

# Land at Henwick Park, Thatcham

Representations to the West Berkshire Local  
Plan Review – Proposed Submission  
(Regulation 19) Consultation

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## Executive Summary

These representations have been prepared by Nexus Planning on behalf of Croudace Homes Ltd in response to the emerging West Berkshire Local Plan Review – Proposed Submission (Regulation 19) Consultation.

### Background to the Land at Henwick Park, Thatcham

Croudace has an option agreement with the landowner of the Land at Henwick Park, Thatcham and has an obligation to promote the site for residential development and to seek to secure a deliverable planning permission.

In July 2015, Croudace submitted an outline planning application on the site for up to 265 homes which was refused. It subsequently amended the scheme to 225 homes and lodged an appeal. At the Public Inquiry, it was confirmed that the only area of contention was the principle of development outside the settlement boundary, in the open countryside. A Planning Inspector concluded the appeal should be allowed but the Secretary of State disagreed and dismissed the appeal in July 2017.

The dismissal of the appeal was purely due to a change in the Council's five-year housing land supply position. Helpfully, the Secretary of State agreed that no technical matters would preclude development of the site, whilst local services and infrastructure could accommodate the additional housing proposed.

Croudace has subsequently promoted the site through the early stages of the Local Plan Review between 2018 to 2021. It has recently received an Environmental Impact Assessment Screening Opinion, which concluded that the scheme would not have significant environmental effects, and it is currently preparing a new outline application to be submitted in the short-term. It is seeking planning permission for residential development and specialist housing for older people.

### The West Berkshire Local Plan Review – Proposed Submission (Regulation 19) Consultation

West Berkshire is highly constrained; nearly 75% of the District falls within an Area of Outstanding Natural Beauty. Other areas are liable to flooding, within close proximity to Atomic Weapons Establishments or fall within nutrient neutrality zones, as well as being subject to various other heritage, landscape, transport and environmental constraints.

The Proposed Submission (Regulation 19) Local Plan Review responds to this by aiming to direct development to areas of lower environmental value.

Thatcham is one of the 'top tier' sustainable settlements in West Berkshire, where new growth is directed to. However, the Plan proposes to allocate only one site – the North East Thatcham Strategic Allocation. This is despite various evidence base studies supporting the Land at Henwick Park's future development.

In promoting the Land at Henwick Park, Croudace has drawn upon more detailed technical work undertaken in support of an outline application which is currently in preparation. It considers that Henwick Park is fully suitable, available, achievable, and therefore deliverable and developable.

### Summary of Croudace's concerns with the Local Plan Review and changes required

Croudace has reviewed in detail the Local Plan Review and the supporting evidence base. In doing so, it has had regard to legal compliance matters and the 'tests of soundness' contained within the National Planning Policy Framework.

Croudace has fundamental concerns with the Plan and concludes the following changes are required in order to make the plan 'sound':

- a. **Extension of the plan period** – the Plan only looks ahead 14 years, whereas national policy requires a minimum of 15 years. As such, the plan period should be extended by at least one year to at least 2039/40.
- b. **Adoption of a more ambitious approach to plan-making by increasing the housing requirement** – a 5% buffer over and above the Local Housing Need figure is unambitious, constricting and inconsistent with the tests of soundness. The housing requirement should be increased to provide greater flexibility and surety that needs can be delivered. In

addition, it would assist in meeting Reading's unmet needs and ensure the delivery of affordable, specialist and self and custom-build housing.

- c. Making a more realistic assessment of housing land supply** – a more accurate, realistic and therefore effective assessment of housing supply is required, reducing reliance on windfalls and removing allocations which are not deliverable or developable. However, this means additional allocations are required.
- d. A reduction in the reliance on the large strategic site at North East Thatcham** – large strategic sites are complex, require significant new infrastructure and take many years to deliver. By relying solely on a large strategic site in a 'top tier' settlement, there is a risk housing will not be delivered in an area where it is needed until much later, or even beyond the plan period.
- e. A reduction of the level of growth proposed in the North Wessex Downs AONB** – the AONB is offered the highest level of protection by national policy and should not have preference over other, less constrained areas. The draft allocations within the AONB are largely undevelopable in any event and therefore should be removed from the Plan.
- f. The removal of allocations in areas affected by nutrient neutrality** – draft allocations are proposed in areas affected by nutrient neutrality. These sites have uncertain delivery timeframes which increases the risk that the Council may not be able to demonstrate a five-year housing land supply soon after adoption of the Plan.
- g. Ensuring the needs for all types of housing are accounted for** – there are few allocations for specialist housing and self and custom build homes. This prevents the needs of all members of the community being met.
- h. The identification of land to provide inherent flexibility for the future** – the Plan should provide sufficient flexibility to adapt to changing circumstances by identifying reserve (i.e. 'Plan B') sites or allowing development outside of settlement boundaries in specific circumstances.
- i. Consideration and allocation of sustainable, reasonable alternative sites** – such as Henwick Park, in order to address the above issues.

