	<p><b>West Berkshire Local Plan Review 2022-2039</b></p> <p><b>Proposed Submission Representation Form</b></p> <p><b>Ref:</b></p> <p><i>(For official use only)</i></p>
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<b>Please complete online or return this form to:</b>	<b>Online:</b> <a href="http://consult.westberks.gov.uk/kse">http://consult.westberks.gov.uk/kse</a>
	<b>By email:</b> <a href="mailto:planningpolicy@westberks.gov.uk">planningpolicy@westberks.gov.uk</a>
	<b>By post:</b> Planning Policy, Development and Regulation, Council Offices, Market Street, Newbury, RG14 5LD
<b>Return by:</b>	<b>4:30pm on Friday 3 March 2023</b>

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

<b>PART A: Your Details</b>		
<i>Please note the following:</i>		
<ul style="list-style-type: none"> <li>• We cannot register your representation without your details.</li> <li>• Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.</li> <li>• All information will be sent for examination by an independent inspector</li> <li>• 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 <a href="http://info.westberks.gov.uk/privacynotices">http://info.westberks.gov.uk/privacynotices</a></li> </ul>		
	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:	Mr	
First Name:*	Max	
Last Name:*	Baker	
Job title <i>(where relevant):</i>	Assistant Director: Planning	
Organisation <i>(where relevant):</i>	Bracknell Forest Council	
Address* <i>Please include postcode:</i>	Time Square Market Street Bracknell Berkshire RG12 1JD	
Email address:*	<a href="mailto:development.plan@bracknell-forest.gov.uk">development.plan@bracknell-forest.gov.uk</a>	
Telephone number:	01344 352000	

\*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):	Bracknell Forest Council
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	Whole Plan – see attached letter
Policy:	
Appendix:	
Policies Map:	
Other:	

### 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

 Yes

No

 No

*Please give reasons for your answer:*

## 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
<b>Positively Prepared:</b> 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		No
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		
<b>Effective:</b> 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		
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

BFC's main concern is about the approach taken to unmet housing need from Reading Borough.

## 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:

#### 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 attached letter
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#### 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

No

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

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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	Yes
The publication of the report of the Inspector appointed to carry out the examination	Yes
The adoption of the Local Plan Review	Yes

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	22/02/2023
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Your completed representations must be received by the Council by 4:30pm on

**Friday 3 March 2023.**



Planning Policy  
Development & Regulation  
West Berkshire Council  
Market Street  
Newbury  
RG14 5LD

By Email to [planningpolicy@westberks.gov.uk](mailto:planningpolicy@westberks.gov.uk)

22 February 2023

Dear Planning Policy Team,

### **Regulation 19 Consultation on West Berkshire Local Plan Review**

I am writing in response to your initial email dated 25<sup>th</sup> November 2022 regarding the forthcoming Regulation 19 consultation of the Local Plan Review (LPR), your formal Duty to Co-operate request for support in meeting employment land needs email of 13<sup>th</sup> January 2023 and formal Regulation 19 consultation email of 20<sup>th</sup> January 2023, in relation to the LPR consultation which runs from 20<sup>th</sup> January to 3<sup>rd</sup> March 2023.

### **Bracknell Forest's Local Plan (BFLP)**

For context, the position with the Bracknell Forest Local Plan (BFLP) is set out below.

The emerging BFLP is at an advanced stage. It covers the period 2020-2037 and was submitted for examination on 20 December 2021. Stage 1 hearing sessions were held between 10<sup>th</sup> May and 15<sup>th</sup> June 2022 and Stage 2 hearing sessions were held between 18<sup>th</sup> and 20<sup>th</sup> October 2022. The Inspectors' post hearings letter was received on 19<sup>th</sup> January 2023<sup>1</sup> and outlines a series of Main Modifications that will need to be the subject of public consultation later this year.

The majority of development planned in the BFLP is in Bracknell Town, with some smaller strategic and small site allocations. Parts of the Borough are highly constrained by land ownership (such as Crown Land), ecological constraints (such as the Thames Basin Heath Special Protection Area), policy constraints (such as Green Belt) and other constraints (such as surface water flooding).

