



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.*
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- *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:*		Les
Last Name:*		Durrant
Job title <i>(where relevant):</i>		Group Chairman & Managing Director
Organisation <i>(where relevant):</i>	Newbury Community Football Group	DPDS Consulting Group
Address* <i>Please include postcode:</i>	Newbury Football Ground Faraday Road Newbury RG14 2AD	Old Bank House 5 Devizes Road Old Town Swindon SN1 4BJ
Email address:*		████████████████████
Telephone number:		01793610222

*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.

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Your name or organisation (and client if you are an agent):	DPDS Consulting Group
---	-----------------------

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	
Policy:	SP10 Green Infrastructure
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:

The policies do not follow national advice

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		
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		
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 enclosed report titled “Representations in respect of West Berkshire Local Plan Review (Reg 19) Proposed Submission” prepared by DPDS Consulting Group for full details.

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).

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

Yes

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

We believe it is necessary as we are proposing significant modifications and the site which is the subject of our core representations is both important and controversial.

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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

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Signature			Date	02/03/2023
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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.

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

Section/paragraph:	7.10
Policy:	SP20 Strategic Approach to Employment Land
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:

The policies do not follow national advice

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		
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		
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:

NCFG have concerns regarding the **justification** and **consistency with national policy** of Policy SP20, in particular the approach to the London Road Industrial Estate set out in Paragraph 7.10. These representations are set out in full within the enclosed report, titled “*Representations in respect of West Berkshire Local Plan Review (Reg 19) Proposed Submission*” prepared by DPDS Consulting Group.

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.

The proposed changes are outlined in full within the report titled “Representations in respect of West Berkshire Local Plan Review (Reg 19) Proposed Submission” enclosed with this submission form. The proposed changes within this form also concern policies other than Policy SP20, but these have not been made the subject of additional representation forms as the changes are dependent on the content of the main representation on the policy.

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:

We believe it is necessary as we are proposing significant modifications and the site which is the subject of our core representations is both important and controversial.

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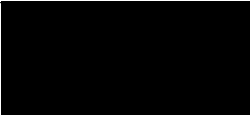
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Tick

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Section/paragraph:	
Policy:	DM32 Designated Employment Areas
Appendix:	
Policies Map:	
Other:	

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Please give reasons for your answer:

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Section/paragraph:	
Policy:	DM39 Local Community Facilities
Appendix:	
Policies Map:	
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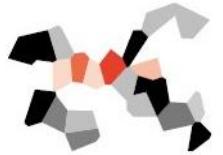
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**Representations in respect of West
Berkshire Local Plan Review (Reg 19)
Proposed Submission**

**On behalf of the Newbury Community Football Group
(NCFG)**



2 March 2023

C12421

Representations in respect of West Berkshire Local Plan Review (Reg 19) Proposed Submission

**On behalf of the Newbury Community Football
Group (NCFG)**

Client: Newbury Community
Football Group

Reference: C12421

Version: 1

Status: Final

Author: JT

Checked: LMD

Approved: LMD

March 2023

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1.0 Introduction

- 1.1. DPDS Consulting Group (DPDS) has been instructed by Newbury Community Football Group ('the client') to prepare and submit written representations on their behalf to the West Berkshire Local Plan 2039 (Regulation 19) Consultation Proposed Submission (The Local Plan).
- 1.2. These written representations are in respect of various policies and passages of supporting text. This document summarises the reasoning for considering the proposed Local Plan to be unsound in its preparation, and a suite of modifications proposed in order to bring the Plan in line with national policy and the required tests of soundness.
- 1.3. The locations of interest to these representations are the London Road Industrial Estate (LRIE) and in particular the Newbury Football Ground at Faraday Road, which are briefly discussed in Paragraph 7.10 under policy SP20 Strategic Approach to Employment Land in the Draft Local Plan. LRIE is a proposed Designated Employment Area (DEA) in the Local Plan, although it is important to note that the football ground at Faraday Road is NOT (nor never has been) a part of the DEA, nor should it be considered as a part of the LRIE itself.
- 1.4. The Faraday Road football ground was relisted as an Asset of Community Value in September of 2021. This designation runs until 21/09/2026. Furthermore, there are several approved planning applications for the football ground pertaining to resumption of use of the site for community sport purposes. These include:
 - 20/01966/COMIND – Renewal and expansion of the existing football pitch to form a new 3G main pitch and a smaller 3G training/practice pitch.
 - 20/01530/OUT – Outline permission for replacement of clubhouse and new spectator stand at Newbury Football Ground. Matters to be considered: Access and Layout
 - 21/07575/CERTE – Confirmation of lawful use of land as a football ground under class F2 of the Use Classes Order (Amendment 2020)
 - 22/02443/CERTP – Application for temporary metal container that consists of changing room and toilet facilities.
- 1.5. West Berkshire Council (WBC) have a long-standing ambition to achieve redevelopment and regeneration of the LRIE site, as evidenced by Paragraph 7.10 of Policy SP20 Strategic approach to employment land of the Local Plan. NCFG supports this overall ambition, however from WBC's perspective, it has specifically and irrationally excluded the option to redevelop the football ground as a revitalised sporting venue for the overall benefit of the community. Because of this accusations of bias and predetermination has been levelled against WBC, which is contrary to the Localism Act of 2011.
- 1.6. Despite the Council's significant and long-term expenditure on consulting with respect to the LRIE, there has been no planning application submitted by the Council regarding the long-term future of the estate (including or excluding the football ground). Due to the large amounts of public funds involved, confusion arising from the Council's approach, the location of the site, and the controversy resulting from all of the above, the LRIE should have been covered in the proposed Local Plan but has largely been ignored.