Croudace considers the Local Plan Review fails to meet the legal compliance requirements of the Planning and Compulsory Purchase Act 2004 by not properly considering all reasonable alternatives. Henwick Park, for example was dismissed as a strategic site but not even considered as a non-strategic option by the SA/SEA.

If the site were properly assessed as a non-strategic option, Croudace is confident that the Council would find Henwick Park's ability to be delivered, crucially in absence of constraints and within the first five years of the plan period, of benefit to its housing land supply position. Furthermore, its allocation would add more choice to the land identified for the delivery of housing and would help to make a meaningful contribution to the delivery of a range of housing in the short-term, which will deliver the much required housing that West Berkshire needs.

Croudace strongly urges the Council to reconsider the Regulation 19 LPR before it submits the Plan to the Planning Inspectorate to address the above failures in soundness and legal compliance. If it does not do so, Croudace will respectfully ask the appointed examining Inspector to find the Plan unsound in the absence of such modifications.

Croudace sets out the above matters in further detail within the main body of these representations (together with the supporting appendices).



# 1. Introduction

- 1.1 These representations have been prepared by Nexus Planning on behalf of Croudace Homes Ltd ('Croudace') in response to the emerging West Berkshire Local Plan Review – Proposed Submission (Regulation 19) Consultation (the 'LPR'). They follow representations made in connection with the Scoping Report (March 2018) and the Regulation 18 Consultation (December 2018).
- 1.2 These representations are prepared in relation to the Land at Henwick Park, Thatcham ('the site'), which is located immediately adjacent to the existing settlement boundary of Thatcham and comprises 22.46 hectares ('ha') of agricultural land. Croudace recently received confirmation, through an Environmental Impact Assessment ('EIA') Screening Opinion for residential development and specialist housing for older people, that the scheme would not have significant environmental effects (**Appendix A**). It is also currently preparing an outline planning application to be submitted in the short-term.
- 1.3 However, as we explore below, we find there to be very serious shortcomings with the LPR, which will have wider implications for plan-making and decision-taking within West Berkshire and which, we believe, urgently need to be resolved prior to adoption.

## About Croudace Homes

- 1.4 Founded in 1946, Croudace is a residential developer providing a wide range of homes in aspirational locations throughout the southeast of England. To this day it remains a family-owned business and is committed to building high-quality homes backed up with a first-class customer service.
- 1.5 Its strength lies in the care and attention given to the internal and external design, specification of fixtures and fittings and a quality finish. This applies equally to the buildings and the landscaping and surroundings which enhance the street scene.
- 1.6 Its commitment to the customers it serves has resulted in Croudace receiving the HBF '5 Star Award' for Quality and Customer Service for 10 years running. Attention to detail in the design of each property and the layout of its developments is a fundamental aspect of Croudace's work. Ranging from affordable starter homes and apartments, through to luxury six-bedroom family homes, it can offer something for all stages of life. Croudace's responsible approach to sustainability is matched by its consideration of the environment, with developments having maximum green space and mature landscaping to create verdant outdoor space for the benefit of all.

## National Planning Policy

- 1.7 On 6 December 2022, the Secretary of State ('SoS') Michael Gove announced the Government's intentions via a Written Ministerial Statement ('WMS') to make changes to the planning system, which were then set out in a National Planning Policy Framework ('NPPF') prospectus ('the prospectus'), published for consultation on 23 December 2022.
- 1.8 Despite the extensive reforms to the planning system proposed through the WMS and prospectus, and the Levelling Up and Regeneration Bill, the Planning Inspectorate set out clear guidance, on 8 December 2022 via PINS Note (14/2022) which helpfully confirms that whilst the WMS is an expression of policy, it set out proposals for consultation, rather than immediate changes to Government policy. Even if those changes were brought in immediately, transitional arrangements would apply. It is therefore the case that in the interests of plan-making, the requirements of the existing NPPF (published July 2021) still apply.

