from the delivery figures, to give a total of 873 dwellings at the site.
28. With regard to the J&P Motors site, the Secretary of State notes that there is no indication of any legal impediment to the use of the land for housing, there is an implemented planning permission, and there is recent evidence of the involvement of the developer (IR176). As such he agrees with the Inspector that this site will deliver housing within the five year period. With regard to the Lakeside site in Theale, the Secretary of State disagrees with the Inspector, given the uncertainty as to whether the site will begin to deliver within the five year period, he has excluded the site from his calculations, disagreeing with the Inspector.

29. The Secretary of State has also excluded 160 units on land off Faraday and Kelvin Road from his calculations, given that the lease situation means that it is not certain that the site will deliver within the five year period.
30. The Secretary of State has had regard to the Inspector's analysis at IR178 on the Market Street site, and notes that the s106 Agreement has now been signed and planning permission granted. For that reason, and for the reasons set out by the Inspector, that delivery of 232 units from this site within 5 years is not an unreasonable expectation. He further agrees, for the reasons set out by the Inspector, that there is not a substantial reason to exclude the Pound Lane Depot site from his calculations.
31. The Secretary of State has had regard to representations concerning the Land adjacent to Hilltop site. However, given that planning permission has now been granted following appeal, he concludes that it is reasonable that 200 units will be delivered within the five year period.
32. With regard to Land adjacent Pondhouse Farm; Land at Poplar Farm; 72 Purley Rise; and Field between A340 and The Green; and Land adjacent to Lynch Lane, the Secretary of State has taken into account representations on reducing the figure of deliverable dwellings, and those representations of the Council (Annex 2) stating that the sites are available, and early delivery is expected.
33. With regard to South East Newbury (2); and South East Newbury (3), the Secretary of State has had regard to the representations on reducing the figure of deliverable dwellings, and the representations of the Council stating that the sites are available, and delivery is expected in the later phase of NEW047.
34. The Secretary of State has also had regard to the Inspector's analysis of DPD allocations at IR177. In addition he has had regard to the fact that the DPD has now been adopted. The Secretary of State has taken into account the DPD Inspector's conclusions that that the housing supply situation is satisfactorily monitored and that there are no reasons...to conclude that there is any significant threat to the delivery of housing in West Berkshire. For those reasons, and those given by the Inspector, he concludes that there is insufficient evidence to conclude that these sites will not deliver within the five year period.
35. As such the Secretary of State concludes that 873 dwellings can be taken into account at Core strategy sites (Newbury Racecourse), and 1,076 from DPD allocated sites. He includes 443 dwellings at permitted sites under 10 units, and 1,175 dwellings at larger permitted sites. He includes 279 sites without planning permission, and 261 units on sites allocated through the prior approval process. To this figure he adds a windfall allowance of 192 dwellings.

Conclusion on housing land supply

36. The Secretary of State thus concludes that the Council can deliver a total of 4,299 dwellings within the five year period. Setting this against a 5 year requirement of 3,929 dwellings, as set out above, the Secretary of State concludes that there is a surplus of 370 dwellings, or a 5 year supply of 5.47 years.
37. As such, for the reasons set out above the Secretary of State disagrees with the Inspector and concludes that in his judgement the local planning authority can now demonstrate a 5 year supply of deliverable housing sites.

Development Plan Policy

Whether the proposal complies with the development plan

38. The Secretary of State has gone on to consider the Inspector's discussion regarding the development plan (IR181-186) in the context of the Council now being able to demonstrate a 5 year HLS.
39. The Secretary of State has had regard to Core Strategy Policy CS1 and considers that the proposal does not comply with any of the identified 4 categories of land. The appeal site is not one of the sites which has been chosen in the Site Allocations DPD. However, the Secretary of State considers that the wording is not wholly prohibitive of development outside these categories (IR182).
40. The Secretary of State agrees with the Inspector at IR183 that the location of the appeal site would meet a number of the criteria in Core Strategy Policy ADPP1. For the reasons given at IR178, the Secretary of State agrees with the Inspector that the land falls below the settlement hierarchy. As the appeal site lies within land composed of agricultural fields with the characteristics of open countryside, the proposal is subject to the final bullet point of Core Strategy Policy ADPP1, which allows only limited development which addresses identified needs and maintains a strong rural economy. The Secretary of State therefore agrees with the Inspector that the proposal would not comply with this aspect of the development plan (IR184).
41. The Secretary of State has given careful consideration to the Inspector's discussion regarding Core Strategy Policy ADPP3 at IR185. Policy ADPP3 indicates that approximately 900 homes are to be provided in Thatcham during the plan period. For the reasons given at IR185, the Secretary of State agrees with the Inspector's conclusion that 900 homes should not be viewed as a ceiling, and the wording of ADPP3 does not directly restrict development to this level.
42. The Secretary of State agrees with the Inspector at IR186 that Policy C1 in the Site Allocations DPD includes a presumption against new residential development outside settlement boundaries.

The weight to be attributed to policies

The Site Allocations DPD

43. The Secretary of State has carefully considered the Inspector's comments at IR190, and agrees that the relevant policies for the supply of housing are CS1, ADPP1, ADPP3 and C1.
44. The Secretary of State has given careful consideration to the Inspector's analysis at IR188-190, but disagrees with his conclusions. He agrees that the intention to protect rural areas by restricting development outside settlement boundaries is not inconsistent with the Framework. He further agrees that the site allocations DPD amends the settlement boundaries to allow more land for housing. While he agrees that the DPD is based on the Core Strategy, which was not based on an objective assessment of need, he notes that Policy CS1 treats housing numbers as a minimum, allowing for their review and update over time to reflect housing need. He thus concludes, in the context of the Council demonstrating a 5 year housing land supply, that the housing policies of the Local Plan are

consistent with the Framework and that the application of paragraph 14 of the Framework is not triggered.

45. For the reasons given at IR191, the Secretary of State agrees that the proposal would be in conflict with policies ADPP1 and C1.

Other Matters

46. For the reasons given at IR193-194, the Secretary of State agrees with the Inspector that there is no reason to conclude that the land cannot be satisfactorily drained, and that a planning condition would enable scrutiny of the details of the scheme.
47. For the reasons given at IR195-196, the Secretary of State agrees with the Inspector that there is no indication that the development would have a harmful effect on the setting of the Area of Outstanding Natural Beauty. He further agrees with the Inspector that the scheme would avoid an unduly harmful visual impact.
48. For the reasons given at IR197, the Secretary of State agrees with the Inspector that there are not substantial grounds to challenge the conclusions of the Transport Statement of Common Ground. He further agrees that the evidence does not prove that the housing could not be adequately served by local facilities and infrastructure. He further agrees that the scheme would lead to some disturbance of wildlife, but the retention of open space, and measures to protect and enhance habitats, would help to minimise any harm.
49. The Secretary of State agrees with the Inspector's conclusion at IR198 that these matters raised at IR193-197, and the other matters raised.

Planning conditions

50. The Secretary of State has given consideration to the Inspector's analysis at IR140-144, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

51. Having had regard to the Inspector's analysis at IR199-200, the planning obligation dated 2 December 2016, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR 199-200 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

52. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Core Strategy policies CS1, CS 14, CS19, ADPP1, ADPP3 and DPD Policy C1, and is therefore not in accordance with the development plan overall. The Secretary of State concludes that, as the Council can demonstrate a 5 year housing land supply, the application of paragraph 14 of the NPPF is not triggered, and as such the proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.
53. The Secretary of State considers that the addition of up to 225 homes in an accessible location would contribute to the Council's housing supply, and meet some of the objectives identified in the SHMA, including increased affordability, and accommodation for a workforce to support economic growth, and he affords this benefit moderate weight. He also finds that the development would contribute to local investment during the construction phase, and a market for local goods and services thereafter, to which he affords moderate weight. Up to 90 affordable homes would meet a need for lower cost housing in the area, which attracts significant weight. The Secretary of State also considers that there would be the wider benefits of additional investment in flood control within the context of the town's surface water scheme, and the provision of public open space, to which he grants moderate weight.
54. The Secretary of State considers that there is no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing. He also finds that the additional development would provide the opportunity for greater investment in local infrastructure, and he affords this benefit moderate weight.
55. Against this the Secretary of state weighs the conflict with policies CS1, ADPP1, ADPP3 and DPD Policy C1, and he affords this conflict substantial weight in the context of a 5 year housing land supply and a now made DPD.
56. The Secretary of State also weighs against the proposal the replacement of agricultural land with suburban development which would lead to a change in character of the land. However, the Secretary of State considers that the impact of this change would be limited, not out of keeping with the present character of the area, and without having an unduly damaging effect on the setting of either Thatcham or Cold Ash. As such he gives this conflict moderate weight.
57. Having regard to the conflict with the development plan as a whole and taking account of the policy set out in paragraph 196 of the Framework, and the other harms, the Secretary of State therefore concludes that there are no material considerations sufficient to indicate that the proposal should be determined other than in accordance with the development plan. He concludes that the appeal should be dismissed and planning permission refused.

Formal decision

58. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for up to 225 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham

Surface Water Management Plan in accordance with application ref: 15/00296/OUTMAJ, dated 17 December 2015.

Right to challenge the decision

59. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
60. A copy of this letter has been sent to West Berkshire Council and notification has been sent to others who asked to be informed of the decision.
- Yours faithfully

Philip Barber

Authorised by Secretary of State to sign in that behalf

Annex A – Schedule of representations

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Steven Doel Nexus Planning	23 March 2017
Mark Owen Barton Willmore	29 March 2017
Bob Dray West Berkshire Council	10 April 2017, 12 April 2017

Representations received in response to the Secretary of State's letters of 3 May 2017 and 17 May 2017

Steven Doel Nexus Planning	17 May 2017, 31 May 2017
Kim Cohen Barton Willmore	17 May 2017, 15 June 2017
Sinéad O Donoghue West Berkshire Council	17 May 2017
Bob Dray West Berkshire Council	1 June 2017
Clare Jenner West Berkshire Council	15 June 2017

Report to the Secretary of State for Communities and Local Government

by John Chase MCD, Dip Arch, RIBA, MRTPI

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

Date: 4 April 2017

TOWN AND COUNTRY PLANNING ACT 1990

WEST BERKSHIRE DISTRICT COUNCIL

APPEAL BY

CROUDACE HOMES LIMITED

CONTENTS

	Page
Procedural Matters	1
The Site and Surroundings	2
Planning Policy	3
The Proposals	4
Other Agreed Facts	4
The Case for the Council	5
The Case for the Appellants	13
The Cases for Third Parties	24
Planning Conditions	25
Inspector's Conclusions	27
The Main Considerations	27
Housing Land Supply	27
Development Plan Policy	35
Other Matters	37
Obligations	39
Overall Conclusions	39
Recommendation	40
Annex 1: Appearances	41
Annex 2: Documents	42
Annex 3: Planning Conditions	53

ABBREVIATIONS USED IN REPORT

AONB	Area of Outstanding Natural Beauty
CIL	Community Infrastructure Levy Regulations 2010
DCLG	Department for Communities and Local Government
dpa	Dwellings per annum
DPD	Development Plan Document
HLS	Housing Land Supply
HMA	Housing Market Area
LEP	Local Enterprise Partnership
LPEG	Local Plans Expert Group
LVIA	Landscape and Visual Impact Assessment
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
OBR	Office for Budget Responsibility
para	Paragraph
PPG	Planning Practice Guidance
SA/SEA	Sustainability Appraisal/Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
WBC	West Berkshire District Council

File Ref: APP/W0340/W/16/3144193

Land at Henwick Park, West of Heath Lane and North of Bowling Green Road, Thatcham, Berkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Croudace Homes Ltd against the decision of West Berkshire Council.
- The application Ref 15/01949/OUTMAJ, dated 9 July 2015, was refused by notice dated 17 December 2015.
- The development proposed is up to 265 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan.

Summary of Recommendation: That the Appeal be Allowed.

Procedural Matters

1. At the Inquiry this appeal was conjoined with an appeal by A2Dominion Developments Ltd for 495 houses and associated works at Siege Cross, Land North of Bath Road, Thatcham, Berkshire (APP/W0340/W/15/3141449). Housing land supply and policy matters common to both appeals were dealt with in joint sessions. For ease of reference, the present appeal is entitled Appeal B, and Siege Cross is Appeal A.
2. Document references (in bold italic) relate to the schedule at Annex 2. This contains the full schedule for both appeals, as there was sharing of some documents.
3. The planning application was made in outline, with all matters reserved except access. It was accompanied by a range of reports and illustrative plans, identified at Sections **CD2/B and CD2.1/B** in Annex 2.
4. The Council refused the planning application on the grounds that 1) there was a failure to enter planning obligations to mitigate the effect of the development on public open space and local ecology, and to provide affordable housing; 2) the site is green-field land outside the settlement boundary, where there is a presumption against new housing, and its development would be contrary to the strategic aims for Thatcham and premature to the emerging Housing Site Allocations DPD; 3) the proposal would be harmful to the landscape character of the area and the setting of the Area of Outstanding Natural Beauty, and erode the separation of Thatcham and Cold Ash; 4) there would be a need for the mitigation of the impact on local highways infrastructure, and 5) the development would have an unacceptable effect on mature trees. The decision notice is at **CD3/B/2**.
5. Following submission of the appeal, the appellants prepared revised proposals for a reduced scheme of 225 houses, in order to address some of the grounds of refusal. Illustrative plans of the new arrangement are shown at documents **CD1/B/13-17**. Whilst the alterations amount to a significant reduction in the number of houses, they affect a limited part of the site, with proposals for the remainder of the land being largely unchanged. The Council do not resist the substitution, and have notified local residents of the new scheme, giving time for

responses. The amendments are not such a departure from the original application as to amount to a substantially different arrangement, and there are no grounds to consider that any third party would be unduly prejudiced by the change. For these reasons, it is recommended that the revised scheme be accepted for consideration in the appeal, and this report has been prepared on that basis.

6. The description shown in the title box is therefore amended to that given in the appellants' planning proof of evidence, being: "*The development proposed is up to 225 residential dwellings (Class C3) with associated vehicular, pedestrian, and cycle accesses, public open space, provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan*".
7. The Council accept that the amended scheme overcomes concerns about landscape and trees (reasons for refusal 3 and 5), whilst reasons 1 (obligations) and 4 (highways) are resolved by the submission of a Unilateral Undertaking, the details of which are discussed below. Reason 2, concerning the principle of development of the land, remains as a ground of refusal.
8. Screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been carried out, determining that, whilst there may be some impact on the surrounding area as a result of the development, the proposal is not of a scale and nature likely to result in significant environmental effect, and an Environmental Impact Assessment is not required.
9. The appeal has been recovered by the Secretary of State because it involves proposals for residential development of over 150 units or on a site of over 5 ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and to create high quality, sustainable, mixed and inclusive communities.
10. The Inquiry took place on 15-18, 22-25, 29-30 November, 1 & 2 December, and 7 December 2016. The accompanied site visit took place on 6 December, but longer views from outside the site were obscured by fog, and it was agreed that a further, unaccompanied visit would be carried out at a later date. This occurred on 13 February 2017.

The Site and Surroundings

11. Section 3 of the Planning Statement of Common Ground (**CD1/B/5**) contains a description of the site and its surroundings, whilst the Parameters Plan (**CD1/B/13**) indicates the extent of the application site, and Appendix A of the appellants' landscape proof of evidence (**CD1/B/12**) shows its position in the wider area.
12. The site amounts to 24.5ha open land, approximately 1.6km north of Thatcham town centre, adjoining the built up area. Bowling Green Road and Heath Lane/Cold Ash Hill local distributor roads run around the south western and south eastern sides of the site respectively, beyond which is medium density residential development, mainly dating from the post-war period. The northern half of the site abuts open countryside, being part of the north slope of the Kennet Valley as it rises out of Thatcham. Further north is the village of Cold Ash, which extends southwards down Cold Ash Hill towards the site.

13. The red line site boundary is drawn to exclude the Regency Park Hotel, on the western side, and the curtilages of individual houses to the south. The land is divided into irregularly shaped fields, separated by fences, hedges and trees, and, apart from an open boundary on part of the eastern side, views from adjoining roads are largely screened by vegetation. The property is in agricultural use, indicated as both arable and pastoral.

Planning Policy

14. Section 5.0 of the Planning Statement of Common Ground (**CD1/B/5**) sets out the agreed relevant planning policy. Saved policies from the West Berkshire District Local Plan adopted 2002 (**CD6/AB/2**) remain part of the development plan, including HSG1, which seeks to deliver new development within defined settlement boundaries. It is agreed that the appeal site lies outside the settlement boundary.

15. The Core Strategy was adopted in 2012 (**CD6/AB/1**). CS1 makes provision for at least 10,500 dwellings during the plan period, at the rate of 525 per annum. A Strategic Housing Market Assessment (SHMA) will be undertaken within 3 years, with a review of the Core Strategy allocation if a need for more houses emerges. New housing will be directed to sites within settlements, to identified strategic sites, and to those allocated in subsequent DPDs. Green-field sites will be needed adjoining existing settlements, selected to achieve the most sustainable form of development.

16. The spatial strategy to meet this housing provision is set out in Area Delivery Plan policies. ADPP3 indicates that about 900 homes will be provided in Thatcham, two thirds of which has already been committed, and the remainder will be delivered through the Site Allocations and Delivery DPD, including green-field land adjoining the settlement. ADPP1 indicates that most new development will be within or adjacent to identified settlements, with the focus on the main urban areas and on previously developed land, taking account of the degree of accessibility and availability of services. The settlement hierarchy identifies Thatcham as an urban area, in the same category as Newbury and the outskirts of Reading.

17. The parties agree that Local Plan policy HSG1 and Core Strategy policies ADPP1, ADPP3 and CS1 are policies relevant to the supply of housing in terms of para 49 of the NPPF.

18. Other policies referred to include: CS5 (infrastructure delivery), CS6 (affordable housing), CS17 (bio-diversity); CS18 (green infrastructure); CS19 (landscape character); and ADPP5 (AONB).

19. The emerging Housing Site Allocations Development Plan Document (DPD) was subject to Examination in June and July 2016, with public consultation on proposed modifications taking place by early 2017, and the Inspector's final report expected in the spring. Policy HSA5 allocates one site in Thatcham, for about 85 houses at Lower Way. Policy C1, the successor to Local Plan Policy HSG1, includes a presumption against new residential development outside settlement boundaries.

20. Relevant Supplementary Planning Documents (SPD) include Planning Obligations (**CD6/AB/23**) and Quality Design (**CD6/AB/22**). The Council implemented its

Community Infrastructure (CIL) Charging Schedule (**CD6/AB/20**) in April 2015, with a residential rate of £75/sqm. The CIL 'Regulation 123 List' is contained at **CD6/AB/25**. The Berkshire Strategic Housing Market Assessment (SHMA) has been carried out with other Berkshire authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP), with a final report issued in February 2016. It estimates the objectively assessed housing need (OAN) for West Berkshire as 665 dwellings per annum (dpa). Other planning documents are listed at section **CD6/AB** in Annex 2.

21. In addition, attention has been drawn to a range of policies in the National Planning Policy Framework (NPPF), and advice in the Planning Practice Guidance (PPG), which will be discussed further below.

The Proposals

22. The Parameter Plan (**CD1/B/13**) indicates the proposed distribution of uses on the site, whilst the Masterplan (**CD1/B/15**) provides an illustrative layout of a possible form of development. It is proposed to distribute up to 225 dwellings in the south eastern quadrant of the site, along with a doctors' surgery, with open parkland to the north and west. There would be flood alleviation ponds and basins adjoining the perimeter roads to the south and east, and within the parkland area. A new access would be formed at the existing roundabout at the junction of Cold Ash Hill and Heath Lane, along with a further new road access on the southern edge of the site. An illustrative storey heights plan (**CD1/B/14**) indicates that the general scale would be two storey development, but with a small number of 2.5 storey buildings. 40% of the houses would be designated affordable.
23. Whilst the description of the original planning application indicated a range of uses for the retained open space, including allotments and sports facilities, it is the intention to establish the layout of this space as part of the reserved matters applications. The Section 106 undertaking would secure the public use of this land and make provisions for its future maintenance.

Other Agreed Facts

24. Following submission of the amended scheme, the Council accepted that the development would occupy the lower and less visible portion of the site, and withdrew their concerns about the effect on the landscape character of the area, the setting of the AONB, and the separation of Thatcham and Cold Ash. It was also agreed that the impact on trees could be adequately mitigated through the submission of reserved matters applications.
25. The scheme would be able to secure suitable highway standards, and be sufficiently accessible to local facilities, including public transport. Whilst local residents have a particular concern about the effect on flooding, which will be discussed further below, the Council are satisfied that any risk could be adequately overcome. There are no fundamental objections on ecological grounds.

THE CASE FOR THE COUNCIL

26. The summary below is a précis of the Council's closing statement at the appeal. The full text may be found at document **CAB11**.

The Five Year Housing Land Supply

The Derivation of the 5 Year Housing Land Supply

27. The Council's Core Strategy was prepared during a period of transition, with the introduction of the NPPF, and uncertainty surrounding the abolition of the South East Plan Regional Strategy. The Inspector had regard to these exceptional circumstances, and took a reasonable approach to the application of legislation and Government policy in finding the Core Strategy to be sound. It was subsequently adopted, without challenge, and now forms an integral part of the plan led system. Its legitimacy cannot be questioned in any legal proceedings except under the terms of S113 of the Planning and Compensation Act 2004.
28. The Core Strategy housing requirement was preceded by the words "at least", being a flexible means of ensuring that it did not represent a target or a ceiling, but a minimum figure; an approach that is endorsed by the Council in the preparation of its Strategic Housing Market Assessment (SHMA). Regard is had to the Ministerial Letter of 19 December 2014 (**CD8/CAB/3**), which notes: *"Many councils have now completed Strategic Housing Market assessments either for their own area or jointly with their neighbours. The publication of a locally agreed assessment provides important new evidence and where appropriate will prompt councils to consider revising their housing requirements in their Local Plans. We would expect councils to actively consider this new evidence over time and, **where over a reasonable period they do not, Inspectors could justifiably question the approach to housing land supply.** However, the outcome of a Strategic Housing Market Assessment is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans."*
29. The Council have actively considered this advice, and accept that the Core Strategy housing figure is out of date for the purpose of establishing the five year housing land supply, the Objectively Assessed Need (OAN) in the SHMA being the current requirement. However, this does not mean that the whole of the Core Strategy is out of date.
30. As envisaged by the Core Strategy Inspector, the Council are in the course of producing a Housing Land Supply DPD, which does not change the housing requirement in the Core Strategy, but demonstrates compliance with the "at least" qualification by significantly boosting short term supply to meet the current OAN. The Council have actively pursued the plan making process, and have commenced the preparation of evidence towards a new Local Plan, which is programmed for adoption in 2019. In the meantime, the SHMA OAN represents the best current evidence of housing need, being a significant (27%) increase in the housing requirement over the Core Strategy figure. It has been prepared with the involvement of stakeholders and should be given substantial weight in this appeal.

The Objectively Assessed Need

31. The SHMA was published in February 2016 and represents a valid, robust and up to date assessment of the needs of the Housing Market Area (HMA) that complies

with the requirements of the NPPF and Planning Practice Guidance (PPG). It was made on an evidence based assessment, including regard for economic growth and its drivers, consistent with the London SHMA.

32. It is recognised that the Firlands Farm appeal decision (**CD7/AB/1**) of July 2015 favoured an OAN of 833 dpa put forward by the appellants in that case, but this preceded publication of the SHMA and was in the absence of any alternative OAN from the Council. It is irrelevant for the purposes of determining this appeal.

The approach to the SHMA

33. Preparation of the SHMA took a reasonable approach by: i) adopting a Housing Market Area (HMA) which also included Reading, Wokingham and Bracknell Forest, being a practical and manageable area; ii) using household projections from the Department of Communities and Local Government (DCLG) as the starting point of the assessment, acknowledging that new projections would not, of themselves, render the SHMA out of date; iii) adjusting the OAN to respond to adverse market conditions, based on professional judgement; iv) engagement with housebuilders, registered providers, the Local Enterprise Partnership (as recommended by the PPG) and surrounding local authorities; v) carrying out a "thorough" assessment in terms of the advice in the PPG¹; vi) having regard to the forecasts of well respected forecasting houses (Cambridge Econometrics and Oxford Economics); and vii) adjusting the results of economic models to take account of local conditions.

The Demographic Led OAN

34. Document **A9** illustrates little difference between the parties in assessing demographic led OAN. The appellants provided no evidence of increases in lone parent and single households to justify a return to 2001 household formation rates. Cultural changes and tuition fees are examples of factors which may have influenced falling household formation rates amongst certain age groups. It was accepted that the use of the patient data register could over-estimate the population and, in any event, there was little difference in migration assumptions between the parties². Both sides' evidence included upward adjustments to migration and household formation, albeit from different starting points. The similarity of housing needs enables issues associated with the 2014 demographic projections, 10 year migration trends and adjustments for younger households to be set aside.

Economic Led OAN

35. The PPG³ recognises the need for early involvement with the Local Enterprise Partnership (LEP), a matter overlooked by the appellants. The use of the Cambridge Econometrics 2013 baseline assumptions was consistent with the LEP evidence base. Nor did the Council rely entirely on the 2013 figures, the forecasts going well beyond in gathering local intelligence to establish the economic growth potential, including an assessment of commercial dynamics, local infrastructure investment, and consultation with stakeholders.

