



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cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*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	Mr
First Name:*	Phillip	Tim
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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):	Turley OBO Donnington New Homes
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Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	See accompanying representations
Policy:	See accompanying representations
Appendix:	See accompanying representations
Policies Map:	See accompanying representations
Other:	See accompanying representations

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:

See accompanying representations

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:

See accompanying representations

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

X

Please give reasons for your answer:

See accompanying representations

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.

See accompanying representations

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:

Our position is that the site should be included as a proposed residential allocation and that the LPR does not provide enough sites to provide sufficient housing supply.

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	T.Burden	Date	03.03.23
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Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.

West Berkshire Local Plan Review Proposed Submission (Regulation 19) Consultation

Land at Long Lane, Newbury

March 2023

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Client
Donnington New Homes

Our reference
DONS3005

3 March 2023

1. Introduction

- 1.1 These representations have been prepared by Turley on behalf of Donnington New Homes in respect of the West Berkshire Local Plan Review 2039 Proposed Submission (Regulation 19) Consultation (January 2023).
- 1.2 Our client has important land interests in the Local Plan area, in particular at land to the north of Newbury off Long Lane. The site was previously submitted for consideration as part of the Call for Sites consultation in 2017 together with an update in October 2019. Representations were also submitted to the December 2020 Emerging Draft consultation.
- 1.3 The site has been considered in the Sustainability Assessment accompanying the Regulation 19 consultation under site reference CA15. This SA process, along with the approach to site selection in relation to the identified spatial strategy, is discussed later in these representations.
- 1.4 We look forward to continuing to engage with the Local Plan Review process as it progresses.
- 1.5 These representations are accompanied by the following plans and documents:
 - Site Location Plan;
 - Concept Masterplan;
 - Opportunities and Constraints Plan;
 - Preliminary Flood Risk Appraisal;
 - Preliminary Landscape Visual Baseline Appraisal;
 - Preliminary Ecological Appraisal;
 - Archaeological Desk-based Assessment;
 - Transport Assessment; and
 - Technical Note on Nutrient Neutrality.

2. Land at Long Lane, Newbury (site reference CA15)

The site and surroundings

- 2.1 The site extends to an approximate area of 16.74ha occupying land which includes three agricultural fields separated by Long Lane (B4009) (see Site Location Plan at **Appendix 1**).
- 2.2 The site is situated approximately 2km north of Newbury town centre, and physically adjoins the edge of the settlement on the western field (10.17ha). The eastern field (6.57ha) is separated from the settlement by Shaw Cemetery. Both parcels are accessed directly off Long Lane B4009.
- 2.3 The western parcel comprises two agricultural fields separated by an access track serving Highwood Farmhouse. The Farmhouse is to the west of this parcel, which is also bounded by established mature vegetation (tree belt). There is a Public Right of Way along this boundary running north-south. The southern boundary abuts the rear of dwellings on Highwood Close. The eastern boundary abuts Long Lane and comprises hedgerows. The northern boundary abuts open countryside and also comprises hedgerows.
- 2.4 The eastern parcel to Long Lane narrows to the north of the site. The boundary to Long Lane comprises hedgerows, the southern boundary abuts Shaw Cemetery and is bounded by established vegetation. The eastern boundary abuts a disused railway line and dense vegetation. A Public Right of Way runs close to the southern portion of eastern boundary before diverting off to the north east. To the north of the parcel is a cattery and kennels, beyond which is open countryside.
- 2.5 An oil pipeline with 3m easement crosses the very southern end of this parcel. There is also a flood attenuation bund that has been constructed by West Berkshire Council along the southern boundary of the eastern parcel of land, to the south of the oil pipeline, known as the Cromwell Road Flood Alleviation Scheme.
- 2.6 The site lies fully in Flood Zone 1. The site is not subject to any statutory landscape or ecological designations. In terms of heritage assets, the site does not lie within or adjacent to a Conservation Area or contain or lie within the setting of any Listed Buildings or Scheduled Ancient Monuments.
- 2.7 The site is within walking distance of Trinity Secondary School and Sixth Form (1km to the west), St Joseph's Catholic Primary School (1.3km to the south), Shaw-cum-Donnington Primary School (1.5km to the west) and The Winchcombe School (1.6km to the south west), as well as local shops along Kiln Road. A bus service provides connections to Newbury Town Centre and West Ilsley.
- 2.8 Newbury is the main settlement in the District which has good rail, bus and road connections to Reading, Basingstoke and London.

- 2.9 The land parcels are under separate ownership but controlled by Donnington New Homes who are committed to bringing forward residential development on the site following an allocation through the Local Plan Review process.
- 2.10 New development here on any scale will need to be respectful and responsive to its context, aware of the need to maximise use of development land but protecting the special character of the surroundings. The proposals for the site have been developed in this context.
- 2.11 There are relevant planning permissions and site promotions to the north of Newbury that are in proximity to the Site:
- 75 dwellings approved at Coley Farm (to the east of the Site) – application reference 20/00604/FULEXT.
 - Reserved matters approval for 401 dwellings to the west of Long Lane, north of Vodafone Headquarters – application reference 20/00048/RESMAJ.
 - Reserved matters approval for 222 dwellings to the west of Long Lane, west of the A339 – application reference 18/03061/RESMAJ.

Technical Studies

- 2.12 A series of technical studies have been undertaken to inform the emerging proposals for the site and support its assessment by the Council as a suitable site for allocation for residential development. These were previously submitted to the Council at Regulation 18 stage in 2021, although their conclusions do not appear to have been fully used to inform the Council's own Sustainability Appraisal / site selection process.
- 2.13 These studies are summarised below.

Flood Risk and Drainage

- 2.14 A Preliminary Flood Risk Assessment has been prepared by Glanville (February 2021, see **Appendix 4**). From a flood risk perspective, the site is within Flood Zone 1 (low risk). There are areas of low to high risk of surface water flooding, which are across the centre of the sites, running north to south, as well as along ground depressions within the site boundary.
- 2.15 Development on the site provides opportunities to improve flood protection for both existing properties that have been affected by surface water flooding, as well as future occupants. Suitable provisions for the disposal of surface water and opportunities to increase flood storage offered by the Cromwell Road Flood Alleviation Scheme can be provided on-site. The SuDS features identified within the report would also provide effective nitrogen mitigation measures as well as ecology benefits to support biodiversity net gain.
- 2.16 The report concludes that the site can be developed without increasing flood risk on-site or elsewhere. Flood risk and drainage are not therefore considered to represent a constraint to development of the site.