1.9 As such, we have prepared these representations mindful of existing national Planning Practice Guidance ('PPG') paragraph of the NPPF, which 35 sets out the 'tests of soundness' which require plans to be:

- **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
- **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.

1.10 We have also been mindful of legal compliance, in terms of the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012.

## 2. Henwick Park, Thatcham

### Site Context

- 2.1 The Land at Henwick Park, Thatcham (also known as ‘Land North of Bowling Green Road’) extends to 24.5 ha of open agricultural (arable and pastoral) land, adjoining the built-up area of Thatcham.
- 2.2 An illustrative red line boundary is shown at **Figure 1**, while a detailed site location plan is provided at **Appendix B**. The site boundary excludes the Regency Park Hotel, on the western side, and the curtilages of individual existing dwellings to the south (including ‘The Creek’, ‘Creek Cottage’ and ‘Creek Bungalow’).



Figure 1: Illustrative site boundary (Source: Google Earth)

- 2.3 The site itself is divided into irregularly shaped fields, separated by fences, hedges and trees, and, apart from an open boundary on part of the eastern side, views from adjoining roads are largely screened by vegetation.
- 2.4 Bowling Green Road and Heath Lane/Cold Ash Hill run around the south western and south eastern sides of the site, beyond which is medium density residential development, mainly dating from the post-war period. The northern half of the site abuts open countryside, being part of the north slope of the Kennet Valley as it rises out of Thatcham. Further north is the village of Cold Ash, which extends southwards down Cold Ash Hill towards the site.
- 2.5 Adjacent to the south eastern and south western corners of the site are two extant planning permissions<sup>1</sup> for three flood detention basins associated with the Thatcham Flood Alleviation Scheme<sup>2</sup>. Permission was secured by West Berkshire Council (‘the Council’) who will manage their construction and maintenance going forward. Early enabling works have already commenced, with construction of the main project starting in March 2023. This does not conflict with Croudace’s intentions for the site, and in fact makes it a more suitable location for development.

<sup>1</sup> Refs: 21/03135/COMIND and 21/03154/COMIND

<sup>2</sup> <https://www.westberks.gov.uk/article/41451/Thatcham-Flood-Alleviation-Schemes>



- 2.6 Frequent bus services operate in the area, and the railway station is located approximately 3.3 km to the south east. The site is approximately 1.6 km north of Thatcham town centre, which includes a wide range of existing community services and facilities. Cold Ash has more limited services including a Post Office and a number of pubs within approximately 1.5 km uphill.
- 2.7 The site is outside but immediately adjoining the settlement boundary of Thatcham to the south and east, as defined by Policy C1 (Location of New Housing in the Countryside). Thatcham is defined as one of the three Urban Areas (along with Newbury and Eastern Urban Area), which sits at the top of the settlement hierarchy above Rural Service Centres, Service Villages, Smaller Villages and Open Countryside, as set by Policy ADPP1 (Spatial Strategy).
- 2.8 The Draft LPR Policies Map (**Figure 2**) shows the site again as falling outside but immediately adjoining the settlement boundary of Thatcham. This is in addition to falling within a 'Minerals Soft Sand Search Area' and within the designated Neighbourhood Area for Cold Ash.

