



**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>
	<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cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*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>*

	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:		Mr
First Name:*		Douglas
Last Name:*		Bond
Job title <i>(where relevant):</i>		
Organisation <i>(where relevant):</i>	Ms S McElhinney	Woolf Bond Planning
Address* <i>Please include postcode:</i>	c/o agent	The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT
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):	Ms S McElhinney
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	SP13
Appendix:	
Policies Map:	Settlement Boundary for Upper Bucklebury
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:*

*See enclosed statement*

## 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	✓	
<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:

The reasons why policy SP3 is not sound by virtue of it not being justified nor consistent with national policy is detailed in the accompanying statement

## 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.*

*Whilst these are detailed in the accompanying statement, in summary it is that the following amendments are made to Policy SP3 together with the proposals map*

1. That Upper Bucklebury is included as a “Service Village” within the policy
2. That the other settlements currently not listed in policy SP3 but where settlement boundaries are defined are listed as a four tier – “other village”. That the policy confirms that infilling and other similar developments together with rural exception housing is appropriate.
3. That the settlement boundary of Upper Bucklebury is revised to both retain the existing open space east of Little Lane and include the dwellings of Byles Green.

#### 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 clarify the adjustments to policy SP3 of the Local Plan as detailed in the Statement*

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

*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>	<b>2<sup>nd</sup> March 2023</b>
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**Your completed representations must be received by the Council by 4:30pm on**

**Friday 3 March 2023.**



## Woolf Bond Planning

Chartered Town Planning Consultants

Our ref: DCB/GR/5003

Email: [REDACTED]

2<sup>nd</sup> March 2023

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

Dear Sirs,

### **West Berkshire Local Plan Review 2022-2039: Proposed Submission Plan Regulation 19 Consultation (January 2023)**

#### **Representations Submitted on Behalf of Ms S McElhinney**

#### **Introduction**

We refer to the above consultation event and respond on behalf of our client, Ms S McElhinney who have interests with respect of land located east of Little Lane, Upper Bucklebury. As explained below, land east of Little Lane, Upper Bucklebury should be included in the defined settlement boundary of the village when considered against the Council's criteria for definition (as outlined in appendix 2 of the Draft Submission Plan), including its application elsewhere in the district. The omission of land east of Little Lane, Upper Bucklebury is therefore a clear illustration of inconsistency within the Draft Submission Local Plan and therefore that it is unsound, of the basis of not being justified.

#### **National Planning Policy Framework (NPPF) and the Tests of Soundness**

The NPPF (July 2021) sets out the principal components to be included in local plans. Paragraph 35 requires that in order to be "sound" a Development Plan Document ('DPD') should be positively prepared, justified, effective and consistent with national policy.

In order to be justified the DPD must be founded upon a proportionate evidence base and represent an appropriate strategy when considered against the reasonable alternatives.

Effective means the document must be 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.

The positive preparation test requires plans to as a minimum, seeks to meet the area's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical.

For the reasons set out in these submissions there are a number of potential matters that need to be addressed in future iterations of the emerging Plan. These are outlined following the relevant policies and supporting information within the Draft Submission Local Plan.

### **Response to draft Policy SP3 – Settlement Review of settlement hierarchy**

This policy details the proposed settlement hierarchy alongside the definition of settlement boundaries following the review undertaken by the Council.

#### *Review of settlement hierarchy*

Within the existing Plan, Upper Bucklebury is included as a third tier settlement (a service village) which recognizes its size and range of facilities to serve residents within the village and surrounding areas.

Through the draft Submission Local Plan, it is proposed to be omitted from settlement hierarchy although it would retain a settlement boundary. Whilst it would retain a settlement boundary, it is proposed to be adjusted from that which currently applies.

On behalf of our clients were object to the reclassification of the village of Upper Bucklebury so that it is outside of the hierarchy detailed in policy SP3 alongside the revision to its settlement boundary. The reasons for this are:

The Council's Settlement Hierarchy Topic Paper (November 2020) outlines the assessment of the district's towns and villages. This includes consideration of the availability of facilities like convenience store, primary school, village hall and public house together with access to employment and public transport services. Whilst this appraisal is noted, the NPPF (paragraph 79) is clear:

**“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”**

This therefore emphasizes the importance of considering access to existing facilities which reflects the analysis within the Council's Topic Paper.



