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Planning Policy Team,  
Development and Regulation,  
West Berkshire District Council,  
Market Street,  
NEWBURY.  
RG14 5LD

34289/A3/CS/MO/dw

**BY EMAIL: [planningpolicy@westberks.gov.uk](mailto:planningpolicy@westberks.gov.uk)**

1<sup>st</sup> March, 2023

Dear Sir/Madam,

**WEST BERKSHIRE LOCAL PLAN REVIEW PROPOSED SUBMISSION (REGULATION 19) CONSULTATION REPRESENTATIONS SUBMITTED ON BEHALF OF COPAS BROTHERS (FARMS) LTD**

We write on behalf of our client, Copas Brothers (Farms) Ltd, in response to the 'West Berkshire Local Plan Review Proposed Submission (Regulation 19) Consultation'.

We would like to express that our client is broadly supportive of the Plan, including its Vision and Objectives which clearly express a recognition of the value that sustainable business growth and the local economy has for the wider environment, culture, and social well-being of West Berkshire. That being said, our client has concerns as to whether the Plan provides a 'sound' strategy to deliver sustainable development regarding meeting its employment needs. On this basis, we have prepared a representation form covering emerging policies SP20 and SP21 - Strategic Approach to Employment Land and Sites Allocated for Employment Land. In addition, we have prepared a representation form on emerging policy DM4 - Building Sustainable Homes and Businesses

As shown on the supporting Location Plan, our client controls land directly adjacent to the Beenham Industrial Area ('the Site'). The Beenham Industrial Area, which also contains land within our client's ownership, is identified by Policy DM32 'Designated Employment Areas' (and listed in Appendix 4 table 18) as one of the specific locations within the District area designated for business uses. Beenham Industrial Area (previously known as a 'Protected Employment Area') was designated through the West Berkshire District Local Plan 1991 - 2006 highlighting its longstanding record as an employment area.

Our client is promoting the Site through the Local Plan process for approximately 20,000 sqm of a mix of employment uses (Class E, B2 and B8) (This is a lower quantity of floorspace than promoted previously in light of the potential inclusion of landscape buffers, as illustrated on the attached 'concept' plan). The Site is not proposed to be allocated within the proposed submission version, however, due to the circumstances outlined below and set out within our representations, in our client's opinion the Site should be identified as an additional allocation with the Local Plan.

- The Site will contribute to meeting the identified shortfall in employment land allocated through the Local Plan;
- The Site is sustainably located adjacent to the existing Beenham Industrial Area, including other sites proposed for allocation; ESA4 and ESA5;

- The Site has good sustainable connectivity connections to the A4, local bus routes (Jetblack 1), and Aldermaston Wharf rail station; and
- The Site has an opportunity to incorporate mitigation measures, including vegetation screening, to avoid any landscape and visual impact on the North Wessex Downs AONB.

We trust that these representations will be taken as duly made and would welcome confirmation of receipt. Should you have any queries or wish to discuss please do not hesitate to contact the writer.

Yours faithfully,



**MARK OWEN**  
Planning Associate


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

Please complete online or return this form to:	<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

**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:*		Mark
Last Name:*		Owen
Job title (where relevant):		Planning Associate
Organisation (where relevant):	Copas Brothers (Farms) Ltd	Barton Willmore, now Stantec
Address* <i>Please include postcode:</i>		The Blade, Abbey Square, Reading, RB1 3BE
Email address:*		████████████████████
Telephone number:		

\*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):	Mark Owen – Barton Willmore, now Stantec On behalf of Copas Brothers (Farms) Ltd
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	Fostering Economic Growth and Supporting Local Communities
Policy:	SP20 / SP21 (including the supporting text)
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

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		X
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		X
<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		X
<b>Consistent with National Policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		X

Please give reasons for your answer:

#### **National and Local Policy Context**

At a national policy level, the NPPF sets out in Chapter 6 (paragraph 81) that planning policies "should help to create the conditions in which businesses can invest, expand and adapt. Furthermore, it states in the same paragraph that "significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development". In paragraph 82 b, the NPPF highlights that planning policies should "set criteria, or identify, strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period".

