

## **West Berkshire Local Plan Review 2022-2039**

### **Consultation on Proposed Main Modifications**

# **Guidance Note for Making Representations**

This Note sets out some background information and guidance on how to make representations to the public consultation on the Proposed Main Modifications which runs for an 8 week period between **6 December 2024 to 31 January 2025**.

## **1. Purpose of the consultation:**

The West Berkshire Local Plan Review (LPR) was submitted to the Secretary of State in March 2023 and is currently being examined by an independent Planning Inspector. Examination hearing sessions were held between May and October 2024 to discuss a number of issues upon which the Inspector required clarification. Following these hearing sessions and the additional work undertaken as part of the Examination process, the Council has prepared a Schedule of Proposed Main Modifications to the submission version of the LPR. The Inspector has made it clear in his post hearing [note](#) that, without prejudice to his final conclusions, at this stage of the Examination these proposed Main Modifications are all necessary to address soundness issues and will be effective in doing so.

The Council is required to geographically illustrate policies contained in the LPR on a Policies Map. A number of the proposed Main Modifications to the Plan's policies require further corresponding changes to be made to the Policies Map.

It is important that any proposed Main Modifications do not undermine, or possibly undermine, the sustainability process that has informed the preparation of the LPR. The Council has therefore prepared an updated Sustainability Appraisal/ Strategic Environmental Assessment (SA/SEA) Report – Proposed Main Modifications (November 2024) and an Addendum to the Habitats Regulations Assessment (HRA) of the Proposed Main Modifications (November 2024) to support the proposed Main Modifications.

Main Modifications are changes to the submitted LPR that would materially affect one or more of the Plan's policies and require statutory public consultation. The Council is publishing the Proposed Main Modifications for an 8 week period of public consultation between Friday 6 December 2024 and Friday 31 January 2025 to seek your views on the proposed changes to the LPR.

## **2. The consultation documents**

All documents relating to the Consultation on Proposed Main Modifications can be viewed electronically on the Council's website at <https://www.westberks.gov.uk/lpr-proposed-main-modifications>.

A paper copy is also available for public inspection at the Council Offices, Market Street, Newbury RG14 5LD (8:30am – 5:00pm Monday to Thursday and 8:30am –

4:30pm on Fridays (Offices are closed weekends, Bank Holidays and Friday 27th December 2024).

The following documents are being published for consultation:

- Schedule of Proposed Main Modifications to the West Berkshire Local Plan Review 2022-2039 (November 2024)
- Schedule of the Proposed Changes to the Policies Map (November 2024)
- Updated Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) Report - Proposed Main Modifications (November 2024)
- Addendum to the Habitats Regulations Assessment (HRA) of the Proposed Main Modifications (November 2024).

In addition, the Council has prepared a Schedule of Proposed Additional (minor) Modifications for information only. Such proposed changes do not materially affect the policies and proposals within the LPR, but relate to matters such as typographical errors, minor editing, factual updates and name changes. These are not matters for the Inspectors' consideration and **do not form part of the public consultation but are being published on the Council's website for information purposes only.**

A Statement of Representations Procedure and Availability of Documents has also been published. This is a formal notice of the consultation on the proposed Main Modifications.

### 3. How to make a representation

Representations can be made in writing or by way of electronic communications using the **representation form**, which is available:

- to download on the Council's website at <https://www.westberks.gov.uk/lpr-proposed-main-modifications>
- in hard copy from the Council Offices in Market Street (Newbury).

The representation form is in two parts:

PART A – Your details – this section must be completed for the representation to be registered. Please note that we cannot accept anonymous representations.

PART B – Your representation(s) – each representation, including any comments on the Updated SA/SEA or Addendum to the HRA, should clearly state the modification reference number (MM or PMC) listed within the Schedules and/or paragraph and page number of the relevant document.

Please complete a separate representation form for each proposed Main Modification on which you wish to comment.

Where there are groups who share a common view on the Proposed Main Modifications, it would be very helpful for that group to send a single representation

which represents that view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

It should be noted that comments made during previous consultations on the LPR have already been taken into account by the Inspector and there is no need to resubmit these again. Publication of the Proposed Main Modifications is a regulatory stage, and representations made should relate specifically to the legal compliance and soundness of the proposed Main Modifications and should not relate to parts of the Plan that are not proposed to be modified.