¹ 2a-005-2014036

² see Mr Ireland's supplementary proof (**CAB2**) Table 1 on page 4

³ 2a-007-20150320

36. The Council were criticised for not updating the SHMA to reflect the 2015 Cambridge Econometrics data, which showed a rise from 522 to 790 jobs per annum. However, the SHMA had been circulated by the date of this forecast, and there was, in any event, no credible explanation of why such a substantial rise had occurred between the two forecasts, nor what effect "Brexit" might have on these figures. In fact, more recent data from both Oxford Economics and Cambridge Econometrics show a fall in employment forecasts since the referendum, to 513 and 527 jobs per annum respectively, close to the figures on which the SHMA is based. National jobs forecasts (such as those of the Office for National Statistics) rely on surveys by businesses, but only show where a job is registered, rather than where it actually takes place. It is necessary to interrogate the data and undertake wider research to understand the local economy, as the Council have done.
37. The Confederation of British Industry anticipate slower growth next year, downgrading their forecast from 2% to 1.3%, and 1.1% in 2018, expecting a fall in the level of employment and more challenging economic conditions. There is no reason to upgrade the job estimates on which the SHMA is based.

The Housing Market Area (HMA)

38. In establishing the OAN, the appellants preferred to look at the individual local authority rather than the full HMA. This approach is not consistent with the conclusions of the Court in *St Modwen*⁴ nor the PPG⁵, which makes no reference to balancing homes and jobs within an individual local authority. The Council distinguishes their position from the recent case of *Oadby and Wigston*⁶, considering that *St Modwen* remains good law. The Council are in the same position as East Riding Council (see para 52 of *Oadby*) as they can demonstrate a strong track of working together with their neighbouring authorities over an extended period. Ousley J said in *St Modwen* (para 74) that "*the NPPF does not require housing needs to be assessed always and only by reference to the area of the development control authority*". In this case, any apportionment of job growth between the constituent councils of the HMA reflects their collective view and, like *St Modwen*, it should be possible to rely on their long standing and continuing cooperation in plan preparation.

Economic Participation

39. The only data used by the appellants for economic activity rates specific to West Berkshire is from the 2011 Census, despite the availability of later evidence, and from a time when the economy was in recession. The Council's current evidence is that the employment rate for men between 20 and 54 and women over 34 is increasing⁷. This is stronger than the forecasts of the Office for Budget Responsibility, on whom the appellants rely, whose purpose is to look at the long term sustainability of public finances, and which is unduly pessimistic about the labour market, as confirmed by data from Oxford Economics and Experian. There

⁴ *St Modwen Developments Ltd v SSCLG and East Riding of Yorkshire Council* [2016] EWHC 968 (Admin) **CD7/CAB/3**.

⁵ 2a-018

⁶ *Oadby and Wigston Borough Council v SSCLG and Bloor Homes Ltd* [2016] EWCA Civ 1040 document **A3**.

⁷ Mr Ireland's proof, Figures 8 and 9 on page 50

is no reason to consider that these latter bodies are any less impartial or independent in their approach. Nor is there evidence to support the appellants' assumption that no person would hold more than one job.

Market Signals and Affordable Housing

40. The appellants sought to argue for a 20% uplift on the demographic starting point to address the need for affordability, as indicated by market signals. However, this was founded on the additional consideration of just two indicators, with analysis of past housing delivery performance based on comparison of short-term trends and in a period of over-delivery against the housing targets of the time. The SHMA followed the PPG approach⁸ by relying on secondary data, including national surveys, to derive estimates of affordable housing need. Whilst the appellants suggested that more existing home owner occupiers might fall into affordable housing need, it was accepted that the Guidance requires application of an affordability test, that primary survey evidence is not required, and that applying the Council's Home Choice Criteria⁹, homeowners would not generally qualify for affordable housing. It was also accepted that the housing register for 2015 showed a similar level of need to that in the SHMA.
41. The choice of income threshold for assessing affordability is influenced by the cost of housing, not income levels¹⁰. The income threshold was based on a lower quartile rent across all property sizes of £650/month which, at a 35% proportion of income, would require earnings of £23,300 per year. The lower quartile rent is identical to that in West Oxfordshire¹¹, so that a consistent income threshold would be appropriate. In addition, it was accepted that historical rates of affordable housing delivery, with which the appellants had sought to criticise the Council's estimate of 30%, were influenced by demolitions and assessments against the lower requirements of the Local Plan which preceded the Core Strategy.
42. The appellants' contention that adjustments to improve affordability need to be treated entirely independently from adjustments to household formation rates is not consistent with the logic of their own evidence, which recognises that affordability influences household formation. The Local Plans Expert Group (LPEG) methodology favoured by the appellants has been criticised as introducing double counting by applying separate adjustments to household formation, for market signals and for affordable housing, when there are clear overlaps between these issues. The LPEG proposals are not Government policy or guidance.

Conclusions on OAN

43. The Council's witness, Mr Ireland, has been personally involved in producing SHMA for 9 local authorities, which have been accepted by Inspectors for adoption in Local Plans without uplift of the OAN. The current West Berkshire SHMA establishes an OAN which has been subject to extensive research and should carry substantial weight. It is a robust assessment against which to measure the five year housing supply.

⁸ 2a-014-20140306

⁹ **CAB4**

¹⁰ SHMA para 6.27 **CD8/AB/1**

¹¹ **CAB5**

The Buffer

44. The Core Strategy Inspector (2012), the Mans Hill appeal Inspector¹² (2015) and, most recently, the Firlands Farm appeal Inspector¹³ (2015) all found that the Council had not persistently undersupplied housing and applied a 5% buffer. The purpose of the buffer is so that performance in the past can provide a realistic prospect of achieving the planned supply in the future; it ensures that the circumstances of the past are not repeated.
45. The assessment of the buffer to be applied is a matter for the decision maker. In measuring past performance, the Cotswold cases¹⁴ note that it is necessary to establish the standard which applied and the degree to which that standard had been met. The decision maker would be entitled to consider the figures in a previous development plan for this purpose. In the present case the appellants have applied the SHMA OAN figure (665 dpa) for the last three years, even though the document was not published until February 2016. The Council could not have achieved a supply against a figure of which they were unaware.
46. In any event there has been no persistent under-delivery. In the Uttlesford appeal decision¹⁵, the assessment was based upon whether there had been under delivery for several years in a row. In the present case, whilst the Council did not meet the Core Strategy figure of 525 dpa during 5 of the preceding 10 years, these were interspersed with years when the figure was met. There were not several years of under delivery in a row, but, rather, the supply fluctuated above and below the requirement. It is also clear that performance between 2009 and 2012 was affected by the economic recession, a matter which the Core Strategy Inspector took into account¹⁶. In addition, the 2010-2012 figures were influenced by regeneration schemes, involving loss of housing before making a gain, whereas there are no similar schemes in the Council's future supply.
47. It is apparent¹⁷ that the Council's average supply over the last 12 years, at 587 dpa, exceeds the Core Strategy "at least" requirement of 525 dpa, with housing delivery in West Berkshire increasing in recent years, and the Housing Site Allocations DPD will ensure further improvement. There is no need to deviate from the views of previous Inspectors who have considered the performance of West Berkshire, and a 20% buffer is not justified.

Deliverability

48. The PPG indicates¹⁸ that deliverable sites include those allocated in a development plan and those with planning permission, unless there is clear evidence that a scheme will not be implemented within 5 years. The exercise should be approached on the basis of the rebuttable presumption; footnote 11 of the NPPF does not require certainty that a site will deliver.

¹² **CD7/CAB/8**

¹³ **CD7/AB/1**

¹⁴ Cotswold District Council v SSCLG [2013] EWHC 3719 document **A16**

¹⁵ Appendix 7 of Ms Peddie's proof para 15.15 of the Inspector's report

¹⁶ **CD6/A/2** para 45

¹⁷ see page 36 of Ms Peddie's proof

¹⁸ 3-031-20140306

49. The disputed sites include Sandleford in Newbury, which does not have planning permission but is allocated in the Core Strategy. It should be considered deliverable within 5 years unless there is clear evidence to the contrary. The difference between the parties is not whether the site will be developed, but the rate at which development will occur. It is accepted that an extension for issuing planning permission beyond the deadline of 31 December 2016 may be necessary, that it is a complex site, and that there may be disagreements between the owners of the land. Nonetheless, a package of amendments to the scheme is out to consultation, and highways modelling has been carried out. Regular meetings of a steering group monitor progress, and a dedicated Council officer is assigned to the scheme. There is no reason to doubt the developer's trajectory for delivery from the site.
50. The second major site is Newbury Racecourse, which has planning permission, so that the rebuttable presumption in NPPF footnote 11 applies. Building is underway, with an average completion of 136 units per annum since 2013, and a forecast rate of 180 dwellings per annum for the next 6 years. There will be a 50/50 mix of houses and apartments, similar to the 40/60 mix which has already been achieved, and the developer has an incentive to keep to the programme, with financial penalties if this is not achieved, as well as the need to recoup the cost of infrastructure already provided. There is no evidence to support assertions that the market cannot support the programme of completions, nor that national statistics of building rates are to be preferred to the actual levels achieved on this site.
51. The J&P Motors site has an implemented planning permission, so that the rebuttable presumption applies. Whilst part of the site is currently retail, and there is planning permission for another use, there is now a housing developer involved, and there are no grounds to contradict the conclusion of the Mans Hill Inspector¹⁹, who found no good reason to exclude the site.
52. The Lakeside site in Theale also has an implemented planning permission, and the developer has already paid more than £500,000 in planning obligations, indicating a firm intention to proceed. It is true that a further planning application has been taken to appeal on the grounds of non-determination, but this does not indicate that the site will not be developed within the timescale, nor that the existing permission does not represent a realistic fallback position.
53. Whilst awaiting adoption of the Housing Site Allocations DPD, proposed housing sites have been considered at the Examination and the Inspector has not recommended deletions. The Council have included only 70% of the allocated units in the five year supply, and there is a firm likelihood that they will be delivered. In each disputed case the owners have indicated an intention to proceed with planning applications.
54. Market Street, Newbury is a Council owned site, with a resolution for planning permission to be granted, subject to completion of a planning agreement. There is already permission for the relocation of the bus station away from the site, and any third party ownerships would not impede development. There is no reason

¹⁹ CD7/CAB/8 para 24

for it to be excluded from the five year housing supply, as confirmed by the Mans Hill Inspector²⁰.

55. Pound Lane, Thatcham is also a Council owned site, which is previously developed land, and where planning permission will be confirmed by submission of a Section 106 agreement, expected during December 2016. A national house builder is in the process of purchasing the site.
56. Overall, the housing sites in the Council's 5 year supply satisfy the tests in the NPPF footnote 11 and the advice in the PPG and there is no reason to consider that they will not be deliverable.

Policy Implications

57. For these reasons, the Council are able to demonstrate a 5 year housing land supply, so that NPPF para 49 does not apply and housing policies should be considered up to date. The process in the second part of NPPF para 14 is not triggered; the appeals should be determined in accordance with the development plan.
58. The appellants also allege that relevant policies are out of date because the housing requirement in the Core Strategy was based on the withdrawn South East Plan. To follow this logic, the policies would have been deemed out of date the moment the Core Strategy was adopted. However, the figure in this plan was never a ceiling, and the Council have used their evidence base to establish an OAN in accordance with NPPF para 47, whether or not it is part of their Local Plan. Again, the process in NPPF para 14 is not triggered.
59. In any event, the NPPF allows weight to be allocated to policies even if they are out of date, a point endorsed by the Suffolk Coastal judgement²¹. The degree of weight is a matter for the decision taker. In this respect, the most relevant part of the nominated policies is the spatial distribution of development, which should reflect the existing and future role of the settlements, to ensure sustainability.

The Interpretation of development plan policies relevant to the supply of housing

60. The site is green-field land in open countryside outside the defined settlement of Thatcham. The proposal does not comply with development plan policies when read together and with the supporting text. The spatial strategy of the Council is the strict control of development outside settlement boundaries, to ensure the most sustainable locations; any settlement extensions are allocated through the plan led process.
61. The District Settlement Hierarchy in Core Strategy policy ADPP1 refers only to sites within settlement boundaries, and not other land, even if it is adjacent to the boundary. The "open countryside" bullet point of ADPP1 applies. Unlike Thatcham, Newbury is the main focus of housing growth²². Policy ADPP3 limits planned growth in Thatcham, two thirds of which has already been committed, and the rest will be delivered through the Housing Site Allocations DPD. There

²⁰ CD7/CAB/8

²¹ CD7/A/15

²² CD6/AB/1 para 4.21

are five paragraphs²³ of explanatory text in the Core Strategy to indicate how this allocation will take place.

62. Whilst policy ADPP1 refers to sites adjacent to the settlement boundary, the only logical interpretation of this paragraph, and the Core Strategy Inspector's comments about green-field land in Thatcham²⁴, is that such land will only come forward as part of a planned provision. When read in conjunction with policy CS1, it is clear that the Core Strategy is precluding development outside the settlement boundary on green-field sites, except where they have been specifically allocated.

63. The conflict with the development plan weighs heavily against the proposal.

The weight to be attached to the emerging DPD

64. In accordance with NPPF para 216 the Housing Site Allocations DPD can be accorded substantial weight. The Inspector has had regard to objections, and, in particular, has hardly altered the wording of policy C1. It is only the modifications that will now be consulted on, and the appellants cannot repeat the objections previously made. Nor is there a case that the DPD is inconsistent with the NPPF by being based on the Core Strategy OAN, rather than more up to date figures. This point was established in *Gladman v Wokingham BC*²⁵, which noted that the delay incurred would not match the need for the preparation of planning documents to guide development decisions. There is no support for the view that policy C1 will be out of date immediately on adoption.

65. Local Plan policy HSG1 was saved in 2007 and remains part of the development plan until its replacement with policy C1. The new policy does not represent a shift towards some general expansion of settlements, and, whilst the settlement boundary has been altered, that alteration does not affect the appeal site. Policy C1 continues the objective of protecting the countryside, and can be accorded substantial weight.

Conclusions on Policy

66. Core Strategy policy CS1 establishes the need to review settlement boundaries through the Housing Site Allocations DPD, to meet the broad accommodation of housing set out in the ADPP policies, and, as noted by the Mans Hill Inspector²⁶, development on a green-field site adjacent to the settlement boundary is contrary to these policies. Overall, the Council have taken a positive approach to the preparation of plans to actively increase the supply of housing, and the policies for this purpose should be accorded substantial weight. This scheme does not accord with the development plan, and there is no justification for allowing this appeal.

²³ CD6/AB/1 paras 4.9, 4.10, 4.11, 4.13, and 4.15

²⁴ CD8/CAB/2 para 66

²⁵ *Gladman Developments Ltd v Wokingham Borough Council* [2014] EWHC 2320 (Admin)

CD7/CAB/9

²⁶ **CD7/CAB/8**

Planning Balance and Conclusions

67. The Council have a five housing year land supply, and a Core Strategy adopted after the introduction of the NPPF, with an overarching strategy for growth distributed across 4 specified spatial areas. Only the housing requirement is out of date, being an "at least" figure, and the Council is working towards delivering housing to meet the objectively assessed need set out in the SHMA.
68. Nonetheless, if the tilted balance set out in the latter part of para 14 of the NPPF is triggered then the Council accept that the level of harm arising out of the scheme would not significantly and demonstrably outweigh the benefits.
69. If, on the other hand, the simple planning balance set out in s.38(6) of the Planning and Compulsory Purchase Act is applied then the conflict with the development plan, and the emerging Housing Site Allocation DPD, would not be outweighed by the provision of market and affordable housing. Other potential benefits are minor and not unique to this site, particularly given the level of planned provision which will be delivered through the DPD. The Council have invested significant resources in this plan led approach to ensure the most sustainable sites have been selected to boost housing development in the area. In these circumstances the Secretary of State is respectfully invited to dismiss the appeal.

THE CASE FOR THE APPELLANTS

70. The summary below is a précis of the closing address to the Inquiry, prepared by the appellants for use in this report. The full text of the address may be found at document **B12**.

Introduction

71. Of the 5 Reasons for Refusal, only Reason 2 remained by the start of the inquiry. During the course of the inquiry the 'prematurity' objection that had formed part of Reason for Refusal 2 was abandoned also, leaving a pure policy objection by reference to policies HSG1, CS1, ADPP3 and emerging C1.
72. Further, during evidence, the Council accepted that if para. 14(2) of the NPPF applies, such planning harm as they identifies through their Reason for Refusal 2 would not significantly and demonstrably outweigh the benefits they acknowledge stem from the scheme. As such, the Council accept that on the basis that the development plan policies are found out of date (by reference to para. 215 consistency with the NPPF) or para. 49 (no 5 year housing land supply), or both, permission should be granted.

The development plan and the NPPF

73. The only Local Plan policy cited against the proposal is HSG1. The Council acknowledge that the 2002 settlement boundaries are not able to accommodate today's development needs. As the Inspector found at Firlands Farm²⁷, the adopted settlement boundaries in the 2002 plan are not up to date.

²⁷ **CD7/AB/1**

74. The Core Strategy policies cited against the proposal in Reason for Refusal 2 are CS1 and ADPP3. CS1 sets an overall housing requirement of 10,500 for the period 2006-2026. ADPP3 distributes 900 of those 10,500 to Thatcham, as an 'urban area' within the settlement hierarchy set out in ADPP1 ('Spatial Strategy'). The Council acknowledge that the 10,500 figure and the 900 figure derived from it are (a) not caps or ceilings, and there would be no planning harm arising from exceeding them; and (b) do not amount to up-to-date housing requirement figures²⁸.
75. Importantly, the Reason for Refusal does not allege that the proposal is contrary to ADPP1. This is the correct approach. Although orally, Mr Dray sought to allege conflict with the very last bullet of ADPP1, it is clear that it refers to categories of land not listed in the settlement hierarchy above; it simply does not apply to this site.
76. All three policies, CS1, ADPP3 and ADPP1 recognise the need to use green-field land adjacent to (and hence outside of) the adopted HSG1 settlement boundary in order to deliver even the non-NPPF complaint 10,500 units. The Council further acknowledge that to deliver the OAN requirement (whatever it is) beyond the 10,500 figure, additional green-field land will be required²⁹.
77. The emerging Site Allocations DPD is a 'daughter document' to the Core Strategy. While this is perfectly lawful as an approach³⁰, it does affect its weight. The DPD limits itself to delivering the balance of the 10,500 units in the Core Strategy³¹. In so doing it necessarily allocates land on green-field sites outside the HSG1 settlement boundaries. They will be replaced, once the DPD is adopted, by new settlement boundaries and Local Plan policy HSG1 will be replaced by DPD policy C1. But as the DPD is limited to delivering the Core Strategy requirement, the 'daughter' is similarly infected with the failure of the 'parent' – i.e. that the 10,500 is not an up-to-date, NPPF compliance OAN-based housing figure.
78. NPPF Paragraphs 14 (first part), 17(1), 17(3), 47(2), 156, 159 and 187(2) all require that the development plans should seek to identify *and meet* housing need assessed in accordance with the NPPF. A development plan which does not do this (as here) is in conflict with the NPPF and out of date by reference to paras 215/216.
79. As such, the Council recognise that the 2002 settlement boundaries to which HSG1 is directed are out of date by reference to the requirements of the NPPF. Similarly, the Council recognise that the 10,500 unit CS housing figure is out of date as being in conflict with the NPPF. The daughter document, the Site Allocations DPD, while not yet adopted, is similarly affected and Mrs Peddie accepted that, by seeking to restrict development, emerging policy C1 is, as the CS policies were, equally in conflict with the NPPF.
80. The consequence is that para. 14(2) of the NPPF is engaged; as noted above, Mr Dray volunteered that judged against that test, the Henwick Park appeal should be allowed and permission should be granted.

²⁸ Gladman v Wokingham BC **CD7/CAB/9**

²⁹ **CD8/AB/4** foot of second page

³⁰ Oxted Residential v Tandridge DC **CD7/AB/5**

³¹ The trajectory shows 10,700 being delivered by 2026

81. In addition, the Council are unable to demonstrate a 5 housing land supply and NPPF para. 49 is engaged. For this reason also, paragraph 14(2) applies. The policies HSG1, CS1, and ADPP3 are all housing land supply policies, caught by the deeming provision, as is emerging policy C1 similarly caught³². Following *Hopkins Homes*³³, the same approach is urged here as adopted by the Secretary of State in *Birchen Lane*³⁴, namely that this means that the weight to be given to those policies is 'greatly reduced'. The Council appear to argue that weight can still be given to these policies on the basis that they are taking action to address it, through the adoption of their Site Allocations DPD. However, as set out above the DPD does not, and does not purport to, meet the Council's OAN for housing. Further, the Council will not have an adopted NPPF-compliant Local Plan until 2019 at the very earliest. There can be no basis for attaching weight to restrictive, out of date, policies on the basis that the Council have just started to prepare an NPPF compliant plan.

Housing land supply

Requirement

82. The Council acknowledge that they cannot use the adopted Core Strategy housing figure of 10,500 (525 dpa) which was not derived from an assessment of OAN and would not comply with the NPPF or PPG. It was adopted at a time when the South East Plan was still in force and before any NPPF-compliant assessment of housing need had been undertaken for the District or Housing Market Area (HMA)³⁵.
83. Since then, a SHMA has been produced, but this has not been tested in any development plan process. Following *Hunston*³⁶ and *Gallagher*³⁷, the decision-maker must undertake the best exercise he can to assess a 'policy off' OAN figure.
84. The untested SHMA figure is relevant, but by no means definitive. Mr Usher for Appeal A provides evidence for an OAN in the range of 820-950; Mr Veasey for Appeal B provides evidence for an OAN within that range of 'a minimum' of 840³⁸. By the time of the forthcoming new Local Plan being adopted in 2019, the current untested SHMA is unlikely to be the one relied upon even by the Council.
85. For the demographic 'starting point' Mr Usher and Mr Veasey use the more up to date projections, which result in a lower figure. It is misleading, then, to point to Document **A9** and say 'all the demographic figures are much the same'. Mr Usher and Mr Veasey undertake the proper exercise of adjusting the starting point for suppression of household formation rates and migration trends, as demographic adjustments. This is what gives them the demographic 570-610 and 584

³² Woodcock Holdings v SSCLG [2015] EWHC 1173 (Admin)

³³ Hopkins Homes Ltd v SSCLG [2015] EWHC 132 (Admin) **CD7/AB/9**

³⁴ Appeal Ref APP/D3830/W/15/3137838 **B10**

³⁵ **CD6/B/1** para 33

³⁶ Hunston Properties v St Albans City & DC **CD7/AB/4**

³⁷ Gallagher Homes v Solihull MBC **CD7/AB/2**

³⁸ See **A9**

respectively³⁹. To these correctly arrived at demographics, they then apply economic-led and market signals adjustments⁴⁰.

86. Mr Ireland's SHMA did neither: it had migration adjustment in as an economic factor and an adjustment for housing formation rates as a market signal⁴¹. Had he (correctly) put those factors in at the demographic stage, he would have had a demographic figure of 630. He should, however, have first got the demographic figure correct and *then* applied economic and market signals uplift. Having put what is a demographic adjustment in the wrong place, the effect is that he has disguised the fact that he has not actually done a proper economic or market signals adjustment at all.
87. Mr Ireland's migration adjustment (of 14 dpa) is related only to London migration. Mr Veasey points out that migration factors should cover all migration and that 10 year trends show a 123 dpa adjustment⁴². On headship rates, Mr Veasey and Mr Usher both point to the decline in household formation rates in both the cohorts 25-34 and 35-44 and adjust accordingly. Mr Ireland limited his adjustment to the 25-34 age group which, while being the most dramatic, is not the only group affected. The effect is that Mr Veasey adds 75 dpa compared to Mr Ireland's 32.
88. The PPG then asks that an economic-led adjustment be made if the demographic figure would not provide sufficient workers for projected employment growth. In all three assessments before the inquiry, the demographic figures are, indeed, too low to meet job growth and an economic adjustment is required⁴³.
89. For the job numbers, the SHMA used Cambridge Econometrics 2013 and arrived at 522 jobs per annum. Both Mr Usher and Mr Veasey used an average of the three leading forecast houses (Cambridge Econometrics Nov 2015; Oxford Economics April 2016; Experian Economics June 2016) and arrive at 720 jobs per annum. In his Supplementary Proof, Mr Ireland sought to rely on Oxford Economics October 2016 and came to a jobs figure of 513 pa⁴⁴.
90. Cambridge Econometrics 2013 was criticised in the Stanbury House appeal⁴⁵ for being too pessimistic. It was criticised by the appellants in this case for being out of date. Mr Ireland's response was not to update his use of Cambridge Econometrics to the current Nov 2015, but to shift forecasting houses altogether - to one that gave him an even more pessimistic figure.
91. Had the SHMA used, as would have been logical, the most up to date Cambridge Econometrics projection (Nov 2015) the jobs figure would have been 790 pa. For reasons never satisfactorily explained, the SHMA, published in February 2016 continued, however, to use figures three years old, rather than any of the six-monthly Cambridge Econometrics updates, ending with the most recent of November 2015. On the SHMA's method, it *should* have recorded 790 jobs, not

³⁹ **A9** bottom row of Stage B

⁴⁰ **A9** Stages B and C

⁴¹ SHMA page 282

⁴² **A9** Stage A, third row

⁴³ **A9** Stage B

⁴⁴ **A9** State B, rows 2 and 4

⁴⁵ **CD7/AB/7**

522, and the SHMA OAN would have been 804 not 665⁴⁶. It is noteworthy in this regard that the input and output of the SHMA has to be agreed by the commissioning steering group. The objectivity of the outcome of such a document is, consequently, open to serious doubt. This inquiry is the first time it has been tested, and the continued use of a superseded Cambridge Econometrics 2013 figure is not justified.