Objective 4 of the Local Plan's Strategic Objectives, of which represent the key delivery outcomes that the Local Plan Review should achieve, states "Economy: To facilitate and support a strong, diverse and sustainable economic base across the District, including provision of employment land which provides for a range of local job opportunities". The supporting text to Policy SP20 at paragraph 7.2 further emphasises the priorities for West Berkshire with regards to the economy as set out within the Council Strategy (2019-2023) and the Council's Economic Development Strategy (2021). The Vision of the Economic Development Strategy seeks for the District to move rapidly towards a productive and resilient economy founded on the principles of "inclusive, clean growth and where everyone is given the opportunity to thrive". In this regard, our client supports West Berkshire's commitment for supporting the local economy in the District.

#### **Identified Need and Shortfall**

That being said, it is made explicitly clear within the Local Plan Review document itself, at paragraph 7.9 and the supporting evidence base that there is a shortfall in supply for both office and industrial uses. The Employment Land Review Addendum ('ELRA') (December 2022) sets out a need for 50,816sqm for office space and a minimum of 91,109sqm or 23ha of land for industrial needs. As set out in Tables 3 and 4 of the Employment Background Paper (January 2023), the Local Plan Review currently only proposes to allocate 58,400 sqm of industrial land (excluding LAM6 which already has planning permission) and 0 sqm of office land. This results in a shortfall in 32,709 sqm of industrial land and 50,816 sqm of office land as stated in paragraphs 56 and 57 of the Employment Background Paper.



With regard to office needs first, whilst paragraphs 7.9-7.12 of the ELRA conclude that the overall need is not a concern in the short-term *“given that net change has been negative, gross office gains have been very modest, and developers are not promoting many sites for office use”*, there still remains an identified need. It is clear in paragraph 4.43 of the ELRA that the office market across West Berkshire has remained relatively robust despite the global pandemic. Moreover, in paragraph 7.11, it highlights that economic forecasts suggest that the office sector will return to growth. Currently, as stated in the Employment Background Paper (January 2023) at paragraph 33, below optimum availability/vacancy rates are resulting in a market that is not fully effective. Therefore, given the identified need and reported demand for smaller, flexible offices, referenced at paragraph 7.11 of the ELRA, any opportunities to provide this supply should be taken up now.

Turning to industrial needs, the evidence base asserts that there has been a consistently strong provision of industrial floorspace alongside strong growth in industrial jobs. As a result of the findings, the ELRA recommends that the Plan takes forward the higher past trends need figure to ensure conformity with the need to plan positively.

In addition to the strong trends in industrial floorspace provision and jobs growth, the Local Plan Review and evidence base highlight the challenges West Berkshire’s faces in respect of available stock. The ELRA states in paragraph 4.54 that agent consultation indicated that *“due to lack of available stock across West Berkshire most occupiers, regardless of size and sector, find it difficult to satisfy their requirements”*. This is further compounded at paragraph 31 of the Employment Background Paper which highlights that *“industrial demand has increased since the previous assessment, while supply has continued to fall, placing further pressure on existing stock”*. The Employment Background Paper goes on then to highlight that there remains an acute shortage of good quality space, despite new development at Beenham and Greenham Business Parks. The ELRA expands upon this point, at paragraph 4.91, highlighting that there is particularly a shortage in supply of smaller units.

Accordingly, it is clear that there is a pressing need, in particular for industrial floorspace, in West Berkshire.

### **Proposed Allocations and Constraints**

Six employment land allocations are identified in emerging policy SP21. Accordingly, regarding the shortfall, the Local Plan Review document in paragraph 7.9 states that *“as with the office requirement, the Council has positively sought opportunities to meet the industrial requirement however, the district is heavily constrained, and this has resulted in a lack of suitable available sites”*.

Returning to national policy briefly, the NPPF is clear in paragraph 11 that strategic policies should seek to meet anticipated needs over the plan period, unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type, or distribution of development in the plan area; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In West Berkshire this is to a large extent related to the North Wessex Downs Area of Outstanding Natural Beauty (‘AONB’) which under paragraph 11 (d) (i), footnote 7, of the NPPF is defined as a protected area. However, having regard to the allocations with the Submission version of the Local Plan Review, four of these sites are indeed within the AONB (ESA2, ESA3, ESA4, ESA5), two of which are located at the Beenham Industrial Area.