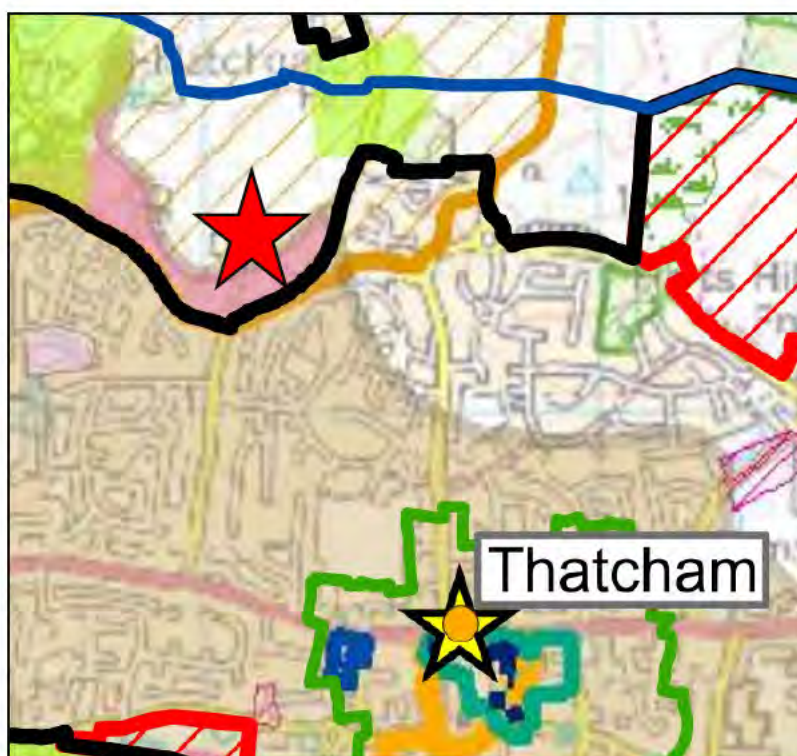


Figure 2 – Excerpt of draft LPR Policies Map (Source: West Berkshire Council, annotated by Nexus Planning with red star showing the broad site location with red (northerly) star showing the broad site location).

- 2.9 Notably, unlike large parts of West Berkshire, the site is relatively free of constraints. It falls outside the North Wessex Downs Area of Outstanding Natural Beauty ('AONB') and is not within a Detailed Emergency Planning Zone ('DEPZ') for the Atomic Weapons Establishment ('AWE') sites at Aldermaston and Burghfield, or a Nutrient Neutrality Zone associated with the catchments for the River Lambourn and River Test. The site is also located within Flood Zone 1 and is not at risk of surface water flooding. Furthermore, there are no designated heritage assets on the site or known ancient woodland, and there are no significant on-site ecology constraints. The site is not within a valued landscape as described at paragraph 174 of the NPPF and is not subject to any other landscape designations.

## Planning History

- 2.10 **Table 1** sets out the site's planning history.



Ref	Description	Decision
15/00037/SCREEN	EIA Screening Opinion.	Environmental Statement Not Required – 26 January 2015
15/01949/OUTMAJ	Outline planning application for up to 265 residential dwellings (Class C3) with associated vehicular, pedestrian and cycle accesses, public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland, trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan - Matters to be considered - Access.	Refused – 16 December 2015. Appeal dismissed – 4 April 2017.
16/01508/OUTMAJ	Outline application for up to 225 units with associated access, public open space, landscaping and flood attenuation basins on the land at Henwick Park, Thatcham. Matters to be considered: Access.	Refused – 29 December 2016
21/03135/COMIND	Construction of 2 detention basins located north and south of a proposed access track connected via twin 450mm dia. pipes. The North Basin will have an area of 0.35 hectares and a 0.6m high earth bund and will accommodate a 20m wide spillway and a 20m wide weir. The South Basin will have an area of 0.23 hectares and a 1.4m high earth with a 20m wide weir to accommodate exceedance flows from the North Basin. and realignment of an existing ditch via a 450mm dia. Culvert. A 450mm dia. pipe will convey flows from the southern basin during flood events to a new cut ditch before discharging into the existing ditch to the west of the site. Flows from the existing ditch eventually discharge to a Thames Water sewer. The provision of a 4.8m wide access track to serve the Scheme. Removal and deposition and levelling of soil on land north of Tull Way and Bowling Green Road	Approved – 8 June 2022.
21/03154/COMIND	Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.	Approved – 8 June 2022.
23/00114/SCREEN	Outline application (with all matters reserved except for access) for residential development and specialist housing for older people, together with access from Bowling Green Road and Cold Ash Hill, public open space, landscaping, sustainable drainage systems, and associated works and infrastructure.	EIA not required – 3 February 2022.

Table 1: Site Planning History

### The 2017 Appeal Decision

2.11 In July 2015, Croudace submitted an outline planning application on the site for up to 265 homes<sup>3</sup>. However, the Council refused the application at Planning Committee in December 2015 on five grounds.