Alongside the advice in paragraph 79 of the NPPF, this also highlights the different context with regard to public transport provision in urban and rural areas. This is within paragraph 105 which confirms:

**“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”**

The approach to settlement hierarchy as outlined in the draft plan is not considered to fully reflect paragraph 105 of the NPPF, as it does not acknowledge the clear differences in public transport services. Whilst the Council’s “Settlement Hierarchy Topic Paper” references the need for a sufficiently frequent bus service to justify the classification of villages within the emerging plan. This is however considered to be overly onerous, especially given the changes in lifestyle which arose following the Covid pandemic and the ongoing energy cost challenges following the invasion of Ukraine. This is demonstrated by the very significant increase in home working as confirmed by the results of the 2021 Census compared to that within the 2011 version for the district. This is shown in the table below which indicates over a five-fold increase in the proportion of those who work at or mainly from home. Whilst this may have been influenced by the Government advice on containing the Covid pandemic, it is nevertheless a clear indication that access to public transport is a less significant factor, especially for the ability to work.

Census	Residents 16+ in employment in week before Census	Work mainly at or from home	Proportion
2011 <sup>1</sup>	81,234	6,223	7.7%
2021	82,312	33,988	41.3%

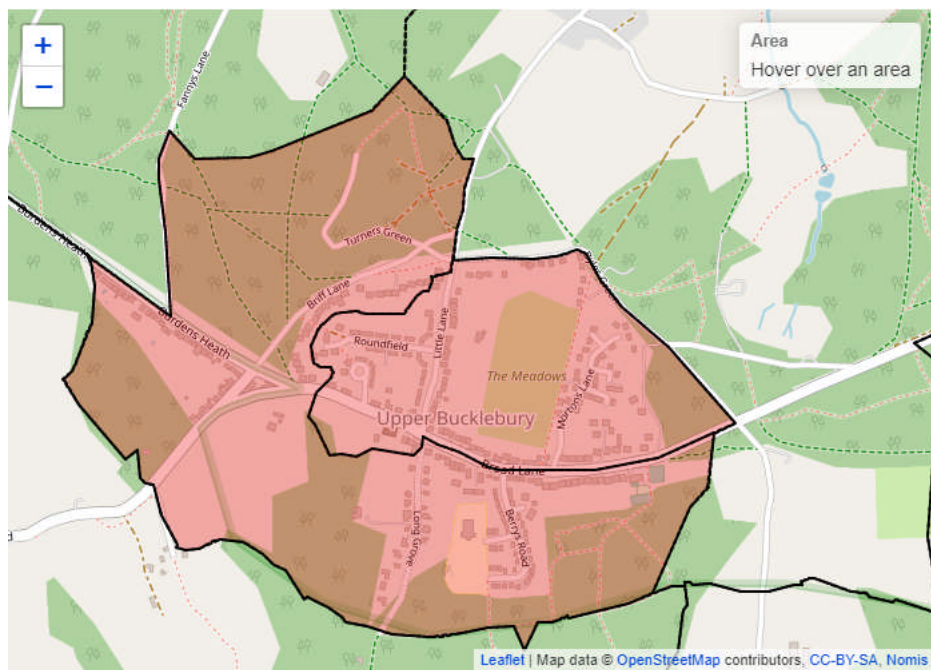
Furthermore, the Council’s approach also discounts the importance that growth within Upper Bucklebury will have in maintaining and enhancing the existing range of services to the residents of the community. The 2021 Census indicates that the core area of the village has a population of 1,036 – this is a very significant level for a location which is not proposed to be included within the Council’s settlement hierarchy.

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<sup>1</sup> Source: Table QS701EW



The population of Upper Bucklebury was derived from outputs of the Small Area Statistics for area referenced E00082171 and E00082174 – the combined area of these is shown on the map below.



**Map showing extent of Output Areas E00082171 and E00082174<sup>2</sup> within the 2021 Census**

With a very significant existing population in Upper Bucklebury (as confirmed by the 2021 Census) and a workforce within the district who can and do work from home, the Council's approach to the reclassification of settlements, especially the village of Upper Bucklebury is unjustified and inconsistent with National Policy.

Upper Bucklebury should therefore be retained as a "Smaller Village" within policy SP3 of the Draft Local Plan.

Furthermore, to provide greater clarity for other settlements where settlement boundaries are defined, this should be included as an additional tier "other village" with confirmation that these are also appropriate for development including infill and affordable exceptions housing.