2.0 Comments on Local Plan Proposed Submission

- 2.1 This section sets out the client's comments on the soundness of the Local Plan and the proposed modifications to it.

Soundness

- 2.2 Paragraph 7.10 of the supporting text of Policy SP20 Strategic Approach to Employment Land states the following:-

“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.”

- 2.3 The Council's current strategy for the regeneration of the LRIE is outlined within the London Road Industrial Estate Project Refresh report (Ref. EX4219), dated 9th June 2022. The Refresh report refocuses plans on intensifying employment use on the site, marking out the 'depot site' and the 'playing field' as two areas to be redeveloped (despite the fact that the playing field is not within the DEA boundary, as stated in paragraph 7.10 of policy SP20). It seeks to create an LRIE Supplementary Planning Document (SPD) for the redevelopment of the site, rather than for example a site specific Local Plan allocation. It also provides a timeline for delivery, estimating the adoption of the SPD by the end of 2024, with both the depot site and playing field site redeveloped for employment use by 2026.

- 2.4 This approach to the redevelopment of the LRIE is unsound and does not align with plan-making principles outlined in either the NPPF or the NPPG. Paragraph 35 of the NPPF outlines the key criteria that a plan needs to meet in order to be considered sound. Part d) of this paragraph states that plans should be consistent with national policy to be considered sound. The supporting text of Paragraph 7.10 in the Draft Local Plan does not provide sufficient clarity on the future of the LRIE site (or the football ground) despite the Refresh report containing a delivery strategy for the site with a timescale up to 2030. This is in conflict with NPPF Paragraph 16d) which states that plans should “contain policies that are clearly written and unambiguous, so it is evident how a

decision maker should react to development proposals”. The Local Plan clearly fails to meet this requirement.

- 2.5 In addition, Paragraph 35b) states that plans should be justified, being an appropriate strategy, which takes into account the reasonable alternatives, and based on proportionate evidence. The proposed local plan fails to justify why LRIE is only mentioned in supporting text when the Council has specific plans for the regeneration, contained within the Refresh report.
- 2.6 Our client would also like to raise that the redevelopment of a site the scale of LRIE, either through a proposal for the net area of the entire site or through a series of linked and phased proposals, would be subject to significant detailed EIA work. This is due to several important constraints at the site, including flood risk, traffic, biodiversity etc.
- 2.7 As a result, a comprehensive development-plan led policy framework would be required to set out criteria for sustainable development or redevelopment. An SPD approach would not be able to achieve this and therefore should not be considered as an alternative to a development-plan policy framework. A comprehensive development-plan led approach would in turn allow the proper assessments and procedures i.e. a SEA to be undertaken and policy criteria applied to ensure the sustainable development of the site in line with both the NPPF and the policies proposed within the Local Plan. It is worth noting that a development plan led approach does not appear to have been considered in the Refresh report.

Proposed Modifications

- 2.8 In order to make the plan sound, our client proposes a suite of modifications to the Local Plan to facilitate an appropriate approach to the regeneration of LRIE which would contribute not only to achieving the Council’s strategic objective of meeting employment land need, but also positive outcomes for both the LRIE and the Faraday Road football ground, and contribute to the fundamental principles of sustainable development in line with the NPPF.

SP20 Strategic Approach to Employment Land

- 2.9 NCFG objects to the approach to the LRIE given in paragraph 7.10 of the supporting text of Policy SP20, for the reasons outlined above. Paragraph 7.10 should be deleted and replaced with site specific policies for both LRIE and the Faraday Road football ground.