2.12 Croudace subsequently reduced the scheme to 225 homes to seek to address some of the grounds for refusal, and then lodged an appeal with the Planning Inspectorate<sup>4</sup>. This was duly heard at a Public Inquiry (conjoined with the scheme at 'Siege Cross', Land North of Bath Road, Thatcham) during November and December 2016. Helpfully, Statements of Common Ground ('SoCG') were signed between Croudace and the Council which confirmed there were **no** outstanding technical objections (e.g. landscape, ecology, transport, heritage and/or flood risk) to the

<sup>3</sup> Ref. 15/01949/OUTMAJ

<sup>4</sup> Ref. APP/WO340/W/16/3144193



amended scheme, and that the only area of contention concerned the principle of development (i.e. development in open countryside outside the settlement boundary).

- 2.13 Following the Inquiry, Inspector John Chase in his report (4 April 2017) concluded that although the principle of development was contrary to a range of policies, those policies were inconsistent with the NPPF and the Council was not able to demonstrate a five year housing land supply ('5YHLS'). As such, he recommended that both appeals be allowed.
- 2.14 However, the appeals were recovered for determination by the SoS who, in his decision letter (27 July 2017), disagreed with the Inspector's recommendation, dismissed both appeals and refused planning permission (Appendix C).
- 2.15 In making his decision, the SoS explained that following the close of the Inquiry he had received additional representations from the Council, including information on an updated 5YHLS position and confirmation of the adoption of the Housing Site Allocations Development Plan Document (the 'HSA DPD').
- 2.16 In dismissing the appeals, the SoS found that the Council could now demonstrate a 5YHLS (i.e. the 'tilted balance' was not engaged). As such, there were no material considerations sufficient to indicate that the proposals should be determined other than in accordance with the development plan. Significantly, however, he agreed with the appellant, the Council and Inspector and found **no technical matters that would preclude development** (in particular, there were no issues relating landscape, ecology, transport, heritage or flood risk) at the site and no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing proposed.

## The Opportunity

- 2.17 The Land at Henwick Park offers a fantastic opportunity for new development which is capable of accommodating a sustainable urban extension to the existing settlement boundary through a high-quality residential scheme.

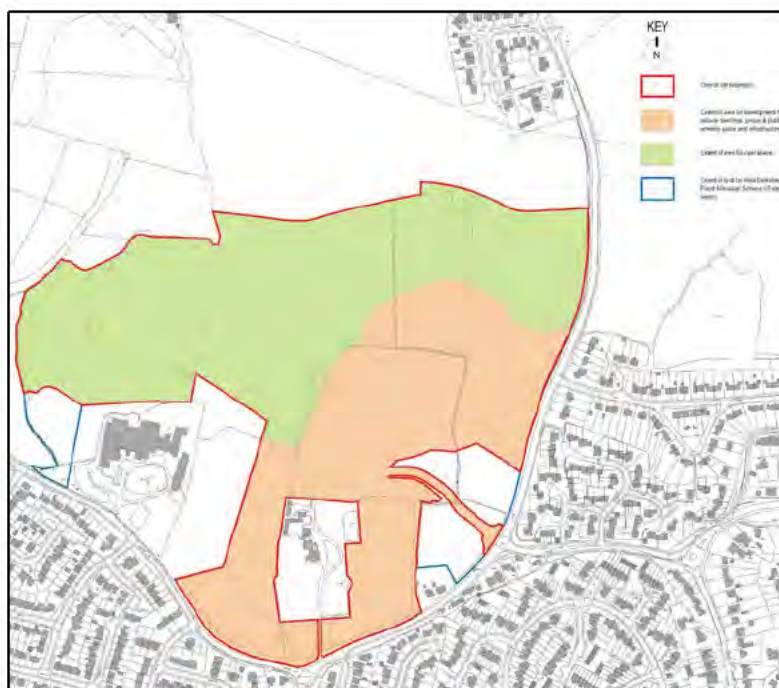


Figure 3: Excerpt from Illustrative Land Use Plan (Source: Croudace Home; full version at Appendix D)

- 2.18 Less than half of the site is proposed to be developed. The illustrative land use plan (**Figure 3; Appendix D**) shows that built development (comprising buildings, private and public amenity space, landscaping, sustainable drainage systems ('SuDS') and infrastructure) would only be delivered on 10.09 ha (45%) of the overall site. The remaining 12.37 ha (55%) would comprise public open space ('POS') and biodiversity net gain ('BNG').
- 2.19 Croudace reiterates that the provision of up to 225 dwellings was found technically acceptable through the appeal<sup>5</sup>. Indeed, an EIA Screening Opinion for up to 325 residential units (including market and affordable homes and specialist housing for older people) recently confirmed that development of the site would not have significant effects on the environment (**Appendix A**).
- 2.20 The site has the potential to deliver a range of dwelling types, sizes and tenures to meet the needs of various sectors of society in accordance with paragraph 62 of the NPPF, such as market housing, affordable housing, self-build housing and specialist housing for older people. In addition, the scheme would incorporate extensive POS, including a large country park, community orchard and allotments, SuDS, new planting and landscaping, equipped children's play facilities. It can also deliver a whole host of socio-economic benefits.

