


West Berkshire Local Plan Review 2022-2039
Proposed Submission Representation Form
Ref:
(For official use only)

Please complete online or return this form to:	Online: http://consult.westberks.gov.uk/kse
	By email: planningpolicy@westberks.gov.uk
	By post: Planning Policy, Development and Regulation, Council Offices, Market Street, Newbury, RG14 5LD
Return by:	4:30pm on Friday 3 March 2023



This form has two parts:

- Part A - Your details: need only be completed once
- Part B - Your representation(s): please fill in a separate sheet for each representation you wish to make

PART A: Your Details

Please note the following:

- *We cannot register your representation without your details.*
- *Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*
- *All information will be sent for examination by an independent inspector*
- *All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at <http://info.westberks.gov.uk/privacynotices>*

	Your details	Agent's details (if applicable)
Title:	Mr	
First Name:*	Stuart	
Last Name:*	Duncan	
Job title <i>(where relevant):</i>		
Organisation <i>(where relevant):</i>		
Address* <i>Please include postcode:</i>		
Email address:*		

Telephone number:	[REDACTED]	
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**Mandatory field*

Part B – Your Representation

Please use a separate sheet for each representation

The accompanying guidance note available at: <https://www.westberks.gov.uk/lpr-proposed-submission-consultation> will assist you in making representations.

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will **not normally** be a subsequent opportunity to make further representations, **further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation (and client if you are an agent):	Stuart Duncan
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Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	All sections
Policy:	All sections
Appendix:	All sections
Policies Map:	All sections
Other:	All sections

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

Please see attached document

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		x
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		x
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		x
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		x

Please give reasons for your answer:

Please see attached document

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

Please see attached document

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see attached document

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes

No

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

6. Notification of Progress of the Local Plan Review

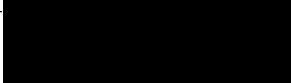
Do you wish to be notified of any of the following?

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	x
The publication of the report of the Inspector appointed to carry out the examination	x
The adoption of the Local Plan Review	x

Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.

Signature		Date	03.03.2023
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Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.

Attachment to Proposed Submission Representation Form

Stuart Duncan – 03.03.2023

I have read the representations made by Bucklebury Parish Council and agree with their objections to the Regulation 19 version of Local Plan Review (LPR).

There are clearly significant flaws in the Regulation 19 version of the LPR. West Berkshire District Council (WBC) should address these flaws before the document is submitted for examination.

I have referred to some, but not all, of these flaws below:

1. Timing of Consultation

The Housing Delivery Test results published in January 2022 show that West Berkshire Council (WBC) provided 117% of the required housing over the preceding three years. Closer examination shows a more significant oversupply in the last year. This could mean that large-scale release of sites such as North East Thatcham are unnecessary.

The LPR is based on outdated ONS projections and a flawed methodology for deriving the appropriate housing target. The direction of travel is for a plan-led system where the amount of housing which must be planned for within any local plan is likely to be significantly reduced from the 513 dpa figure in the LPR.

Other local authorities have chosen to pause further progress on local plans until recent changes to planning policy and housing targets are fully understood. This is at odds with WBC's approach.

The LPR is not ready for examination, which contravenes Section 20 b) of the Planning and Compulsory Purchase Act 2004.

2. Consultation and Duty to Co-operate

WBC announced the Regulation 19 consultation on 20th January 2023. Interested parties were then notified that some of the content on the WBC website would be unavailable on 21st and 22nd January due planned maintenance of the website. It was unclear what content was inaccessible so any review of the LPR evidence could not begin until 23rd January 2023. This effectively shorted the consultation period by 2 days, which is less than the required 6-week period.

WBC did not properly consult Bucklebury Parish Council (BPC) in the first instance when carrying out the Settlement Boundary Review and ignored their representations.

3. Site Selection Process

There is little evidence of a rigorous process being undertaken in the Site Selection Methodology Paper. Thatcham Town Council and BPC were not adequately consulted.

The LPR contains very limited information regarding AWE Aldermaston and AWE Burghfield. There is a lack of compelling evidence that WBC has adequately consulted and considered the impact of AWE Aldermaston and AWE Burghfield in the preparation of the LPR.