- 2.17 The SA scoring for the site is negative, however our assessment is that this should be a positive impact for the reasoning above.

Landscape

- 2.18 A Preliminary Landscape and Visual Baseline Appraisal has been prepared by EDP (February 2021, see **Appendix 5**).
- 2.19 On the basis of a site walkover of the site and review of relevant planning policy and designations, there do not appear to be any in principle landscape and visual constraints to the development of the site, with effects on visual amenity and landscape character considered to be manageable through a well-designed scheme. There is no intervisibility between the Site and the North Wessex Downs AONB and it is considered there would be no effects on its setting due to distance and topography.
- 2.20 The site walkover and wider consideration of views has found that the greatest potential for views into the site are from the north and east. However, this view is seen in the context of north Newbury with the B4009 running through the site.
- 2.21 Overall, it is considered that the potential for adverse effects can be moderated by retention of distinctive landscape features, establishment of new boundary hedgerows to enhance the landscape structure and integration of sound principles underpinning a site-wide Green Infrastructure approach that contributes towards addressing the criteria of local and national policy requirements.
- 2.22 The SA scoring is uncertain for the protection and enhancement of multi-functional green infrastructure, and also for the conservation and enhancement of the character of the landscape. We consider these will be positive impacts as the proposed development can accommodate high-quality Green Infrastructure on-site, providing a range of benefits. Development can be designed to provide suitable landscape buffers to the north of the site in particular, with dwellings designed in a sensitive manner at a lower density.

Ecology

- 2.23 A Preliminary Ecological Appraisal has been prepared by The Landmark Practice (January 2021, see **Appendix 6**).
- 2.24 Designated sites are not considered likely to pose a constraint to its future development due to their distance and lack of functional links to the Site. A Phase 1 walkover survey mapped the habitats present and potential for protected species which would need to be confirmed through further survey work.
- 2.25 There are no Habitats of Principal Importance within the site. The site contains common low ecological value habitats. There are higher quality habitats surrounding the site therefore it is recommended that these are protected from development impacts.
- 2.26 It is not considered that development of the Site will result in significant negative ecological impact nor would the potential presence of any protected species be likely to preclude or significantly limit the capacity of the site to deliver housing, subject to a well-designed scheme.

- 2.27 The scheme will deliver a 10% biodiversity net gain on-site.
- 2.28 The SA scoring for the conservation and enhancement of the biodiversity and geodiversity of West Berkshire is negative. We consider there will be a positive impact for the reasoning above.

Transport

- 2.29 A Transport Appraisal has been prepared by David Tucker Associated (dated February 2021, see **Appendix 8**).
- 2.30 The report confirms access can be achieved off the B4009 into both parcels via and controlled by the promoter and public highway. All accesses can achieve local and national standards in terms of geometry, capacity, safety and visibility.
- 2.31 Trip generation for up to 260 dwellings forecasts less than 2 additional vehicles per minute during the morning and evening peak hours through junctions nearest to the site. This is unlikely to result in a material impact on highway safety or capacity.
- 2.32 The scheme is not dependent on a future link road from the B4009 to A339 coming forward.
- 2.33 The SA scoring for supporting health and active lifestyles, to improve access to education, health and other services, and to increase opportunities for walking, cycling and use of public transport is positive, which is agreed with. However, the SA scoring for reducing accidents and improving safety is negative. We consider this will be positive due to the reasoning above that the site can achieve safe and suitable access, with an acceptable level of traffic generation into the local road network that has capacity to accommodate this.

Archaeology/Heritage

- 2.34 An Archaeological Desk Based Assessment has been prepared by Thames Valley Archaeological Services (January 2021, see **Appendix 7**).
- 2.35 There are no designated heritage assets within the boundary of the site, and no in-principle constraints to its allocation and development have been identified.
- 2.36 The report considers there is potential that the Site was within the battlefield of the Second Battle of Newbury (1644) although this has not been formally defined. Several cannon balls are reported as having been found within the site. The wider area around the site contains limited evidence for prehistoric and Roman occupation mainly in the form of findspots and some undated cropmark evidence, moderate evidence for medieval activity and extensive evidence for post-medieval and modern occupation. LiDAR analysis has also identified several features of possible archaeological origin.
- 2.37 Further archaeological investigation to assess the potential of the site can be achieved through an appropriately worded planning condition.
- 2.38 On the basis of the above, there is no reason to believe that archaeological or heritage issues will constrain the deliverability and/or capacity of the site for residential development.

- 2.39 The SA scoring for the protection, conservation and enhancement of the built and historic environment to include sustaining the significant interest of heritage assets is negative. We consider this will be a neutral impact as there are no known heritage constraints relating to the site. Further archaeological investigation is required that can be suitably achieved through a planning condition.

Nutrient neutrality

- 2.40 A Technical Note on Nutrient Neutrality has been prepared by Glanville (dated January 2023, see **Appendix 9**). West Berkshire Council has issued guidance and a Nutrient Budget Calculator for the River Lambourn SAC specifically.
- 2.41 Thames Water have confirmed that foul water from any future development of the site will discharge to the Newbury STW Wastewater treatment works, which itself discharges into the River Kennet. As the River Lambourn is not the outfall for the treatment works, the site would not impact the nutrient load to the River Lambourn SAC.
- 2.42 Regarding surface water runoff, the potential nutrient load from the proposed development has been calculated using WBC's Nutrient Budget Calculator.
- 2.43 There is no SA scoring relating to nutrient neutrality.

The Proposed Development

- 2.44 The technical studies undertaken indicate that the site could accommodate approximately 260 dwellings. A Concept Masterplan indicating how the site could be developed is attached at **Appendix 2**.
- 2.45 The Concept Masterplan has been guided by the following factors:
- Retention of boundary vegetation for visual impact and ecological importance;
 - Adjoining PRoW links;
 - Existing residential properties/businesses;
 - Surface water flooding area;
 - Oil pipe and 3m easement;
 - Overhead electricity pylons; and
 - Topography and views into the site.
- 2.46 The developable area totals approximately 40% (6.83ha) of the site, with the remaining 60% (9.91ha) provided as green space which will be landscaped open space for existing and future residents to enjoy.
- 2.47 The Concept Masterplan illustrates how development of the site has been led by the landscape and ecological considerations, providing substantial areas of green space, part of which acts as SuDS features to improve the Cromwell Road Flood Alleviation Scheme.