92. Had the SHMA followed its own analysis but used the most up-to-date figure, the OAN would have been 804. Had Mr Ireland followed the 'blended' approach of Mr Usher and Mr Veasey, his OAN would have been 726⁴⁷. He objected to using anything other than an Oxford Economics figure from October 2016 as that was the only 'post-Brexit' projection available to him. But in so doing, he neglected to observe that the Oxford numbers before and after Brexit showed only a 6.7% reduction⁴⁸. This happens to be the same for Experian pre and post Brexit, now available⁴⁹.
93. After evidence but immediately prior to Closing, Cambridge Econometrics published a November 2016 set of predictions. In common with the pessimistic tendency of that forecasting house criticised in the Stanbury House appeal, this shows a greater reduction for Brexit than do Oxford Economics and Experian. Nonetheless, for completeness, Mr Veasey ran the figures again, blending the very latest Cambridge Econometrics, Oxford Economics and Experian post-Brexit predictions⁵⁰. It gives an economic-led OAN of 772. Consequently, while Mr Veasey and Mr Usher do not consider that it is safe to alter a 20 year projection by reference to the immediate effects of the Brexit vote, even were one to do that, it could not possibly justify the SHMA 665⁵¹.
94. On the economic activity rates, ironically, the SHMA did use a blend of the three forecasting houses⁵². The appellants preferred the finer grain of the OBR. As noted above, even with a complete suite of post-Brexit forecasts, the result is 772 dpa⁵³, still well above the SHMA's economic-led 618⁵⁴ or even the SHMA overall 665. To this, Mr Veasey would then add an adjustment to assist affordable housing delivery and bring the OAN up to 840 dpa.
95. Market signals are the next stage in the process: to be applied *to the correct* demographic figure. Although all three experts agreed that a market signals uplift was required, the resultant figure (701 in Mr Veasey's case⁵⁵) was lower than the appropriate OAN having already adjusted for economic-led factors (840) so the

⁴⁶ **B3**, third entry

⁴⁷ **B3**, second entry

⁴⁸ OE April 2016 550 jobs; OE Oct 2016 513 jobs (**A9** Stage B, second row)

⁴⁹ **A12**

⁵⁰ **A9**, 'A'

⁵¹ If a 6.7% reduction had been applied to the 720 calculation the result would have been 670 jobs which translates to 811 dwellings as a job led OAN

⁵² **A9**, Stage B, row 5

⁵³ **A9**, 'A'

⁵⁴ Orally corrected from 665 but table **A9** not amended

⁵⁵ Doc A9, stage C, row 2

two are not additive⁵⁶. Prior to considering affordable housing, Mr Veasey places the OAN, therefore, at an economic-led 840 dpa.

96. Affordable housing need is made up of three elements⁵⁷, all dependent (or 'heavily predicated') on the assumption of the affordability threshold – i.e. the level of income below which it is considered that one cannot provide one's own accommodation without subsidy. The SHMA sets this at 35% of gross household income, which results in a net affordable housing need of 189 dpa. As Table 82 of the SHMA shows, that result is highly sensitive to the assumption used: 30% gross income gives 297 dpa; 25% gross income gives 427 dpa – the figure at which Mr Veasey arrives⁵⁸.
97. The use of 35% gross household income is at odds both with the old SHMA Guidance of 25% gross and WBC's own definition of affordable housing need as 30% net (equivalent to 25% gross)⁵⁹. To depart from these, the SHMA uses a methodology which has no origin or support in policy or guidance and is described in the SHMA itself as 'somewhat convoluted' and 'not definitive'⁶⁰.
98. Given how highly sensitive the results are to small variations in the percentage⁶¹, some quite weighty support would be needed in order to move from the 25% gross threshold. Mr Ireland points to the acceptance of 35% threshold in West Oxfordshire⁶². But in so doing, he neglected to inform the Inquiry that the method used there was not the 'Thanet' benchmark used here. Mr Veasey showed that the West Oxfordshire methodology applied here provides a 30% threshold and an affordable housing need of 297⁶³. In fact, Mr Veasey prefers to stick to the Government's only published figure of 25%, which matches WBC's own affordability threshold, which gives a dpa affordable housing need of 427⁶⁴.
99. Secondly, using the 35% threshold, the SHMA has assumed that a household which has a gross income in excess of £22,300 is able to afford its own accommodation. But as SHMA Fig 67 and Mr Veasey's Table 5.7 make clear, at this threshold point, all that could be afforded would be a one bedroom flat to rent. Thus a household whose needs were greater than a one bedroom flat to rent would still be in affordable housing need. Table 108 of the SHMA shows that even among those acknowledged to be in affordable housing need, more than half require accommodation larger than a one bedroom flat. SHMA Table 81 is, therefore, woefully under-representing the true extent of affordable housing need.
100. These two errors make unreliable all three of the elements in Table 81. In addition, for 'current unmet need', Table 75 is based on an unevidenced and unjustified assumption that 90% of owner occupiers would sell their house and

⁵⁶ Had economic matters led to a figure below, 701, there would, naturally, have been an adjustment at Stage C to the 701; the OAN cannot be less than 701.

⁵⁷ SHMA Table 81

⁵⁸ **A9**, Stage D, first row.

⁵⁹ Mr Veasey's proof 5.93

⁶⁰ SHMA 6.32

⁶¹ As shown in Table 82 of the SHMA, noted above

⁶² Mr Ireland's proof 6.39

⁶³ SHMA Table 82

⁶⁴ SHMA Table 82

spend the equity on rent; and for 'newly arising need', Table 76, a percentage is applied to a demographic which is itself (as set out above) incorrect.

101. The SHMA justifies not applying an affordable housing uplift by saying that the affordable housing need sits at only 189 dpa. However, the above matters indicate that affordable housing need is (even based on the SHMA) not less than 427 dpa. At Mr Ireland's preferred delivery rate of 30%, that would give an overall affordable housing OAN of 1423⁶⁵. Plainly, 665 barely scratches the surface. Mr Veasey has calculated an OAN of 840, which will go some way towards it. If, for whatever reason, the OAN arrived at is less than 840 by reference to stages A-C of the PPG methodology, given the high affordable housing need, an uplift to 840 would be appropriate in any event.
102. On the evidence before the inquiry, the OAN is not 665; it is a *minimum* of 840.
103. In addition, the LPEG recommendations would, if adopted, lead to an OAN of 771 dpa. If the Secretary of State decides to accept the LPEG recommendations, that figure is not one that is mathematically in dispute. It is materially above the 665, with the consequence, as we will see below, that the Council cannot realistically hope to demonstrate a 5YHLS.
104. On the buffer, the Council contend for 5%, but in error. In terms, Mrs Peddie asserts that the delivery must be measured against the known development plan targets (i.e. 525 dpa in the Core Strategy). That approach is contrary to the judgment of Lewis J in *Cotswold DC*⁶⁶. The exercise is not one of assessing against policy targets, it is of assessing against housing needs.
105. The CS figure of 525 dpa is known to have under-represented need. Even the 665 SHMA figure from 2013 is – the appellants say – also significantly under-representing need. But for the period 2013 onwards there can be no case for continuing to measure delivery against the 525. Complaining that it is 'unfair' to have expected a delivery of over 665 when the requirement was known only to be 525 entirely misses the point of the exercise in para. 47(2). It is not about blame or opprobrium, fairness or excuses; it is about seeing whether, over a suitably long period of time, there has been delivery of the houses the district needed. That measurement of need is made on today's knowledge; for 2013 onwards it was not less than 665; for 2006-2013 it was (more than) 525. Measured against those figures, delivery has failed in six of the last 10 years and succeeded only once (by 27 dwellings) in the last 7 years. The net effect is a running and continuing shortfall and very clear evidence of persistent under delivery. A 20% buffer is required.

Supply

106. Document B6 shows that if the Secretary of State accepts, as he is urged to, the Appellant's assessment of OAN, the Council cannot demonstrate a 5YHLS, regardless of whether the correct buffer is 5 or 20%. Further, it shows that, if the Secretary of State has decided to adopt the LPEG recommendations, the Council would not be able to demonstrate a 5YHLS with the (correct) 20% buffer, and could only claim one on the (incorrect) 5% approach with a margin of 80 units. A

⁶⁵ **B3**, Table on page 2

⁶⁶ Cotswold DC v SSCLG **A16**

putative margin of 80 units out of a claimed supply of 4,900 requires such a spurious accuracy in forecasting that it is effectively the same as not being able to demonstrate a 5YHLS.

107. Thus, it is only if the 665 is a reliable figure that any serious consideration needs to be given to the supply side. Doc B6 shows: at 5% the Council claim a 971 unit surplus; at 20% that falls to a 410 surplus. On this point Doc **B4** and Table 2 is a useful summary.
108. Two strategic sites from the Core Strategy together would delete 604 from the Council's supply. That alone is enough to remove the 5YHLS if the correct 20% buffer is utilised (on the incorrect 665).
109. 290 is removed at Sandleford Park, which has yet to receive planning permission, is required by the SPD to have a comprehensive application, but is in split ownership (who appear to have fallen out) who cannot agree a s. 106 obligation, and has serious outstanding highways and education objections still unresolved despite fortnightly meetings. Furthermore, the submitted application has been subject to significant amendments. The inquiry has been given no information or minutes from these meetings and only silence from the case officer and developers on the likely timetable. Mrs Peddie was reduced (in November 2016) to utilise a trajectory drawn up for the purpose of highways testing in July 2015; it has no validity as an actual build programme, and assumed a permission by Christmas this year. The applications are not even scheduled to go to committee this December, let alone be permitted, and in the absence of co-operation on the s. 106 obligation, there will not be an implementable planning permission in the foreseeable future.
110. 314 are removed from Newbury Racecourse. This site has a permission which is being built out, but it is already five years into a supposed 10 year build-programme. So far it has been running at about 2 units a week. The Council's trajectory assumes more than double: 4-5 a week, every week for the next 5 years - well in excess of either its past record or the company average⁶⁷. If units do not 'shift', there is no practical likelihood that the developer will build more and flood their own market; it is not credible to suggest that either the landowner or developer would reduce their overall return.
111. J&P Motors and Lakeside, Theale, lose 37 units and 150 units respectively. At J&P Motors, the site is occupied by existing commercial uses and, by reference to the PPG, is not to be considered 'available'⁶⁸. At Lakeside, a very old planning permission has never been developed out; the landowner has been waiting 11 months for a revised scheme; the Council have been unable to give the landowner comfort of a positive outcome and cannot even say that the non-determination appeal will not be resisted.
112. Two identified sites without planning permission, Market Street, Newbury and Pound Lane depot, have 190 and 47 units deducted. Market Street is a complex development with certain land ownerships yet to be secured. Even looking at it favourably, if it were to slip by only one year, 190 units disappear. At Pound Lane

⁶⁷ 48 a year, see **B7**

⁶⁸ PPG 3-020 **CD4/AB/2**

although a resolution to grant planning permission has been made, the applicant has failed to meet the deadline for the s. 106.

113. Together, the above sites come to 1028 units to be deducted from the Council's 'best case' surplus of 971 (assuming 665 OAN and 5%). In addition, a further 219 units are deducted from five sites within the Housing Site Allocations DPD draft allocations.

114. The Council accept that they cannot use their 525 dpa Core Strategy. Only by asserting (and winning) a 665 dpa OAN can the Council even claim a 5YHLS, but their vaunted supply of 4,900 is not a reliable one. 3,649 units is much nearer the mark.

115. A 5 year housing land supply cannot be shown.

Compliance with the spatial policies of the development plan

Local Plan, HSG1

116. The supporting text to HSG1 notes that development will be restricted outside the adopted settlement boundaries. However, the Council acknowledge that those boundaries are out of date in that they do not purport to provide for today's development needs. Indeed, they cannot even provide for the non-NPPF 10,500 housing requirement post-2006 and are in the course of being replaced by the boundaries being drawn up for the DPD policy C1 (which will, themselves, be amended further to accommodate any OAN-based requirement)⁶⁹.

Core Strategy

117. CS1 expressly recognises the need for green-field development (i.e. outside HSG1 boundaries) to deliver the 10,500 units. These are to be delivered through the spatial hierarchy, which itself is set out in ADPP1. The 10,500 figure is not a cap or ceiling and the Council acknowledge that to exceed it is not to cause planning harm. It is equally acknowledged that 10,500 is an out-of-date, non-NPPF compliant figure, the exceeding of which would be justified even had the policy been drawn to prevent that.

118. ADPP1 directs 'the majority of development' to the three 'Urban Areas'⁷⁰. In so doing, it recognises that 'most development will be within or adjacent to [ie outside] the settlements included in the settlement hierarchy'⁷¹. The proposals entirely accord with that approach. ADPP1 establishes that locations adjacent to Thatcham are suitable locations, in principle, and no site-specific objections are raised.

119. While ADPP3 is cited against the proposals, it is actually a policy which supports the principle of green-field housing development adjacent to Thatcham. Further, it was confirmed by the Council that the 900 unit figure is not to be seen as a cap or ceiling and no planning harm would arise by exceeding that number. In any event, the 900 is a function of the 10,500 figure, which is recognised to be out of date and would not justify a refusal.

⁶⁹ ***CD8/AB/4***

⁷⁰ ADPP1, Box ***CD6/AB/1***

⁷¹ ADPP1, second paragraph ***CD6/AB/1***

120. As to the objection that the site is not identified through the allocations DPD, the answer is simple: the DPD is only doing part of the necessary job; it provides only for the out of date 10,500 dwellings and there is no doubt that more is needed; there is no site specific objection mounted; and no prematurity objection is pursued. No harm arises, therefore, in bringing forward additional development now in a location supported in principle by the policy.
121. Paragraph 14(2) of the NPPF requires that permission should be granted unless the harms significantly and demonstrably outweigh the benefits. Mr Tustain gives no more than very limited weight to the breach of the 2002 settlement boundaries. It is respectfully suggested that he is right to do so. Mr Dray accepts that, on the para. 14(2) test, permission should be granted.

Weight to be given to the emerging Site Allocations DPD:

122. The Site Allocations DPD is, as noted above, no more than a daughter document to its parent, the Core Strategy. As the DPD does no more than seek to deliver the CS figure of 10,500 and the CS figure is acknowledged to be neither OAN-derived nor up to date, any purported restriction to within settlement boundaries would be in conflict with the NPPF and, under para. 216 only accorded limited weight. The context of the DPD's production means that it cannot be used to prevent development outside but adjacent to settlement boundary of Thatcham, that being a location identified by ADPP1 as being appropriate for additional housing.
123. While it is true, therefore, that the DPD does not allocate the appeal site, this is no bar to permission being granted. It is not even surprising, given that the DPD was only looking for the balance of 900 at Thatcham. None of the site specific issues raised in the DPD SA/SEA are maintained by the Council as objections to this scheme.

Benefits of the scheme

124. In economic terms, the contribution⁷² of the scheme by £33m construction value, 261 construction jobs and £6m gross annual residential expenditure is now recognised to be worthy of *significant* weight by reference to para. 19 of the NPPF.
125. In social terms, the contribution of the scheme in terms of housing and affordable housing is now recognised by the Council to be worthy of *significant* weight. The site is obviously anticipated to be a high quality residential environment and is accessible to the necessary services and facilities.
126. In environmental terms, the scheme brings improvement to the current flooding situation⁷³, which is a particular concern to local residents; it provides bio-diversity gains⁷⁴; and a 14 ha country park, with public access. Its location adjacent to the sustainable settlement of Thatcham, in the top rung of the settlement hierarchy in ADPP1, means that it contributes positively to the sustainability aims of the third dimension in terms of pollution, natural resources, climate change and low carbon economy.

⁷² Mr Tustain's planning proof, Section 5

⁷³ Flooding Statement of Common Ground, para 8.4 **CD1/B/8**

⁷⁴ Mr Tustain,s planning proof, para 5.37

127. The Council raise loss of green-field land as a disbenefit, but this does not extend to any landscape or visual impact objection. Indeed, the site is undesignated in landscape terms and its development for 225 units is considered acceptable by the Council's landscape advisor. Green-field land is necessary if the Council are to meet their 10,500 CS requirement and ADPP1 and ADPP3 both direct development to sites adjacent to the settlement boundary of Thatcham (i.e. in the 'countryside'). In addition, green-field land is necessary if the Council are to meet any assessment of OAN⁷⁵. As such, it is axiomatic that if housing is to be provided in accordance with the NPPF, green-field land will be developed. Its use is not, therefore, objectionable; it is necessary⁷⁶.

Striking the planning balance

128. It is not surprising, therefore, that Mr Dray volunteered that if the scheme is judged against the balance in para. 14(2) of the NPPF, the harms do not significantly and demonstrably outweigh the benefits of the proposal.
129. We ask ourselves what are the 'harms' alleged? Other than the loss of green-field, which is axiomatic if housing is to be provided adjacent to the sustainable settlement of Thatcham, the only objection is, in effect: 'you are not allocated in our DPD'⁷⁷.
130. That is a process point, in respect of which no prematurity point is being alleged any longer and on a site where no site-specific objection is raised – i.e. there is no planning harm identified by virtue of bringing forward development which locationally (i.e. in *spatial* terms) accords with both ADPP1 and ADPP3. There is no way, rationally, that that 'harm' could be said to 'significantly and demonstrably' outweigh the sum of the significant benefits listed above.
131. Para. 14(2) is engaged by virtue of the relevant development plan policies conflicting with the NPPFs, as accepted by Mrs Peddie. It is also, the Appellants say on the evidence, engaged by the inability of the Council to demonstrate a 5 year housing land supply. On that basis, now, the Council and the Appellants are in agreement that Appeal B should be allowed.
132. But even were it conceivably possible to say that the relevant policies were 'up to date', and the decision fell simply by reference to the 'material consideration' test in s.38(6), permission should be granted. To refuse the scheme would be to forego the many and significant benefits of bringing forward housing on this sustainably located site at the top of the settlement hierarchy, and would be to fail to deliver sustainable development.

⁷⁵ **CD8/AB/4**

⁷⁶ And hence para. 8.20 of Mr Dray's proof proceeds on a mistaken premise

⁷⁷ That was, in essence, the beginning and end of Ms Peddie's objection

THE CASES FOR THIRD PARTIES GIVING EVIDENCE AT THE INQUIRY

Those giving evidence at the Inquiry

133. The Inquiry was addressed by 7 interested parties. Notes of these addresses, and supplementary documents, are included at **TB1 to TB7**.
134. A major concern was the impact of the proposal on the risk of flooding in Thatcham. It was noted that a major flood had occurred in 2007, affecting 1100 houses, and there had been regular incidents since. A flood alleviation scheme had been established, and was in the course of construction, with support from the Environment Agency, and the local Parish and Town Councils had set up a flood forum and appointed a flood warden.
135. The appeal site is directly north of, and on higher ground than, the developed part of Thatcham, and discharge from it would be a major component of any future flooding in the town. There were doubts about the effectiveness of the technical solution proposed by the appellants, including concerns about the limited capacity of the watercourses into which the land would drain, and the difficulty of ensuring adequate attenuation on the site. It was questioned whether the site could be developed at all, noting, amongst other matters, the nature of the underlying clay geology, the loss of absorbent ground which would result from site clearance, and the likelihood of breaching the water table with the building works. There were also concerns about whether it would be possible to secure the maintenance of any system in perpetuity.
136. Other matters raised included the principle of developing outside the settlement boundary, and the resulting harm to the quality of the landscape, drawing attention to the recent appeal decision⁷⁸ at Pound Cottage, Cold Ash, which found that the construction of 6 bungalows on Cold Ash Hill would intrude into the countryside and erode the rural setting of the village. The current proposal would be a disproportionately large increase in the population of Cold Ash Parish, and lead to the coalescence of the village with Thatcham.
137. There were concerns about existing traffic problems in the area, particularly on Cold Ash Hill, and doubts about the appellants' conclusion that development of the site would not exacerbate these issues. The site is not in an accessible location, whether in relation to Thatcham or Cold Ash, being remote from services and facilities, and there were uncertainties about the capacity of local infrastructure to cope with the increased demand, especially schools.

Written Representations

138. The planning application was opposed by the Cold Ash Parish Council and Thatcham Town Council, and 62 letters of objection were received by the Planning Authority. 66 letters against the proposals were sent to the Planning Inspectorate in response to the appeal application.
139. In addition to the points raised at the Inquiry, concerns included the impact on wildlife; the setting of listed buildings; sewage disposal and water supply capacity; the loss of green fields, trees and hedgerows; pollution; noise and

⁷⁸ APP/W0340/W/16/3143521

disturbance during construction; inadequate health facilities; road safety; and, a lack of public transport to serve the site.

PLANNING CONDITIONS (IN THE EVENT THAT THE APPEAL IS ALLOWED)

140. In recommending the schedule of conditions shown at Annex 3, regard is had to the Council's draft list⁷⁹, the discussions at the Inquiry, and the advice in Planning Practice Guidance. The numbers in brackets below refer to the condition numbers in Annex 3.
141. Conditions are applied to require general accordance with the submitted illustrative plans (5) and control the scale of development (16, 17), to obtain a comprehensive landscape strategy plan (6), and to limit the size of the scheme to the specified 225 dwellings (7), for the benefit of the appearance of the development, and its impact on the wider area. The approved access details are listed (4) for the avoidance of doubt, and there is also a need for the submission of internal access arrangements (8). The hours of building work (9), and a construction method statement (10) and restriction on piling methods (21), are required to protect the amenity of adjoining residents, and travel plans (11) are necessary to secure a sustainable form of development.
142. Highway works (12-15) will help to secure road safety and the free flow of traffic, and to facilitate pedestrian and cycle use. In view of the sensitive nature of flood control in this area, the Council's SUDS condition is adopted (18) but with amendments to remove reference to the requirements for other approvals by third parties. There is a need to secure archaeological interests (19), and to ensure that any unforeseen ground pollution is adequately addressed (20). Protection of existing trees (22) helps to secure the appearance of the development, as do conditions to require details of cycle and refuse/recycling storage (26, 27). Ecological interests are served by control over external lighting (24), and the submission of environmental management plans (23, 25).
143. The possibility of a shortage of water supply, and potential harm to nature interests by water extraction, have been raised by Thames Water and Natural England, with a request for a condition preventing development until feasibility studies have been carried out. Any remedy would be outside the control of the developer and, whilst a Grampian style condition could be applied, the submitted evidence falls short of a strong case that significant harm would arise, or that any outstanding issues could not be resolved by other statutory powers. Having reviewed the situation the Council, at the Inquiry, agreed to withdraw their request for such a condition, and it is recommended in this report that the need for it has not been proved. Correspondence surrounding this matter is appended to the draft conditions for Appeal A in **CA2**.
144. In addition to the identified reserved matters, a number of conditions require action prior to the commencement of development. Those relating to the overall planning and operation of the site, including flood control, are necessary to ensure a coordinated form of development, whilst protection of trees, archaeology, and ecological interests should occur before potential harm could

⁷⁹ **CB1**

arise through building works. A safe form of road access, and protection of the amenity of adjoining residents, should be secured before construction works commence.

INSPECTOR'S CONCLUSIONS

145. Numbers in square brackets refer to previous paragraphs in this report.

The Main Considerations

146. The following main considerations were suggested to the parties at the beginning of the Inquiry: i) whether the proposal complies with spatial policies in the development plan and, if not, whether the application of those policies is outweighed by other considerations, including the need to demonstrate a five year supply of deliverable housing land, ii) the weight to be allocated to the emerging Site Allocations DPD, and whether permission for the proposal would undermine its preparation.
147. No objection to the choice of these considerations was raised, but the Council subsequently withdrew their concern about prematurity to the Site Allocations DPD on the ground that the plan had proceeded a considerable way towards adoption, to diminish its vulnerability to change. There is no reason to disagree with the Council on this point and the second consideration is therefore amended as follows: ii) the weight to be allocated to the emerging Site Allocations DPD.
148. A substantial portion of the Inquiry time was spent on the assessment of housing land supply in West Berkshire. As this aspect informs the evaluation of development plan policy, it is dealt with first.

Housing Land Supply

149. The Inquiry dealt with housing land supply in a combined session of Appeals A and B. Each of the appellants produced their own proofs and gave evidence separately, but took a broadly similar approach to the matters raised, confirmed in a statement of common ground at **CD1/A/5**. They are referred to jointly as "the appellants" in this part of the report.