London Road Site Specific Policy

- 2.10 Our client appreciates WBC’s ambition to intensify employment uses, including maximising the use of existing sites, but wishes to ensure that any redevelopment or regeneration of LRIE is evidence based and recognises the particular constraints of the site, together with a review of the full range of alternative sites available within Designated Employment Areas in Newbury which may be more appropriate, such as the now vacant elements of the Vodafone Campus or the Turnpike Estate. As such, it is proposed that a site-specific policy be included addressing the regeneration of the LRIE site. This policy must consider the following key criteria for development at the site:

- **Flood Risk:** The majority of the site is within Flood Zone 3, meaning a high risk of flooding. Any proposals for use or change of use should be required to undertake a sequential test in accordance with Policy SP6 Flood Risk. Stormwater attenuation measures and already existing opportunities to mitigate against the effects of flooding on site or in the vicinity should be considered positively. The failure to provide an appropriate policy specifically aimed at guiding sustainable redevelopment of LRIE means that the whole site is potentially open to piecemeal and sporadic development. The size of LRIE is such that in the context of a comprehensive or phased redevelopment it would undoubtedly constitute EIA development within the context of the EIA Regulations 2017 and therefore required a development plan i.e. site specific Local plan policy framework to set out the criteria that need to be addressed and met if sustainable redevelopment proposals are contemplated.
- **Climate Change:** Given the ongoing climate crisis, and especially the already measured and predicted effects of climate change in relation to weather & flooding, it is of paramount importance that any proposals for development or redevelopment in LRIE should satisfy the criteria of Policy SP5 Responding to Climate Change and any appropriate requirements that may be introduced by site specific Local Plan policy.
- **Biodiversity:** In line with the requirements of the Environment Act 2021, any development at LRIE should be required to demonstrate a 10% Biodiversity Net Gain, meeting the requirements of Policy SP11 Biodiversity and Geodiversity.
- **Traffic Generation:** As any intensification of employment use at the LRIE would result in increased amounts of traffic from the site, a set of criteria should be developed to ensure that the impacts of this are fully understood and mitigated against.
- Other site specific policy criteria should also be introduced to control the design, height, massing and land use mix of development or redevelopment proposals as may be appropriate.

2.11 The Policy should also include a reference to the Proposals Map or other inset map as may be appropriate which clearly shows the boundary of the LRIE site proposed for regeneration, excluding the Faraday Road football ground.

2.12 This would allow the Plan to clearly state their policy towards the regeneration of the LRIE and ensure that it is developed or redeveloped sustainably in accordance with both the NPPF and the policies outlined in the Proposed Local Plan via the application of site-specific development criteria.

2.13 We do not believe it is our client’s responsibility to define the specific wording of this policy however we do believe that it is necessary and of paramount importance.

Faraday Road Football Ground Site Specific Policy

2.14 In the light of approved planning applications for the resumption of community football use at Faraday Road and the designation of the site as an ACV, the football ground is of very significant benefit to the local community. It has consistently been a strategic objective of West Berkshire Council to protect and enhance community infrastructure in Newbury, with the West Berkshire Core Strategy’s Area Delivery Plan Policy 2: Newbury stating that “Existing community facilities

will be protected and, where appropriate, enhanced”, with this wording being carried forwards into Policy SP1 Spatial Strategy.

- 2.15 Furthermore, the site is partially within Flood Zone 3, and within the Impact Risk Zone of the River Kennet SSSI. On account of these significant constraints, the client also proposes that a specific policy be implemented concerning any proposals for use or change of use of the football ground at Faraday Road. The following is the suggested wording of such a policy:

“New Policy: Faraday Road Football Ground

The Faraday Road Football Ground provides significant value to Newbury as an element of green infrastructure and a community sports facility, along with opportunities to mitigate against flood risk. As such, any proposals for use or change of use at the Faraday Road football ground site must:

- a) Acknowledging the site’s importance as a key asset of open space, green infrastructure, and community value, and in line with the Council’s stated strategic objectives and the objectives of Policies SP10 and DM39 to protect and/or enhance green infrastructure assets and community facilities, any proposals for development or redevelopment at the site must retain the use of the site for community sporting purposes, along with satisfying any other relevant criteria from these policies;***
- b) Undertake a site-specific Flood Risk Assessment and Sequential Test clearly demonstrating that compliance with the criteria included in Policy SP6 Flood Risk, and positively consider stormwater attenuation measures, providing equal or greater potential for flood mitigation measures than currently exist at the site;***
- c) Clearly demonstrate compliance with Policy SP11 Biodiversity and Geodiversity, having regard to any potential adverse impacts on the River Kennet SSSI;***
- d) Prepare a Transport Assessment to address any projected increase in traffic on account of the proposals and set out envisaged measures to mitigate against any impact arising as a result;***
- e) Respond positively to the challenge of climate change and be designed for climate resilience, including maximising the efficient use of sustainable technologies, resources, materials, and solar gain, in accordance with Policy SP5.”***

It is also suggested that the following passage be added to the pre-amble or supporting text of the policy, as part of the reasoned justification of it:

The Council recognises the Faraday Road Football Ground as a key recreational asset of considerable merit. Acknowledging this, the stadium will be retained for community sport use and NOT form part of any wider proposals for development at LRIE.