- 2.48 Development parcels have been given sufficient buffers to boundary vegetation and Highwood Farmhouse. An area of lower density housing is proposed to the north of the western parcel, in a courtyard, barn-style residential cluster to ensure a sensitive edge to the north. There are green links between some development parcels, with area for a LEAP.
- 2.49 Vehicular access would be provided from both parcels onto Long Lane. There is a potential for a route to connect through to sites to the west, to eventually connect to the A339, if available in the future.
- 2.50 The framework has been drafted according to the following assumptions:
- The proposed housing mix will respond to local housing need and include a range of 2, 3 and 4 bedroom homes and include provision of affordable housing in accordance with proposed policies.
 - Housing will range in scale and height between 2 and 2.5 storeys. No building on the site will be taller than 2.5 storeys.
 - Detail with regards to materials, planting etc. will be dealt with at the application stages of the planning process, although design detail will seek to reflect the locality.
- 2.51 We consider that the development of the site would secure the following benefits:
- **Housing Need** - the site is capable of delivering approximately 260 high quality family homes, assisting in the delivery of new market and affordable housing that is capable of addressing local need in terms of type and tenure. The site can be brought forward for development quickly, by a well established local housebuilder and is capable of making an important contribution towards the immediate housing needs of the District during the early years of the plan period.
 - **Housing Mix and Choice** – the site is capable of delivering a mix of open market and affordable housing reflective of current and future demographic and market trends and the needs of different groups in the community.
 - **Open Space** - any new residential development will provide a strong landscape framework comprising new open space provision for formal and informal play and recreation providing opportunities embedded within green infrastructure. A housing development on the site would include permeable and legible pedestrian and cycle routes, linking through to the existing settlement of Newbury and to the Public Right of Way networking connecting to the surrounding countryside.
 - **Promoting Healthy Communities** - the site is in an ideal location for residential development, immediately adjacent to the most sustainable settlement in the District and in close proximity to existing community facilities and services which are easily accessible by foot, and beyond this is Newbury Town Centre which provides access to key locations such as Reading, Basingstoke and London.

- **Economy** – the proposed development will provide a boost to the local economy during construction and operation.

3. Regulation 19 Proposed Submission document representations

- 3.1 We generally support the draft Local Plan and the proposed strategy for the Plan period, including the spatial approach to development and its approach to housing numbers. However, we have some concerns about the lack of flexibility in the Plan, the failure of the Plan to allocate sites in accordance with its identified spatial framework, and inadequacies / inaccuracies in its evidence base in relation to our client's site.
- 3.2 We are particularly mindful that Councils are required to maintain a rolling five-year supply of housing land, and consider that this may be a challenge for the Council due to the sites it has selected for allocation. The deliverability of these identified allocated sites are key to ensuring sites are coming forward as anticipated in the Plan.
- 3.3 There is currently a continued reliance on sites that have not yet delivered and are therefore retained allocations from the current Core Strategy and Site Allocations DPD; or large strategic sites where delivery is likely to be slow.
- 3.4 There are alternative available and deliverable sites immediately adjacent to Newbury that should be considered in the selection of proposed residential allocations in order to meet the identified housing need in the short to medium term.
- 3.5 The merits of the Site at Long Lane, Newbury are considered later in these representations.

Local Plan Strategy

- 3.6 Policy SP1 'Spatial Strategy' sets out three spatial areas within the district where development will be focussed. Within these areas, development will follow the settlement hierarchy set out in Policy SP3.
- 3.7 The Spatial Strategy recognises that the allocation of greenfield sites is required alongside brownfield development in order to maintain a five year supply of housing land.
- 3.8 Newbury is identified as the largest settlement in the district and is one of the two main focus areas for development in the draft Plan (identified as 'Urban Areas' in Policy SP3). This is acknowledged to contribute to the regeneration of the towns in the District as well as the rural areas they serve. It should therefore be the principle location for identifying development sites.
- 3.9 The Council's housing supply position as of 31st March 2022 takes into account the Core Strategy Sandleford Park Strategic Site amongst other sites allocated in the current Plan period, some of which are not being taken forward as proposed allocations as they are at an advanced stage of construction, and existing planning commitments on unallocated sites.

- 3.10 These 'commitments' total 7,337 dwellings. The annual requirement of 538 new dwellings results in an additional need of 1,809 dwellings. It is acknowledged that the 538 dwellings are not a ceiling nor a cap. There is no specific housing need identified for Newbury within the housing figures. The accompanying report by Pegasus (dated 19th January 2023) looks at matters relating to Housing Needs and Supply in more detail.

Sustainability Appraisal

- 3.11 The Sustainability Appraisal / Strategic Environmental Assessment ('SA/SEA') for the Spatial Strategy Policy SP1 states the continued focus on Newbury is not being taken forward. It states at Table 11 that

"This option gives a number of potentially positive sustainability effects in relation to focusing development on the biggest town with the largest number of facilities, with a significantly positive effect predicted due to the strategies' focus on the use of brownfield land. However, there are is an unknown impact as to whether the strategy would be able deliver adequate housing to meet the local identified need due to the lack of suitable sites within the area."(our emphasis)

- 3.12 Further, Table 12 subsequently states *"The Policy is likely to have an overall positive impact on sustainability. The policy directs development to the most sustainable locations, therefore, giving positive impacts on all elements of sustainability. The policy is likely to have a number of positive knock-on effects on social and environmental sustainability as a result of focusing development on the most sustainable locations in the district."*

- 3.13 The statement that *"A reliance on focusing development in Newbury may not deliver the number of dwellings required to meet the local need"* is boldly made but without justification, qualification or articulation. Although it may not be possible to direct all development to Newbury, it is apparent from the SA that there are available sites which could add to supply and restrict the need to allocate sites in more sensitive and less sustainable areas. The discounting of this positive SA scoring out of hand does not lead to good planning outcomes, and the plan consequently fails to reflect its evidence base and the SA/SEA outcomes.

- 3.14 We consider that the Council has failed to identify sufficient allocations at Newbury, contrary to its own spatial strategy and SA/SEA.