Section 5.4.2 of the SA/SEA Environmental Report November 2022 considers the potential reasonable alternatives for allocation for employment uses. Critically, in Table 55, it states for Part BEEN3 & Part of BEEN5 (ESA4), BEEN10 (ESA5), LAM6 (ESA2), and LAM 10 (ESA3) that "*there is an overriding need for additional employment for industrial uses within the district and therefore, exceptional circumstances (NPPF Para 177) can be demonstrated regarding the allocation of the site within the AONB.*"

Consequently, it is unclear why further sustainable sites, such as our client's site of land adjacent to Beenham Industrial Area, have not been included in the Plan's proposed allocations, as we discuss in further detail below.

### **Five-Year Review and Flexibility**

It appears that the Council are seeking to take an approach that instead of identifying sufficient sites now, additional sites could be identified at a five-year review as referenced in paragraphs 7.7 and 7.9 of the Local Plan Review document. Related to this, paragraph 7.10 in the supporting text to emerging policy SP20 appears to suggest that the regeneration of the London Road Industrial Estate ('LRIE') will provide flexibility to the figures in the later part of the plan period. However, in the same paragraph the Council state that due to timing of their strategy for comprehensive regeneration, the Site is not identified as a site allocation.

Our client does not agree with the approach proposed to seek to address the supply matter at the first five-year review for three principal reasons.

Firstly, there is a clear, and accepted, need for employment land, particularly industrial, in West Berkshire. Secondly, available sites, including Land adjacent to Beenham Industrial Estate, are promoted by a willing landowner and provide suitable options to assist in meeting this employment need now. Thirdly, due to the nature of the constraints in West Berkshire, it is unlikely that a significant amount of 'new' land will become available when the Council undertake their five-year review.

Our client also considers that as the LRIE site is not allocated within the Plan, it cannot be considered to assist towards the employment needs within the District and reference should be removed.

### **Soundness of Emerging Policies SP20 and SP21**

Considering the above, we therefore have concerns with the soundness of emerging policies SP20 and SP21 as set out below.

**Positively Prepared:** Emerging policies SP20 and SP21 have not been positively prepared as they do not seek to meet the identified employment needs, as set out within the ELRA, and therefore do not support achieving sustainable development in West Berkshire.

**Justified:** The strategy in emerging policies SP20 and SP21 does not take an appropriate strategy as it is not seeking to identify sufficient sites to meet the identified need. The reasons for doing so are not justified when considering the identified need and available sites that can contribute to this need, including our client's site.

**Effective:** Emerging policies SP20 and SP21 will not deliver enough development to meet the identified need over the plan-period. Moreover, references to additional sites (i.e. LRIE) that are not allocated should not be included as they cannot contribute to meeting need.

**Consistent with National Policy:** Emerging policies SP20 and SP21 are not consistent with seeking to meet the identified need and delivering the economic objective of achieving sustainable development.

For the reasons set out below, our client considers that land adjacent to Beenham Industrial Area should be included as an allocated employment site to assist the Council in meeting its employment needs:

- The Site will support delivery of the minimum employment needs identified by the ELRA through the additional provision of approx. 20,000 sqm of Class E, B2 and B8 uses within the plan period. This has been decreased from the quantity submitted previously in light of the inclusion of potential landscape buffers. This includes supporting the existing weak pipeline supply of office space and the acute shortage in available industrial units as stated in paragraphs 7.11 and 4.91 of the ELRA respectively. In particular, the Site provides an important opportunity for creating space for smaller units which are in short supply in West Berkshire across both employment types (see paragraphs 7.11 and 4.91 of the ELRA). Furthermore, whilst the Council intends to commit to revisiting the employment land supply as part of the five-year review, due to the nature of the constraints facing West Berkshire, it is unlikely that a significant amount of 'new' land will become available, and therefore sufficient supply should be identified now, such as our client's site, to ensure the Council's employment needs strategy is sound.
- The Site is located in a sustainable location adjacent to the existing Beenham Industrial Area which is proposed to be a Designated Employment Area ('DEA') and could therefore form a logical extension to the DEA. The Site can also be sustainably accessed off Grange Lane, via the A4 which provides a direct route to the large conurbations of Reading and Newbury, in addition to the M4 (Junction 12 is only approximately 4.5 miles from the Site). The A4 route also connects the Site to the Eastern Spatial Area which is proposed to continue to be important for business development as per Policy SP1 – the Spatial Strategy. Regarding other transport modes, bus stops are located within 250 metres of the Site along the A4 whereby the Jetblack 1 bus route connects Newbury to Reading via Thatcham, Woolhampton, and Theale via a twice hourly service. The Site is also less than 500 metres from Aldermaston Rail Station whereby trains run hourly providing access to Reading and Newbury. As is demonstrated by the two proposed allocations at the Industrial Area (ESA4 and ESA5), the Site is evidently an appropriate location for this form of development.
- The Site is consistent with paragraph 85 of the NPPF which states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. As the Site is located within the North Wessex Downs AONB spatial area and outside of a defined settlement boundary, paragraph is relevant for our clients Site. Albeit the Site is sustainably connected to the highway network as referred to above and located adjacent to a proposed Designated Employment Area.
- Whilst the Site is located within the AONB, it is considered that sensitive mitigation measures, including generous vegetation screening within the Site could be used to limit any perceived landscape and visual impact on the AONB. A high-level concept plan is attached to this representation demonstrating how this could be achieved. As previously referred to, ESA4 and ESA5 are proposed allocations at the industrial area within the AONB providing landscape buffers and landscape enhancements to reduce their perceived impact. The Landscape Character and Sensitivity Assessments (June 2022) for our clients Site (BEEN 11 Parcel 1 and 2) suggest that there is potential to enhance the woodland character of the area (as is proposed for ESA4 and ESA5) which would also block views into the AONB and across the area to the Kennet Valley side. In our client's opinion, the Site is already well contained, particularly as a result of existing vegetation, including woodland and hedgerows along Clay Lane, and recent further tree planting by our client, limiting views beyond the Site into the AONB. On behalf of our client, we therefore contest the conclusions of the Landscape Character and Sensitivity Assessments and consider that sensitive mitigation measures could feasibly reduce any perceived landscape and visual impacts of development at this Site.



On the basis of the above we consider that land adjacent to Beenham Industrial Area should be included as an allocation under emerging policy SP21 to assist in reducing the shortfall in identified industrial and office space within the District as set out within the supporting evidence base to the Plan.

### 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.

Additions are shown underlined, deletions by strikethrough

#### Policy SP21: Site Allocated for Employment Land

The following sites will be allocated to facilitate the growth and forecasted change of industrial land and contribute to meeting the identified office land need over the plan period.

**Table 4**

Policy Ref	Site Name	Approximate Floorspace (sqm)	Use
ESA1	Land east of Colthrop Industrial Estate, Thatcham	20,400	B2/B8
ESA2	Land west of Ramsbury Road, Membury Industrial Estate, Lambourn Woodlands	10,381	B2/B8
ESA3	Land to the south of Trinity Grain, Membury Industrial Estate, Lambourn Woodlands	5,200	Egiii/B2
ESA4	Beenham Landfill, Pips Way, Beenham	14,000	B2/B8
ESA5	Northway Porsche, Grange Lane, Beenham	6,400	Egiii/B2
ESA6	Land adjacent to Padworth IWMF, Padworth Lane, Padworth	12,400	B2/B8

ESA7	Land adjacent to Beenham Industrial Estate, Beenham	20,000	E/B2/B8
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A specific policy (ESA7) should subsequently be included, and relevant reference made through the Local Plan where necessary.

**Paragraph 7.10 (Supporting Text to Policy SP20)**

Our client also considers that the supporting text in paragraph 7.10 of the Local Plan Review document regarding the London Road Industrial Estate should be deleted as the site cannot be relied upon in meeting employment needs within the District.