Representations should be returned no later than **11:59pm on Friday 31 January 2025**:

- by email to [planningpolicy@westberks.gov.uk](mailto:planningpolicy@westberks.gov.uk); or
- by post to the Planning Policy Team, Development and Housing, West Berkshire Council, Market Street, Newbury, RG14 5LD.

The Council is unable to accept responses made after this period. Only representations received within the consultation period have a statutory right to be considered by the Inspector.

#### **4. A summary of the proposed Main Modifications**

The proposed Main Modifications are set out in the Schedule of Proposed Main Modifications to the West Berkshire Local Plan Review 2022-2039. The Schedule is an extensive document, with proposed Main Modifications ranging from redrafting parts of a policy and/or the supporting text, to the deletion of policies, addition of policies, as well as changes to and the addition of site allocations. The main proposals can be summarised as follows:

- An extension of the plan period from 2039 to 2041 (MM18 and MM19).
- As a result of the extension of the plan period the overall housing requirement is proposed to be increased from at least 8,721 net additional dwellings to at least 9,270 net additional dwellings over the plan period (MM18 and MM19).
- An increased housing requirement to cover the plan period to 2041 means it is necessary to also increase the housing supply. This has led to the identification of four additional deliverable sites (MM42, MM43, MM45, MM57). These are:
  - Land at Henwick Park, Bowling Green Road, Thatcham, for approximately 225 dwellings
  - Regency Park Hotel, Bowling Green Road, Thatcham, for approximately 45 dwellings
  - Land north of Pangbourne Hill, Pangbourne, for approximately 25 dwellings
  - Land at Pincents Lane, Tilehurst, for approximately 138 dwellings.
- The number of dwellings proposed at the North East Thatcham strategic site is proposed to increase from 1500 dwellings to 2500 dwellings (MM25). Modifications are also proposed to policy SP17 (MM25) and to its supporting

text (MM26). There is a clear direction within the proposed modifications to policy SP17 requiring the production of a Supplementary Planning Document (SPD) which will provide a framework for development on the site.

- Modifications are proposed to some settlement boundaries to ensure they are consistent with the Settlement Boundary Review Criteria, accurately reflecting the allocated sites and other features within the built-up areas, such as Designated Employment Areas (at Thatcham) and/or Retail Parks (at Tilehurst).
- Modifications are proposed to policy SP19 (Affordable Housing) to bring the policy in line with the National Planning Policy Framework (NPPF) and ensure provision of affordable housing on sites of between 5 and 9 dwellings is only sought in areas designated as rural under Section 157 of the Housing Act 1985 (MM28 and MM29).
- A new development management policy is proposed for RAF Welford and Denison Barracks (MM94). The addition of this policy is in response to representations made by the Defence Infrastructure Organisation (DIO) on behalf of the Ministry of Defence.

The above highlights just some of the proposed Main Modifications, but it is important to note that changes have been proposed to a number of other policies across the whole of the LPR and these are all set out in full within the Schedule of Proposed Main Modifications to the West Berkshire Local Plan Review 2022-2039.

The proposed Main Modifications have been reviewed and the SA/SEA has been updated where required. The proposed Main Modifications have not resulted in any significant changes to the outcome of the SA/SEA and are not considered to impact on the overall sustainability of the LPR. Similarly, an addendum to the HRA has been produced which considers the proposed Main Modifications to the LPR and concludes that the proposed Main Modifications have not resulted in any significant changes to the outcomes of the HRA and are not considered to impact on the overall integrity of internationally important nature conservation sites.

## **Matters to be considered before making representations**

### **5. Legal Compliance and Soundness**

In commenting on the Proposed Main Modifications, you are asked to make representations on whether the Plan is (a) **legally compliant** and (b) **sound**.

#### *(a) Legal compliance:*

Legal compliance is judged against the requirements of Sections 19 and 20 of the Planning and Compulsory Purchase Act 2004 (as amended)<sup>1</sup>, including compliance with the Council's Local Development Scheme<sup>2</sup>, Statement of

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<sup>1</sup> Planning and Compulsory Purchase Act 2004 (as amended): <http://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>2</sup> West Berkshire Council Local Development Scheme: [www.westberks.gov.uk/lds](http://www.westberks.gov.uk/lds).

Community Involvement<sup>3</sup>; and the Town and Country Planning (Local Planning) (England) Regulations) 2012 (as amended)<sup>4</sup>.