- 3.15 Conversely, in relation to Policy SP2 'North Wessex Downs AONB' the SA/SEA states *"The Policy is likely to have an overall neutral impact on sustainability. There is likely to be a significantly positive impact on environmental sustainability as a result of the protection the policy offers to the AONB. There are also likely to be positive impacts on all elements of sustainability as the policy seeks to protect the AONB, and requires that any development supports the local community and the rural economy. There is a potentially known impact of social sustainability in relation to the provision of housing, as the policy does restrict major development in the AONB except in exceptional circumstances."*

- 3.16 Yet the Council maintain a number of allocations in the most sensitive part of the District.

Proposed residential site allocations

3.17 Having taken into account existing commitments and windfalls, the draft Plan proposes the delivery of 4,252 dwellings through specific housing allocations. The following allocations are retained allocations from the adopted Core Strategy and Site Allocation documents.

3.18 The following residential site allocations are proposed **in Newbury and Thatcham**:

Retained allocations:

- *Sandleford Park, Newbury (SP16) – 1,500 dwellings*
- *Land at Bath Road, Speen, Newbury (RSA2) - 100 dwellings*
- *Land at Coley Farm, Stoney Lane, Newbury (RSA3) – 75 dwellings*
- *Land off Greenham Road, South East Newbury (RSA4) – 160 dwellings*
- *Land north of Newbury College, Monks Lane, Newbury (RSA1) – 15 dwellings*

New allocations:

- *North East Thatcham (SP17) – 1,500 dwellings*

3.19 The following sites are proposed **in the Eastern Area**:

Retained allocations:

- *72 Purley Rise, Purley on Thames (RSA7) – 35 dwellings*
- *Land adjacent to Bath Road and Dorking Way, Calcot (RSA8) – 35 dwellings*
- *Land between A340 and The Green, Theale (RSA9) – 100 dwellings*
- *Land adjoining Pondhouse Farm, Clayhill Road, Burghfield Common (RSA12) – 100 dwellings*
- *Stonehams Farm, Tilehurst (EUA003) (RSA6) – 65 bedspace care home*

New allocations (totally 140 dwellings):

- *Former sewage treatment works, Theale (RSA11) – 60 dwellings*
- *Whitehart Meadow, Theale (RSA10) – 40 dwellings*
- *Land north of A4 at junction of New Hill Road, Woolhampton (RSA13) – 16 dwellings*
- *New Stocks Farm, Paices Hill (RSA24) – 8 pitches*

3.20 The following site allocations are proposed **within the North Wessex Downs AONB:**

Retained:

- *Land adjoining Lynch Lane, Lambourn (RSA14) – 60 dwellings*
- *Pirbright Institute site, High Street, Compton (RSA18) – 140 dwellings*
- *Land off Charlotte Close, Hermitage (RSA20) – 15 dwellings*
- *Land at Newbury Road, Lambourn (RSA15) – 5 dwellings*
- *Land north of South End Road, Bradfield Southend (RSA16) – 20 dwellings*
- *Land west of Spring Meadows, Great Shefford (RSA19) – 15 dwellings*
- *Land to the south east of the Old Farmhouse, Hermitage (RSA21) – 10 dwellings*

New allocations (totally 69 dwellings):

- *Land at Chieveley Glebe (RSA17) - 15 dwellings*
- *Land adjacent Station Road, Hermitage (RSA22) – 34 dwellings*
- *Land adjacent to The Haven, Kintbury (RSA23) – 20 dwellings*

3.21 Some of the above allocations are retained from the previous adopted plan period of 2006 – 2026 due to the overlap of the plan period for the emerging plan (2022 – 2039). These amount to 2,652 dwellings that were outstanding from the previous plan period at 31st March 2022.

3.22 New sites proposed for allocation in the new plan period total 1,720 dwellings, which with 1,500 proposed at North East Thatcham.

3.23 The proposed allocated sites are listed in the table below, along with a review of their current planning status. We would question why some are retained as allocations, rather than commitments, given their planning status.

Retained allocation from Core Strategy	Planning status
Sandleford Park, Newbury (Policy SP16) This is a site allocation being carried forward from the current adopted Local Plan for approximately 1,500 dwellings (current policy CS3).	Planning applications have been submitted to the Council however the site does not yet benefit from full planning permission. A large part of the site benefits from outline consent for 1,000 dwellings (submitted by Bloor Homes and Sandleford Farm Partnership, application reference 20/01238/OUTMAJ, allowed at appeal in May 2022 (ref. APP/W0340/W/20/3265460)).

	<p>The remainder of the allocation is under different land ownership (Donnington New Homes) and a live application for up to 500 dwellings (reference 18/00828/OUTMAJ) is pending determination.</p> <p>1,580 homes have been counted for in the Council's housing supply position at 31st March 2022. It is unclear from the Council's Annual Monitoring Report 2022 and Five Year Housing Land Supply 2022 statements how many dwellings arising from the Sandleford allocation are anticipated to be delivered within the first 5 year period.</p> <p>The AMR does acknowledge <i>"the timing of delivery is likely to be largely in the period post 2026"</i>.</p>
<p>Land north of Newbury College, Monks Lane, Newbury (site ref. HSA 1) This is a site allocation being carried over from the Housing Site Allocations DPD (adopted 2017) for approximately 15 dwellings.</p>	<p>The site benefits from outline permission (application reference 19/00669/OUTMAJ) for 16 dwellings dated August 2019, and reserved matters approval dated January 2021 (application reference 20/00346/RESMAJ).</p> <p>The AMR 2022 states that there is a delay in development due to a revised scheme incorporating additional land and increased number of dwellings.</p>
<p>Land at Bath Road, Speen, Newbury (site ref. HSA 2).</p> <p>This is a site allocation being carried over from the Housing Site Allocations DPD (adopted ay 2017) for approximately 100 dwellings.</p>	<p>The site benefits from permission for a hybrid planning application (application reference 17/02092/OUTMAJ) dated February 2020 (comprising outline for up to 93 dwellings, and full application for 11 dwellings). 104 dwellings have therefore been permitted. A reserved matters submission has been made and is awaiting determination (application reference 22/01235/RESMAJ).</p>
<p>Land at Coley Farm, Stoney Lane, Newbury (site ref. HSA 3)</p> <p>This is a site allocation being carried over from the Housing Site Allocations DPD (adopted at 2017) for approximately 75 dwellings.</p>	<p>A full application has been approved in June 2021 (application reference 20/00604/FULEXT). Several conditions have been discharged according to WBC's online application search.</p>