## A Deliverable Site for Housing

- 2.21 In this context, we have provided an assessment of the deliverability of the site below, with reference to the definition within the NPPF Glossary. This states 'deliverable' sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.
- 2.22 In doing so, we have had regard to the Council's assessment of the site<sup>6</sup> within the Housing and Economic Land Availability Assessment ('HELAA'), January 2023.
- 2.23 Croudace confirms the site is indeed deliverable, and crucially, that it can come forward immediately, without reliance on the delivery of strategic infrastructure. This would be particularly helpful if, for example, the Council was to agree with Croudace in concluding that the draft allocations proposed by the LPR together with the existing allocations designated by the Core Strategy (adopted July 2012) and HSA DPD (adopted May 2017) were not sufficient to meet objectively assessed needs over the plan period.

## Availability

- 2.24 The site is under option to Croudace, a regional housebuilder with a proven track record of constructing new homes across the south of England. It is also progressing two sites through the reserved matters stage in West Berkshire.
- 2.25 The HELAA correctly confirms the site is not subject to any legal issues or existing uses requiring relocation, is able to be developed within five years and the completion of development will take up to four years in total. Although the HELAA concludes the site is 'potentially available', Croudace confirms that the site is indeed available.
- 2.26 There are no known external factors that would render the site unavailable and there are no land ownership issues that would prevent the site from being brought forward immediately for development. It is currently greenfield land in agricultural use.

<sup>5</sup> Ref. APP/WO340/W/16/3144193

<sup>6</sup> Ref. CA12 – 'Land at Henwick Park, Bowling Green Road, Thatcham, RG18 3BY'



2.27 The site can deliver residential development as established through the previous appeal, and can be delivered within the first five years of the plan period without reliance upon significant new infrastructure needing to come forward.

2.28 Croudace is currently preparing an outline planning application for submission in the short-term, and has recently received an EIA Screening Opinion from the Council (**Appendix A**).

### Suitability

2.29 The HELAA confirms the site is adjacent to the settlement of Thatcham, which is currently defined as a ‘top tier’ settlement and is the focus for most development.

2.30 As such, the site naturally has good access to a wide range of services and is well connected to the existing built-up area in terms of its relationship and compatibility with adjoining land uses.

2.31 The nearest bus stops are located immediately adjacent to the site along Cold Ash Hill, with the railway station located approximately 3.3 km to the south east. The site is within an acceptable walking and cycling distance of key existing community services and facilities in both Thatcham and Cold Ash as outlined in **Table 2** and on **Figure 4**.

Facility	Distance from the Centre of Henwick Park	Travel Time from Junction of Heath Lane / Cold Ash Hill
Cold Ash St Marks CofE School	0.25 km	24 minutes (Walking), 10 minutes (Cycling)
Regency Park Hotel	0.5 km	10 minutes (Walking), 2 minutes (Cycling)
Northfield Post Office / Tesco	0.55 km	6 minutes (Walking), 1 minute (Cycling)
Whitelands Park Primary School	0.7 km	9 minutes (Walking), 2 minutes (Cycling)
Henwick Worthy (Sports Ground)	0.95 km	16 minutes (Walking), 6 minutes (Cycling)
Thatcham Park Primary School	0.95 km	12 minutes (Walking), 3 minutes (Cycling)
Thatcham Medical Practice	1.2 km	16 minutes (Walking), 4 minutes (Cycling)
St Finians Catholic Primary School	1.3 km	25 minutes (Walking), 10 minutes (Cycling)
myDentist Thatcham	1.4 km	18 minutes (Walking), 5 minutes (Cycling)
Kennet School (Secondary)	2.3 km	28 minutes (Walking), 7 minutes (Cycling)
Kennet Leisure Centre	2.3 km	28 minutes (Walking), 7 minutes (Cycling)
West Berkshire Hospital	2.8 km	31 minutes (Walking), 9 minutes (Cycling)
Thatcham Railway Station	3.3 km	38 minutes (Walking), 12 minutes (Cycling)
Trinity School	3.6 km	58 minutes (Walking), 18 minutes (Cycling)