#### *Review of settlement boundaries*

Irrespective of the objection to the Council's categorization of settlements, we also dispute the application of the methodology for defining settlement boundaries as detailed in appendix 2 of the Draft Submission Plan. The Council's proposed

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<sup>2</sup> Area 171 lies to the north-east with 174 to the south and west. The respective number of residents in these areas are 551 and 485 persons.

approach has unjustifiably excluded the existing dwellings along Byles Green, to the east of Little Lane, Upper Bucklebury, whereas had it consistently applied its methodology these would have been included.

The Council's methodology as detailed in appendix 2 states the following "principles for inclusion of land uses":

**Settlement boundaries identify the main built up area of a settlement within which development is considered acceptable in principle, subject to other policy considerations. While allowing for development, settlement boundaries protect the character of a settlement and prevent unrestricted growth into the countryside. They create a level of certainty about whether or not the principle of development is likely to be acceptable.**

**Where practicable and barring the exceptions set out below, boundaries will usually follow clearly defined features such as walls, hedgerows, railway lines and roads. Where possible, preference will be given to using features that are likely to have a degree of permanence as some features can change over time. Where development is on one side of the road only, the settlement boundary will be drawn along the edge closest to the settlement. Some boundaries may also follow along the rear of built development in order to prevent inappropriate development, for instance where dwellings have large back gardens.**

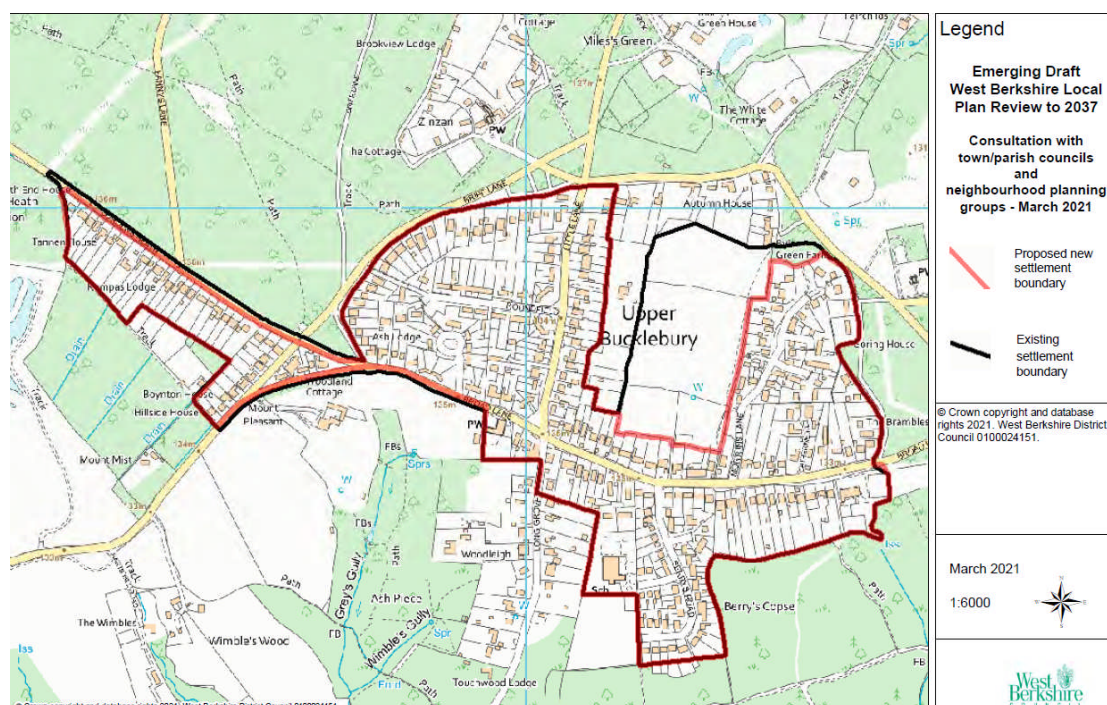
The analysis above when determining the population of Upper Bucklebury is an illustration of the potential extent of the main built up area of the village, and this thus a useful aid.

Appendix 2 of the Draft Submission Plan confirms that "Boundaries will include":

- **The main settlement area. i.e. the area of close knit physical character**
- **Residential sites allocated through the Local Plan and neighbourhood plan processes**
- **Curtilages which are contained, are visually part of the built up area and are separated from the open or wider countryside**
- **Recreational or amenity open space which is physically surrounded by the settlement (or adjoined on three sides by the settlement)**
- **Existing community facilities (such as churches, schools and village halls) which are physically and visually related to the settlement**
- **Single plots or other similar small scale development opportunities which would provide infill and rounding off opportunities that are physically, functionally and visually related to the existing built up area, taking account of any environmental development constraints.**

Within the criteria, it is important to emphasize the role of those areas with a close knit physical character and equally important that recreational or amenity space can be included within the proposed boundaries, even where it is surrounded on three sides by the settlement.