<p>Land off Greenham Road, South East Newbury (site ref. HSA 4)</p> <p>This is a site allocation being carried over from the Housing Site Allocations DPD (adopted ay 2017) for approximately 160 dwellings.</p>	<p>The site benefits from reserved matters approval (application reference 20/02546/RESMAJ) dated February 2021 for 157 dwellings.</p> <p>There is a S73 application currently pending determination (application reference 22/02046/RESMAJ), for variation of the approved plans.</p>
<p>72 Purley Rise, Purley on Thames</p> <p>35 dwellings</p>	<p>Outline planning permission 18/00878/OUTMAJ for 29 dwellings approved May 2029. Reserved matters application approved February 2022.</p> <p>Developer indicated that due to current high build costs they intended to delay the start date on site until in 2023.</p>
<p>Land adjacent to Bath Road and Dorking Way, Calcot</p> <p>35 dwellings</p>	<p>Hybrid application for 28 dwellings and pub – refused June 2018. Dismissed at appeal March 2019.</p> <p>Full application 22/01836/FULEXT for a 70-bed care home received 1 August 2022, pending determination.</p> <p>Outline planning application 22/01829/OUTD for up to 9 residential dwellings received 28 July 2022, pending determination.</p> <p>It is therefore unclear how this site can be identified for 35 dwellings, following the dismissed appeal and very different proposals now submitted on it.</p>
<p>Land between A340 and The Green, Theale</p> <p>100 dwellings</p>	<p>Outline application 17/02904/OUTMAJ for up to 104 dwellings approved December 2020.</p> <p>No reserved matters application submitted and the outline permission will lapse imminently. The lack of delivery at this site has been subject to much discussion, and its ability to be brought forward continues to be subject to debate.</p>
<p>Land adjoining Pondhouse Farm, Clayhill Road, Burghfield Common</p>	<p>Outline application 18/02485/OUTMAJ for 100 dwellings permitted December 2019. Reserved matters 22/00325/RESMAJ approved July 2022.</p>

100 dwellings	It is stated that the developer anticipates development could commence in 2022/23, yet we do not believe it has commenced.
Stonehams Farm, Tilehurst (EUA003) 65 bedspace care home	Outline application 16/01947/OUTMAJ for 15 dwellings approved June 2017. Full planning application 21/01216/COMIND for 64 bed care home approved in August 2021 and expected to be implemented.
Land adjoining Lynch Lane, Lambourn 60 dwellings	No planning application submitted at the current time. Delivery timings unknown.
Pirbright Institute site, High Street, Compton 140 dwellings	Outline application 20/01336/OUTMAJ for up to 160 homes approved February 2022, subject to S106 agreement. Resolution to approve at planning committee in February 2023, in accordance with previous resolution in 2022.
Land off Charlotte Close, Hermitage 15 dwellings	Full application 20/00912/FULEXT for 16 dwellings approved in October 2021. Various discharge of conditions have been approved throughout 2022. The developer anticipates delivery of residential units in 2023/24.
Land at Newbury Road, Lambourn 5 dwellings	Full application 20/00972/FULMAJ for 8 dwellings approved September 2021. This site is also subject of a pending planning application for 5 dwellings (22/00277/FULMAJ) submitted in Feb 2022. This is pending determination.
Land to the south east of the Old Farmhouse 10 dwellings	Outline application for 21 dwellings approved November 2018. Reserved matters application 21/02923/RESMAJ submitted in November 2021 and pending determination.

3.24 The Eastern Area has been taken out of the spatial strategy for the LPR, yet some 343 dwellings are being retained as allocations in this area with a total of 459 dwellings proposed (i.e. 116 dwellings in new allocations for the plan period). In addition, there are 334 dwellings across AONB sites, equating to 8% of the proposed housing supply for the plan period. The Inspector's Report for the adopted Core Strategy references a 2,000 dwelling cap within the AONB, stating for the Core Strategy to be found sound "the reference in policy ADPP5 [N.B. Policy ADPP5 refers to North Wessex Downs AONB] to

2,000 dwellings needs to be prefaced with up to so as to make clear that it is not a minimum that has to be achieved and that delivering less is acceptable.” (paragraph 78).

- 3.25 The spatial strategy states that Newbury should be focus for growth, yet the proposed housing allocations do not accord with this strategy. We consider housing allocations should focus on the most sustainable settlements in the district, i.e. Newbury.

Windfall allowance

- 3.26 We note that the draft Plan makes provision for 140 windfall dwellings per annum. That is not an insignificant figure, and although it is acknowledged that there has been some past experience of windfalls at that level, it is apparent from the limited brownfield site availability that in order to reach these figures each and every year over the plan period will be challenging.
- 3.27 To exemplify the level of existing commitments in that regard, paragraph 6.16 of the draft Plan notes that *“Existing permissions for housing on non-allocated sites will also contribute to supply. Over 1,958 units on windfall sites, those not specifically identified in the development plan, already had permission or prior approval for permitted development at 31 March 2022.”*
- 3.28 There is of course no guarantee that these 1,958 dwellings will be built out. The absence of evidence setting out the status of these PD conversion and other windfalls is concerning, given the Plan’s reliance on them. We reserve the right to comment on these in detail in future, but for such a significant component of housing supply, the Council must be able to demonstrate delivery of ALL of these homes, as there is no buffer built into the Plan to accommodate non delivery.

4. Sustainability Appraisal scoring for Land at Long Lane, Newbury

4.1 Our client's Site is assessed under reference CA15 in Appendix 8b of the consultation documents, for 351 dwellings.

4.2 Fundamentally, there are **no significant negative effects identified**.

4.3 **Significant positive effects** have been identified in relation to:

- *To maximise the provision of affordable housing to meet identified need*
- *To enable provision of housing to meet all sectors of the community, including those with specialist requirements*
- *To support healthy, active lifestyles*
- *To improve access to education, health and other services*
- *To increase opportunities for walking, cycling and use of public transport.*

4.4 There are **uncertain** effects identified in relation to:

- *To reduce West Berkshire's contribution to greenhouse gas emissions*
- *To enable the protection and enhancement of high quality multi-functional GI across the District*
- *To support the development of access to IT facilities including Broadband particularly in rural locations*
- *To conserve and enhance the character of the landscape*
- *To reduce air pollution*
- *To manage noise levels*
- *To reduce energy use and promote the development and use of sustainable /renewable energy technologies, generation and storage*
- *To reduce the consumption of minerals and promote reuse of secondary materials.*

4.5 The SA concludes:

"The site is likely to have an overall neutral impact on sustainability. Positive sustainability impacts are identified in relation to social sustainability as the site would help to meet local housing needs as well as being close to local services and facilities accessible by walking and cycling. Potential negative sustainability impacts have been

identified in relation to environmental sustainability as the site is close to a number of ecological features, heritage assets, with a potential negative impact on the landscape. Negative impacts have also been identified in relation to environmental and social sustainability as the water network and possibly waste water network would need to be significantly upgraded to accommodate the development. A number of unknown sustainability impacts have also been identified. Many of these may be able to be mitigated but further would be needed to determine what would be required."