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<sup>1</sup> Post Hearing Letter available to view: <https://consult.bracknell-forest.gov.uk/file/6134773>

## **PLACE, PLANNING AND REGENERATION DIRECTORATE**

Bracknell Forest Council, Time Square, Market Street, Bracknell, Berkshire RG12 1JD  
T: 01344 352000 [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)

## **West Berkshire Local Plan Review**

### Plan Period

It is noted that the plan will cover the period 2022 to 2039.

### Housing Need

A Local Housing Need figure of 513 dpa has been used (using a 2022 base date), equating to a minimum need of 8,721 dwellings over the plan period. If a 5% flexibility is added, this would increase the LHN to 538 (or 9,146 dwellings over the plan period). As such, proposed Policy SP12 includes a range of 8,721-9,146 dwellings.

It is assumed that the LPR is meeting in full the general housing need for West Berks, and that there is no unmet need.

Both BFC and West Berks are in the same housing market area (HMA) as Reading Borough, along with Wokingham (forming the Western Berkshire HMA). There is a signed Memorandum of Understanding with these authorities in relation to unmet need from Reading (dated August 2021), which sets out that this need will be met within the HMA. This relates to 230 dwellings in Reading's current Plan. It is noted that this is referred to within the LPR (paras. 6.5-6.7), however it is not stated how West Berks is intending (if at all) to help address this unmet need.

The Inspector's post hearing letter relating to the BFLP, includes the following Main Modification in order to make the Plan sound:

There is an unmet need within Reading Borough's adopted local plan (covering the period 2021 to 2036) of 230 dwellings, which is projected to arise in the second half of the plan period. As agreed by Western Berkshire HMA authorities [insert footnote], this unmet need will be accommodated in the HMA area.

New footnote:

Reading's housing needs:

Memorandum of Understanding between the authorities in the Western Berkshire

The Inspectors note that the BFLP demonstrates a housing supply of 10,780 dwelling, meeting the housing requirement of 10,438, which would include a buffer to contribute to Reading's housing needs if required.

As yet, it is unclear how the unmet need is to be addressed by other authorities within the Western Berkshire HMA. Given that Reading Borough Council wishes the unmet need in its Plan to be met as close as possible to where the need arises (which includes parts of West Berks, being an adjacent authority to Reading, and encompassing part of wider urban area of Reading), it is considered that this matter should be reflected within the current LPR.

Currently it does not appear to do so, and it is therefore considered that the LPR is unsound. This has implications for Duty to Co-operate, and it is therefore requested that further consideration is given to this matter.

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## Gypsy and Traveller Need

On the basis of the GTAA (2019), as set out in Table 7 of the LPR, the identified need for gypsies is 30 pitches (based on cultural need) and 20 (based on PPTS need) between 2021/22 and 2037/38 (which includes a shortfall between 2021/22 to 2025/26). Table 8 indicates there is a travelling show people requirement of 24 plots, and a need for four transit pitches. However, it is noted from the Plan (para. 11.35) that the longer term need for Gypsy and Traveller pitches and the need for transit sites will be addressed in a separate Development Plan Document, with evidence due to be prepared between 2023-2025, and anticipated adoption in 2027. It is assumed that the GTAA will be updated to reflect a new plan period, and should be seeking to meet cultural needs following the 2022 *'Lisa Smith v SSLUHC [2022] EWHC'* judgement.

In relation to transit provision, the LPR states that collaborative working will be undertaken with neighbouring authorities (para. 11.26). However, BFC is of the view that transit provision is not a duty to co-operate matter. This follows legal advice in respect of the Criminal Justice and Public Order Act 1994. Under the latter, the police are unable to exercise their powers under sections 62A-E concerning the removal of a trespasser to an alternative site, if there is no suitable pitch or site within a Borough. This means that the matter must be addressed within each Council and does not therefore have cross boundary implications.