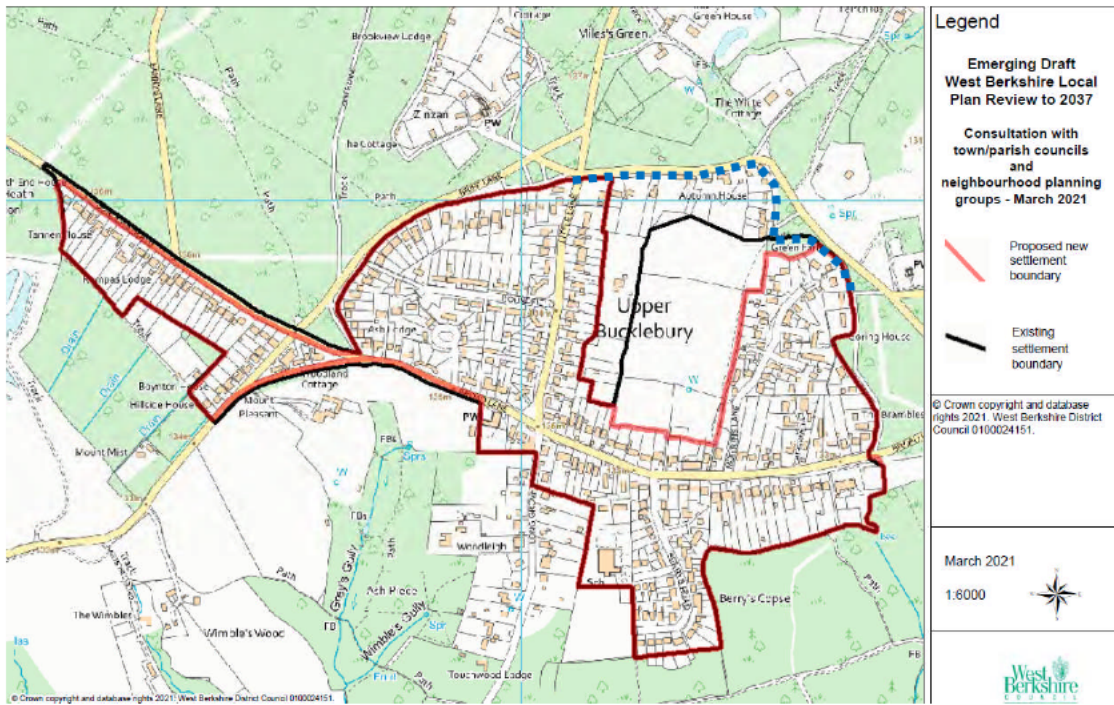
The current and proposed boundaries for Upper Bucklebury are illustrated in the Settlement Boundary Review Background Paper (December 2022) within map 53 and are shown below.



The proposed boundary of the Local Plan entails the removal of the existing amenity/open space area to the east of Little Lane even though it is enclosed on at least three sides by existing development. This is considered to be contrary to the clear approach that the Council indicated that it would follow.