Assessment of Need

150. The objective to provide for at least 10,500 houses (525 dwellings per annum), in Core Strategy policy CS1 was based on the South East Plan, and was recognised by the Examining Inspector as not representing the objectively assessed need (OAN) set out in para 47 of the NPPF. The policy envisaged that this figure would be updated once a Strategic Housing Market Assessment (SHMA) had been undertaken, and this was issued in February 2016. It was prepared for the wider Housing Market Area (HMA) in conjunction with surrounding Authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP). The SHMA assessed a need for 665 dwellings per annum (dpa) in West Berkshire, and, despite earlier indications of preferring a lower figure to take account of development constraints, this was the level supported by the Council at the Inquiry. The appellants dispute the findings of the SHMA, assessing an OAN ranging between 750 and 950 dpa⁸⁰. A useful summary of the respective positions of the parties is contained in the table at document **A9**, the

⁸⁰ See document **A9**. Mr Veasey indicates OAN would rise to 1708 dpa if all affordable housing needs were taken into account.

final version of which reflects a number of agreed adjustments made during the course of the Inquiry. [27-31,82, 84]

Demographic Assessment

151. Dealing first with the demographic assessment (stage A of table **A9**), the starting point for the SHMA was 537 dpa derived from the 2012 projections published by the Department of Communities and Local Government (DCLG). Whilst the 2014 figures are now available, showing a reduction to 391 dpa, the Planning Practice Guidance (PPG) recognises that housing assessments are not automatically rendered out of date every time a new projection is issued, and the Council assert that the updated estimates have a limited impact on the overall result⁸¹. The appellants use the updated figures, which are then adjusted to take account of evidence of household suppression and migration trends, to produce an overall demographic led total of 570-610 dpa (Appeal A) and 584 dpa (Appeal B). These levels are not substantially different from a comparably adjusted figure in the SHMA of 583 dpa. Whilst there is fundamental disagreement about the methodology used to reach these results, discussed further below, the similarity of outcome diminishes the extent to which the alterations sought by the appellants would have a material effect on the assessment of demographic led OAN. [33, 34, 85]
152. The projections demonstrate a declining rate of household formation in the 25-34 age group when compared with earlier data and, to a much lesser extent, in the 35-44 band. The SHMA indicates that there may be a range of socio-economic reasons for this trend but acknowledges that a lack of availability of suitable accommodation is a factor that should be addressed. It is the appellants' view that the PPG intends that this should be dealt with as an adjustment to the initial demographic demand, rather than as a response to market signals, which appears later in the calculation. Reference is made to a number of previous appeals and local plan examinations which have adopted this approach, as well as the Local Plans Expert Group (LPEG) in their report to Government of 2016. [34, 42, 86, 87]
153. These points are noted, but even if it is the intention of the PPG to separate these elements of the calculation, the guidance also makes clear that there is no definitive approach to calculating OAN, and there is some strength to the Council's concern about the likelihood of double counting, because the various influences on housing demand are interlinked. It is not accepted that the SHMA has failed to take account of relevant factors, nor that its methodology is fundamentally flawed in these respects. [86]
154. The population and household projections which form the basis of the OAN take account of recent trends in migration patterns, but there is the contention that those used in the SHMA were heavily influenced by the 2008 recession, and that a longer timescale would give a more reliable indication. However, it is also the case that the projections used in the SHMA were sensitivity tested against 10 and 12 year timescales and the outcome did not prove that the 2012 figures unduly suppressed migration trends, although an additional allowance was made for London migration. The evidence falls short of proving that the SHMA has significantly underestimated the level of in-migration. [34, 87]

⁸¹ Mr Ireland's proof of evidence, paras 6.1-6.12

Economic Growth

155. Turning to the second component of the calculation (stage B in the table at **A9**), the disagreement about the anticipated level of economic growth in West Berkshire forms a significant part of the difference between the parties' OAN estimates. The SHMA used data from Cambridge Econometrics September 2013 forecasts, indicating an average rise of 522 jobs per annum (0.5% increase) in West Berkshire. However, prior to the issue of the SHMA, the November 2015 forecasts had become available, showing an average rise of 790 jobs per annum, but this was not reflected in the SHMA analysis. The appellants also criticise the use of only one source of data, whereas their estimates are based on an average of the three main forecasting houses. [36,88-93]
156. There is validity in these concerns. The Inspector at the Stanbury House appeal⁸², dealing with the same SHMA, questioned the use of only one source, noting that the Cambridge Econometrics forecasts appeared relatively conservative by comparison with those issued by Oxford Economics and Experion, a point echoed in the SHMA itself⁸³. It is also the case that the estimate on which economic projections were based was already two and a half years out of date by the time the SHMA was issued, and the latest figures should be used where possible. Late adjustment for the 2015 forecast could have had a significant effect on the OAN. [35, 36, 88-93]
157. However, there are extenuating circumstances. The Cambridge Econometrics forecast was chosen to align the SHMA with the Strategic Economic Plan, prepared by the Thames Valley Berkshire Local Enterprise Partnership. Whilst, as noted by the Stanbury House Inspector, such an alignment should not be at the expense of the accuracy of the OAN, the PPG recognises the value of such an arrangement. Similarly, the SHMA took account of local economic circumstances in assessing the level of growth. The Inquiry also heard that the latest Cambridge Econometrics forecast, of November 2016, reversed the increase shown in 2015, by estimating an average jobs growth of 527. An Oxford Economics forecast of October 2016 showed a similar level (513), although an Experion forecast from the same month estimated the level at 765. [35, 36, 88-93]
158. Taken together, there is clearly a wide variation of results, whether between forecasting houses or over time, and reliance on one forecast could give a misleading impression. However, having regard to the breadth of the Council's local research and consultation, and because the Cambridge Econometrics forecast of 2013 does not appear substantially different from two out of the three current forecasts, the evidence falls short of proving that the basis of the SHMA employment estimate is unduly pessimistic in its approach. Similarly, whilst there is dispute about the source of and quality of data to set activity rates, commuting ratios and whether double jobbing should be taken into account, the alternative evidence does not prove that the SHMA is wrong on these points. [33, 35-39, 88-93, 94]
159. Attention is drawn to the balancing of jobs within the HMA, resulting in a reduced housing requirement in West Berkshire, on the ground that this is an application

⁸² APP/X0360/W/3097721, issued 20 June 2016, **CD7/AB/7**

⁸³ **CD8/AB/1**, para 5.48

of policy rather than reflecting the unadulterated assessment of need. However, the SHMA assesses need throughout the HMA and it does not seem to run counter to the advice in the PPG if appropriate adjustments are made between authorities provided they are agreed in the duty to cooperate. The SHMA was jointly commissioned and regularly consulted on by the constituent authorities and there is no reason to suppose that this was not an agreed position. The Council draw attention to the outcome of the St Modwen case⁸⁴ in support of their position. [38]

Market Signals

160. Section C of the table at **A9** refers to the response to market signals, and the PPG sets out the criteria for assessing whether an adjustment is necessary. Mr Ireland's evidence⁸⁵ summarises the measures taken in the SHMA to assess each criterion, leading to the conclusion that there were affordability pressures in West Berkshire, but not unduly pronounced by comparison with other parts of the region. The SHMA increased the initial DCLG figure (537 dpa) by 13.5% to improve affordability, addressing the suppression of household formation observed in the younger age groups. A further 9.1% upward adjustment was made to accommodate future migration. [33, 40, 42, 95]
161. The appellants dispute the principle behind this methodology, noting that the PPG deals with affordability as a separate element after demographic trends have been considered. However, for the reasons previously given, it is not accepted that the SHMA is necessarily wrong in this respect. Any adjustment to address affordability is, by its nature, approximate, and it is necessary to monitor the effect in later iterations of the OAN calculation. However, on the basis of the present information, the proposed uplift does not seem unreasonably low, and would not be out of keeping with the conclusions of the Inspector at the Stanbury House appeal⁸⁶ when dealing with the same issue, albeit in a different Authority. [86, 95]

Affordable Housing

162. With respect to the level of affordable housing (section D of the table at **A9**), the SHMA assesses a need for 189 affordable dwellings per annum in West Berkshire which, at a delivery rate of 30%, would generate an overall need for 630 dpa. This is based on a threshold of 35% of gross income being spent on housing costs, which the Council point out⁸⁷ is very similar to the 34% of income spent on rent nationally identified by the Survey of English Housing, and the threshold advised to registered providers by the Homes and Communities Agency. Although the 30% rate of delivery would be higher than is presently achieved, a larger proportion of future sites will be on green-field land, where there is more likelihood of reaching the target of 40% affordable housing in policy CS6. [40, 41, 96-101]

⁸⁴ St Modwen Developments Ltd v SSCLG and East Riding of Yourshire Council [2016] EWHC 968 (Admin) **CD7/CAB/3**

⁸⁵ Mr Ireland's proof of evidence para 5.73

⁸⁶ APP/X0360/W/3097721, issued 20 June 2016, **CD7/AB/7**, para 42

⁸⁷ See Mr Ireland's proof para 6.39

163. The appellants note that the 35% threshold of gross income threshold is significantly higher than the 30% net income referred to in the definition of affordable rents in the Core Strategy. In West Berkshire it would secure only a one bedroom dwelling on the private rental market, leaving little disposable income, and there is limited evidence to support the assumption that 90% of owner occupiers would be able to finance any shortfall in their accommodation costs out of their own resources. A safer set of assumptions⁸⁸, indicate, for instance, that a 25% gross income threshold would generate a need for 427 affordable dwellings, which, at a more realistic 25% rate of delivery, would require a total of 1708 market and affordable homes per annum. [41, 96-101]
164. However, whilst a case may be made for a higher level of provision than that shown in the SHMA, it is also true, as pointed out in the Kings Lynn judgement⁸⁹, that the calculation of unmet affordable housing need will often produce a figure with little prospect of being delivered in practice. The NPPF distinguishes between the obligation to meet general housing demand and the requirement to address affordable housing need, and the PPG advises only that an increase in the total housing should be considered where it would help to deliver the required affordable homes. In the present case, the Council have addressed the need for affordable housing, and the evidence does not show that the criteria used are either so adrift of normal practice, or that the expectations of the level of delivery are so unrealistic, as to justify rejecting the SHMA figure on these grounds. [40, 41, 96-101]

Local Plans Expert Group

165. Reference is made to the report to Government of the Local Plans Expert Group (LPEG) of March 2016 which, amongst other matters, recommended codifying the calculation of OAN for the benefit of consistency and to streamline plan preparation. The appellants draw support from a number of the conclusions reached by this group, and have prepared an OAN based on its recommendations, in parallel with their own calculations, indicating an OAN of 771 dpa. [42,103]
166. The LPEG report is under consideration by DCLG, and at the time of writing there is no indication whether its recommendations are to be adopted, in whole or in part. It is also recognised that some aspects of the proposed methodology have been the subject of criticism, particularly in respect of possible double counting⁹⁰. At this stage it is not possible to give substantial weight to the relevant LPEG proposals, but it may be, during the course of these appeals, that this is a matter which the Secretary of State will reappraise in the light of any progress towards adoption of a standard methodology. [42, 103]

Conclusions on Housing Need

167. The SHMA is a comprehensive document which seeks to explain and justify the basis on which the OAN is calculated. It was prepared in conjunction with the constituent local authorities and the Local Enterprise Partnership, and, whilst the

⁸⁸ See Table 5.8 of Mr Veasey's evidence, **CD1/B/11**

⁸⁹ Kings Lynn and West Norfolk v SSCLG and Elm Park Holdings Ltd [2015] EWHC 2464 (Admin), **CD7/CAB/5**, para 32

⁹⁰ Mr Ireland's supplementary proof, 12.6 refers

appellants' claimed shortcomings in the consultation process are noted, there were opportunities for the involvement of interested third parties. It has not been tested at a Local Plan Examination, and its conclusions are susceptible to critical examination, but it is, nonetheless, entitled to substantial weight. [43]

168. Whilst the guidance gives considerable scope for reaching the alternative conclusions put forward by the appellants, those conclusions fall short of proving that the SHMA is fundamentally flawed in its methodology or results. It is true that its length of preparation has meant that parts of the data are now of some age, but any variation from up-to-date figures is not of such significance as to invalidate the results. There are grounds to consider that 665 dpa is an adequately realistic measure of OAN in West Berkshire for the purpose of the present appeals.

Land Supply

The Buffer

169. NPPF para 47 sets out the need to increase the supply over the OAN by 5% or, where there is a record of persistent under delivery, 20%, in order to ensure choice and competition in the land market, and to provide a realistic prospect of achieving the planned supply. At the time of considering the Core Strategy, in 2012, the Inspector noted that there had been an under supply against the targets in 7 of the preceding 12 years. However, he recognised the effect of the recession from 2008 and that there had been a strong level of delivery in the earlier part of the period, and decided that there was not evidence of persistent under supply, so that a 5% buffer should apply. The appeal at Mans Hill⁹¹ reached a similar conclusion in February 2015, noting that, whilst the Council's record did not paint a glowing picture of housing delivery, the circumstances had not changed so substantially in the intervening period as to justify a different outcome. The Inspector at Firlands Farm⁹² in July 2015 also took account of strong delivery in 2004/5 and 2005/6, and favoured a 5% buffer. [44-47, 104, 105]
170. Since these decisions, the SHMA has been issued indicating an OAN of 665 dpa, and it is the appellants' contention that the recent past record should be looked at in the light of this figure, rather than 525 dpa shown in the Core Strategy. The Council note that the Uttlesfield appeal⁹³, and references quoted within it, rejected this approach, and that it would not be reasonable to expect the planning authority to meet a level of which they were unaware until the issue of the SHMA. However, the guidance does not set a particular rule on this point, and a decision is subject to the circumstances applying. In this case, it was clear that the Core Strategy figure did not represent an assessment of need measured in accordance with the NPPF; the Core Strategy Inspector anticipated that the real figure would be higher⁹⁴, and that it would be necessary for an early reappraisal. It is also the case that much of the base data which informed the SHMA came from 2012 and 2013, rather than representing a recent change of circumstances at its issue in 2016. It is reasonable to assess performance

⁹¹ **CD7/CAB/8**

⁹² **CD7/AB/1**

⁹³ APP/C1570/A/14/2213025, para 15.16, Appendix 7 of Ms Peddie's proof

⁹⁴ **CD6/B/1** para 30

against the requirement of 525 dpa up to 2012/13 but 665 dpa thereafter. [44-47, 104, 105]

171. The parties also differ in the length of time over which the assessment is made. Whilst the PPG recommends the use of a longer time scale to even out the effect of the economic cycle, the very strong performance in the period up to 2005/6 is of diminished relevance now, and its inclusion has a disproportionate effect on the overall result. A 10 year period provides a reasonably balanced assessment. [44-47, 104, 105]

172. On this basis⁹⁵, the figures show a deficit in 6 out of the 10 years, all of which have occurred within the last 7 years, and a cumulative under-supply over this period of 658 units (which would rise to 1197 if 2006/7 were removed from the equation). It is certainly true, as noted by the Core Strategy Inspector, that the 2008 recession had a significant influence over part of this period, but there has been a reducing effect since the adoption of the plan in 2012. There are grounds to consider that there is a record of persistent under delivery and that a buffer of 20% is now justified. [44-47, 104, 105]

Deliverable Housing Land

173. The Council's evidence⁹⁶ indicates deliverable sites for 4,902 dwellings, whereas the appellants estimate 3,420 and 3,520 in Appeals A and B respectively. Document **CAB3** records the common ground between the parties, and identifies in Table 2 the list of sites which are in dispute. A large portion of the difference arises out of disagreements about the likely delivery rates from the two major strategic sites identified in the Core Strategy: Sandleford Park and Newbury Racecourse [108].

174. The Inspector for the Housing Site Allocations DPD questioned⁹⁷ the likely output from Sandleford Park, noting that the project is relatively complex and the trajectory may be overly ambitious. Current information reinforces this concern. There is no indication that the intention to decide the planning applications on this site by the end of 2016 has been achieved, and there appear to be difficulties in ensuring a comprehensive form of development. The associated supplementary planning document⁹⁸ makes clear that the planning for the whole of the site should be dealt with in a single application to ensure a coordinated approach and the timely provision of infrastructure, but there are indications of a lack of agreement between the owners of the site, and a likelihood that Section 106 obligations will not be easily or quickly put in place. The appellants also point to a number of access concerns identified by the Council's Highways department⁹⁹. There is limited information about the detailed progress towards development of the site but, on the basis of the submitted evidence, there appear to be a number of potential impediments to early development which raise significant doubts about whether the Council's trajectory is deliverable. Whilst the forecast put forward by the appellants in Appeal B is the more

⁹⁵ See, for instance, Table 1, page 71, of Ms Cohen's proof **CD1/A/15**

⁹⁶ Table at 6.24 of Ms Peddie's proof

⁹⁷ **CD8/A/7**

⁹⁸ Sandleford Park SPD, 2015, Policy S1, **CAB8**

⁹⁹ **CD8/A/9-11**

cautious, that proposed in Appeal A appears realistic and is adopted in this report. This would diminish the Council's estimate by 240 homes. [49, 109]

175. The second strategic site, Newbury Racecourse, is in the course of development, being about halfway through a 10 year build programme, with the first phase complete, the second under construction, and proposals to start the third sector imminently. The point of dispute is whether the anticipated rate of future delivery is achievable. Figures supplied by the developer¹⁰⁰ point to an average rate of 125 dwellings completed per annum in each full year up to 2016/17, whereas the programme requires a step change to an average rate of 233 dpa for the 4 full years following. Whilst this level was achieved in 2014/15, it was surrounded by years of much lower delivery. There is reason to share the doubt about maintaining this rate over a more extended period, which would exceed the current rate of sales¹⁰¹, and would be substantially larger than the company's reported average rate of site delivery¹⁰². Whilst it is part of the appellants' case that there is an unmet housing need, there is likely to be a limit to the rate of demand within a single location, and there will be competition from Sandleford Park and the sites identified in the Housing Site Allocations DPD during this time. Even if the developer is under an obligation to the landowners to meet this timetable, the details of any agreement are not known, and it seems probable that it would be in neither of the contracting parties' interests to spoil their market by enforcing such an arrangement. The appellants estimate a reduction of 314 units during the course of the 5 year period, which is accepted as a much more likely outcome than the assessment relied on by the Council. [50, 110]
176. Whilst there are existing commercial uses of the J&P Motors site, there is no indication of any legal impediment to the use of the land for housing, it has an implemented planning permission, and there is recent evidence of the involvement of a developer. The Lakeside site in Theale received planning permission in 2007, later implemented, but without development proceeding, and a replacement application is currently at appeal. Nonetheless, the appellants' evidence falls short of proving that the existing permission does not represent a viable fall-back position, and a significant sum has already been paid to meet Section 106 obligations. On balance, there seems to be a reasonable prospect that both of these sites will deliver housing within the five years. [51, 52, 111]
177. The Council include sites identified in the emerging Housing Site Allocations DPD, which, although not adopted, is some way through the Examination process and there is no indication that the identified land will not be allocated. Attention has been drawn to the Wainhomes¹⁰³ judgement, which cautioned against the assumption that such land would be deliverable without specific evidence, but submissions from the Council¹⁰⁴ indicate that each of the owners of the disputed sites has been contacted and expects housing development to be carried out within five years. In the circumstances, there are not substantial grounds for reducing the expected delivery from this source. [53, 113]

¹⁰⁰ Ms Peddie's proof Appendix 3

¹⁰¹ Indicated in document **CAB7** as "1 house and 1-2 flats per week"

¹⁰² Document **B7**

¹⁰³ Wainhomes Holdings Ltd v SSCLG [2013] EWHC 597 Admin, **CD7/B/4**

¹⁰⁴ **CAB6**

178. Market Street Newbury is a complex, town centre scheme involving a high density of development on a confined site with level differences. However, it is mainly owned by the Council, with a developer in train, and there is progress towards resolving planning and obligations issues, and to relocate the present bus station. Part of the land is in third party ownership, but there is no evidence that any failure to secure this property would prevent a scheme from proceeding. Delivery of 232 units from this site within 5 years does not seem to be an unreasonable expectation. The Pound Lane Depot site is also owned by the Council. It was rejected for inclusion in the 5 year supply at the Mans Hill appeal, on the grounds of uncertainty about the proposed use, and costs of ground remediation. However, a planning permission for 47 units has now been granted subject to a Section 106 agreement and, whilst there has been some delay in this respect, there is not a substantial reason to exclude the site. There is limited information about two small sites in dispute, but the total difference, 4 dwellings, would not have a material effect on the overall calculation. [54, 55, 112]
179. In summary, there is sufficient doubt about the likelihood that all the anticipated units will be delivered at Sandleford Park and Newbury Racecourse to indicate that they cannot be considered to be fully deliverable in terms of the definition in footnote 11 of the NPPF. For the purposes of these appeals, the Council's five year housing supply estimate is reduced by 554 dwellings, from 4,902 to 4,348.

Conclusion on Housing Land Supply

180. The parties agree¹⁰⁵ that an OAN of 665 dpa, along with the accumulated deficit, would produce a 5 year requirement for 3,742 dwellings. With a 20% buffer, the figure would rise to 4,490, or 898 per annum. A delivery of 4,348 would therefore equate to 4.84 years supply.

Development Plan Policy

Whether the proposal complies with the development plan

181. With respect to the principle of the development of this site, being green-field land outside the settlement boundary, the Council's reason for refusal refers to Core Strategy policies CS1 and ADPP3, and saved Local Plan policy HSG1. Core Strategy policy ADPP1 is not referred to in the notice, although Mr Dray's proof¹⁰⁶ indicates conflict with its terms. There is no clear difference of principle between this appeal and Appeal A, where ADPP1 is cited, and the policy appears relevant to the issues involved. [75]
182. The proposal does not comply with any of the 4 categories of land which CS1 identifies for future housing development. In particular, it is not one of the sites which have been chosen in the Site Allocations DPD referred to in this policy. However, the wording is not wholly prohibitive of development outside these categories. [60, 74]
183. The location would meet a number of the locational criteria in ADPP1, including that it is adjacent to one of the main urban areas in the settlement hierarchy and the Council do not specifically claim that there is a lack of supporting

¹⁰⁵ See Mr Tustain's proof, Table 15 (**CD1/B/10**) and Ms Peddie's proof, tables at paras 6.15 and 6.21

¹⁰⁶ Mr Dray's proof paras 5.4-5.7

infrastructure, facilities or services, nor that it is inaccessible by walking, cycling and public transport. However, the final part of this policy creates restrictions on development in areas below the settlement hierarchy, including open countryside. It is the appellants' view that, in being adjacent to an urban area, the site falls within the settlement hierarchy and is therefore excluded from this aspect of the policy. [61, 75, 118]

184. However, although the policy refers to the potential for development adjacent to a settlement, this is in the context of CS1, where such land would be allocated in a development plan document. It distinguishes land adjoining a settlement from the settlement itself, and the District Settlement Hierarchy table refers only to the settlement. Therefore, the land falls below the settlement hierarchy. Despite its proximity to the town, it is composed of agricultural fields with the characteristics of open countryside, and is subject to the final bullet point of policy ADPP1, which allows only limited development which addresses identified needs and maintains a strong rural economy. The proposal would not comply with this aspect of the development plan. This conclusion is different from that reached by the Inspector at Firlands Farm¹⁰⁷, but is arrived at in relation to the particular points raised in the present appeal. [62, 75]
185. Policy ADPP3 indicates that approximately 900 homes are to be provided in Thatcham during the plan period, two thirds of which had already been committed or completed at the time of publication. The remainder would be allocated through the Site Allocations DPD. It is clear¹⁰⁸ that the relatively limited growth of Thatcham arises out of a local desire for retrenchment after a period of rapid development, to allow the infrastructure to catch up. However, the Inspector's Examination report notes that higher growth may become necessary if additional housing is required, and the Core Strategy sets the delivery target as a minimum figure. 900 homes should not be viewed as a ceiling, and the wording of ADPP3 does not directly restrict development to this level. [61, 74, 119]
186. Local Plan policy HSG1 is a permissive policy which identifies the settlements within which new housing will be allowed, including Thatcham. It does not specifically exclude housing in other areas, but the accompanying text notes that development outside settlement boundaries would only be permitted in exceptional circumstances, which is taken to exclude the appeal proposal. However, some caution must be used in this interpretation, because, to the extent that the supporting text is creating policy, it is entitled to lesser weight than the policy itself. The replacement policy C1 in the emerging Site Allocations DPD resolves this issue by including a presumption against new residential development outside settlement boundaries. [64, 73, 77]

The emerging Site Allocations DPD

187. The DPD has passed a considerable way through the Examination process, with amendments in respect of the Inspector's initial report being subject to a further round of public consultation. Whilst objections remain, the principles of those matters pertinent to this appeal have largely been established and there is reason to consider that the policies will be adopted as part of the development

¹⁰⁷ **CD7/AB/1**

¹⁰⁸ See Inspector's Examination report paras 64-67 **CD8/CAB/2**

plan in the first half of 2017. The emerging plan is entitled to considerable weight in accordance with NPPF para 216, although subject to the limitations discussed below. [64, 77, 122]

The weight to be attributed to policies

188. Material considerations may lead to a lesser weight being allocated to development plan policies, including when they are deemed out of date, or inconsistent with the policies of the NPPF. An intention to protect the rural areas by restricting development outside defined settlement boundaries is not inconsistent with the NPPF, which recognises the inherent character and beauty of the countryside. However, those boundaries should reflect the need for land to allow necessary growth, including the provision of a wide choice of homes.
189. The housing requirement which informed policy HSG1 was implementing a Structure Plan which is no longer in force, and the policies of the Core Strategy are not based on an objective assessment of need which accords with the NPPF. As such, those aspects of the identified policies which seek to restrict development to the present settlement boundaries are not up to date, and their weight is diminished accordingly. The emerging Site Allocations DPD will amend the settlement boundaries to provide more housing land but, as a daughter document of the Core Strategy, not in relation to a current assessment of housing need. [58, 64, 65, 78, 79, 116, 122]
190. Para 49 of the NPPF indicates that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. There is no dispute between the parties that policies CS1, ADPP1, ADPP3 and HSG1 are relevant policies in this context and, in the absence of a five year supply, the policies are not up to date for this reason also. [57, 81]

Conclusions on the Main Considerations

191. The process set out in the Core Strategy, where future development land will be identified through the Site Allocations DPD, reflects the need for a plan led system supported by the NPPF. The appeal proposal would be outside this mechanism and also contrary to the specific restrictions on development in the countryside imposed by ADPP1, and, with the reservation noted above, HSG1, reinforced by the weight given to emerging policy C1.
192. However, the policies do not reflect current housing need, and the Planning Authority is not able to demonstrate a five year supply of deliverable housing land. The NPPF seeks to boost significantly the supply of housing and the policies are not up to date in achieving this objective. Whilst there remains a need to secure a sustainable form of development, the weight attributed to the policies is reduced to the extent that a location outside the settlement boundary is not, of itself, an overriding reason to dismiss the appeal.