~~7.10~~ The ELR is clear that the industrial requirement of 91,109sqm is a minimum and therefore the regeneration of the London Road Industrial Estate (LRIE) will provide flexibility to the figures in the later part of the plan period. The redevelopment and regeneration of the LRIE is a long held vision of the Council and a recent decision by the Council's Executive (June 2022) agreed a new approach for the site which focuses on job creation, attracting investment to Newbury and achieving carbon neutrality. The site has scope, subject to overcoming other policy constraints, for regeneration and the intensification of employment uses to maximise the potential of the site, which at present is not optimum and does not provide an attractive environment for modern day use. The majority of the LRIE site falls within the London Road Industrial Estates DEA, an area designated for business uses. It is important to note that the DEA includes the majority of the Council owned LRIE and the adjoining Riverpark Industrial Estate, but excludes the football ground. A key aspiration of the regeneration is to increase the type and level of employment opportunities on the site through intensification and more efficient use of brownfield land. The Council are currently preparing a comprehensive strategy for the delivery of regeneration on the LRIE site. Due to the timing of this strategy and the site's location within the settlement boundary of Newbury, the site has not been identified as a site allocation, however it does need to be recognised as an area of regeneration for its potential to deliver flexibility to the employment figures over the plan period.

**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:*

To expand on the points made within this representation.

*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.*

<b>Signature</b>		<b>Date</b>	01/03/23
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**



# Land adjacent to Beenham Industrial Estate







**West Berkshire Local Plan Review 2022-2039**  
**Proposed Submission Representation Form**

**Ref:**

*(For official use only)*

<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>
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<b>Return by:</b>	<b>4:30pm on Friday 3 March 2023</b>

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- 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:*

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	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:		Mr
First Name:*		Mark
Last Name:*		Owen
Job title <i>(where relevant):</i>		Planning Associate
Organisation <i>(where relevant):</i>	Copas Brothers (Farms) Ltd	Barton Willmore, now Stantec
Address* <i>Please include postcode:</i>		The Blade, Abbey Square, Reading, RB1 3BE
Email address:*		████████████████████
Telephone number:		

\*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):	Mark Owen – Barton Willmore, now Stantec On behalf of Copas Brothers (Farms) Ltd
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	DM4 - Building Sustainable Homes and Businesses
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

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	X	
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence	X	
<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		X
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		X

Please give reasons for your answer:

#### Principle of the Policy

Whilst our client is supportive of the need to reduce greenhouse gas emissions and supports West Berkshire Council for their intention to tackle the climate crisis, our client has soundness concerns regarding the effectiveness and consistency with national policy of the proposed DM4 policy as currently worded.

Effective: The emerging policy will impact upon viability of development, potentially further impacting the supply of employment land. It is also unclear how the policy will be applied in certain circumstances (as set out below)

Consistent with National Policy: The emerging policy does not set out clearly how any cash-in-lieu contribution would meet the tests required by legislation.

The policy is ambitious however, in our client's opinion, it is currently worded with limited flexibility and consideration upon the different scales and types of development that can come forward and their associated means to incorporate these policy aspirations within proposals. The LPR's supporting Viability Assessment (Autumn 2022) is clear that beyond the affordable housing policy, the sustainable construction and development objectives of the plan, driven through Policy DM4, is the other significant emerging policy with a potential impact upon the viability of development as stated in paragraph 1.1.17.

Whilst it acknowledged that the Viability Assessment is at high-level, it is evident in various parts of the assessment that policy DM4 has the potential to impact the deliverability of the Local Plan.

Firstly, this is made evidently clear in Appendix I Table G (Policy Analysis) which states that proposed policy DM4 has a 'high' viability impact which has resulted in an allowance being added to base build costs. Furthermore, the associated commentary acknowledges that the policy scope could have further site-specific impacts.

In regard to base build costs, it is noted within the Viability Assessment Report that there is a lack of detailed guidance of which to base any additional cost assumptions on. The commentary following paragraph 2.14.4 describes the evolving approach to the assumed levels of cost increase for both residential and non-residential development. The commentary shows under the bullet "*Carbon reduction – contributing to the Council's Net Zero ambitions*", that despite the relatively short period of time between the stages of the review, assumed costs have increased (from an initial ~4% to +5%). As more detailed evidence becomes available to base assumptions on, it is acknowledged that these assumptions will change however the increase here between assessments is evident and can therefore, on balance, be expected to continue to change.