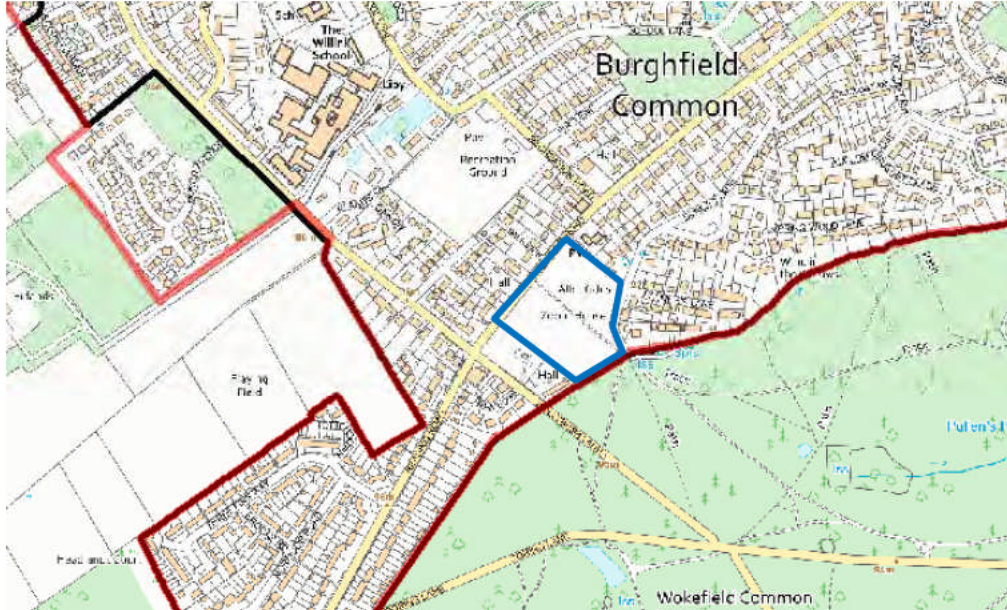
However, our view is that rather than omitting the open space east of Little Lane from the settlement boundary for Upper Bucklebury, this should be retained and also that the dwellings that lie to its north (off Byles Lane) should also be included. Our advocated amended settlement boundary is shown below (blue dashed line).



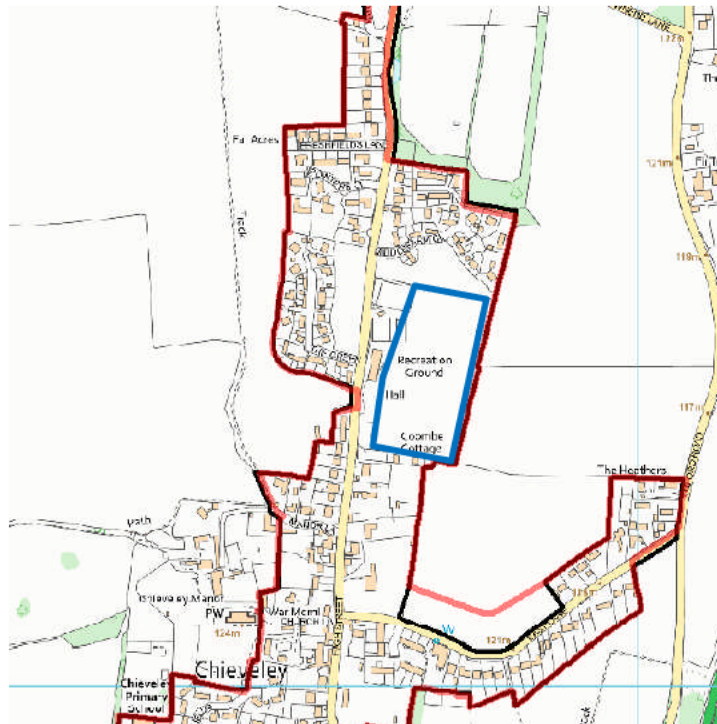


The retention of the existing area of open space east of Little Lane, Upper Bucklebury within the settlement boundary whilst adhering to the Council's methodology would also reflect its approach for similar areas of open space in settlements like Burghfield Common and Chieveley as illustrated below.

**Area of open space enclosed on up to three sides in Burghfield Common included in the settlement boundary**



**Area of open space enclosed on up to three sides in Burghfield Common included in the settlement boundary**



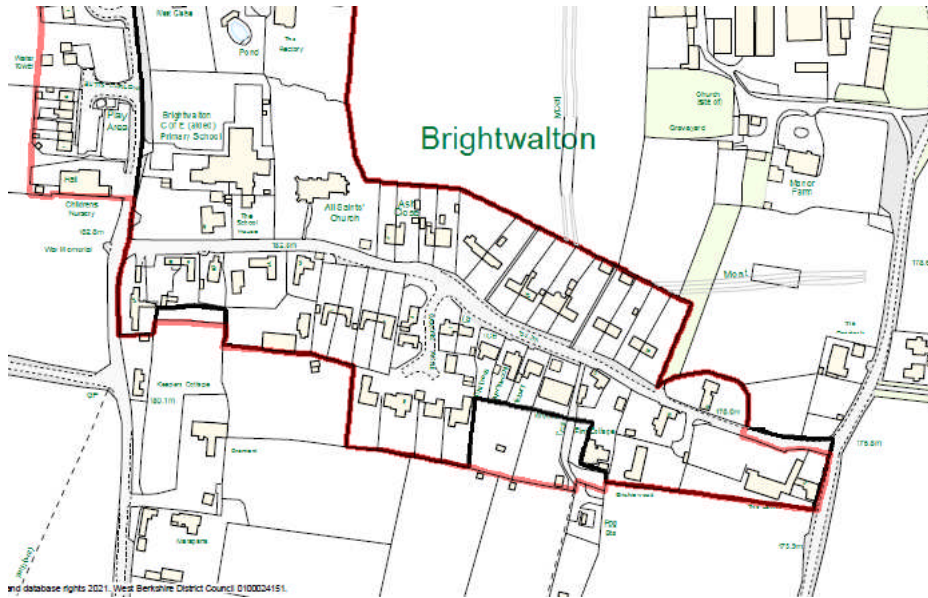
The exclusion of the open space east of Little Lane, Upper Bucklebury from the defined settlement boundary is therefore an illustration of the inconsistent application of the Council's methodology.