The Site Selection Background Paper (Reg18 SSBP) refers to Site THA9 and raises concerns that this development (36 houses) would breach the strategic gap between Thatcham and Newbury. The same concerns are not expressed in relation to Site THA20 (2,500 houses), which is a much larger development. This makes no sense. The analysis is inconsistent. The strategic gap is of fundamental importance between an urban town and rural village (i.e. Thatcham and Upper Bucklebury)

The proposed development would destroy the separate identity of each settlement and jeopardise the remote nature of the AONB.

The proposal is at odds with WBC's own objections to the Siege Cross plans in 2015/16 (500 houses) - 15/00296/OUTMAJ Statement of Case. WBC's own expert in that case was categorical in the assessment of the damage that Siege Cross would cause to the local environment. This expert opinion was repeated throughout WBC's vigorous opposition to the site. Siege Cross now forms part of the THA20 proposal. The current proposal site is 5 times the size and much closer to the AONB. The potential damage would be significantly greater.

There are also flaws in the Thatcham Growth Study (TGS), particularly in relation to the site selection process.

4. Sustainability Appraisal

BPC has prepared an analysis against the Sustainability Appraisal (SA) objectives (Appendix 2 of its representations). Many, if not most of the WBC conclusions are not based on any accurate or available evidence. An accurate or reasonable assessment leads to the site performing poorly against all SA objectives. WBC's approach to the assessment and scoring of the site against the SA objectives is severely flawed.

5. North East Thatcham Strategic Allocation

Masterplanning is yet to take place and there is no vision for how the homes will be accommodated on the site, especially as the site is sloping and its access is compromised by the pipeline.

There is no detail on the infrastructure or other facilities. The infrastructure has not been costed adequately and there is no available evidence that the site is deliverable.

The school provision has not been costed within the viability appraisal and therefore the deliverability of this element of the allocation is unjustified.

There are no details or costings provided for the proposed 1,200 sq m community indoor facility

It is unclear how the proposed outdoor formal and informal sports pitches will be provided when most of the site is on a gradient.

Given the gradient and level change across the site, it is not considered that a comprehensive network of cycle paths or walking routes could be delivered

Links and access to the AONB are being encouraged without consideration of the sensitivity of the common and wider AONB.

The evidence base for trip rates and trip distribution is highly flawed and mitigation measures will not be successful.

The highway network in the vicinity of North East Thatcham is already over capacity and development of this scale will lead to severe traffic impact which would breach the threshold set out in paragraph 111 of the NPPF.

It is highly unlikely that the dwellings will be brought forward as net zero carbon and no allowance has been made for this within the viability appraisal for the site.

It is unclear how any development on this site would deliver a 'net gain' for Thatcham Town in terms of drainage and there is no allowance for this within the viability report for the site.

Given the highly sensitive location of the site it is illogical that a Landscape and Visual Impact Assessment has not already been carried out for the proposed allocation.

Consideration of heritage impact should have been undertaken as part of the site selection process and subsequent assessment of site capacity. It is not considered appropriate that this is left to later stages of the planning application process.

Given the significant ambiguity over the position of the impact of the oil pipeline it is unclear whether the site would pass the tests of deliverable and developable as set out in the glossary of the NPPF. Given that WBC are acutely aware of these constraints it is illogical that further work has not been undertaken

6. Landscape and Character Impact

There is no evidence to support claims that SP17 will have a positive impact on the environment. By contrast, there is every reason to believe it will have a significantly negative impact.

The North Wessex Downs AONB statement on development in the setting of the AONB states that

'examples of adverse impacts on the setting of the North Wessex Downs AONB include: development which would have a significant visual impact on views in or out of the AONB breaking the skyline, particularly when this is associated with developments that have a vertical emphasis and / movement (chimneys, plumes or blades for example) loss of tranquillity through the introduction or increase of lighting, noise, or traffic movement or other environmental impact like dust, vibration, spatial associations and historic relationships introduction of abrupt change of landscape character loss of biodiversity, particularly of habitats or species of importance to the AONB loss of features of historic and natural landscape interest, particularly if these are contiguous with the AONB; change of use of land such that to cause harm to landscape character development individually or cumulatively giving rise to significantly increased traffic flows to and from the AONB, resulting in loss of tranquillity and erosion of the character of rural roads and lanes Increase in air and water pollution'

The development of North East Thatcham would give rise to all of these adverse impacts to some degree or another

The Landscape Character Assessment is now more than 20 years old so can be considered as up-to-date in accordance with the guidance

The Thatcham Strategic Growth Study (TSGS) offers little assessment of the damage the proposed THA20 site would cause to the AONB, apart from acknowledging that the AONB partnership has objected to it, and that there is “little intervisibility between the two if an appropriate buffer is included in any proposals.” This does not adequately assess the effect the development would have on the AONB

WBC is aware of the negative impact on the AONB. The Site Selection Background Paper December 2020 Table 8.2. Site CA12 (pg21) states that by developing THA20 WBC is accepting that the separate identity of Bucklebury would be lost and there would be definite harm to the AONB setting.