Table 2: Distance to Key Facilities (Source: Nexus Planning and Motion)

2.32 Thatcham is located approximately 15 miles south-west of Reading, with Newbury town centre 3 miles to the west and Cold Ash 1 mile to the north of the settlement. Though close to its neighbours, Newbury and Cold Ash, Thatcham is surrounded by open countryside and thus retains a separate identity as a town, with a population of approximately 25,000. The nearby A339 and A34 link to the M4 offering good connectivity by road to London and the south of England.



- 2.33 The local highways network has the capacity to accommodate the development and satisfactory vehicular access can be delivered from the existing highway network off Cold Ash Hill / Heath Lane / Bowling Green Road, and bus stops are located directly adjacent to the site on Cold Ash Hill.

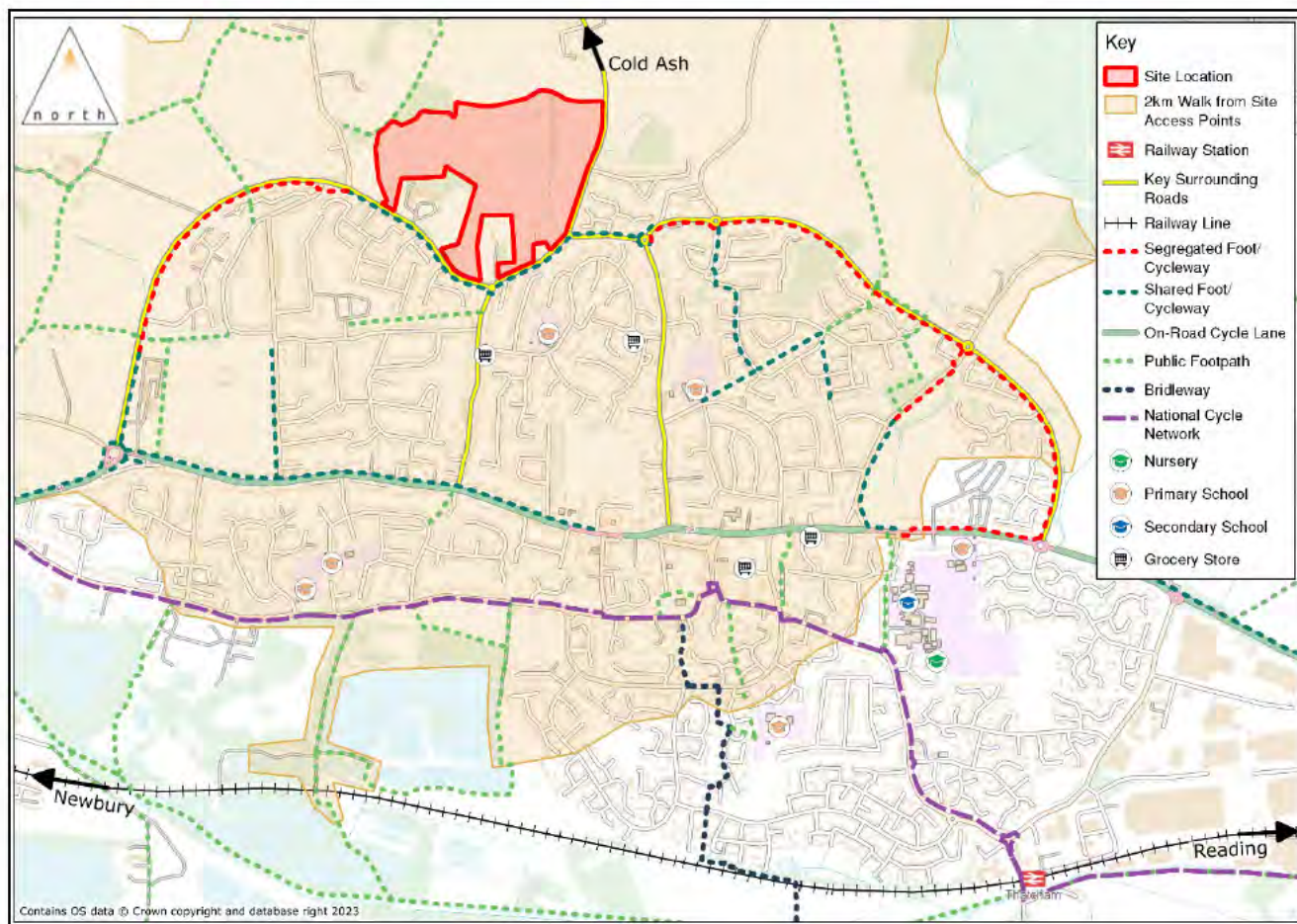


Figure 4: Illustration of Site's Proximity to Key Facilities and Services (Source: Motion)

- 2.34 The HELAA concludes that development of the southern part of the site, as Croudace proposes, would be suitable for development subject to surface water attenuation measures which would be brought forward as part of the development proposals.
- 2.35 New residential development would utilise and sustain existing infrastructure, without a reliance on the delivery of new infrastructure. As such, the site in isolation can come forward and mitigate any effects of development. The site is therefore in a logical location for future growth.
- 2.36 The site does not lie within the North Wessex Downs AONB or the DEPZ for the AWEs at Aldermaston or Burghfield. The site is not located within the catchments of the River Lambourn or River Test, which are subject to constraints associated with nutrient neutrality.
- 2.37 Whilst the LPR proposes Green Gaps, the site is **not** located within one of these areas and although within a Minerals Soft Sand Search area, this is not considered to be a significant constraint to residential development. Development would likely to be able to accord with the requirements of the West Berkshire Minerals and Waste Local Plan due to the low potential presence of workable mineral resources within the part of the Minerals Soft Sand Search area and even if present, they would not be suitable for working due to their proximity to existing built development.

2.38 Recent technical work instructed by Croudace in support of a new outline planning application confirms that:

- a. Any archaeological remains discovered on site are likely to be of no more than local significance and therefore the site's archaeological interest can be secured via planning conditions requiring investigation and recording;
- b. The site can be developed with limited impacts on the character of the landscape and could deliver significant landscape benefits;
- c. Development can take place without resulting in significant harm to biodiversity and could deliver BNG through enhancements;