Sustainability Appraisal requirements and Council's approach

- 4.6 European Directive 2001/42/EC ("the Strategic Environmental Assessment Directive") seeks to ensure a high level of protection to the environment by integrating environmental considerations into the process of preparing relevant Plans and Programmes.
- 4.7 The Environmental Assessment of Plans and Programmes Regulations 2004 (SI1633) ("the Regulations") implement the Strategic Environmental Assessment Directive. We note as follows so far as the requirements of a Sustainability Appraisal are concerned:
- a. Regulation 8 of the Regulations prohibits a Plan being adopted until certain requirements in other regulations have been complied with;
 - b. Regulation 12 requires an environmental report *"to identify, describe and evaluate the likely significant"* environmental effects of implementing the Plan, and of *"reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme"*;
 - c. The report has to include such of the information set out in Schedule 2 as is reasonably required, including *"an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties...encountered in completing the information."*
- 4.8 The NPPG considers the Sustainability Appraisal process in detail. It states the following (our underlining)
- "Reasonable alternatives should be identified and considered at an early stage in the plan making process, as the assessment of these should inform the local planning authority in choosing its preferred approach (when developing alternatives, paragraph 152 of the National Planning Policy Framework should be referred to)." (Paragraph: 017 Reference ID: 11-017-20140306)*
- 4.9 In this context, paragraph 018 of the PPG (Reference ID: 11-018-20140306) records, then, as follows so far as the comparison with reasonable alternatives is concerned:
- "The sustainability appraisal should identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as fully as possible, offset them. The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the option the plan-maker proposes to take forward in the Local Plan (the preferred approach).*

Reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable. The sustainability appraisal should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. It should provide conclusions on the overall sustainability of the different alternatives, including those selected as the preferred approach in the Local Plan. Any assumptions used in assessing the significance of effects of the Local Plan should be documented.

The development and appraisal of proposals in Local Plan documents should be an iterative process, with the proposals being revised to take account of the appraisal findings. This should inform the selection, refinement and publication of proposals (when preparing a Local Plan, paragraph 152 of the National Planning Policy Framework should be considered)."

4.10 The above plainly require consideration of all reasonable alternatives on a fair and equal basis. The Sustainability Appraisal lamentably fails to achieve this.

4.11 Paragraph 32 of the NPPF, referred to above, states as follows under the heading "Preparing and Reviewing Local Plans":

"Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered)."

4.12 The failure of the Council to have considered 'reasonable alternatives' in terms of other sites located at the highest tier settlement, instead of AONB and other less sustainable sites is a fatal failure of the Sustainability Appraisal in the light of the above legislative requirements, PPG guidance, NPPF, and case law. As such, it is difficult to understand how the Council assessed reasonable alternatives from the beginning of the plan making process and considered that the proposed strategy was the most appropriate.

Precedent and case law

4.13 The failures of the SA process have been considered through the Courts on a number of occasions, and there is a risk that the approach that the Council has taken to date puts the emerging Plan at risk.

4.14 In *Save Historic Newmarket Ltd v. Forest Heath District Council* [2011] J.P.L. 1233 (which pre-dated the clarity provided in the NPPG/F), the High Court quashed parts of the Forest Heath Core Strategy, where there was a very marked lack of coverage and assessment of reasonable alternatives and increases to housing provision, and a

complete failure in terms of explanation as to why the nominated alternatives had been rejected.

“40. It was not possible for the consultees to know from it what were the reasons for rejecting any alternatives to the urban development where it was proposed or to know why the increase in the residential development made no difference. The previous reports did not properly give the necessary explanations and reasons and in any event were not sufficiently summarised nor were the relevant passages identified in the final report. There was thus a failure to comply with the requirements of the Directive and so relief must be given to the claimants.”

- 4.15 Following the case of *Heard v. Broadland District Council, South Norfolk District Council, Norwich City Council* [2012] EWHC 344 (Admin) (See, in particular: paragraphs 56-57, 62-66, and 70-72 of the judgment, the court considered the ‘reasonable alternative’ requirements and referred to the PPG paragraphs detailed above. In this case, the judge was concerned about an imbalanced assessment, where the alternatives received merely notional treatment. The judge held at [71]:

“the aim of the directive, which may affect which alternatives it is reasonable to select, is more obviously met by, and it is best interpreted as requiring, an equal examination of the alternatives which it is reasonable to select for examination alongside whatever, even at the outset, may be the preferred option. It is part of the purpose of this process to test whether what may start out as preferred should still end up as preferred after a fair and public analysis of what the authority regards as reasonable alternatives. I do not see that such an equal appraisal has been accorded to the alternatives referred to in the SA of September 2009. If that is because only one option had been selected, it rather highlights the need for and absence here of reasons for the selection of no alternatives as reasonable. Of course, an SA does not have to have a preferred option; it can emerge as the conclusion of the SEA process in which a number of options are considered, with an outline of the reasons for their selection being provided. But that is not the process adopted here”

- 4.16 In *Ashdown Forest Economic Development Llp v SS Communities & Local Government & ors* [2014] EWHC 406 (Admin), the claimants sought to extend similar arguments to those pursued in *Save Historic Newmarket* and *Heard*, to an extent that was considered inapplicable and impermissible by the court in that particular case. A fuller excerpt is helpful:

“90. I turn, then, to Mr Elvin’s two criticisms of what was done by WDC. As to the substance of the work to be done by a local planning authority under Article 5 in identifying reasonable alternatives for environmental assessment, the necessary choices to be made are deeply enmeshed with issues of planning judgment, use of limited resources and the maintenance of a balance between the objective of putting a plan in place with reasonable speed (particularly a plan such as the Core Strategy, which has an important function to fulfil in helping to ensure that planning to meet social needs is balanced in a coherent strategic way against competing environmental interests) and the objective of gathering relevant evidence and giving careful and informed consideration to the issues to be determined. The effect of this is that the planning authority has a substantial area of discretion as to the extent of the inquiries

which need to be carried out to identify the reasonable alternatives which should then be examined in greater detail.”