- 2.16 On behalf of our client, we would welcome the opportunity to discuss any changes to the proposed Local Plan with West Berkshire Council in advance of the Examination.

SP1 Spatial Strategy

- 2.17 If a site-specific policy or allocation for LRIE is adopted, then add the following after the fourth paragraph under the Newbury and Thatcham subheading:

“Land at the London Road Industrial Estate in Newbury can provide opportunities for intensification of employment use and business development, subject to satisfying the criteria of the relevant site-specific policy”.

SP6 Flood Risk

- 2.18 Our client supports the strict application of the sequential approach to sites within Flood Zones 2 and 3, along with the requirement for a site-specific flood risk assessment for all developments located within Flood Zone 2 or 3.

SP10 Green Infrastructure

- 2.19 Our client supports the commitment to protecting and enhancing existing Green Infrastructure assets across the District, especially where it states that proposals involving the loss of green spaces **“will not be supported unless there is no longer a need for the existing infrastructure or an alternative is provided to meet the local needs that is both accessible and of equal or greater quality and benefit to the community”**.
- 2.20 Our client also supports the inclusion of amenity green space, such as outdoor sports facilities, as green infrastructure assets.
- 2.21 However, it is noted that Natural England’s (NE) Green Infrastructure Framework (which was emerging at the time, but has now been released) was referenced within the policy’s supporting text. The Proposed Local Plan should provide further clarity on how the NE Framework has informed the policy.

SP21 Sites Allocated for Employment Land

- 2.22 In addition to a site-specific policy, it is recommended that the LRIE is added to Table 4 of Policy SP21 Sites Allocated for Employment Land.

SP23 Transport

- 2.23 The client supports the requirement for development that generates a transport impact to meet the criteria contained within this policy.

DM32 Designated Employment Areas

- 2.24 The policy states that **“The redevelopment and regeneration of land within DEAs to provide additional business development that meets the needs of the District will be supported”**. In light of the Refresh report on the regeneration of the LRIE including the Faraday Road football ground as an area for redevelopment despite it *not* being part of the DEA, this policy should provide greater clarity on the approach to land on the periphery of DEAs.
- 2.25 Furthermore, it is proposed that the following be added to the policy:
“Redevelopment and regeneration of land within DEAs should still seek to protect and/or enhance green infrastructure and community facilities where possible, including in the DEA’s immediate surroundings”.

DM39 Local Community Facilities

2.26 Our client supports this policy, especially where it states that:

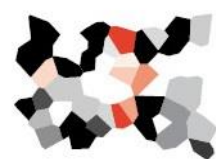
Proposals which would result in the loss of an existing local community facility will only be permitted where it can be clearly demonstrated that:

iii. To outweigh the loss of the existing facility, the proposal will deliver equivalent or, where possible, greater community benefit which is easily accessible to the community it is intended to serve.

2.27 Our client further supports the inclusion of “**Areas or places for community outdoor sport or recreation**” in the definition of local community facilities for the purposes of this policy but would also suggest that the additional phrase “...within walking distance and in the same geographical area as the existing facility ...” be added.

3.0 Conclusion

- 3.1 This summary representation has outlined NCFG’s concerns as to the soundness of the Local Plan preparation process. Our main concern is that the whole approach to the regeneration of the LRIE is unsound on account of the lack of a proper planning policy context and site-specific guidance to control the development or redevelopment of the area – the strategy is inappropriate for a development of this scale. The local plan should make it abundantly clear that the football ground at Faraday Road is *not* (nor never has been) part of the LRIE and therefore must be excluded from any of the Council’s future development aspirations for the LRIE. A development plan led approach would be a more appropriate option, enabling the Council to ensure that any potential development or redevelopment connected with the regeneration would be in line with the objectives of sustainable development outlined in the NPPF, and that it is subject to a SA/SEA at the development plan stage as well as subsequent full EIA testing when comprehensive or phased proposals come forward by way of specific planning applications. It is noted also that WBC appear to have not considered a full range of options in regards to approaching the regeneration. Additionally, this approach is not strictly in line with national policy, which states that plans should be clearly written.
- 3.2 As such, DPDS has prepared a suite of proposed modifications in order to make the Proposed Local Plan sound and bring it in line with national policy for plan-making. These are mainly centred around the deletion of supporting paragraph 7.10 from Policy SP20 and the inclusion of two site specific policies centred around the LRIE site and the Faraday Road football ground respectively, with some wider minor modifications to support this.
- 3.3 To conclude, our representations have concluded that the Council’s approach to the regeneration of the LRIE site renders the Proposed Local Plan unsound, and as such should not proceed to adoption in its current form.



Old Bank House
5 Devizes Road
Swindon
SN1 4BJ

t: 01793 610222

e: dpds.swindon@dpds.co.uk

www.dpds.co.uk