The proposal would have a direct and irretrievable negative impact on the AONB. WBC are charged to protect the AONB, and should reconsider the positioning of THA20 as a viable site.

The AONB board has objected to the concept of a country park in close proximity to the AONB, as it will encourage visitors to the area (which has the potential to cause further harm to the wider areas).

7. Ecology and Biodiversity Impact

The proposed site is in the setting of the AONB and, as such, the development of the land would not protect nor enhance this valued landscape.

The development of this site would have a significant impact on the character and beauty of Thatcham and Bucklebury.

There is no evidence that the impact of the development on biodiversity or the provision of net gains for biodiversity have been adequately considered. Instead, this is being left to the application stage. This is considered too late and runs contrary to the approach set out in the NPPF.

There is no evidence of the impact of the site insofar as it may contribute to, put at unacceptable risk or adversely affect unacceptable levels of soil, air, water or noise pollution or land instability. This appears to contravene the NPPF approach, which says that development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

WBC has not embedded biodiversity as part of its plan and has instead chosen to leave this to the application stages.

WBC has not planned for biodiversity and geodiversity in line with the Planning Practice Guidance, specifically paragraphs 010 and 011, Reference ID: 8-010-20190721, Revision date: 21 07 2019.

It is a key part of the Bucklebury vision for the Common not to increase the number of visitors, but to place the emphasis firmly on providing nature with a chance to restore itself and thrive, both in terms of the diversity and abundance of its fragile ecosystem. Based on the housing mix described in the LPR, the proposed development represents an additional 4000+ people being actively encouraged into the AONB, which includes the irreplaceable habitats found in Bucklebury Common, with its ancient woodlands and heaths, pastures, greens and historic ponds. The Common is already struggling to balance accessibility and leisure usage with the needs of the environment, with increased usage from cyclists and

dog walkers particularly impacting ground-nesting birds, notably woodcock, and other wildlife

The land immediately adjacent to the proposed development area for SP17 contains 41 Local Wildlife Sites and is part of the Bucklebury Plateau Biodiversity Opportunity Area.

The data being used to establish the presence of species is out of date. In 2020, Bucklebury Parish sought environmental records for the 41 LWSs impacted by SP17:

- 80% of surveys were conducted more than 15 years ago
- 50% were more than 20 years old
- 44% were over 30 years old

BPC has appointed ecologists to conduct an independent study of the impacted area. The findings from a single day walk on public access routes indicated that the site had a much higher biodiversity value than previously appreciated, including the presence of seven species of threatened breeding birds and one threatened migratory species, several bat species and abundant badger setts. The hedges, old trees and gullies served as important corridors linking up different habitats within and beyond the site boundaries. These initial findings imply that a full study will show the required mitigation measures and BNG will be far more complex for the development than was anticipated by the planners. This one study has provided more information about the site than has been presented in the whole the LPR and its available evidence base. The area has a much higher biodiversity value than assessed by WBC.

Protected species are present across the site and would be impacted. No detail on mitigation measures has been presented by WBC. Critical habitat network features are under threat from the development and will severely impact distribution of key species.

8. Highway Impact

YES Engineering Group Limited was appointed by Bucklebury Parish Council to review the transport related evidence submitted by WBC. Their report indicates there would be delays and congestion occurring around key junctions along the A4 corridor, with through traffic diverting onto unsuitable routes.

Journey time analysis was carried out and assessed the most desirable routes for those travelling east (towards Reading) or west towards M4 Chieveley. It was demonstrated that the quickest route in each direction is via Harts Hill Road or via Cold Ash Lane rather than the strategic network (A4). The impact on these routes has not been assessed and this is a fundamental flaw within the modelling assessment.

The selection of North East Thatcham for significant development is fundamentally wrong as traffic will need to divert off the strategic network and non-highway based mitigation measures are almost impossible to achieve due its location/topography.