- 4.17 This judgement provides additional clarity on process. The difficulty with the SA is that there simply has been no reasonable alternative site selection process set out. Given the above, the SA fails to clearly identify the options which have been selected and also any reasonable alternatives, let alone why they have been discounted. It therefore does not state any sound reasons within the Sustainability Appraisal for the decisions reached in preparing the draft Plan.

SA Scoring of Long Lane Site

- 4.18 In the context of the foregoing, the Council’s scoring within its Sustainability Assessment is not fully supported by our client. It appears that the previously supplied technical work has not informed the Council’s assessment.
- 4.19 We have consequently undertaken our own assessment against the SA criteria, which is set out below:

Key:

Key effects of options on the SA/Objectives					
++	+	?	0	-	--
Significantly Positive	Positive	Uncertain	Neutral	Negative	Significantly Negative

SA Objective	West Berks SA score	Our score	Comments
9(a) To reduce West Berkshire’s contribution to greenhouse gas emissions			<p>The site layout will be designed to meet Building Regulations in terms of high energy efficiency and carbon reduction during construction and the lifetime of the development, above and beyond BREEAM requirements.</p> <p>The SUDS features proposed on site will provide effective nitrogen mitigation measures. No reason is given for the Council’s scoring.</p>
9(b) To sustainably manage flood risk to people, property and the environment			<p>The proposed development can provide a betterment to the existing flood risk on site. provides opportunities to improve flood protection for both existing properties that have been affected by surface water flooding, as well as future occupants. Suitable provisions for the disposal of surface water and</p>

			opportunities to increase flood storage offered by the Cromwell Road Flood Alleviation Scheme can be provided on-site. No reason is given for the Council's scoring, and there is no justification for a negative scoring in the Council's evidence base.
1(a) To maximise the provision of affordable housing to meet identified need			Agree with the SA that the site will help to deliver housing to meet identified needs.
1(b) To enable provision of housing to meet all sectors of the community, including those with specialist requirements			Agree with the SA that the site will help to deliver housing to meet identified needs.
2(a) To support healthy, active lifestyles			Agree with the SA that the site is likely to have a positive impact on healthy, active lifestyles as the site is close to local services and facilities.
2(b) To reduce levels and fear of crime and anti-social behaviour			The proposed development can incorporate good design and secure by design principles, to reduce fear of crime and antisocial behaviour. This will be a positive impact.
2(c) To enable the protection and enhancement of high quality multi-functional GI across the District			The proposed development can accommodate a high-quality provision of Green Infrastructure on-site, providing a range of benefits. This will be a positive impact.
3(a) To improve access to education, health and other services			Agree with the SA that the site is likely to have a positive impact on access to community facilities as it is well located for services and facilities, including education and employment facilities.
3(b) To support the			There is no reason for a negative scoring. The site can be fully

development of access to IT facilities including Broadband particularly in rural locations			serviced and is located at the main settlement in the District.
4(a) To reduce accidents and improve safety			<p>The Transport Appraisal undertaken that access can be achieved off the B4009 into both parcels via and controlled by Donnington New Homes and public highway. All accesses can achieve local and national standards in terms of geometry, capacity, safety and visibility.</p> <p>Trip generation for approximately 260 dwellings forecasts less than 2 additional vehicles per minute during the morning and evening peak hours through junctions nearest to the site. This is unlikely to result in a material impact on highway safety or capacity.</p> <p>The scheme is not dependent on a future link road from the B4009 to A339 coming forward. There is no negative impact relating to safe and sustainable travel.</p>
4(b) To increase opportunities for walking, cycling and use of public transport			Agree with SA that the site is close to local walking and cycling links into Newbury town centre, with a local bus service.
5(a) To conserve and enhance the biodiversity and geodiversity of West Berkshire			<p>There are no Habitats of Principal Importance within the site. The site contains common low ecological value habitats. There are higher quality habitats surrounding the site therefore it is recommended that these are protected from development impacts.</p> <p>Development of the site will not result in significant negative ecological impact nor would the potential presence of any protected</p>

			<p>species be likely to preclude or significantly limit the capacity of the site to deliver housing, subject to a well-designed scheme.</p> <p>The scheme h will deliver a 10% biodiversity net gain on-site.</p>
<p>5(b) To conserve and enhance the character of the landscape</p>			<p>A well-designed scheme and on-site mitigation measures will not result in a negative impact on the character of the landscape.</p> <p>Development will be separated from the northern boundary of the site by landscape buffers, with the closest dwellings on the northern edge sensitively designed in a courtyard arrangement at lower density.</p> <p>The potential for adverse effects can be moderated by retention of distinctive landscape features, establishment of new boundary hedgerows to enhance the landscape structure and integration of sound principles underpinning a site-wide Green Infrastructure approach that contributes towards addressing the criteria of local and national policy requirements.</p>
<p>5(c) To protect or, conserve and enhance the built and historic environment to include sustaining the significant interest of heritage assets</p>			<p>There are no known heritage constraints relating to this site. Further archaeological investigation to assess the potential of the site can be achieved through an appropriately worded planning condition.</p> <p>There is no reason to believe that archaeological or heritage issues will constrain the deliverability and/or capacity of the site for residential development.</p>

6(a) To reduce air pollution			Agree with SA conclusion that survey work and mitigation measures would be required.
6(b) To manage noise levels			Agree with SA that survey work and mitigation measures would be required.
6(c) To maintain and improve soil quality			Agree with the SA that the site is unlikely to impact on soil quality.
6(d) To maintain and improve water quality			Agree with the SA that the site is unlikely to impact on water quality.
7(a) To maximise the use of previously developed land and buildings where appropriate			The site is greenfield land therefore is not re-using previously developed land or buildings. However, the Plan itself recognises that housing need cannot be met on brownfield land alone and therefore the scoring should be neutral.
7(b) To apply sustainable densities of land use appropriate to location and setting.			Agree with the SA that the site is unlikely to have an impact on land use density.
8(a) To reduce energy use and promote the development and use of sustainable /renewable energy technologies, generation and storage			The proposed development can accommodate energy efficiency and renewable energy, above and beyond that of BREEAM and Building Regulation requirements.
8(b) To reduce waste generation and disposal in line with the waste hierarchy and reuse of materials			Agree with the SA that the site is unlikely to have an impact waste generation.
8(c) To reduce water consumption and promote reuse			The SA states that the site is likely to have a negative impact on water supply as there is limited water network capacity in this area.