Prior to submission of the BFLP, BFC undertook Duty to Co-operate discussions with adjoining LPAs in January 2021 (these being the authorities most likely to be able to meet local needs) asking for assistance from adjoining authorities in helping to meet its Gypsy and Traveller pitch needs. No LPA was in a position to assist. The Council proposed to release a site from the Green Belt on Land at Jealott's Hill (as part of a wider allocation in the area) to meet full cultural needs. However, in their post hearings letter the Inspectors conclude that the required exceptional circumstances for the Jealott's Hill allocation has not been evidenced and that a Main Modification is needed to remove the associated policy from the plan. They go on to conclude in paragraph 47 of their letter that because BFC can demonstrate a five-year supply of deliverable Gypsy and Traveller sites, and the BFLP has a windfall policy with a positive approach to development, that no further compensatory allocations are needed. This means that BFC is unable to help West Berks meet its Gypsy and Traveller pitch needs, should it be determined that there is unmet need within West Berks.

## Economic Development Needs

It is not clear from the LPR what the quantum of unmet need is over the Plan period, although your email of 13<sup>th</sup> January 2023 states that it is now 50,816sqm office floor space and 32,709sqm of industrial floor space. The LPR also refers to a lack of suitable sites, and that the District is heavily constrained (paras. 7.7 and 7.9).

BFC is experiencing similar issues to West Berks and at the base date of our Local Plan had an unmet need for industrial and warehousing floorspace (former B1c, B2 and B8 uses). At the base-date of the BFLP the need was for 48,875m<sup>2</sup> industrial/warehousing, and 19,125m<sup>2</sup> of office floorspace (the latter of which could be met in full). However, the Inspectors requested an update on changes that had occurred since the base date of the Plan. This found that at 31<sup>st</sup> March 2022, the remaining need to 2037 for industrial/warehousing had decreased to 21,550m<sup>2</sup> but that office floorspace needs had increased to 72,365m<sup>2</sup>. The increase in office floorspace need is due to the Borough continuing to experience the demolition or change of use of existing office buildings.

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<sup>2</sup> See BFLP examination document EXAM35: <https://consult.bracknell-forest.gov.uk/file/6066067>

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A consequence of the content of the Inspectors' post hearings letter, is that the unmet need for industrial/warehousing increases to 36,550m<sup>2</sup> (since the suggested Main Modification will mean that the 15,000m<sup>2</sup> of floorspace that was to contribute to meeting needs will be removed with the deletion of the allocation at Jealott's Hill). Prior to submission of the BFLP, BFC undertook Duty to Co-operate discussions with surrounding LPAs in August 2021 asking for assistance in helping to meet its industrial unmet needs. No LPA was in a position to assist given limited land availability and existing constraints to development.

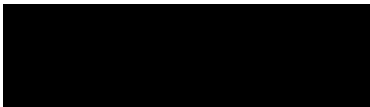
We advised in an email in September 2022 that BFC was regrettably unable to assist with helping your unmet need. This position has not changed. Therefore in response to your formal Duty to Cooperate request for assistance received on 13<sup>th</sup> January 2023, Bracknell Forest remains unable to assist with meeting any of West Berkshire's employment land or floorspace requirements. It is noted (para. 7.9) that the Plan includes a commitment to undertake an early review on employment matters.

In relation to retail need, an update of the evidence has not been undertaken due to the challenges which have arisen as a result of Covid and Brexit, and that a commitment has been made to undertake an early review of the Plan on this matter (para. 7.32). Given the recent changes to the use class order (and new Use Class E), a light touch review of retail needs would have been helpful to inform the LPR. (Bracknell Forest commissioned a Retail Advice Note in 2022 as part of evidence base of the BFLP, which took account of the Western Berkshire Retail and Commercial Leisure Assessment from 2016). As it is not known if there is any unmet need for retail, BFC is unable to comment on any implications at this stage.

In conclusion, BFC's main concern is about the approach taken to unmet housing need from Reading Borough, which is considered to make the Plan unsound.

If you have any queries regarding this letter, please do not hesitate to contact the Development Plan Team: [development.plan@bracknell-forest.gov.uk](mailto:development.plan@bracknell-forest.gov.uk).

Yours sincerely,



Max Baker  
Assistant Director: Planning  
Place, Planning & Regeneration  
Bracknell Forest Council

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