In addition, the Planning and Compulsory Purchase Act 2004 (as amended) requires a Sustainability Appraisal (SA) and a Strategic Environmental Assessment (SEA) to be carried out for the LPR. Both of these appraisals can be carried out in one appraisal process. The objective of the SA/SEA is to promote sustainable development through the integration of social, environmental and economic considerations in the preparation of the LPR.

European legislation and government regulations mean that a Habitats Regulations Assessment needs to be carried out for the LPR, in order to protect the integrity of internationally important nature conservation sites. The HRA assesses the likely impacts of the policies of the LPR and possible 'in combination' effects with other policies and proposals.

Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)<sup>5</sup> and Section 110 of the Localism Act 2011<sup>6</sup> the Council also has a Duty to Cooperate with other local planning authorities and other prescribed bodies when preparing Local Plans in order to address strategic planning issues relevant to their areas. Failure to satisfy this Duty will mean that plans cannot be adopted as an Inspector cannot remedy this through the examination process. The examination also assesses how effective cooperation has been as one of the tests of soundness.

*(b) Soundness:*

The soundness of the LPR should be assessed against the following criteria from paragraph 35 of the National Planning Policy Framework<sup>7</sup>:

**Positively prepared** – providing a strategy which, 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 to do so and is consistent with achieving sustainable development;

**Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

**Effective** – 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; and

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<sup>3</sup> West Berkshire Council Revised Statement of Community Involvement (SCI) (2020): [https://www.westberks.gov.uk/media/38265/Statement-of-Community-Involvement-SCI-revised-January-2020/pdf/Revised\\_SCI\\_Jan\\_2020\\_for\\_website.pdf?m=1578906202940](https://www.westberks.gov.uk/media/38265/Statement-of-Community-Involvement-SCI-revised-January-2020/pdf/Revised_SCI_Jan_2020_for_website.pdf?m=1578906202940)

<sup>4</sup> Town and Country Planning (Local Planning) (England) Regulations) 2012 (as amended): <http://www.legislation.gov.uk/ukxi/2012/767/introduction/made>

<sup>5</sup> Planning and Compulsory Purchase Act: [Planning and Compulsory Purchase Act 2004](https://www.legislation.gov.uk/ukpga/2004/24/section/33a)

<sup>6</sup> Localism Act 2011: <http://www.legislation.gov.uk/ukpga/2011/20/contents>

<sup>7</sup> National Planning Policy Framework (NPPF): <https://webarchive.nationalarchives.gov.uk/ukgwa/20230830172251/https://www.gov.uk/government/publications/national-planning-policy-framework--2>

**Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

In making your representations you should carefully consider the information set out above. If you are objecting on legal compliance and/or soundness grounds, please clearly explain your reasons on the representation form, supported by evidence wherever possible, and set out any changes you consider necessary to achieve legal compliance and/or soundness.

## **6. Confidentiality**

**All submitted representations will be made publicly available, including on the Council's website, with the person/organisation making the representation being identified. A copy of all submitted representations will also be made available to the Planning Inspectorate and the person appointed by the Secretary of State to conduct the examination.**

To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the LPR. The Council therefore cannot accept anonymous representations – you must provide us with your name and contact details. Address details will not be made publicly available. 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>.

The Council will also need to make sure that the names and full addresses of those making representations can be made available and taken into account by the Inspector. By submitting a representation, you confirm that you agree to this and accept responsibility for your comments. The Planning Inspectorate's privacy statement for local plan examinations is available at <https://www.gov.uk/guidance/local-plans#plans-privacy-statement>.

## **7. What happens next?**

Following the end of the consultation period, all representations received by the Council will be sent to the Inspector along with a report listing all of the representations, a brief summary of the main issues raised and a brief Council response to those main issues. The Inspector will consider all of the representations and the Council's responses to them before finalising and issuing his Examination Report. At this stage, it is not envisaged any further hearing sessions will be held unless the Inspector considers it essential to deal with any substantial issues arising from the consultation.

You can request to be notified of the progress of the Examination, including the publication of the Inspector's recommendations and/or the adoption of the LPR.

## 8. Contact information

If you require any further information on any aspect of the LPR, or wish to submit comments by email or post, please use the following contact details:

Telephone: 01635 519111

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

Post: Planning Policy Team  
Development and Housing  
West Berkshire Council  
Council Offices  
Market Street  
Newbury  
RG14 5LD

Website: <https://www.westberks.gov.uk/planning-policy>