Other Matters

193. The flooding of the area in 2007, and incidents since, have raised local awareness of the risks associated with the development of the slopes above the town. In particular, there is a concern that the hard surfacing of the land would diminish its storage capacity and create excessive flows in the existing outfalls, as well as the hydrological implications of carrying out excavations which are likely to

breach the water table. To address these matters, the appellants have prepared surface water proposals, in consultation with the relevant authorities, which would fit within the context of the Council's Surface Water Management Plan for the town. The Statement of Common Ground¹⁰⁹ confirms that the Council raises no objection to the proposal on drainage grounds, and that the current maximum green-field run off rate would be reduced by the scheme. [134, 135]

194. There is no clear reason to conclude that the land cannot be satisfactorily drained, and a planning condition would enable scrutiny of the details of the scheme, and measures for its long term maintenance. The Council do not routinely consult with other parties when considering such submissions, but agreed that there was no reason that they should not do so, and, as there are local groups with an interest in this issue, it is recommended they should be given the opportunity to comment on the detailed design. Such groups would not be taking liability for the final design, and their advice should be treated in that light, but they do have extensive local knowledge which would help to inform the solution.
195. The Council withdrew its objection to the visual impact of the scheme, and its effect on landscape character and the setting of the AONB, following the reduction in the scale of the proposal. Nonetheless, these are matters which continue to concern interested parties, especially in respect of the impact on the village of Cold Ash, and its separate identity from Thatcham. Reference was made to the dismissal of an appeal¹¹⁰ for 6 bungalows on land south of Pound Cottage, Cold Ash, which identified harm to the rural setting of the village. [127, 136]
196. These concerns are recognised, and it is certainly the case that the proposal would lead to urban development extending northwards alongside Cold Ash Hill, towards the village. However, it would retain an area of open space between the settlements, and there would be limited inter-visibility because of the retention and reinforcement of vegetation. It would extend no further northwards on the western side of Cold Ash Hill than the existing housing on the eastern side, appearing as a consolidation of the urban area, and would be perceived as an extension of Thatcham rather than of Cold Ash. In these respects, the circumstances are different from those applying to the land south of Pound Cottage. Nor is there an indication that the development would have a harmful effect on the setting of the AONB. Overall, there is reason to agree the Council's assessment that the present scheme would avoid an unduly harmful visual impact.
197. Similarly, there are not substantial grounds to challenge the conclusions of the Transport Statement of Common Ground¹¹¹, which set out the agreement of the main parties to the measures necessary to mitigate the impact on traffic, and that the site occupies a reasonably accessible location. Whilst Thatcham is a smaller settlement than Newbury, it is identified in Core Strategy policy ADPP1 as one of the main urban areas with a wide range of services which will be the focus of the majority of development. The evidence does not prove that the new

¹⁰⁹ **CD1/B/8**

¹¹⁰ APP/W0340/W/16/3143521

¹¹¹ **CD1/B/7**

housing could not be adequately served by local facilities and infrastructure. The scheme would lead to some disturbance of wildlife, but the retention of open space, and measures to protect and enhance habitats, would help to minimise any harm. [137]

198. These, and the other matters raised, do not amount to reasons to recommend dismissal of the appeal.

Obligations

199. The Unilateral Undertaking at B5 makes provision for a range of obligations, including: affordable housing at a minimum of 40% of dwellings; the planning, management and maintenance of open space and drainage measures on the site; travel plans to contribute to a sustainable form of development; and a GP surgery. In the latter case there is no indication that a surgery is essential to make the development acceptable, but, in other respects the obligations would meet the tests in Community Infrastructure Levy (CIL) Regulation 122.

200. The Undertaking makes provision for the payment of £60,000 per annum for five years to establish the extension of a bus service into the site. Whilst the Council are not able to confirm that the service operator would be willing to adjust the existing route¹¹², there is the alternative option of diverting a minibus service operated by the Council. The outer reaches of the new estate would be some distance from existing bus stops, and the proposal to contribute to the cost of amending routes formed part of the appellants' proposals to secure the sustainability of the development. Whilst there is limited support for the specific sum offered, it does not seem out of keeping with the likely costs of setting up a service. There is also a contribution made to the Thatcham Nature Discovery Centre, to offset the additional pressure which the recreational needs of the development would place on the conservation of the nearby Thatcham Reed Beds SSSI, justification for which is included in Appendix B of Mr Dray's proof. Whilst the initial sum requested appeared excessive in relation to the assessed need for mitigation, the reduced figure in the undertaking reasonably reflects the likely expenditure. The Council confirm that these contributions would not conflict with CIL Regulation 123 and, on balance, it is suggested that they meet the tests in Regulation 122.

Overall Conclusions

201. The Council's outstanding objection relates to the principle of development in open countryside outside the settlement boundary, contrary to a range of adopted and emerging development plan policies. However, the settlement boundaries on which those policies are based do not reflect the current objectively assessed need for housing, and the Council is not able to demonstrate a five year supply of deliverable sites. Nor is there any dispute that the policies are relevant to the supply of housing. In these circumstances, the policies are not up to date, and the assessment falls to be made in relation to the final bullet point of NPPF para 14, which indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or because specific NPPF policies indicate development should be restricted. [68, 69, 128-131]

¹¹² See contribution justification at **CB5**

202. It is recognised that the assessed level of housing land supply, at 4.84 years, is not substantially below the 5 year level set in NPPF para 47, and that permission for Appeal A, for instance, could increase the level above this threshold. However, it would be a marginal compliance, vulnerable to any shortfall in the anticipated rate of land delivery, and the Council's policies concerning settlement boundaries would remain out of date by not reflecting a current OAN. Having regard to the need to boost significantly the supply of housing, and the lack of robustness in the Council's position, this aspect does not alter the overall assessment.
203. Whilst the Council do not identify any specific harm arising out of the development, interested parties draw attention to a number of issues, including the impact on local landscape and the relationship with the village of Cold Ash. It is appreciated that the replacement of agricultural land with suburban development would, inevitably, lead to a change of character of the land. However, the impact of this change would be limited; not out of keeping with the present character of the area, and without having an unduly damaging effect on the setting or either Thatcham or Cold Ash. Similarly, there is no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing. Indeed, as identified by the Core Strategy Examining Inspector, the additional development would provide the opportunity for greater investment in local infrastructure. [133-137]
204. The provision of up to 225 houses in an accessible location would contribute to the Council's housing supply, and meet some of the objectives identified in the SHMA, including increased affordability, and accommodation for a workforce to support economic growth. The development would contribute local investment during the construction phase, and a market for local goods and services thereafter. Up to 90 affordable homes would meet a need for lower cost housing in the area, and there would be the wider benefits of additional investment in flood control within the context of the town's surface water scheme, and the provision of public open space. [69, 124-126]
205. Overall, the scheme would bring economic and social benefits, and, in the absence of any substantial environmental harm, there is reason to conclude that it would be a sustainable form of development. Contravention of policies intended to prevent development outside settlement boundaries is not of sufficient substance to amount to the significant and demonstrable harm necessary to outweigh the benefits of the proposal, and there is no indication of conflict with specific policies of the NPPF. This finding, subject to consideration of the matter referred to in paragraph 202 above (concerning the implications for the current appeal in the event of Appeal A being allowed), represents a material consideration which, in my judgment, would warrant the granting of planning permission notwithstanding the failure of the proposal to comply with the development plan in the respects referred to above.

RECOMMENDATION

206. For the above reasons, it is recommended that the appeal be allowed, subject to the conditions in Annex 3.

John Chase

INSPECTOR

ANNEX 1

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms E Lambert	of Counsel
She called	
Mr N Ireland BA, MTPI, MRTPI	GL Hearn
Ms C Peddie BSc, MSc, MRTPI	Planning Department West Berkshire District Council (WBC)
Mr R Dray BSc, MSc	Planning Department, WBC

FOR THE APPELLANTS:

Mr C Boyle QC	
He called	
Mr D Veasey BA, DipTP, MRTPI	Nexus Planning
Mr R Tustain BA, DipTP, DMS, MRTPI	Nexus Planning
Mr R Hewitt BSc, CEng, MICE, MCIHT	Stuart Michael Associates Ltd

FOR THE APPELLANTS OF APPEAL A (SIEGE CROSS):

Ms M Cook	of Counsel
She called	
Mr D Usher BA, MA, MRTPI, MIED	Barton Willmore
Ms K Cohen BSc, MCD, MRTPI	Barton Willmore

INTERESTED PERSONS:

Mr R Crumly	Thatcham Town Council
Mr Pieri	On behalf of Mr I Dunn, Thatcham Flood Forum
Mr B Woodham	Thatcham Flood Forum
Mr I Goodwin	Cold Ash Parish Council Flood and Water Course Warden
Ms V Conyers	Local Resident
Mr M Munro	Cold Ash Parish Council
Mr G Simpson	District Councillor, Cold Ash Ward

ANNEX 2

DOCUMENTS

A – DOCUMENTS SPECIFIC TO ‘APPEAL A’ (SIEGE CROSS)

CD1/A – Appeal Documents

CD1/A/1	Appeal Covering Letter
CD1/A/2	Appeal Form
CD1/A/3	Appellant’s Statement of Case, prepared by Barton Willmore LLP
CD1/A/4	West Berkshire District Council’s Statement of Case
CD1/A/5	Agreed Education Statement of Common Ground
CD1/A/6	Agreed Objectively Assessed Housing Need Statement of Common Ground
CD1/A/7	Agreed Heritage Statement of Common Ground
CD1/A/8	Agreed Landscape Statement of Common Ground
CD1/A/9	Agreed Planning Statement of Common Ground
CD1/A/10	Agreed Transport Statement of Common Ground
CD1/A/11	Mr. Jan Kinsman, Proof of Evidence – Education
CD1/A/12	Mr. Dan Usher, Proof of Evidence – Objectively Assessed Housing Need
CD1/A/13	Mr. Jonathan Smith, Proof of Evidence – Heritage
CD1/A/14	Ms. Lisa Toyne, Proof of Evidence – Landscape
CD1/A/15	Mrs. Kim Cohen, Proof of Evidence – Planning
CD1/A/16	Mr. James Bevis, Proof of Evidence – Transport

CD2/A – Planning Application Documents – Original submission

CD2/A/1	Planning Application Form
CD2/A/2	Site Boundary Plan (Dwg No. 1001 Rev D), prepared by Barton Willmore LLP
CD2/A/3	Parameters Plan - Maximum Heights (Dwg No. A123 Rev D), prepared by Barton Willmore LLP
CD2/A/4	Application Master Plan (Dwg No. A126 Rev F), prepared by Barton Willmore LLP
CD2/A/5	Potential Site Access Arrangements from Floral Way (Dwg No. ITB7223-GA-005 Rev C), prepared by i-Transport
CD2/A/6	Gables Way Widening (Dwg No. ITB7223-GA-007 Rev A), prepared by i-Transport
CD2/A/7	Potential Site Access Arrangements from Bath Road (Dwg No. ITB7223-GA-008 Rev I), prepared by i-Transport
CD2/A/8	Proposed Floral Way Signalised Junction (Dwg No. ITB7223-GA-009 Rev C), prepared by i-Transport
CD2/A/9	Proposed Site Access Arrangements HGV U-Turn Swept Path Analysis (Dwg No. ITB7223-GA-012 Rev A), prepared by i-Transport
CD2/A/10	Illustrative Site Layout (Dwg No. 1032 Rev F), prepared by Barton Willmore LLP
CD2/A/11	Planning Statement, prepared by Barton Willmore LLP
CD2/A/12	Design and Access Statement – Revision J, prepared by Barton Willmore LLP
CD2/A/13	West Berkshire District & Thatcham Housing Requirements Assessment, prepared by Barton Willmore LLP
CD2/A/14	Economic Benefits Assessment, prepared by Barton Willmore LLP
CD2/A/15	Transport Assessment, prepared by i-Transport
CD2/A/16	Framework Travel Plan, prepared by i-Transport
CD2/A/17	Framework School Travel Plan, prepared by i-Transport
CD2/A/18	Education Strategy, prepared by EFM
CD2/A/19	Landscape and Visual Appraisal, prepared by Barton Willmore LLP
CD2/A/20	Ecological Impact Assessment, prepared by AMEC
CD2/A/21	Habitats Regulations Assessment, prepared by AMEC
CD2/A/22	Flood Risk Assessment, prepared by WSP

CD2/A/23	Services Appraisal Report, prepared by WSP
CD2/A/24	Air Quality Assessment, prepared by WSP
CD2/A/25	Noise Impact Assessment, prepared by WSP
CD2/A/26	Mineral Sterilisation Report, prepared by WSP
CD2/A/27	Phase 1 Ground Investigation Report, prepared by WSP
CD2/A/28	Heritage Statement, prepared by CgMs
CD2/A/29	Energy Statement (including Code for Sustainable Homes and BREEAM Pre-Assessments), prepared by Silver
CD2/A/30	Agricultural Land Assessment, prepared by Reading Agricultural Consultants
CD2/A/31	Tree Survey & Tree Retention/Removal Outcomes, prepared by Forbes-Laird Arboricultural Consultancy Ltd
CD2/A/32	Statement of Community Involvement, prepared by Remarkable
CD2/A/33	Siege Cross Air Quality Report – Revision 2 – 13th Jan 2015
CD2/A/34	Flood Risk Assessment – Revision 3 – 16th Jan 2015
CD2/A/35	Mineral Sterilisation Report – Revision 1 – 14th Jan 2015
CD2/A/36	Siege Cross Phase 1 Ground Investigation Report – First Issue – 23th July 2014
CD2/A/37	Noise Impact Assessment – Revision 4 – 6th Jan 2015
CD2/A/38	West Berkshire District Council – Screening Opinion

CD2.1/A – Planning Application Documents

Further documentation submitted during application

CD2.1/A/1	Supplementary Statement – Scale (March 2015), prepared by Barton Willmore LLP
CD2.1/A/2	Site Cross Section No. 20590-1039-1, prepared by Barton Willmore LLP
CD2.1/A/3	Site Cross Section No. 20590-1039-2, prepared by Barton Willmore LLP
CD2.1/A/4	Landscape and Visual Appraisal – Response to WBC’s Preliminary Report (May 2015), prepared by Barton Willmore LLP
CD2.1/A/5	Design and Access Statement – Revision L (August 2015), prepared by Barton Willmore LLP
CD2.1/A/6	Application Masterplan – Revision J (August 2015), prepared by Barton Willmore LLP
CD2.1/A/7	Illustrative Site Layout Plan – Revision H (August 2015), prepared by Barton Willmore LLP
CD2.1/A/8	Potential Site Access Arrangements from Floral Way (Dwg No. ITB7223-GA-005 Rev D), prepared by i-Transport
CD2.1/A/9	Gables Way Widening (Dwg No. ITB7223-GA-007 Rev B), prepared by i-Transport
CD2.1/A/10	(Dwg No. ITB7223-GA-013 Rev F), prepared by i-Transport
CD2.1/A/11	(Dwg No. ITB7223-GA-014 Rev E), prepared by i-Transport
CD2.1/A/12	Transport Assessment Addendum, prepared by i-Transport
CD2.1/A/13	Flood Risk Assessment Addendum – Revision 1 (August 2015), prepared by WSP
CD2.1/A/14	Revised Arboriculture Report (August 2015), prepared by Forbes-Laird Arboricultural Consultancy Ltd
CD2.1/A/15	Heritage Statement (August 2015), prepared by CgMs Consulting
CD2.1/A/16	Ecological Memo (August 2015), prepared by Amec Foster Wheeler
CD2.1/A/17	Response to North Wessex Downs AONB (August 2015), prepared by Barton Willmore LLP
CD2.1/A/18	Response to Kirkham Landscape Planning Ltd on behalf of West Berkshire Council, prepared by Barton Willmore LLP
CD2.1/A/19	Landscape and Visual note (August 2015), prepared by Barton Willmore LLP
CD2.1/A/20	Conservation Officer Response – Denis Greenway (05/03/2015)
CD2.1/A/21	Third Party responses received by the Planning Inspectorate
CD2.1/A/22	Barton Willmore Response to Thatcham Town Council

CD3/A – Local Planning Authority Committee Documents and Decision Notice

- CD3/A/1 Case Officer's Report, dated 14th October 2015
CD3/A/2 Decision Notice, dated 14th October 2015

CD4/A – National Planning Policy

- CD4/A/1 Planning (Listed Buildings and Conservation Areas) Act 1990

CD5/A – Other National Planning Policy and Guidance (Extracts where appropriate)

- CD5/A/1 National Character Area profile 129: Thames Basin Heaths, Natural England (2014)
CD5/A/2 BS5837:2012 - Trees in relation to design, demolition and construction – Recommendations
CD5/A/3 Historic England Conservation Principles 2008
CD5/A/4 Historic England Good Practice Advice No.3: The Setting of Heritage Assets
CD5/A/5 'Planning for Growth' – Ministerial Statement (March 2011)
CD5/A/6 Governments letter to Chief Planning Officers (March 2011)

CD6/A – Local Planning Policy and Guidance (Extracts where appropriate)

- CD6/A/1 The Countryside Agency and Scottish Natural Heritage (2002) Landscape Character Assessment- Guidance for England and Scotland
CD6/A/2 West Berkshire Core Strategy 2012 – Inspectors Report
CD6/A/3 West Berkshire Core Strategy – Appendix D 'Critical Infrastructure Schedule of the Infrastructure Delivery Plan'
CD6/A/4 North East Thatcham Strategic Flood Risk Assessment (Jacobs – February 2009)
CD6/A/5 Surface Water Management Plan for Thatcham (WSP – 2010)

CD7/A – Appeals and Judgements

- CD7/A/1 Appeal Decision: Offenham, Wychavon, 07 February 2014 (APP/H1840/A/13/2203924)
CD7/A/2 Appeal Decision: Fairford, Cotswold District Council, 22 September 2014, (APP/F1610/A/14/2213318)
CD7/A/3 Appeal Decision: Saltburn, Redcar & Cleveland, 16 December 2015 (APP/V0728/W/15/3006780)
CD7/A/4 Appeal Decision: Ormesby, Middlesbrough, 09 March 2016 (APP/V0728/W/15/3018546)
CD7/A/5 Appeal Decision: Land north of Haygate Road, Wellington, Telford & Wrekin, 15 April 2016 (APP/C3240/W/15/3025042)
CD7/A/6 Appeal Decision: Land north of Ross Road, Newent, 25 August 2015 (App/P1615/A/14/2228822)
CD7/A/7 Appeal Decision: Stowupland, Suffolk, 25 May 2016 (APP/W3520/W/15/3139543)
CD7/A/8 Appeal Decision: Gallagher Estates Lowbrook farm, Lowbrook lane, Tidbury green, (APP/Q4625/13/2192128)
CD7/A/9 High Court Judgement: Stratford on Avon DC vs Secretary of State [2013] EWHC 2074 (July 2013)
CD7/A/10 High Court Judgement: Blackpool Borough Council vs Secretary of State and Thompson Property Investments Ltd. [2016] EWHC 1059 (May 2016)
CD7/A/11 High Court Judgement: Forest of Dean District Council vs Secretary of State and Gladman Developments Ltd. [2016] EWHC 421 (March 2016)
CD7/A/12 High Court Judgement: Bedford Borough Council v R. and NUON UK Ltd [2013] EWHC 2847 (Admin)
CD7/A/13 Court of Appeal: Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137
CD7/A/14 Court of Appeal: R. (on the application of the Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin)

CD7/A/15	Court of Appeal: Suffolk Coastal District Council v Hopkins Homes Limited [2016] EWCA Civ 168
CD7/A/16	Appeal Decision: Land north of Upper Chapel, Launceston (APP/D0840/A/13/2209757)
CD7/A/17	Appeal Decision: Warwick Road & Cambridge Road, Whetstone (APP/T2405/A/14/2227076)
CD7/A/18	Appeal Decision: Land off Crewe Road, Haslington (APP/R0660/A/14/2213304)
CD7/A/19	Crane v SSCLG [2015] EWHC 425 (Admin)
CD7/A/20	Phides v SSCLG [2015] EWHC 827 (Admin)
CD7/A/21	William Davis Ltd v SSCLG [2013] EWHC (Admin)
CD7/A/22	Dartford BC v SSCLG [2014] EWHC 2636 (Admin)

CD8/A – Miscellaneous

CD8/A/1	Local Plans Expert group (LPEG), Appendix 6, March 2016
CD8/A/2	West Oxfordshire Local Plan Examination: Inspector's Preliminary Findings – Part 1, 15 December 2015
CD8/A/3	Planning Advisory Service: Objectively Assessed Need and Housing Targets Technical Advice Note – Second Edition (Peter Brett Associates, July 2015, 'PAS Guidance')
CD8/A/4	Decision Notice for Application: 07/00565/OUTMAJ
CD8/A/5	Decision Notice for Application: 10/00975/XOUTMAJ
CD8/A/6	Sandleford Park Planning Statement, prepared by Boyer
CD8/A/7	Note from the HSA DPD Inspector in relation to the delivery of Sandleford Park (October 2016)
CD8/A/8	Council's Homework in relation to the current status of HSA DPD Sites
CD8/A/9	Comments by Paul Goddard (WBC Transport Officer) in relation to 15/02300/OUTMAJ, Sandleford Park, January 2016
CD8/A/10	Comments by Paul Goddard (WBC Transport Officer) in relation to 16/00106/OUTMAJ, Sandleford Park, May 2016
CD8/A/11	Further comments by Paul Goddard (WBC Transport Officer) in relation to 15/02300/OUTMAJ, Sandleford Park
CD8/A/12	Extension of time email from the Case Officer in relation to Sandleford Park (September 2016)
CD8/A/13	Representations to WBC HSA DPD Preferred Options
CD8/A/14	SA / SEA assessment for Siege Cross Farm

AB – DOCUMENTS RELEVANT TO BOTH 'APPEAL A' AND 'APPEAL B'

CD4/AB – National Planning Policy

CD4/AB/1	National Planning Policy Framework (NPPF) 2012
CD4/AB/2	Planning Practice Guidance (PPG) 2014

CD6/AB – Local Planning Policy and Guidance (Extracts where appropriate)

CD6/AB/1	West Berkshire Core Strategy 2006-2026 (adopted July 2012)
CD6/AB/2	'Saved' policies from the West Berkshire Local Plan 2002
CD6/AB/3	West Berkshire District Council – Emerging Housing Site Allocations Development Plan Document
CD6/AB/4	Local Development Framework: "An Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire. Summary Report: Thatcham", West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/5	West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites, West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/6	North Wessex Downs AONB Management Plan 2014-2019 North Wessex Downs Council of Partners (2014)
CD6/AB/7	North Wessex Downs AONB Landscape Character Assessment 2002 Land Use Consultants

- CD6/AB/8 North Wessex Downs AONB Position Statement on Setting (Development Affecting the Setting of the North Wessex Downs AONB) 2012
- CD6/AB/9 Berkshire Landscape Character Assessment (2003) Land Use Consultants
- CD6/AB/10 Newbury District Wide Landscape Assessment (1993) Landscape Design Associates
- CD6/AB/11 The Landscape Institute and the Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment (Third Edition), Routledge
- CD6/AB/12 Local Development Framework: "An Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire. Summary Report: Thatcham", West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
- CD6/AB/13 West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites, West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
- CD6/AB/14 North Wessex Downs AONB Management Plan 2014-2019 North Wessex Downs Council of Partners (2014)
- CD6/AB/15 North Wessex Downs AONB Landscape Character Assessment 2002 Land Use Consultants
- CD6/AB/16 West Berkshire District Local Plan 2002 – Proposals Map
<http://ww2.westberks.gov.uk/localplan/index.htm>
- CD6/AB/17 West Berkshire District Local Plan (1991-2006) – Inspectors Report
- CD6/AB/18 'Options for the Future: West Berkshire Core Strategy' (April 2009)
- CD6/AB/19 West Berkshire District Council – Sustainability Appraisal Policy Paper (October 2011)
- CD6/AB/20 West Berkshire District Council – Community Infrastructure Levy Charging Schedule (April 2015)
- CD6/AB/22 West Berkshire District Council – Quality Design SPD
- CD6/AB/23 West Berkshire District Council – Planning Obligations SPD (December 2014)
- CD6/AB/24 West Berkshire District Council – Local Development Scheme (October 2015)
- CD6/AB/25 West Berkshire District Council – Regulation 123 List
- CD6/AB/26 West Berkshire District Council – Infrastructure Delivery Plan 2016
- CD6/AB/27 West Berkshire District Council – CIL Examiners Report