			Development would also requires upgrades to the wastewater network. However, the proposal can meet modern water standards and reduce consumption.
8(d) To reduce the consumption of minerals and promote reuse of secondary materials			Survey work would need to be undertaken relating to minerals.
10(a) To encourage a range of employment opportunities that meet the needs of the District			Agree with the SA that the site is unlikely to impact on employment opportunities, albeit it will result in multiple jobs being created in the construction phase.
10(b) To support key sectors and utilise employment land effectively and efficiently			Agree with the SA that the site is unlikely to impact on use of employment land.
10(c) To support the viability and vitality of town and village centres			Agree with the SA that the site is unlikely to impact on the viability and vitality of the town centre.

Conclusions on site selection and SA

- 4.20 We consider that the LPR Sustainability Appraisal (“SA”) has therefore not considered reasonable alternative options, which is inarguable given the omission of any consideration of sites not included within the Plan. The SA is therefore in breach of the SEA Directive and the SEA Regulations and these breaches are fatal to the legality of the LP.
- 4.21 Additionally, it calls into question the entire site selection process if a site has been assessed and rejected for technical reasons when no legitimate and substantiated technical reasons exist to justify such an outcome. This, we submit, suggests that the entire site selection process is fundamentally flawed, particularly given the conflict with the identified spatial strategy.
- 4.22 The draft Plan proposes sites in the AONB, and the eastern area which does not accord with the Council’s spatial strategy.
- 4.23 There are only two strategic site allocations (SP16 Sandford Park and SP17 North East Thatcham), the remainder are relatively small sites (between 15-160 dwellings). The Sandford Park allocation has outline planning permission allowed at appeal for two-

thirds of the allocation. The remainder of the site is under Donnington New Homes' ownership and there is a live planning application pending determination (reference 18/00828/OUTMAJ).

- 4.24 It is considered the plan does not propose medium sized sites that can come forward in the interim period to ensure housing delivery. The site at Long Lane for approximately 260 dwellings can provide a medium sized site that is available and deliverable under land controlled by Donnington New Homes. The SA conclusions state that the negative and uncertain effects may be able to be mitigated further. It is considered the uncertain and negative effects identified in the SA can be overcome through a well-designed scheme and submission of information, resulting in positive impacts.
- 4.25 The planning merits of the Site considered in section 2 of these representations demonstrate that there are no in-principle technical barriers to prevent residential development of the site.

5. Comments on Development Management policies

- 5.1 **Policy SP1 'Spatial Strategy'** – we support this policy as it identifies Newbury as a focus for housing development.
- 5.2 **Policy SP3 'Settlement Hierarchy'** – we support this policy as it identifies Newbury as an urban area, with urban areas being the primary focus for housing development.
- 5.3 **Policy SP5 'Responding to Climate Change'** – we support the general aim of this policy, however the wording should require conformity with Building Regulations in force at the time of development coming forward due to the period of time covered by the plan period. There is vagueness within the policy relating to the viability of energy efficiency levels. This provides uncertainty for developers and should be re-worded.
- 5.4 **Policy SP19 'Affordable Housing'** – we support the re-wording of the policy from the Regulation 18 stage, to ensure the care homes (use class C2) are considered as part of the affordable housing mix on a case-by-case basis.
- 5.5 **Policy DM4 'Building Sustainable Homes & Businesses'** – we support the re-wording of the policy from the Regulation 18 stage to remove the reference to Home Quality Mark standards.
- 5.6 **Policy DM15 'Trees, Woodland & Hedgerows'** – we continue to object to the wording of this policy as it is too restrictive in only allowing protected trees to be removed in “exceptional circumstances”. It should be amended to allow for the removal of trees where it can be demonstrated that the removal of the trees is a) appropriate in the context of a wider development, b) trees proposed for removal are coming to the end of their life, and / or c) it can be demonstrated that appropriate, replacement trees can be provided as part of a wider landscaping scheme.
- 5.7 **Policy DM44 'Parking'** – we continue to object to the wording of this policy in that it excludes garages from being counted toward parking provision on residential sites. Garages should be included where alternative storage space is provided on plot or within a garage of adequate dimensions for items such as bicycles. Discounting garages as parking spaces will result in the ineffective use of land, contrary to the NPPF.

6. Summary and Conclusions

- 6.1 These representations have been prepared by Turley on behalf of Donnington New Homes in respect of the West Berkshire Local Plan Review 2039 Proposed Submission (Regulation 19) Consultation (January 2023).
- 6.2 We reiterate that Newbury is the largest settlement in the District and is able to support residential growth to support the district's housing needs. The strategy set out in the Plan is supported, however the proposed site allocations are not varied enough to deliver the District's housing need in the short to medium term. There is an over-reliance on the two strategic sites coming forward, one of which (Sandleford Park) has been slower to come forward than anticipated in the previous plan period.
- 6.3 In order to ensure an ongoing sufficient supply of land, further sites should be allocated for development.
- 6.4 Land at Long Lane, Newbury is a sustainable and deliverable site, with the parcels in separate land ownership but under single control by Donnington New Homes. There are no identified technical barriers to development.
- 6.5 The site is of a scale that it can contribute residential development of an appropriate scale to the context of Newbury. It is a medium sized site that can deliver in the short to medium term, on the edge of the existing settlement in a sustainable location and a logical extension to meet housing need. The SA acknowledges that the site is within walking and cycling of local services and facilities.
- 6.6 It is considered that Land at Long Lane, Newbury should be considered as a residential site allocation to support housing delivery in the District. We have expressed concern at the Council's site selection / SA process, and have noted that there are no fundamental impediments to our client's site being allocated for development.
- 6.7 Donnington New Homes look forward to working with the Council throughout the Local Plan process.

Appendix 1: Site Location Plan

Appendix 2: Framework Plan

Appendix 3: Opportunities and Constraints Plan

Appendix 4: Preliminary Flood Risk Appraisal

Appendix 5: Preliminary Landscape Visual Baseline Appraisal

Appendix 6: Preliminary Ecological Appraisal

Appendix 7: Archaeological Desk-based Assessment

Appendix 8: Transport Assessment

Appendix 9: Technical Note on Nutrient Neutrality

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