Focusing specifically on non-residential developments, paragraph 3.2.44 of the Viability Assessment makes clear that cost estimates around carbon reduction / zero-carbon developments are not widely available and vary greatly, including by source and scheme type. The Viability Assessment appears to consider what is included at this time (+5% construction costs for non-residential) as a reasonable assumption, despite the report noting that costs could be higher or significantly higher in some cases. Furthermore, the report seems to consider that the potential over cost impacts of these measures will fall over time based on improved markets, technologies, and efficiencies (paragraph 2.14.5 point-d and paragraph 3.2.45). Whilst there is a probable case for improved efficiencies occurring, our client has concerns regarding the over cost assumptions used and the likelihood that these efficiencies will begin to have significant positive impacts in the near future due to the lack of evidence available. There should also be a consideration that additional inflexible requirements alongside current build cost inflation and environmental requirements will in fact make the market less prospective. Build cost inflation and environmental requirement implications are highlighted in paragraph 2.1.6 of Appendix V for the Viability Assessment as mounting pressures for the market following referenced engagement with market reporters.

Building upon the above context, Appendix IV for the Viability Assessment illustrates the findings stated in paragraph 3.2.42 of the Viability Assessment that "*there are few forms of development that are shown to be clearly and consistently viable*". Looking specifically at industrial uses, the appraisals show 'indicative non-viability' despite the different % yields considered.

Notwithstanding the suggestion in paragraph 3.2.42 that this is not unusual in West Berkshire, or that, in paragraph 3.2.47, "*significantly increased sustainable development expectations would be likely in themselves to unduly affect the viability of schemes that are considered to have the demand and viability to drive their progression*", this should not distort the fact that the policy will have impacts on build costs and delivery.

In our client's opinion it should not be the case that much-needed development which is not proposed to be met by this Local Plan Review (see our client's representations regarding policies SP20 and SP21), and is already difficult to bring forward, is made harder to deliver simply based on the assumption that schemes will be delivered if there is the demand and viability to drive their progression. Indeed, if it is not unusual in West Berkshire for viability to be a challenge as stated in paragraph 3.2.42, additional land should be identified to provide confidence and ensure a consistent and deliverable supply should any forthcoming sites encounter difficulties.

In our client's opinion, with regard to the above it is difficult to see how the current rigid policy wording is effective and will therefore contribute to the delivery of sustainable development in West Berkshire.

### **Policy Wording**

With specific regards to the policy wording, our client has several concerns.

We consider that not all proposals will neither be physically able (in terms of space) or financially able (in terms of viability) to deliver BREEAM Excellent standard buildings and/or renewable, zero or low-carbon energy technologies on site. Whilst 'where appropriate' is included in paragraph 10.27 of the supporting text for emerging policy DM4, unless this wording is included in the policy wording, in our client's opinion the policy would not be effective.

Secondly, reference is made to the 'energy hierarchy' throughout the policy and supporting text. However, a description or illustration of the hierarchy does not appear to be evident. For clarity, in our client's opinion, the LPR should include a diagram or list of the hierarchy so that there is a clear understanding about the approach developers should take.

Thirdly, regrading construction standards for new non-residential development, clarity should be provided as to the nationally recognised standards that should be used to calculate a typical baseline. This will add clarity to policy and ensure it is consistent with paragraph 16 (d) of the NPPF.

Lastly, our client is aware that the proposal under point 4 of emerging policy DM4 – Carbon Offsetting. Our client considers it pertinent to emphasise that any cash contribution sought by West Berkshire through a planning obligation must satisfy the requirements set out in regulation 122 (2) of the CIL Regulations 2010 (see also NPPF paragraph 57). The supporting text for this element of the emerging policy is set out from paragraphs 10.28 to 10.32 of the LPR document. Currently, within the policy and the supporting text it is unclear how any funds raised would be used. Clarity should be added so that it is clear and consistent with national policy.

### 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:*

N/A



## 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.*

With regard to section 2 above, in our client's opinion, the below changes would add clarity and flexibility to the policy thereby improving its effectiveness and consistency with national policy. Additions are shown underlined, and deletions shown by strikethrough.