CD7/AB – Appeals and Judgements

- CD7/AB/1 Appeal Decision: Firlands Farm, West Berkshire (APP/W0340/A/14/2228089)
- CD7/AB/2 High Court Judgement: Gallagher Homes Limited & Lioncourt Homes Limited vs Solihull Metropolitan Borough Council [2014] EWHC 1283 (April 2014)
- CD7/AB/3 High Court Judgement: West Berkshire DC vs Secretary of State and HDD Burghfield Common Limited [2016] EWHC 267 (February 2016)
- CD7/AB/4 Court of Appeal: Hunston Properties vs St Albans City & District Council & Secretary of State [2013] EWCA Civ 1610 (December 2013)
- CD7/AB/5 Court of Appeal: Oxted Residential Limited vs Tandridge District Council [2016] EWCA Civ 414 (February 2016)
- CD7/AB/6 Appeal Decision: Coalville, 05 January 2016, (APP/G2435/W/15/3005052)
- CD7/AB/7 Appeal Decision: Stanbury House, Reading, 20 June 2016 (APP/X0360/W/15/3097721)
- CD7/AB/8 Secretary of State decision and Appeal Decision: Droitwich, Wychavon, 02 July 2014 (APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426)
- CD7/AB/9 High Court Judgement: Hopkins Homes Ltd v Secretary of State for Communities and Local Government and Suffolk Coastal District [2015] EWHC 132 (Admin) (17 March 2016)
- CD7/AB/10 High Court Judgement: Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government & Wiltshire Council [2013] EWHC 597 (Admin) (25 March 2013)

CD8/AB – Miscellaneous

CD8/AB/1	Berkshire Strategic Housing Market Assessment, GL Hearn, February 2016
CD8/AB/2	West Berkshire Council Five Year Housing Land Supply Statement, December 2015
CD8/AB/3	West Berkshire Council Five Year Housing Land Supply Statement, September 2016
CD8/AB/4	Report on the Examination into Eastleigh Borough Council's Eastleigh Borough Local Plan, 11 February 2015
CD8/AB/5	Arun Local Plan Inspector's OAN Conclusions, 02 February 2016
CD8/AB/6	Cornwall Local Plan Strategic Policies: Preliminary Findings Following the Hearings in May 2015, 05 June 2015
CD8/AB/7	Stage 1 of the Examination of the South Worcestershire Development Plan: Inspector's Further Interim Conclusions on the Outstanding Stage 1 Matters, 31 March 2014

B – DOCUMENTS SPECIFIC TO 'APPEAL B' (HENWICK PARK)

CD1/B – Appeal Documents

CD1/B/1	Appeal Covering Letter
CD1/B/2	Appeal Form
CD1/B/3	Appellants Statement of Case, prepared by Nexus Planning
CD1/B/4	West Berkshire District Council's Statement of Case
CD1/B/5	Agreed Planning Statement of Common Ground
CD1/B/6	Agreed Landscape Statement of Common Ground
CD1/B/7	Agreed Transport Statement of Common Ground
CD1/B/8	Agreed Drainage Statement of Common Ground
CD1/B/9	Mr. Roger Tustain, Proof of Evidence – Planning
CD1/B/10	Mr. Roger Tustain, Proof of Evidence – Housing Land Supply
CD1/B/11	Mr. Dominick Veasey, Proof of Evidence – Objectively Assessed Need
CD1/B/12	Mr. Clive Self, Proof of Evidence - Landscape
CD1/B/13	Amended Parameters Plan 22289A/03B
CD1/B/14	Storey Heights Plan 22289A/04S
CD1/B/15	Revised Illustrative Layout 22289A/04R
CD1/B/16	Tree Constraints Overlay 22289A/04S
CD1/B/17	Density Plan 22289A/04S
CD1/B/18	Alternative Scheme Covering Letter to Council dated 16th September
CD1/B/19	Alternative Scheme Covering Letter to PINS dated 20th September
CD1/B/20	Revised Scheme Covering Letter to PINS dated 18th October 2016

CD2/B – Planning Application Documents – Original Submission

CD2/B/1	Cover letter dated 9th July 2015
CD2/B/2	Planning Application Form
CD2/B/3	Planning Statement prepared by Nexus Planning
CD2/B/4	Statement of Community Involvement prepared by Nexus Planning
CD2/B/5	Statement on Affordable Housing prepared by Nexus Planning
CD2/B/6	West Berkshire Five Year Land Supply Position Statement dated June 2015 prepared by Nexus Planning
CD2/B/7	Design and Access Statement prepared by Clague Architects
CD2/B/8	Archaeological Desk Based Assessment prepared by CGMS
CD2/B/9	Ecological Designations
CD2/B/10	Ecological Appraisal Prepared by Aspect Ecology
CD2/B/11	Letter from Simon Jones Associates Ltd dated 4th March 2015
CD2/B/12	Arboricultural Implications
CD2/B/13	Landscape and Visual Appraisal prepared by CSa Environment Planning
CD2/B/14	Framework Residential Travel Plan prepared by Gateway TSP
CD2/B/15	Transport Assessment prepared by Gateway TSP
CD2/B/16	Transport Assessment Figures prepared by Gateway TSP

CD2/B/17	Archaeological Geophysical Survey prepared by Bartlett-Clark Consultancy for CGMS
CD2/B/18	Section 106 Heads of Terms Agreement prepared by Croudace
CD2/B/19	Tree Constraints Plan prepared by Simon Jones Associates
CD2/B/20	Aerial Photograph by CSa Environmental No. CSA/2406/101 Rev A
CD2/B/21	Topographical Photograph by CSa Environmental Planning No. CSa/2406/100 Rev A
CD2/B/22	Photosheets by CSa Environmental Planning No. CSa/2406/108
CD2/B/23	Landscape Principles Plan by CSa Environmental Planning No. CSa/2406/108
CD2/B/24	Cross Section prepared by CSa Environmental Planning No. CSa/2406/103
CD2/B/25	Existing Site Plan prepared by Clague Architects 22289A/01
CD2/B/26	As Existing Site Sections prepared by Clague Architects Drawing Number 22289A/02
CD2/B/27	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/03
CD2/B/28	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/04
CD2/B/29	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/05
CD2/B/30	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/06
CD2/B/31	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/07

CD2.1/B – Planning Application Documents

Further documentation submitted during application

CD2.1/B/1	Proposed Masterplan prepared by Clague Architects drawing reference 22289A/04A
CD2.1/B/2	Cold Ash escarpment Flow Routes
CD2.1/B/3	Surface Water Drainage Strategy prepared by Stuart Michael Associates drawing number 5126.402 Rev A
CD2.1/B/4	Letter to the attention of Mr M Butler (ref 5126(1)/TSW/amp) from Stuart Michael Associates dated 9th September 2015
CD2.1/B/5	Letter to the attention of Mr M Butler (ref: 5126(2)/TSW/amp) from Stuart Michael Associates dated 9th September 2015
CD2.1/B/6	Floral Way Junction Measurements prepared by Gateway TSP drawing number: 14/1208/PHOTO 1 & A4 Bath Road (East- towards Reading) Junction measurements prepared by Gateway TSP drawing number: 14/1208/PHOTO 2
CD2.1/B/7	Falmouth way Junction Measurements prepared by Gateway TSP drawing number 14/1208/PHOTO 3
CD2.1/B/8	A4 Bath Road (West- towards Thatcham) Junction measurements prepared by Gateway TSP drawing number 14/1208/PHOTO 4
CD2.1/B/9	Framework Residential and GP Surgery Travel Plan prepared by Gateway TSP dated September 2015
CD2.1/B/10	Response to Highway Officer Comments prepared by Gateway TSP dated September 2015
CD2.1/B/11	Response to Highway Officer Comments: Appendices A-G prepared by Gateway TSP dated September 2015
CD2.1/B/12	Response to Highway Officer Comments: Appendices H-L prepared by Gateway TSP dated September 2015
CD2.1/B/13	Proposed Masterplan prepared by Clague Architects drawing number 22289A/04B
CD2.1/B/14	Surface Water Drainage Strategy prepared by Stuart Michael Associates drawing number 5126.402 Rev B
CD2.1/B/15	Letter for the attention of Mr M Butler/Mrs Clark from Stuart Michael Associates limited dated 24th November 2015
CD2.1/B/16	Letter for the attention of Mr M Butler from Stuart Michael Associates limited dated 24th November 2015
CD2.1/B/17	Section 106 Heads of Terms Agreement prepared by Croudace
CD2.1/B/18	Proposed Masterplan prepared by Clague Architects drawing number 22289A/04D

CD3/B – Local Planning Authority Committee Documents and Decision Notice

- CD3/B/1 Case Officer's Report, dated 16th December 2015
- CD3/B/2 Decision Notice, dated 17th December 2015
- CD3/B/3 Committee Minutes in respect of planning application ref. 15/01949/OUTMAJ

CD6/B – Local Planning Policy and Guidance (Extracts where appropriate)

- CD6/B/1 Report on the Examination into the West Berkshire Core Strategy

CD7/B – Appeals and Judgements

- CD7/B/1 Appeal Decision: Droitwich, Wychavon District (APP/H1840/A/13/2199426 & APP/H1840/A/13/2199085) July 2014.
- CD7/B/2 Land at Stanbury House, Basingstoke Road, Spencers Wood, Reading, (Reference: APP/X0360/W/15/3097721)
- CD7/B/3 Appeal Decision: Land South of Greenhill Road, Coalville, Leicestershire (Appeal Reference: APP/G2435/W/15/3005052)
- CD7/B/4 Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government & Wiltshire Council [2013] EWHC 597 (Admin) (25 March 2013)
- CD7/B/5 High Court Judgement: Cheshire East BC v SSCLG & Renew [2016] EWHC 571 (Admin) (16 March 2016)
- CD7/B/6 High Court Judgement: Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370 (Admin) (19 February 2015)
- CD7/B/7 High Court Judgement: Zurich Assurance Limited and Winchester City Council and South Downs National Park Authority [2014] EWHC 758 (Admin) (18 March 2014)
- CD7/B/8 High Court Judgement: Hopkins Homes Ltd v Secretary of State for Communities and Local Government and Suffolk Coastal District [2015] EWHC 132 (Admin) (17 March 2016)
- CD7/B/9 Appeal Decision: Land off Botley Road, West End Hampshire APP/W1715/W/15/3139371

CD8/B – Miscellaneous

- CD8/B/1 West Berkshire Annual Monitoring Report 2015
- CD8/B/2 HSA DPD Background Paper
- CD8/B/3 The Approach and Delivery Topic Paper Supporting the HSA DPD
- CD8/B/4 "Laying the Foundations: A Housing Strategy for England"
- CD8/B/5 The Planning Advisory Service "Ten Key Principles for owning your Housing Number – Finding Your Objectively Assessed Needs".
- CD8/B/6 The Council's Homework Response to Issue 1 "OAN"
- CD8/B/7 The Council's Homework Response to Issue 3 "Sandleford Park"
- CD8/B/8 The "Thatcham Vision" – Part 2, Population, Development and Infrastructure
- CD8/B/9 Consultation on Proposed Changes to the National Planning Policy document 2015
- CD8/B/10 Local Plan Expert Group Local Plans Report to Government, Appendix 6
- CD8/B/11 South East Plan Panel Report (Volume 1) August 2007
- CD8/B/12 South East Plan 2009
- CD8/B/13 Airports Commission Local Economic Impacts Assessment, November 2014
- CD8/B/14 West Berkshire Housing Need Assessment 2007
- CD8/B/15 Berks, Bucks & Oxon Wildlife Trust – Consultation Response dated 25th Aug 2015
- CD8/B/16 West Berkshire Council Ecologist – Consultation Response dated 14th September 2015
- CD8/B/17 Appellants Representations to the Proposed Submission Version of the HSA DPD December 2015
- CD8/B/18 Council's note on progress within the HSA DPD Sites
- CD8/B/19 Appellant Response to Homework Questions
- CD8/B/20 "The Labour Needs of Extra Housing Capacity – Can the House Building Industry

- CD8/B/21 Cope" (2005)
NHS Healthy Urban Development Unit (HUDU) Planning Contribution Model
Guidance Notes

CA – COUNCIL DOCUMENTS SPECIFIC TO 'APPEAL A' (SIEGE CROSS)

- CD5/CA/1 DCLG Policy paper '2010 to 2015 government policy –
<https://www.gov.uk/government/publications/2010-to-2015-government-policy-planning-reform/2010-to-2015-government-policy-planning-reform>
- CD8/CA/1 Primary Admission Arrangements 17/18
- CD8/CA/2 Secondary Admission Arrangements 17/18

CAB – COUNCIL DOCUMENTS RELEVANT TO BOTH 'APPEAL A' AND 'APPEAL B'

CD6/CAB – Local Planning Policy and Guidance (Extracts where appropriate)

- CD6/CAB/1 West Berkshire Local Development Scheme (extract)
- CD6/CAB/2 Housing Site allocations DPD Examination Webpage at
<http://info.westberks.gov.uk/index.aspx?articleid=32493>

CD7/CAB – Appeals and Judgements

- CD7/CAB/1 Hunston High Court Judgement and Court of Appeal Judgements (Hunston Properties v SSCLG and St Albans City & District Council (2013) EWHC 2678 and R vs City and District of St Albans, EWCA Civ. 1610)
- CD7/CAB/2 Satnam Millenium v Warrington Borough Council (2015) EWHC
- CD7/CAB/3 St Modwen Developments Ltd v SSCLG and East Riding of Yorkshire Council [2016] EWHC 968 (Admin)
- CD7/CAB/4 Recovered appeal on Land North East of Elsenham, Essex
APP/C1570/A/14/2219018
- CD7/CAB/5 Kings Lynn & West Norfolk vs. SSCLG & Elm Park Holdings Ltd [2015]
EWHC 2464 (Admin)
- CD7/CAB/6 Zurich Assurance Ltd v Winchester City Council & South Downs NPA [2014]
EWHC 758 (Admin)
- CD7/CAB/7 SSCLG v West Berkshire DC and Reading BC [2016] EWCA Civ 441
- CD7/CAB/8 Appeal Decision Land north and south of Mans Hill, Burghfield Common Appeal Ref APP/W0340/A/14/2226342, Inspector David Wildsmith, 17 March 2015
- CD7/CAB/9 High Court challenge case number CO/1455/2014 (Gladman Development Ltd and Wokingham Borough Council [2014] EWHC 2320 (Admin))
- CD7/CAB/10 Oadby and Wigston Borough Council v Secretary of State & Bloor Homes Ltd [2015] EWHC 1879

CD8/CAB – Miscellaneous

- CD8/CAB/1 PAS Technical Advice Note on OAN
- CD8/CAB/2 Report on the Examination into the West Berkshire Core Strategy, July 2012
- CD8/CAB/3 Brandon Lewis Letter to PINS re SHMA dated 19th December 2014
- CD8/CAB/4 Council's Homework 4 consistency between C1 of the DPD and the Core Strategy
- CD8/CAB/5 HSA DPD Statement of Consultation main Report
- CD8/CAB/6 HSA DPD SA/SEA for Thatcham
- CD8/CAB/7 Council's Homework on Issue 9. Overview of Thatcham Infrastructure Constraints
- CD8/CAB/8 Annual Monitoring Report Housing 2015

DOCUMENTS SUBMITTED DURING THE INQUIRY

A – Appellants’ Documents, Appeal A

A1	Opening submissions on behalf of A2Dominion
A2	Wokingham Borough Council v SSCLG and Cooper Estates, notification on application for permission to proceed
A3	Oadby and Wigston Borough Council v SSCLG and Bloor Homes [2016] EWHC 1879 (Admin), Court of Appeal decision
A4	Office for National Statistics, Economic Review: November 2016
A5	Erratum to Ms Cohen’s proof of evidence
A6	Rebuttal proof of Ms Cohen
A7	Rebuttal proof of Mr Kinsman
A8	Rebuttal proof of Ms Toyne
A9	Table summarising parties’ OAN calculation
A10	Extract from ‘Delivering National Growth, Locally’ by Thames Valley Berkshire Local Enterprise Partnership
A11	Barton Willmore’s revised OAN Table based on post-Brexit assumptions
A12	Extract from Experian jobs forecast
A13	Planning history and layout plans for Lakeside site in Theale
A14	Market Street site, illustration and accommodation table
A15	Housing Site Allocations DPD – Inspector’s ‘homework’
A16	Cotswold District Council v SSCLG and others, [2013] EWHC 3719 (Admin)
A17	Unilateral Undertaking, A2Dominion Developments and Linda and Angus Janaway to West Berkshire Council
A18	Schedule of Unilateral Undertaking provisions
A19	Housing Land Supply Scenarios, Barton Willmore Table 18a
A20	Annotated landscape map
A21	Appendix LT1 to accompany Ms Toyne’s LVIA
A22	Report into objections to the Newbury District Local Plan, 1991-2006
A23	West Berkshire Council Community Infrastructure Levy Reg. 123 List November 2016 consultation version
A24	West Berkshire Planning Area 12 - secondary education pupil numbers
A25	West Berkshire Infrastructure Delivery Plan 2013, extract
A26	Plan showing viewpoints and route for site visit
A27	Five year land supply – Barton Willmore revised table 18
A28	Appeal decision: land at Fawler Rd, Uffington, Ref APP/V3120/W/15/3139377
A29	Local Plan programme for Berkshire planning authorities
A30	Mr Usher’s revised OAN to reflect Cambridge Econometrics report Nov 2016
A31	Revised Barton Willmore table 18
A32	Closing submissions on behalf of A2Dominion Developments

CA - Council’s Documents, Appeal A

CA1	Ms Ball’s rebuttal proof
CA2	Proposed Planning Conditions
CA3	Historic Landscape Context, Figure BK3 by Ms Kirkham
CA4	Heights of key buildings on the Colthrop Industrial Estate
CA5	Guide for Landscape and Visual Impact Assessment, 3 rd Edition, extract
CA6	Appeal decision: Land at Blacks Lake, Aldermaston, APP/W0340/C/15/3139572
CA7	WBC Review of Community Infrastructure Levy, Reg 123 List
CA8	Kennet School, capacity and demand table
CA9	Bellway Homes response to Core Strategy Preferred Options consultation
CA10	Proposed travel plan conditions
CA11	Justification for contribution to travel plan monitoring

TA - Third Party Documents, Appeal A

TA1	Submission by Mr Goodwin, Flood and Water Course Warden
TA2	Submission by Mr Crumly on behalf of Thatcham Town Council

TA3 Letter from North Wessex Downs AONB dated 23/11/2016
TA4 Submission by Cllr Cole

B – Appellant’s Documents, Appeal B

B1 Schedule of appearances
B2 Mr Veasey’s rebuttal proof
B3 Alternative OAN scenarios based on A9 table
B4 Summary of 5 year supply sites in dispute
B5 Unilateral Undertaking by Timothy and Evelyn Billington and Croudace Ltd to West Berkshire District Council
B6 Housing land supply estimates based on 665 and 771 dpa OAN
B7 Barratt Annual Report and Accounts 2016, extract
B8 Details of Mr R Hewitt, appellants’ drainage witness
B9 Route for site visit
B10 Appeal decision: Land north of Birchen Lane, Haywards Heath
APP/D3830/W/15/3137838
B11 Opening comments on behalf of the appellants
B12 Closing submissions on behalf of the appellants
B13 Abbreviated closing submissions

CB – Council’s Documents, Appeal B

CB1 Proposed Planning Conditions
CB2 Letter from The Wildlife Trusts dated 25/8/2015
CB3 Letter from The Wildlife Trusts dated 20/10/2016
CB4 Memo from Mr J Davy concerning ecological matters
CB5 Note concerning the need for a contribution to bus services

TB – Third Party Documents, Appeal B

TB1 Submission of Mr Crumly on behalf of Thatcham Town Council
TB2 Submission of Mr Pieri on behalf of Mr Dunn, Thatcham Flood Forum
TB3 Submission of Mr Woodham on behalf of Thatcham Flood Forum
TB4 Submission of Goodwin, Cold Ash Flood and Water Course Warden
TB5 Submission of Ms Conyers, Local Resident
TB6 Submission of Mr Munro on behalf of Cold Ash Parish Council
TB7 Submission of Mr Simpson, District Councillor, Cold Ash Ward

CAB – Council Documents relevant to both Appeals A and B

CAB1 Opening submissions on behalf of the Council
CAB2 Mr Ireland’s rebuttal proof
CAB3 Housing supply update note agreed by all parties
CAB4 Home Choice User Guide, extract
CAB5 Private rental market statistics
CAB6 Housing Site Allocation DPD land within 5 year supply
CAB7 Additional information on delivery of 5 year supply sites
CAB8 Sandleford Park Supplementary Planning Document, 2015
CAB9 Proposed revision to HSA DPD Policy C1
CAB10 Cambridge Econometrics November 2016 employment forecast
CAB11 Closing submissions on behalf of the Council

ANNEX 3

PLANNING CONDITIONS

1. Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: 14/1208/SK07 Rev E - Proposed South-western Priority Junction dated July 2015; 14/1208/SK03 Rev D - Proposed Roundabout Access Junction dated July 2015.
5. The reserved matters details shall generally accord with the following list of drawings and documents: 22289A/04R – Illustrative Site Layout dated July 2016; 22289A/03B – Development Parameter Plan dated May 2016; 22289A/04S - Storey Heights dated July 2016; 22289A/04S - Density Overlay dated July 2016.
6. The reserved matters applications shall be prepared in general accordance with a comprehensive landscape strategy plan which has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details about the retention of existing boundary vegetation, proposed structural planting to the northern boundary of the site and the northern boundary of the developed area, and provide details about ecological, hydrological and recreational considerations.
7. No more than 225 dwellings shall be developed on the site.
8. No development shall take place until details of accessibility within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include means of access for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. Thereafter the development shall be carried out in accordance with the approved details.
9. No demolition or construction works shall take place outside the hours of 07.30-18.00 Mondays to Fridays, 08.30-13.00 Saturdays. No work shall be carried out at any time on Sundays or Bank Holidays.
10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details. The statement shall provide for i) the parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) the erection and maintenance of any security fencing or hoardings; v) wheel washing facilities; vi) measures to control the emission of dust and dirt during construction; vii) a scheme for recycling/disposing of waste resulting from construction works; and, viii) agreed routes and timing restrictions for construction vehicles, deliveries and staff.

11. Prior to the occupation of the first dwelling a full Residential Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the GP Surgery a full Travel Plan for the GP Surgery shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plans shall be implemented from first occupation of the first dwelling (Residential Travel Plan) and first occupation of the GP Surgery (GP Travel Plan). A Travel Plan Coordinator shall be in place no later than 3 months prior to first occupation of the first dwelling on the development. The Travel Plan shall be monitored with the initial survey taking place once 50% of the development is occupied or after 6 months from first occupation, whichever occurs sooner. The Travel Plan targets shall be agreed within 6 months of the initial survey taking place along with any necessary updating of the Travel Plan. After that the Travel Plans shall be annually monitored, reviewed and updated for a period of five years from first implementation of the development or two years after completion of the development, whichever is later.
12. No dwelling shall be occupied until pedestrian and cycle centre island crossing points along Cold Ash Hill (drawing 14/1208/SK12), Heath Lane (drawing 14/1208/SK11) and Bowling Green Road (drawing 14/1208/SK13) have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
13. No dwelling shall be occupied until the following works have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority: i) Dropped kerbs and tactile paving across Westfield Road (at the junction with Northfield Road) as shown on Drawing 16/0515/SK02; ii) dropped kerbs and tactile paving across Sagecroft Road (at the junction with Northfield Road) also shown on Drawing 16/0515/SK02; iii) widening of the section of Bowling Green Road between the junction of Northfield Road and the proposed Site Access priority junction to accommodate a 2.5 metre shared foot and cycleway.
14. No development shall take place until details of the proposed access into the site from Bowling Green Road, in accordance with drawing 14-1208-SK07/E, have been submitted to and approved in writing by the Local Planning Authority. No other development shall take place (except construction of a site compound and associated site clearance works) until this access, and any associated engineering operations, have been completed in accordance with the approved details.
15. No dwelling shall be occupied until details of the proposed junction improvement scheme at the Heath Lane / Cold Ash Hill Roundabout in accordance with drawing 4-1208-SK03/D have been submitted to and approved in writing by the Local

Planning Authority. No more than 50 dwellings shall be occupied before the improvement scheme has been constructed in accordance with the approved details.

16. No dwelling hereby permitted shall exceed 2.5 storeys in height (to mean no higher than 10.5m to ridge height) in any part of the scheme.
17. No development shall take place until details of the finished floor levels of the buildings hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
18. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall be in general accordance with the terms agreed in the Statement of Common Ground (Flood Risk and Drainage) dated October 2016 and shall:
 - Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
 - Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
 - Provide details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development.
 - Include a drainage strategy for surface water run-off from the site;
 - Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at run off rates to be agreed with the Local Planning Authority;
 - Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
 - Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
 - Include flood water exceedance routes, both on and off site; include flow routes such as low flow, overflow and exceedance routes; provide details of how the exceedance routes will be safeguarded for the lifetime of the development;
 - Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
 - Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines and are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;

- Include in any design calculations an allowance for a 10% increase of paved areas over the lifetime of the development;
- Provide attenuation storage measures which have a 300mm freeboard above maximum design water level, and surface conveyance features with a 150mm freeboard above maximum design water level;
- Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- Include a Flood Risk Assessment (FRA);
- Include measures which protect or enhance the ground water quality and provide new habitats where possible.

The above sustainable drainage measures shall be implemented in accordance with the approved details and in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

19. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.
20. In the event that any previously unidentified land contamination is found at any time during development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken, and where remediation is necessary a remediation scheme shall be prepared. The investigation and risk assessment, and any remediation scheme, shall be submitted to and approved in writing by the Local Planning Authority. No further dwellings shall be occupied until any necessary remediation has been completed in accordance with an approved scheme and a verification report to this effect has been submitted to and approved in writing by the Local Planning Authority. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.
21. No piling shall take place during construction, except auger piling, unless otherwise agreed in writing by the Local Planning Authority.
22. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include i) details of the temporary protection of all retained trees and details of any special construction methods within tree protection zones; ii) measures for the protection of roots in the vicinity of hard surfacing, drainage and other underground services; iii) a full

schedule of works to retained trees including the timing and phasing of operations ; and iv) proposals for the supervision and monitoring of all tree works and protection measures. Development shall proceed in accordance with the approved arboricultural method statement, with tree protection measures retained throughout the period of construction, or in accordance with a timetable approved in writing by the Local Planning Authority.