Furthermore, and irrespective of this, the Council in other settlements has included linear tongues of residential development within the defined settlement and this should therefore apply to the dwellings along Byles Green, Upper Bucklebury. Had this been done, the open space as analyzed above would have been included in the defined settlement as it would have been encircled by existing development. This is therefore a further reason for making the adjustment to the settlement boundary advocated.

Some of the examples of where linear residential development is included in the proposed settlement boundary are shown below. As indicated, the approach of the Local Plan has not sought to apply its methodology consistently and therefore it is not justified.

The area in south-east Brightwalton includes a tongue of residential development included in the settlement as shown below.

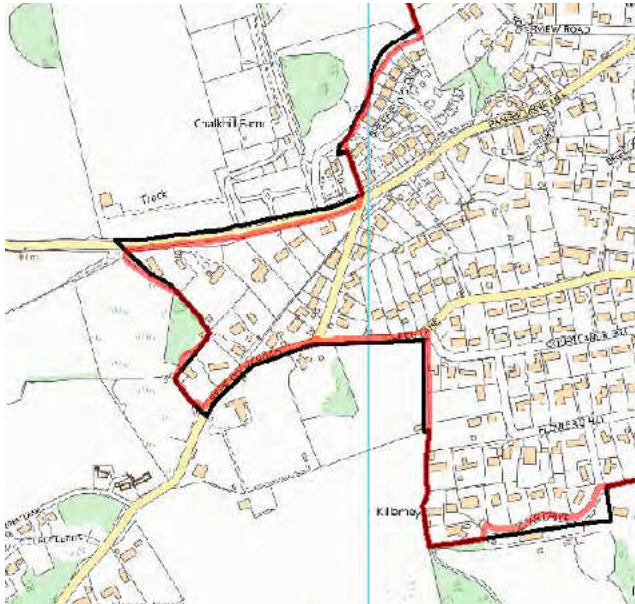




Linear development in Brightwalton Green included in a settlement boundary as shown below.



Linear development to the south-west of Pangbourne included in a settlement boundary.



The revision to Upper Bucklebury's settlement boundary as advocated would address the concerns on soundness outlined above, and would also provide scope to support additional development in the village to support and enhance the vitality and viability of existing services, a benefit for existing residents which already totals over 1,000 together with future ones.

### **Conclusions on Soundness of Draft Policy SP3**

As detailed and explained in this response, the current approach in policy SP3 is neither justified nor consistent with national policy. Revisions to the policy are therefore essential.

### **Changes to policy SP3 advocated**

That to address the soundness concerns, the following amendments to the policy are made.

1. That Upper Bucklebury is included as a "Service Village" within the policy
2. That the other settlements currently not listed in policy SP3 but where settlement boundaries are defined are listed as a four tier – "other village". That the policy confirms that infilling and other similar developments together with rural exception housing is appropriate.
3. That the settlement boundary of Upper Bucklebury is revised to both retain the existing open space east of Little Lane and include the dwellings of Byles Green.



## **Summary**

We trust the above comments are of assistance in preparing the next iteration of the Local Plan and await confirmation of receipt of our representations in due course.

We welcome the opportunity to open up dialogue with the Council in order to further revised formulation of policy SP3.

We also confirm that we wish to be notified of each of the relevant future steps in the preparation of the Local Plan through to its adoption in due course.

We also confirm that we wish to appear at the forthcoming Local Plan examination to clarify our objection to policy SP3.

Yours faithfully

A large black rectangular redaction box covering the signature of Douglas Bond.

Douglas Bond BA (Hons) MRTPI