### **"Policy DM4 Building Sustainable Homes and Businesses**

New development of one or more new dwellings (C3 or C4 use class) and/or 100sqm or more of new non-residential floorspace, including hotels (C1 use class), residential institutions (C2 use class) or Secure Residential Institutions (C2A use class) should, where practicable, achieve net zero operational carbon emissions (regulated and unregulated energy) by implementing the energy hierarchy.

All proposals should demonstrate application of the energy hierarchy through submission of an Energy Statement or a detailed energy section within the Sustainability Statement in accordance with Policy SP5 and which identifies how the following minimum standards of construction are achieved to the greatest feasible and viable extent ~~feasible and viable~~.

#### **1. Residential Development - Minimum Construction Standard**

A. New development of one or more new dwellings (C3 or C4 use class) will meet the following minimum standards of construction:

- Achieve the carbon Target Emission Rate set by the Future Homes Standard (once this is confirmed by central government); in the meantime, achieve 63% reduction in carbon emissions is achieved by on-site measures, as compared to the baseline emission rate set by Building Regulations Part L 2021 (SAP 10.2). These regulated carbon emission targets are to be achieved before the addition of on-site renewable electricity generation (which should subsequently be considered in section 3 of this policy); and
- Equal to or less than 15kWh/m<sup>2</sup>/year space heat demand target, evidenced by the Building Regulations Part L SAP Fabric Energy Efficiency metric.

B. New residential refurbishment developments of 10+ units will meet BREEAM Domestic Refurbishment Excellent as a minimum.

#### **2. New Non-Residential Development, Hotels, Residential Institutions, Secure Residential Institutions - Minimum Construction Standard**

New development of 100sqm or more of new non-residential floorspace, hotels (C1 use class), residential institutions (C2 use class) or secure residential institutions (C2A use class) will meet the following minimum standards of construction:

- A demonstrated percentage reduction in energy (regulated and unregulated) carbon emissions based on the appropriate building type baseline calculated using nationally recognised standards (\*name of the standards to be inserted\*) ~~Appropriate to the building type, calculate a typical building baseline using a nationally recognised standard and demonstrate a percentage reduction in energy (regulated and unregulated) carbon emissions.~~ These operational carbon emission targets are to be achieved before the addition of on-site renewable electricity generation (which should subsequently be considered in section 3 of this policy); and

- Where practicable, BREEAM Excellent (BREEAM 2018 or future equivalent)

### 3. Renewable Energy

- A. Subsequent to the achievement of the minimum construction standards under parts 1 and 2, new development of one or more new dwellings (C3 or C4 use class) and/or 100sqm or more of new non-residential floorspace, hotels (C1 use class), residential institutions (C2 use class) or Secure Residential Institutions (C2A use class) should where possible and appropriate include onsite renewable, zero and low carbon energy technologies to achieve, to the greatest extent possible, net zero carbon operational energy (regulated and unregulated) on site.
- B. The Council will support proposals for renewable energy provided that the technology is:
- i. Suitable for the location;
  - ii. Not on the most versatile agricultural land (grades 1, 2 and 3a);
  - iii. Is accompanied by a landscape / visual impact assessment; and
  - iv. Would not cause harm to residential amenity by virtue of noise, vibration, overshadowing, flicker or other harmful emissions.

### 4. Carbon Offsetting

Where a development proposal of one or more new dwellings (C3 or C4 use class) and/or 100sqm or more of new non-residential floorspace, including hotels (C1 use class), residential institutions (C2 use class) and or secure residential institutions (C2A use class) cannot demonstrate that it is net zero carbon in relation operational energy (regulated and unregulated), it will be required to, subject to viability, address any residual carbon emissions by:

- a cash in lieu contribution based on the national carbon offset price set by the latest HM Treasury Green Book to fund verified carbon offsetting measures in West Berkshire to relevant national standards.

The policies supporting text should be reviewed to ensure spelling and grammatical mistakes are removed.

### 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:*

To expand upon the points made within this representation.

*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.*

<b>Signature</b>		<b>Date</b>	01/03/2023
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**