23. No development shall take place (including, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following i) a risk assessment of potentially damaging construction activities; ii) identification of biodiversity protection zones; iii) the location and timing of sensitive works to avoid harm to biodiversity features; iv) the times during construction when specialist ecologists need to be present on site to oversee works; v) the role and responsibilities of an ecological clerk of works or similarly competent person and lines of communication; and vi) the use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
24. Prior to occupation of any dwelling, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall: i) identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging; and ii) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking, re-enacting or modifying that Order with or without modification), no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.
25. No development shall take place on site until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include (but not be limited to): i) detailed creation and management prescriptions for the Meadows, Wetlands/Swales, Flood Meadows/Ponds, Parkland, and any Orchard Areas for 10 years; ii) maintenance of a secure boundary to Cleardene Farm Wood to minimise recreational disturbance; iii) safeguards in respect of bats, badgers, hedgehogs, reptiles and nesting birds during habitat clearance works; iv) details of a reptile mitigation strategy and enhancement plan; v) habitat creation and management to provide new and enhanced habitat areas including wildflower grassland, orchard, ponds and tree and shrub planting; vi) provision of bat boxes and bird nesting opportunities; and vii) provision of habitat piles and butterfly banks. The contents of the Plan shall be based on Section 6 of the Ecological Appraisal by Aspect Ecology and dated July 2015. The approved Plan shall be implemented in full in accordance with an approved timetable. Monitoring of the plan shall be conducted by qualified ecologists who shall provide a report to the Local Planning

Authority annually on the anniversary of the commencement of development and for the first five years following completion of the development that the approved mitigation measures have been implemented in full. A Review of the plan shall be submitted for the approval of the Local Planning Authority on the 10th anniversary of the commencement of development.

26. No dwelling hereby permitted shall be occupied until cycle storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
27. No dwelling hereby permitted shall be occupied until an area for refuse/recycling storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

12. Thatcham Town Council



Thatcham Town Council

Cold Ash Parish Neighbourhood Development Plan

2021 to 2039

Regulation 14 Consultation

Comments of Thatcham Town Council

1 Introduction

1. Thatcham Town Council welcomes the opportunity to comment on the Cold Ash Parish draft Neighbourhood Development Plan (draft NDP).
2. Thatcham Town Council congratulates Cold Ash Parish Council on this draft NDP, and the substantial work that must have been undertaken in developing it. The Town Council is generally supportive of the policies that it contains. As a neighbouring parish, our specific comments only address elements of the draft NDP that are relevant to Thatcham.
3. The Town Council would be happy to collaborate with Cold Ash Parish Council and the Steering Group in development of any aspects of the draft NDP of common interest.

2 Flooding

4. Thatcham Town Council welcomes the acknowledgement in paragraph 5.71 of the draft NDP of the serious flooding in Thatcham in 2007. This was caused by surface water runoff in water courses from the high ground to the north of Thatcham. The flood attenuation schemes around the north of Thatcham have substantially reduced the risk of flooding within Thatcham, but the risk still exists.
5. The Town Council supports the proposals in Policy CAP5. We suggest that paragraph 6 of this policy should also mention the flood risk to areas of Newbury and Thatcham from water courses originating in Cold Ash parish.
6. The Town Council would be happy to collaborate with Cold Ash Parish Council on any shared issues in the management and reduction of flood risk.

3 Public rights of way and iconic views

7. 'Figure 6.1: Green Infrastructure' does not show public footpath COLD/8, which runs along the boundary between Cold Ash and Thatcham parishes to the west of Henwick Manor (it might be obscured by the Neighbourhood Plan boundary being a 'higher layer' in the drafting of the diagram). As the draft NDP refers to some public rights of way by their number, it would be helpful if this numbering is shown on this or another diagram.
8. Dog walking is an important activity for many people, for both leisure and exercise. We are pleased to see this mentioned in the draft NDP, but this is only in relation to local green spaces. For residents of Florence Gardens and north west Thatcham, Footpaths COLD/4, COLD/1, THAT/11 and THAT/10 provide a popular circular walk for recreation and dog walking. We suggest that this is mentioned in the draft NDP (and there may be other similar circular walks elsewhere in Cold Ash parish).
9. The draft NDP mentions accessibility in relation to public open spaces, but not public rights of way. It is disappointing that the southern end of footpath COLD/4/3 was not made accessible when the flood attenuation scheme was constructed by West Berkshire Council. There are two sets of steps over the bund of the drainage scheme, and the gates are too small for a buggy to get through.

10. We suggest that the view to the east from just north of Henwick Manor from COLD/1/1 might be added as an 'iconic view' in paragraph 6.32 and figure 6.5.

4 Sunken Lanes

11. Lawrences Lane lies on the boundary between Thatcham and Cold Ash parishes. Much of its length meets the definition of a 'sunken lane' in paragraph 7.16, so we suggest that it is added to the list of sunken lanes in paragraph 7.15 and figure 7.2.

5 Buffer Zone

12. Thatcham Town Council agrees with paragraph 4.7 of the draft NDP, that there should be a 'buffer zone' south of Cold Ash and Ashmore Green, to prevent these communities coalescing with Thatcham. We note that the 'West Berkshire District Council: Appropriate Countryside Designation Study' (Arup, 21 November 2022)¹ identifies two separate potential 'green gaps' between Thatcham and Cold Ash and between Thatcham and Ashmore Green. We suggest that these 'green gaps' achieve the objectives of policy CAP1 and paragraph 4.7 of the Draft NDP more fully than the buffer zone shown in figure 4.1 of the draft NDP.

6 Provision of footways

13. Many roads in Thatcham parish outside of the town lack pavements or have very narrow pavements, as described in paragraph 7.2 of the draft NDP for Cold Ash. While there is a footway on Cold Ash Hill, this is narrow and in some places two buggies or mobility scooters would be unable to pass. We therefore agree with the 'Non-Policy Action' "for improved footway/verge provision in places, increase capacity for pedestrians and reduce conflicts between pedestrians and vehicles" in the table in Section 10.

¹ This forms part of the Evidence Base for the Regulation 19 Consultation on the West Berkshire Local Plan Review.

13. Local resident and Local Green Space Owner (Woodland Leaves Meadow)

From: [Ivor Mcardle](#)
To: [REDACTED]
Subject: Fwd: NDP draft
Date: 23 April 2023 13:22:44
Attachments: [1.-Cold-Ash-NDP-Pre-Submission-Version-21_February-2023.pdf](#)

Another piece of feedback that I think I omitted to send you.

----- Forwarded message -----

From: [REDACTED] <[REDACTED]>
Date: Mon, 20 Mar 2023 at 11:02
Subject: NDP draft
To: [REDACTED] <[REDACTED]>

Hi Ivor,

I'm just browsing the latest draft (I think) of the NDP. I love it!

One tiny point, could the final version please refer to the designated green space as Woodland Leaves Meadow, rather than just Woodland Leaves. It's correctly marked on the map, but for avoidance of doubt I would rather be precise with the name.

All the best,

[REDACTED]

Michael Liebreich

Host, Cleaning Up
Chairman and CEO, Liebreich Associates

Co-Managing Partner, Ecopragma Capital LLP

Honorary Fellow, Energy Institute

Visiting Professor, Imperial College

Founder and Senior Contributor, BloombergNEF
Advisor, UK Board of Trade

Member, UK DESNZ Energy Efficiency Task Force

Liebreich Associates: <https://www.liebreich.com/>

CleaningUp: <https://www.cleaningup.live/>

LinkedIn: <https://www.linkedin.com/in/mliebreich/>

Twitter: <https://twitter.com/MLiebreich>

14. Local resident and Local Green Space Owner (Cleardene Woods)

From: [Ivor Mcardle](#)
To: [REDACTED]
Subject: Fwd: Cleardene woods - NDP
Date: 23 April 2023 13:24:37
Attachments: [AA385055-49E3-42BB-B827-CCA02309FC37.png](#)

and another

----- Forwarded message -----

From: [REDACTED]
Date: Tue, 7 Mar 2023 at 19:46
Subject: Cleardene woods - NDP
To: Ivor Mcardle <[REDACTED]>

Hi Ivor,

I was looking through the NDP doc, and I'm afraid the map is incorrect for Cleardene Wood. It is also misspelt. It is not clere...

The maps that show a green arc just below the chicken sheds and our house are wrong. The woods are a little further south along footpath15, see below.

Are you able to correct this?

Thanks



15. British Horse Society and Bridleways Officer for West Berkshire and Southern Region

COLD ASH NEIGHBOURHOOD PLAN. Response of the British Horse Society.

I am responding to CAP 11 and CAP 12 and making some general points on behalf of the British Horse Society as its local Access & Bridleways Officer. I have submitted these comments both online and by email as the online submission removes the formatting which makes the submission less easy to read.

A neutral response has been given where that policy is outside the Society's remit.

The Society supports CAP11 and 12 but would like to suggest some different wording in places, if it is possible at this stage, to ensure equestrians are not excluded and are catered for. This is essential if the parish is to remain horse friendly. It might be noted that horse keeping in the parish helps to keep a rural ambience which the plan mentions a number of times. It also makes a significant contribution to the local economy.

- 1. CAP 11 point 3:** The current wording says '*The provision of new **footpaths** and cycle routes that, where feasible, are physically separated from vehicular traffic will be strongly supported*'.

The Society requests that the wording is amended as follows '*The provision of new **public and permissive rights of way**, and cycle routes that, where feasible, are physically separated from vehicular traffic will be strongly supported*'.

Footpaths are not legally open to horse riders. Broadening the term will mean they are not excluded. If amended, the Society strongly supports this policy.

You will no doubt be aware of the permissive bridleway through Westrop Farm created by Bernard Clarke. This is a godsend to local horse riders as it provides safe access to the Pang Valley bridleway network especially as the definitive bridleway through Broad View Farm was inhospitable for many years. Further permanent (definitive) or permissive bridleways would be much welcomed by the equestrian community and, of course, bridleways can also be used by walkers and cyclists.

2. CAP 12 Sunken Lanes.

7.13 and 7.17: The Society welcomes and appreciates the inclusion and needs of horse riders here. Although not mentioned in the plan, there are a number of horses kept in the parish, some owned by Cold Ash residents, some not, particularly at Elmshurst Farm and Poplar Farm. In addition, many riders from Hermitage, Curridge, and Bucklebury parish ride through Cold Ash parish using these lanes and the bridleways and byways, the Ridge and even the Hermitage Rd as part of their circular rides in the area. Furthermore, horse drawn carriage drivers, with horses kept at Poplar Farm, use the local roads. These horses support rural economies and help keep the parish rural.

The Society will strongly support the concept of 'Quiet lanes' and any measures to make the roads safer for horse riding and carriage driving in the hope that these roads will remain suitable for horses. We do not see this listed in section 10 as a non-policy action.

The focus on sunken lanes, while interesting as a feature, does lead to the lack of mention of the other lanes, Bucklebury Alley and Lawrences Lane. Bucklebury Alley is particularly important for horse travel and favoured by horse riders.

The public rights of way network is mentioned throughout the plan and appears to be very much valued. Thus it is a somewhat surprising that it does not have its own headed section. However, it is covered in Section 7 and policy CAP 11.

Inaccuracies and unclear statements

There are some inaccuracies in the description of the public rights of way network. We request these are corrected because, while walkers can use all types of public rights of way, other user groups cannot.

Para 2.3 is not factually correct as not all the public rights of way in the area covered by the plan are footpaths. We suggest the word 'footpaths' is changed to 'public rights of way.'

Para 2.29: The Society welcomes and supports the statements here. However, we suggest that for accuracy mention should be made that the parish does have three BOATs (byways open to all traffic): Cold 5/1, COLD 5/2, COLD 5/3, COLD25/1 and COLD26 /1. We suggest mention is made of these because they legally cater for more than just walkers, ie. horse riders, cyclists, horse drawn carriages and public motor vehicles. This needs to be recognised by all to avoid confusion and conflict.

Para 5.57. *'Existing public footpaths are to be maintained, with new landscaped connections into the site and the wider footpath network encouraged.'* It is unclear whether this is referring to footpaths as part of the public rights of way network or footways (pavements) alongside roads. If footways (pavements) are meant, we suggest the correct term is used according to Highway designation. If public rights of way are being referred to, we suggest the term 'public rights of way' is used.

This point also applies to the summary where footways (pavements) may be meant in this statement *'Movement around the parish is a recognised issue, as many of the roads are little more than upgraded country tracks, several without **footpaths**'*

6.16. *'• a comprehensive network of Public Rights of way (see Public Rights of Way), including a network of bridleways'*: there really isn't a network of bridleways. As alluded to elsewhere, most of the public rights of way are of footpath status.

Page 104 V4: 'footpath' 25 is not a public footpath but a byway (BOAT) and bridleway. This needs to be corrected. Ridden horses and cyclists can thus use this path and need to be accommodated along it.

J C Bridger 29th March 2023



16. Gerald Eve LLP for St. Gabriel's Convent and Retreat Centre

St Gabriel's Convent and Retreat Centre, Cold Ash

Planning objection to the Cold Ash Neighbourhood Plan

April 2023



Prepared by: Peter Dines MRTPI

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The objection

- 1.1 This objection is lodged on behalf of the Trustees of the Franciscan Missionaries of Mary who own St Gabriel's to object to the Cold Ash Neighbourhood Plan (The Plan) in its current form.
- 1.2 Our objection relates to the failure of The Plan to acknowledge the development potential of St Gabriel's Convent and Retreat Centre, Cold Ash RG18 9HU (The site), which has previously been granted planning permission for the development of 11 dwellings. We believe that this is a significant shortcoming in the Plan that could have serious implications for the future of the Site.
- 1.3 The plan should be altered as follows:
 - The Plan should remove unsupported, negative references to the development of new housing;
 - The Plan should support appropriate housing on the Site; and
 - The Plan should support the potential of its inclusion within the settlement boundary of Cold Ash.

Background

Planning application background

- 1.4 As you are aware, Planning Permission was granted on 3rd June 2013 (Ref: 12/02173/FULMAJ) at St Gabriel's Convent, for:

“Demolition of the convent, chapel and conference centre (with retention of Gate Lodge) and the erection of eleven detached houses.”
- 1.5 This permission is an important and relevant backdrop to the consideration of the Site. The permission was granted following a thorough planning process that took into account all relevant factors, including the impact on the local community and the environment. The planning officer's report to Committee is still relevant as the principles guiding policy when the permission was granted, have little material difference to those adopted today. The report contains the following comments in support of its recommendation for approval, which was confirmed by Members:

“The application site is both prominent and attractive, given its location on one of the highest points on The Ridge, with commanding views to the south over the Kennet Valley. It is also very well treed, with some mature specimens on site, which need to be retained. Many of these will be, via this scheme, which has been the subject of many applications and negotiations to achieve the current submitted layout. The Tree Officer has undertaken a considerable amount of work to ensure that the root protection areas of the trees to be retained are adequately conserved for the future. Appropriate conditions will be applied to control this. Essentially the woodland to the west of the application site, and the trees to the north will be retained, which will preserve the visual setting of the scheme, plus “protect” the street scene view from The Ridge.”

“It is notable that highways colleagues are not objecting to the present proposal, as the theoretical traffic generation from the permitted Convent use, with conference centre, would actually be in excess of the likely generation from the 11 new dwellings. It may not be at present, since the convent is now little used. Secondly the parking provision for 9 of the 11 dwellings is well in excess of the Council's 2 spaces per 3 or 4 bedroomed dwelling [at 4 per unit] and so, overall on site, there is parking provision for 39 vehicles which is a ratio of 3.25 per dwelling. Accordingly, concerns about on street parking appear to be unfounded. Finally, the existing access will be upgraded, to ensure acceptable forward visibility splays are achieved on the site access.”

“There is no doubt that The Ridge and its surrounds are very attractive, with well-established detached mature dwellings located in a sylvan setting. However, the application site itself is not in the AONB, it does not lie in a conservation area, and no listed buildings are involved. Furthermore, just to the east lies a fairly substantial modern school building, which has its own impacts in terms of visual, traffic, amenity, noise etc. Accordingly, the area is mixed in this sense, but the introduction of new housing is most unlikely to diminish the area’s special character. Indeed, it is considered that, with the exception of the Chapel, the Convent itself is not an attractive building and has an imposing presence on The Ridge which is partly detrimental. The houses proposed, being of much smaller scale and of a more broken up articulated form, will actually enhance the vicinity.”

- 1.6 The conclusion from this is that the Site is appropriate for development, specifically 11 dwellings.

Local Plan Review evidence base

- 1.7 As part of the preparation of the Council’s Local Plan Review, West Berkshire have undertaken several evidence studies and assessments, and information has been collected to inform, support and monitor the Review. Included in these studies is the West Berkshire Housing and Economic Land Availability Assessment (HELAA) which was first published in February 2020. The HELAA is a technical assessment, not a policy-making document, however it will help in the preparation of the review of the Local Plan (to cover the period to 2037) by identifying potential sites for new homes, employment and other land uses. It will show which sites are being promoted for development at a particular time and will be updated regularly. The HELAA replaced the Strategic Housing Land Availability Assessment which identified potential sites for new homes as part of the Local Plan (2006-26).

- 1.8 The HELAA identifies:

St. Gabriel's Convent site, including the convent, chapel and conference centre (Reference: Site CA4), comprising 0.67 ha, for residential development. The estimated development potential is 21 dwellings.

The Site is “Suitable for development”.

The majority of the site is located within the settlement boundary whereby the principle of development is acceptable.

The Site is free from development constraints

This is considered available and deliverable within the next 1-5 Years

- 1.9 The conclusion to this is that the Site is appropriate for development and could accommodated up to 21 dwellings.

Housing Need

West Berkshire Housing Needs Assessment Update July 2022

- 1.10 The West Berkshire Housing Needs Assessment Update is the most recent review of housing need within the area. This confirms the real and unmet need requirements and supports additional development.

Conclusion

- 1.11 The Site has clearly been accepted as appropriate for development though the previous grant of planning permission and identification through the emerging development plan process. There is a need for housing in the area, which the Site would fulfil in part.
- 1.12 It is therefore essential that the Cold Ash Neighbourhood Plan recognises the development potential of the site. Failure to do so could result in unnecessary delays and complications for all parties involved.
- 1.13 We urge you to consider our objection carefully and to take the necessary steps to ensure that the Cold Ash Neighbourhood Plan acknowledges the development potential of the Site.
- 1.14 Thank you for your attention to this matter.

This objection has been prepared by Peter Dines BATP DipSurv MRTPI MRICS



17. Avison Young for National Gas Transmission

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Our Ref: MV/ 15B901605



18 April 2023

Cold Ash Parish Council
coldashpc@gmail.com
via email only

Dear Sir / Madam

**Cold Ash Neighbourhood Plan Regulation 14 Consultation
March – April 2023
Representations on behalf of National Gas Transmission**

National Gas Transmission has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Gas Transmission

National Gas Transmission owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

Proposed sites crossed or in close proximity to National Gas Transmission assets

An assessment has been carried out with respect to National Gas Transmission's assets which include high-pressure gas pipelines and other infrastructure.

National Gas Transmission has identified that it has no record of such assets within the Neighbourhood Plan area.

National Gas Transmission provides information in relation to its assets at the website below.

- <https://www.nationalgas.com/land-and-assets/network-route-maps>

Please also see attached information outlining guidance on development close to National Gas Transmission infrastructure.

Distribution Networks

Information regarding the gas distribution network is available by contacting:
plantprotection@cadentgas.com

Further Advice

Please remember to consult National Gas Transmission on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

Matt Verlander, Director

nationalgas.uk@avisonyoung.com

Avison Young
Central Square South
Orchard Street
Newcastle upon Tyne
NE1 3AZ

Kam Liddar, Asset Protection Lead

National Gas Transmission
National Grid House
Warwick Technology Park
Gallows Hill
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,



**Matt Verlander MRTPI
Director**



For and on behalf of Avison Young

National Gas Transmission is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Gas Transmission's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Gas Transmission have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Gas Transmission's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Gas Transmission's '*Guidelines when working near National Gas Transmission assets*' can be downloaded here: <https://www.nationalgas.com/document/82951/download>

How to contact National Gas Transmission

If you require any further information in relation to the above and/or if you would like to check if National Gas Transmission's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

For local planning policy queries, please contact: nationalgas.uk@avisonyoung.com

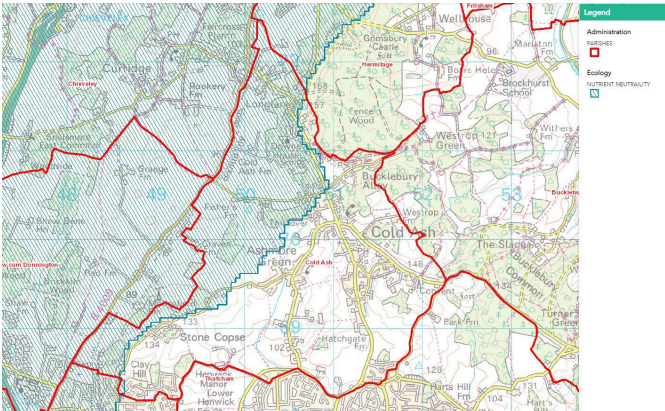
18. West Berkshire District Council

Comments received at the Pre-Submission (Regulation 14) consultation from West Berkshire District Council and response from the Steering Group

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
1-2	Contents page	In the contents page it would be helpful if the policy references could be included.	Noted – and added back in.	✓
3	First paragraph, Executive Summary	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Incorrect that parts of Cold Ash are the highest point in Berkshire – look at Combe and Streatley land heights.</p>	Amend to ‘ among some of the highest points ’	✓
3	First paragraph, Executive Summary	<p>It is suggested for clarity that the first sentence refers to the North Wessex Downs Area of Outstanding Natural Beauty (AONB). You could reword to:</p> <p>‘Cold Ash parish is diverse in nature, sitting partially within an area of <u>the North Wessex Downs Area of Outstanding Natural Beauty (AONB)</u> and comprising....’</p> <p>Overall the Executive Summary provides a clear and succinct summary of the Plan, and links back to the overall vision of the Plan.</p>	This has been amended.	✓
8	Paragraph 1.11	<p>The West Berkshire Minerals and Waste Local Plan (2022-2037) was adopted on 1 December 2022 (https://www.westberks.gov.uk/mwlp) and this supersedes both the Replacement Minerals Local Plan for Berkshire and the Waste Local Plan for Berkshire. The bullet points should therefore be updated as follows:</p> <ul style="list-style-type: none"> • Replacement Minerals Local Plan for Berkshire incorporating alterations adopted in December 1997 and May 2001 • Waste Local Plan for Berkshire adopted December 1998 • <u>West Berkshire Minerals and Waste Local Plan (2022-2037)</u> 	This has been amended as has the evidence Base list.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
8	Paragraph 1.12	<p>This paragraph could be re-worded to clarify that the Core Strategy Development Plan Document (DPD), the Housing Site Allocations DPD and the Saved Policies of the West Berkshire District Local Plan 1991 to 2006 together comprise the current Local Plan. The paragraph could also explain why the Local Plan is being reviewed</p> <p>The paragraph could be reworded into two paragraphs as follows:</p> <p><u>The current Local Plan comprises of the Core Strategy Development Plan Document (DPD), the Housing Site Allocations DPD, and the West Berkshire District Local Plan 1991-2006 (Saved Policies). The current Local Plan plans for development up to 2026 and in line with the NPPF, must be kept up-to-date and look ahead over a minimum 15 year period. The A Local Plan is therefore undergoing review to cover the period to 2039. Upon adoption, the West Berkshire Local Plan Review 2022-2039 is currently being developed and will replace in one document the three existing WBC documents mentioned above.</u></p> <p>Of the sites allocations <u>sed in Cold Ash</u> noted in the West Berkshire Core Strategy 2006-2026 and the Housing Site Allocations DPD 2006-2026 relating to Cold Ash, Site <u>Policy</u> HSA7 (St. Gabriels Farm The Ridge Cold Ash) has already been built out/nearing completion and Site <u>Policy</u> HSA6 (Poplar Farm Cold Ash) is not considered deliverable at this time.</p>	<p>This has been amended, although reference retained to the WB Minerals and Waste Local Plan.</p>	✓
8	Paragraph 1.13	<p>The first sentence in this paragraph can be updated to reflect that the Local Plan Review was submitted to the Secretary of State for independent examination in March 2023. It could be updated to read as follows:</p> <p>The West Berkshire Local Plan Review 2022-2039: Proposed Submission (Regulation 19 draft) (the LPR) was <u>published for consultation in January 2023 submitted to the Secretary of State in March 2023 so that it can undergo independent examination.</u></p>	<p>This has been amended.</p>	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
8	Paragraph 1.13	<p>The Local Development Scheme is updated periodically and the URL currently provided in this paragraph is to the current version (published in January 2023). To future proof this paragraph, it is suggested that the following URL is used https://www.westberks.gov.uk/lids as any updates to the LDS will be published on this page.</p>	The URL has been updated.	✓
9	Paragraph 1.19	<p>It would be useful for this paragraph to clarify that a housing requirement figure (of 40 dwellings) was originally identified for Cold Ash within the emerging draft of the Local Plan Review that was published for a Regulation 18 consultation between December 2020 and February 2021. The Steering Group undertook site selection work to try and identify suitable sites to meet this requirement, and this work should be linked to in this paragraph and included in Section 15 Reference Pack. Whilst this work identified one suitable site, it is located within the settlement boundary whereby there is a presumption in favour of development. The approach for the Local Plan has been to not allocate sites within settlement boundaries because the principle of development is already established.</p> <p>In light of the site selection work, the Proposed Submission version of the Local Plan Review did not identify a housing requirement for Cold Ash. As specified in paragraph 1.19 of the NDP, there are other sites that will meet the housing need in the District.</p>	The paragraph (now 1.20) has been updated to reflect this.	✓
9	Paragraph 1.21	<p>For clarity, it could be mentioned within this paragraph that the primary purpose of AONBs, as set out within the Countryside and Rights of Way Act 2000, is to conserve and enhance the natural beauty of the area. Additional text could be added to the paragraph as follows:</p> <p>Straddling four counties, the North Wessex Downs is one of Britain's most beautiful chalk landscapes, recognisable by its dramatic scarp slopes, swathes of ancient woodland and sheltered valleys criss-</p>	This has been added.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
		crossed by rivers and streams. <u>As set out in the Countryside and Rights of Way Act 2000, the primary purpose of the AONB is to 'conserve and enhance the natural beauty of the area'.</u>		✓
13	Figure 1.2	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>It might also be useful to include a map which shows the area of Cold Ash Parish that falls within the Nutrient Neutrality Zone, eg.</p> 	The map has been included.	✓
11	Paragraph 1.26	<p><u>Comments from Fiona Simmonds, Education Place Planning Team Leader:</u></p> <p>The section on sustainability could include that development should be of the size and scale that it can be mitigated in the schools within Cold Ash. This would reduce the need for movements outside the village and improve the sustainability of any development.</p>	Added in.	✓