Development at North East Thatcham is likely to cause displacement onto wider routes away from the A4, through local villages such as Upper Bucklebury. The WBC Phase 1 Transport Assessment describes these routes as undesirable and, critically, the impact has not been assessed within any of the evidence presented in support of the emerging local plan. Additionally, there are fundamental flaws within the trip assessment and distribution.

In summary:

- The trips rates set out by WBC are unreliable and not robust.
- The trip distribution is unrealistic (all evidence suggest traffic will be diverted from the A4).
- The proposed mitigation measures suggested by WBC are improbable at best.
- The location of site means car traffic will dominate the area.
- The Highway network in the vicinity of THA20 is already over capacity.
- No assessment has been made of the routes most likely to be affected by an increase in traffic. Increase in traffic through Bucklebury will pose highway safety issues.

9. Heritage Impact

WBC does not appear to have taken into account the setting or significance of Colthrop Manor as a designated heritage asset in the allocation of North East Thatcham or considered the impact of the development or the way in which the capacity of the site would be affected by it.

10. Infrastructure and Services

There are significant failings with the LPR on whether the provision of infrastructure associated with the development at North East Thatcham under policy SP17 is viable or deliverable.

The North-East Thatcham development plan (SP17) proposes a 450 sq m primary healthcare facility with the suggestion that a GP Surgery be offered to the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board or other such appropriate body. However, the document is bereft of detail or insight into strategic healthcare planning.

Few new GP practices are commissioned by NHS England, even where they consider there to be patient demand for improved services. NHS Digital figures of patients registered in the NHS Berkshire West Clinical Commissioning Group (CCG) confirm there is an even worse shortage of GPs in other areas of the country. There is therefore no realistic prospect of a new GP practice being established in Thatcham or West Berkshire in the foreseeable future. There has been no approach by WBC or the developers to any local GP practice to discuss an appropriate site, floor-space or location to which one or more practices could relocate. All three existing practices are already overstretched.

Thatcham dental practices are unable to provide dental care for the whole population with a significant minority of patients needing to travel further afield for NHS and private dental care. Thatcham Vision, endorsed by WBC in 2016, confirmed only 60% of residents were registered at a Thatcham dentist (with 17.5% registered with a doctor outside Thatcham). There is no evidence provided that either WBC or the developers have approached any local dental practices regarding the potential impact of increased workload resulting from additional housing.

The provision for education from Nursery, Early Years, through Infant to Secondary education is not clearly defined within the LPR. There is no coherent end-to-end plan, which appears to breach the obligations of WBC to provide education facilities for children.

The lack of effective or justified education provision across the various proposed developments also means it is impossible to accurately predict the impact on traffic.

The location of a secondary school in the North East Thatcham development under policy SP17 would inevitably result in a significant increase in traffic across the whole Thatcham area and this has not been adequately considered in the traffic plans and modelling in the LPR.

There are no details in the LPR of the provision for Nursery or Early Years education. SP17 merely states that the site will provide Early Years provision.

The provision for primary school education is unclear and contradictory. There is no data or evidence on the planned numbers of schools or 'form entry' requirements. The LPR proposes that the sum of £12 million will be sourced from the developers of SP17 to fund the provision of primary education. However, with no recent data available (the only data referenced is from 2011), it is impossible to assess if this funding would be sufficient for the delivery of the required education provision.

The plan for secondary school provision is unsound for the following reasons:

- There is no satisfactory evidence of the number of pupils the school is to cater for
- The location of a school within the proposed development is not clear
- The number of Form Entries is not defined, but it is noted that anything less than a 6FE school is unsustainable.
- The timing and responsibility for the funding is not clear and has not been adequately costed in the viability appraisals.
- There is no evidence that the proposed funding is sufficient to meet the Council's obligations to provide education.

11. Climate Change and Flood Risk

The Sustainability Appraisal is ambiguous in relation to flood risk. It states that the development at North East Thatcham under policy SP17 would have a positive impact but there is also a '?' place in the assessment box.

The justification for the assessment given by WBC states that the policy requires consideration of SuDS that could deliver net gains for Thatcham, but there is no other reference made to flood risk. The policy does include requirements for GI, ecology and sustainability measures to be included which may all have a positive impact on flood risk.

It is not considered that this is a credible assessment, and the question mark demonstrates that WBC are unsure of the impacts in this regard. It is not considered that the LPR is justified, effective or consistent with national policy and is unsound on this basis alone.

12. Water Supply and Foul Drainage

Flood risk is a significant threat to Thatcham, and lack of evidence to suggest this has been adequately considered.