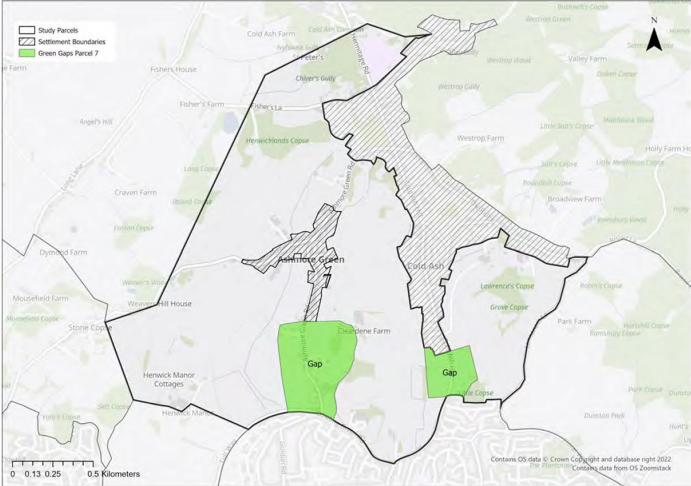
NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
15	Paragraph 2.6	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Check Combe to see if the highest church site was here.</p>	<p>Can someone check this?</p> <p>Text amended to 'one of the highest..' for the time being.</p>	
15	Paragraph 2.10	<p>Include a link in the paragraph to the assessment of housing by Simon Vanstone</p>	<p>Can you send me the URL linking to this?</p>	
15	Paragraph 2.11	<p>For clarity, it would be helpful to mention that it is policy ADPP1 (Spatial Strategy) of the West Berkshire Core Strategy Development Plan Document (which forms part of the Local Plan) that identifies Cold Ash as a Service Village. The paragraph could be reworded as follows:</p> <p><u>Policy ADPP1 (Spatial Strategy) of the Core Strategy DPD identifies Cold Ash village as defined as a local Sservice Vvillage. Service Villages are places settlements which have a more limited range of services and have some limited development potential where a small amount of development (particularly economic, or which extends the range of services available) may be appropriate.</u></p>	<p>Amended.</p>	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
16	Paragraph 2.12	Is it Simon's study that identifies that Cold Ash took the second highest increase in housing? If not, include a reference to the relevant source.	Can the group clarify the source of this please?	
16	Paragraph 2.12	<u>Comments from Gareth Ryman, Principal Ecologist:</u> Of all the local Service Villages <u>within West Berkshire</u> , Cold Ash	Added in.	✓
16	Paragraph 2.16	It could be mentioned here that the Core Strategy DPD identifies the Red Shute Industrial Estate as a Protected Employment Area.	Added in	✓
16	First sentence of paragraph 2.17	<u>Comments from Gareth Ryman, Principal Ecologist:</u> The OS Maps states 155m above sea level.	Amended.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
16	Final sentence of paragraph 2.17	<u>Comments from Gareth Ryman, Principal Ecologist:</u> Which four counties can be seen? I can only think of three – Hampshire, Oxfordshire and Wiltshire.	Amended.	✓
17	2 nd bullet point, paragraph 2.21	<u>Comments from Gareth Ryman, Principal Ecologist:</u> Cold Ash Quarry is a Geological Site of Special Scientific Interest.	Amended.	✓
17	4 th bullet point, paragraph 2.21	<u>Comments from Gareth Ryman, Principal Ecologist:</u> It appears there are more than seven Ancient Woodlands. Paragraph 2.28 mentions there are nine Ancient Woodlands.	Amended to numerous/several.	✓
17	1 st sentence, paragraph 2.28	<u>Comments from Gareth Ryman, Principal Ecologist:</u> The number of Ancient Woodlands specified is different to the number given in paragraph 2.21 (4 th bullet point)	As above.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
18	Paragraph 2.32	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Reference should be made to https://www.gov.uk/guidance/landscape-and-seascape-character-assessments.</p>	Reference to this – and the WB Landscape Character Assessment - has been added.	✓
20	3 rd bullet point, paragraph 3.1	The third bullet point incorrectly identifies Lambourn as a Service Village. Lambourn is in fact a Rural Service Centre and in the settlement hierarchy, Rural Service Centres sit above Service Villages.	Removed reference to Lambourn as the comparison is unhelpful.	✓
21	Objective 2, 3.4	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>It might be worth adding something around the Local Nature Recovery Network for Berkshire here.</p>	Reference to this has been added.	✓
24	Criteria 1 and 2, Policy CAP1: Location of Development	<p>Paragraph 16 F) of the NPPF states:</p> <p><i>'Plans should: ...f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).'</i></p> <p>Criteria 1 and 2 requires compliance with other policies in the West Berkshire development plan and therefore contrary to the NPPF. The policy should be reworded to avoid deferring to other</p>	<p>Removed duplicating text in Clause 1.</p> <p>Removed duplication in Clause 2 and rephrased.</p>	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
		development plan policies and be tailored more to Cold Ash's requirements. Please see a recent NDP Examiner's Report (paras 70, 76, 80) where this was identified as an issue by the Examiner and modifications made to remove sections of policy which deferred to the Development Plan.		
24	Criteria 2, Policy CAP1: Location of Development	<p>The policy identifies a Buffer Zone and it is unclear what evidence sits behind this.</p> <p>In November 2022 the West Berkshire Appropriate Countryside Designation Study was prepared by WBDC (https://www.westberks.gov.uk/local-plan-evidence#Other%20evidence%20base%20documents) and this study identifies if appropriate and specific planning designation for the countryside around the towns of Newbury and Thatcham is needed. The study recommends two parcels of land between Thatcham and Cold Ash and Thatcham and Ashmore Green (as shown in the diagram below) for potential green gap designation in the Local Plan Review:</p>	SG to consider	

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
		 <p data-bbox="703 762 943 778">Figure 14 – Parcel 7 Potential Green Gaps</p> <p data-bbox="533 826 1420 1059">Policy DM2 (Separation of Settlements Around Newbury & Thatcham) of the Local Plan Review (which was submitted to the Secretary of State for independent examination in March 2023) identifies that the two parcels of land as shown in the diagram above should be maintained to avoid coalescence and maintain the separate identifies of the settlements. The Buffer Zone is inconsistent with these two parcels of land.</p>		✓
25	Paragraph 5.3	<p data-bbox="533 1102 1384 1161"><u>Comments from Debra Inston, Principal Conservation and Design Officer:</u></p> <p data-bbox="533 1201 1397 1460">The Historic Environment Record (HER) contain details on local archaeological sites and finds, historic buildings and historic landscapes. Not all buildings, monuments, sites, places, areas or landscapes contained in the HER are considered non-designated assets within the meaning and definition contained within the NPPF. Each entry within the HER will have varying levels of heritage significance. To merit identification as a non-designated heritage assets the heritage significance would need to be towards</p>	<p data-bbox="1444 1102 1995 1297">The text has been amended to reflect this, noting that within the parish, St Gabriel’s convent is contained in the Local List of Heritage Assets prepared by WBC and therefore would be considered as a non-designated heritage asset in policy terms.</p>	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
		<p>the higher level.</p> <p>Paragraph 5.3 also states that non-designated heritage assets should be ‘conserved’. This does not comply with national and local policy as there is no requirement in either national or local policy to conserve these assets. Instead the correct requirement is set out in paragraph 203 of the NPPF, which states that:</p> <p><i>‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non- designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’</i></p>		
30-31	Policy CAP2: Local Character and Heritage	<p><u>Comments from Debra Inston, Principal Conservation and Design Officer:</u></p> <p>Policy CAP2 requires the submission of heritage statements for applications affecting heritage assets. The Council are currently updating our local validation list which will require heritage statements to be submitted with all listed building consent applications, and any planning application that has the potential to impact the significance of a heritage asset either directly or through development within their setting.</p>	Noted.	✓
32-38	Paragraphs 5.15-5.58	<p>The supporting text is quite lengthy and some of it reads as a policy, however the role of supporting text is to aid in the interpretation of the policy but cannot be used to prevail over the policy itself or insert new requirements. Paragraph 16 (f) of the NPPF states that: <i>‘Plans should ...f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)’</i>.</p> <p>This policy refers to other policies which is unnecessary and could cause confusion – any planning application would need to comply with all relevant policies.</p>	<p>The text could sit within an Appendix – or remain here – what do the group think?</p> <p>Reference to other policies has been removed.</p>	

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
32	Final bullet point, paragraph 5.16	The URL for the North Wessex Downs AONB Management Plan is required	This has been added.	✓
36	3rd bullet point, paragraph 5.32	<u>Comments from Gareth Ryman, Principal Ecologist:</u> Non-native species of plants should not be planted near or next to habitats as these non-native species have the real potential to compromise the habitat a certain amount. These habitats, particularly if linear, are likely to be utilised by nocturnal fauna feeding and commuting.	This text has been added.	✓
39	Criteria B (b), Policy CAP3: Design of Development	Typographical error: the guidance contained in the Quality Design West Berkshire Supplementary Planning Document and the North Wessex Downs AONB Management Plan	This has been amended.	✓
39	Criteria B (b), Policy CAP3: Design of Development	It would be helpful to include URLs, perhaps as footnotes, to both the Quality Design Supplementary Planning Document (https://www.westberks.gov.uk/spd-quality-design) and the North Wessex Downs AONB Management Plan (https://www.northwessexdowns.org.uk/our-work/management-plan/)	These have been added.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
39	Criteria B, b (iii) and (iv), Policy CAP3: Design of Development	<u>Comments from Gareth Ryman, Principal Ecologist</u> Add a couple of words saying native flora somewhere here	Reference added.	✓
40	Paragraph 5.59	<u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u> Suggest re-wording to the following: This policy seeks to ensure that development meets the highest environmental standards in terms of its construction, materials, <u>energy use and resource energy use such as materials, water, waste etc.</u> and energy use, to help mitigate against climate change.	(Now para 5.57). The text is proposed is considered to add greater clarity and has been added.	✓
40	Paragraph 5.60	Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer: Suggest re-wording to the following: On 12 June 2019 the Government voted to amend the Climate Change Act 2008 by introducing a new target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is otherwise known as a net zero target. In preparation for this, by 2035, emissions will need to be reduced emissions by 78% (compared to 1990 levels). <u>Locally, West Berkshire Council declared a Climate Change Emergency in July 2019 with an aim to deliver carbon neutrality for the District by 2030.</u> These are demanding targets, which will require everyone to contribute, from households and communities to usinesses and local and national government. Being '2050 ready' will require new build <u>ings</u> to have minimal energy use and net carbon emissions over the year. They should <u>follow the be highly energy hierarchy, looking at such measures as insulation, energy efficient lighting and being</u>	(Now paras 5.58 and 5.59): The text is proposed is considered to add greater clarity and has been added.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
		<p><u>fitted with or connected to low/zero carbon technologies (which includes renewable technologies. Consideration should also be given to the development reducing water demand through water efficiency methods and technologies.</u> Insulated have low water demand and be fitted with or directly connected to renewable energy systems.</p>		
40	Paragraph 5.61	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>It is not optional, it is within WBDC planning policy. Also terms like ecologically sustainable are confusing. It should be environmentally sustainable homes, or given the context Net Zero Carbon homes or low/zero carbon homes would be more appropriate.</p>	The text has been amended.	✓
40	2 nd bullet point, paragraph 5.62	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>Sometimes PV is not the most appropriate option for the development due to the orientation of the building. Suggest rewording to the following:</p> <p>Integrating renewable energy systems into new development, including existing and new public buildings. In particular <u>Where appropriate and viable</u> there is support locally for solar panels to be incorporated into new development;</p>	Noted and text has been amended.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
40	3 rd bullet point, paragraph 5.62	<p><u>Comments from Emily Jellie-Ashton,</u> Principal Environment Delivery Officer:</p> <p>Suggest re-wording to the following:</p> <p>Reducing water consumption through grey water systems <u>and water efficient systems</u>;</p>	This has been added.	✓
41	Policy CAP4: Sustainable Design	<p><u>Comments from Emily Jellie-Ashton,</u> Principal Environment Delivery Officer:</p> <p>Suggest re-wording to the following:</p> <p>1. Proposals which incorporate design and environmental performance measures and standards to reduce energy consumption, <u>carbon emissions and adapt to current and projected climate change scenarios</u> and climate effects will be supported.</p> <p>2. Proposals which incorporate the following sustainable design features as appropriate to their scale, nature and location will be strongly supported, where measures will not have a detrimental impact on character, landscape and views:</p> <ul style="list-style-type: none"> a. Siting and orientation to optimise passive solar gain. b. The use of high quality, thermally efficient building materials <u>and measures such as loft and wall insulation, and double glazing.</u> c. Installation of energy efficiency measures such as loft and wall insulation and double glazing <u>LED lighting.</u> d. Incorporating on-site energy generation from renewable sources such as solar panels, ground source heating and energy generation etc. e. Reducing water consumption through water re-use measures including rainwater harvesting, surface 	The suggested wording provides greater clarity without diluting the policy intent. Text amended.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
		<p>water harvesting and/or grey water recycling systems.</p> <p><u>d</u> f. Providing low carbon sustainable design and avoid or mitigate all regulated emissions <u>by following the energy hierarchy. For example, use less energy and manage energy demand during operation through fabric and service improvements; where feasible exploit local energy sources such as secondary heat and supply energy efficiently and cleanly, via low carbon technologies; maximise the use of zero carbon technology / renewable energy by producing, storing and using zero carbon / renewable energy on-site; only where necessary, off-site measures to deal with any remaining emissions</u> using a combination of on-site energy efficiency measures (such as insulation and low energy heating systems), on-site zero carbon technologies (such as solar panels) and, only where necessary, off-site measures to deal with any remaining emissions.</p> <p><u>e</u> g. Providing the infrastructure for adequate electric vehicle charging points for each dwelling, where new parking provision is expected to be made.</p> <p><u>f</u> h. Alterations to existing buildings should be designed with energy reduction in mind and comply with current sustainable design and construction standards, as set out in the Quality Design – West Berkshire SPD and the Building Regulations.</p> <p><u>g. Reducing water consumption through water re-use measures including rainwater harvesting, surface water harvesting and / or grey water recycling systems.</u></p> <p>3. The retrofitting of historic buildings is encouraged to reduce energy demand and to generate renewable <u>low / zero carbon</u> energy where appropriate, providing it safeguards historic characteristics.</p>		

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
43	Final sentence of Criterion c, paragraph 5.76	Typographical error: WBDC have prepared a <u>an adopted</u> SuDS Supplementary Planning Document;	Amended and URL provided.	✓
47	1 st sentence, paragraph 6.8	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Also include mention of Ancient Woodland and linear habitats (ie. hedgerows, streams and ditches, etc.).</p> <p>With retaining water in upland areas reducing the wildfire risk and improving habitat quality across the catchment.</p>	<p>This has been added.</p> <p>I'm not sure what this is referring to.</p>	
50	Paragraph 6.12	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Within 18 months to two years, the Habitat Recovery Network for Berkshire will be in place. This process is being managed by the Berkshire Nature Partnership <u>Royal Borough of Windsor and Maidenhead</u>.</p>	Amended.	✓
51	Criteria 1 and 3, Policy CAP6: Biodiversity and the Network of Green and Blue Infrastructure	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>Policy needs to include reference to blue infrastructure. Suggest re-wording to the following:</p> <p>1. Proposals should be designed from the outset to create, conserve, enhance and manage green <u>and blue</u> spaces and connect chains of green <u>and blue</u> infrastructure, as identified on the</p>	Added in.	✓

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		<p>Policies Maps, delivering a measurable net gain in biodiversity of a minimum 10% using the most up to date biodiversity accounting metric developed by Natural England for local people and wildlife. Development which would result in the loss of ancient woodland, aged trees or veteran trees will not be supported unless there are wholly exceptional reasons as envisaged in the NPPF and a suitable compensation strategy exists.</p> <p>3. Proposals that seek to improve the connectivity between wildlife areas, and green <u>and blue</u> spaces will be encouraged in order to enhance the green <u>and blue</u> infrastructure of the Neighbourhood area. In particular, proposals that support the enhancement and management of the identified Biodiversity Opportunity Areas will be supported. Conversely, proposals which threaten to damage such connectivity will be strongly resisted.</p>	Added in.	
58-59	Policy CAP7: Managing the Environmental Impact of Development	<p><u>Comments from Emily Jellie-Ashton, Principal Environment Delivery Officer:</u></p> <p>This policy all makes sense to me and in line with best practice detailed in such methodologies as BREEAM. It also supports the work we are doing on Green and Blue Infrastructure, however I'm not a landscape specialist or ecologist.</p>	Noted.	✓
59	Criteria d, Policy CAP7: Managing the Environmental Impact of Development	<p><u>Comments from Gareth Ryman, Principal Ecologist:</u></p> <p>Where possible trees should be left as dead standing because they are a great biodiversity resource for wildlife and if left as a monolith pose little risk.</p>	Added into the policy / supporting text.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	
59	Criteria f, Policy CAP7: Managing the Environmental Impact of Development	Unless trees/hedges are under Tree Protection Order or within a Conservation Area they are not protected and it is not development to remove them. It might be difficult in practice to seek to retain hedgerows under this policy – the Council’s Development Management Team tend to refuse loss of hedgerow in terms of the impact on the character of an area and/or impact on biodiversity, which this policy does not seem to cover.	Noted – additional wording added into the second sentence of the policy.	✓
59	Criteria g, Policy CAP7: Managing the Environmental Impact of Development	<u>Comments from Gareth Ryman, Principal Ecologist:</u> Laurel and leylandii would not be permitted by us.	Noted. This wording was added following the comments received during the informal consultation (pre-Reg 14) on the CNP.	✓
64	Policy CA9: Local Green Spaces	Paragraph 16 F) of the NPPF states: ‘Plans should: ...f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)’. The final sentence of the policy should therefore be deleted.	Noted and removed.	✓
74	Policy CAP11: Encouraging Sustainable Movement	<u>Comments from Chris Sperring, Principal Transport Policy Officer:</u> This policy is supported in principle. <ul style="list-style-type: none"> Any proposed footway or cycleway improvements will need to be developed in partnership with West Berkshire Council (as local highway authority). It should be noted that cycle improvements will need to be designed in accordance with Department for Transport Local Transport Note 1/20 (LTN 1/20: 	Noted.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
		<p>Cycle Infrastructure Design, July 2020). Improvements around schools may require the school in question to refresh their School Travel Plan (see comments for Section 10).</p> <ul style="list-style-type: none"> • Policy CAP11 or the supporting text in Section 7 could include the provision of broadband to allow opportunities for home working/shopping that could help reduce the need for travel. <p>The draft LTP4 Strategy document recently subject to public consultation seeks to introduce shared mobility initiatives in rural areas, which may be option for Cold Ash in due course.</p>	<p>Suggest this may be better placed in Policy CAP16.</p> <p>Added into the supporting text.</p>	✓
77	Policy CAP12: Sunken Lanes	<p><u>Comments from Chris Sperring, Principal Transport Policy Officer:</u></p> <p>The unique nature of the sunken lanes in the parish is recognised. It is likely that this would be a Highways Asset Management issue.</p>	<p>Noted. Reference within the CNP seeks to acknowledge their contribution to local character.</p>	✓
79	Paragraph 7.23	<p><u>Comments from Chris Sperring, Principal Transport Policy Officer:</u></p> <p>Any proposals for public Electric Vehicle Charging Points would be supported.</p>	<p>Noted.</p>	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
86-88	Section 10: Non- Policy Actions	<p><u>Comments from Fiona Simmonds, Education Place Planning Team Leader:</u></p> <p>The section on non-policy improvements does touch on subsidised school transport from Thatcham. Whilst families from Thatcham do choose the school this is a matter of choice and is not necessary, as these are not catchment pupils. Any transport considered would have to take into account whether this transport was necessary, the sustainability of this transport and the potential impact on schools in Thatcham.</p> <p>There is sufficient capacity in Thatcham for these families to be allocated places without needing transport.</p>	Noted, although this might be something pursued by the parish council.	✓
87	Section 10 Non- Policy Actions Ref 12: Safeguarding sunken lanes against inappropriate traffic volumes	<p><u>Comments from Chris Sperring, Principal Transport Policy Officer:</u></p> <p>The current WBDC Local Transport Plan (LTP) Active Travel (AT) Strategy (2011) notes that Quiet Lanes have been previously used in the Bucklebury Area and that they could be used in other rural villages to help all AT modes in their use of the countryside. The AT strategy is due to be reviewed, along with other supporting LTP strategies, following completion of WBDC's new LTP4 Strategy document, and it is likely the role of Quiet Lane's will be given further consideration as part of the review of the AT strategy.</p>	Noted and for CPC to consider.	✓
87-88	Section 10 Non-Policy Actions Ref 14: Need to reduce congestion and improve pedestrian safety at schools	<p><u>Comments from Chris Sperring, Principal Transport Policy Officer:</u></p> <p>If school travel measures and physical improvement works (such as pedestrian crossing points) are to be taken forward, it is likely that the relevant school will be required to refresh its School Travel Plan to demonstrate commitment to improving safety and encouraging Active Travel and sustainable means of travel to/from school. The current travel plans for St. Marks (2005) and St. Finnian's (2009) are now somewhat out of date and ideally should be refreshed.</p>	Noted – have made reference to school travel plans in papa 7.5.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
88	Section 10 Non- Policy Actions Ref 15: HGVs using inappropriate routes through the villages (despite existing weight limits)	<u>Comments from Chris Sperring, Principal Transport Policy Officer:</u> The road network in Cold Ash parish (including Cold Ash Hill) does not form part of the West Berkshire Freight Route Network as defined in the Local Transport Plan Freight Strategy 2014. Any amendments to weight restrictions and advisory signing would need to be developed with WBDC's Traffic and Road Safety Team.	Noted and added in reference to this team.	✓
94-96	Section 14 Glossary	Suggest including a definition of what is meant by the 'development plan', ie. A document setting out the local planning authority's policies and proposals for the development and use of land and buildings in the authority's area. This includes adopted Local Plans and neighbourhood plans, together with any regional strategies that remain in force. It is defined in section 38 of the Planning and Compulsory Purchase Act 2004.	Added in.	✓
95	Section 14 Glossary: Previously developed land / brownfield land	The definition used should be that as given in the NPPF, ie. Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be PDL Previously Developed Land developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.	This has been amended.	✓

NDP page number	NDP Paragraph or Policy Reference	Comment	SG Response	✓
95	Section 14 Glossary: Settlement Boundaries	<p>Suggest rewording to accord with the definition given in the Local Plan Review:</p> <p>These identify the areas in the district of primarily built form, rather than countryside <u>the main built up area of a settlement within which development is considered acceptable, subject to other policy considerations.</u> They identify areas within which development of brownfield land may normally be appropriate, including infilling, redevelopment and conversions in accordance with Government Policy and Guidance (NPPF and NPPG).</p> <p>They do not include a presumption for the development of greenfield land such as playing fields and other open space. Identified built up area boundaries do not necessarily include all existing developed areas. <u>While allowing for development, settlement boundaries protect the character of a settlement and prevent unrestricted growth into the countryside. They create a level of certainty about whether or not the principle of development is likely to be acceptable.</u></p>	The definition has been amended.	✓
96	Section 14 Glossary: Use Classes Order	Definition needs to reflect that the Use Classes Order was amended in 2020.	Amended.	✓
110-118	Appendix C: Local Green Spaces	Some of the Local Green Spaces are in private ownership, have the owners been contacted? The Group will need to be able to show the Examiner that this has been done and should be evidenced.	All owners have been contacted.	✓