- d. Impacts on or from air quality and noise as a result of development are generally predicted to be 'imperceptible' or 'negligible', particularly where mitigation (for noise) is implemented;
- e. The site is at very low risk of surface water flooding and development can take place incorporating sustainable drainage measures, whilst sufficient foul water sewage is available; and
- f. Development would have a minimal impact on the wider settings of heritage assets where extensive parts of the site can be retained as open space.

2.39 In addition, the Inspector in his report on the appeal decision<sup>7</sup> confirmed that development would produce an "absence of any substantial environmental harm" and would be "a sustainable form of development" (**Appendix C**).

2.40 This position was endorsed by the SoS in his decision also, having already been agreed by Croudace and the Council in specific SoCGs relating to:

- **Drainage**, where it was agreed that – there was no reason for refusal relating to drainage; the sequential test for flood risk was passed; surface water management measures would protect new homes and existing development; gravity sewer connections could be made for waste water disposal; measures were designed and could be approved, built and adopted in line with the necessary procedures; and future maintenance arrangements could be secured via Section 106 Agreement or via a management company.
- **Landscape**, where it was agreed that – there would be no actual or perceived impact on the coalescence of Thatcham and Ashmore Green; development could come forward without harming the setting of the AONB; the loss of vegetation was not considered to be significant and can be adequately compensated for within the development; development could be delivered that will permit the majority of trees and hedgerows; the scheme could be developed without giving rise to any unacceptable impacts on landscape character; there would not have been any unacceptable visual harm; and development would not give rise to any unacceptable landscape or visual effects.
- **Planning**, where it was agreed that – there was no objection on matters relating to the proposed housing mix, affordable housing, design principles, ecology or green infrastructure.
- **Transport**, where it was agreed that – the site is in walking distance of local facilities and services; the site can be accessed in a manner compliant with design guidance; any required off-site highway works can be secured

<sup>7</sup> Ref. APP/WO340/W/16/3144193

via Section 278 Agreement; the scheme was acceptable in highway terms and no objection was raised in regard highway matters.

### Achievability

- 2.41 The delivery of residential development at Henwick Park would make a meaningful contribution towards meeting the housing needs of the District in the short-term. The site has the potential to deliver a range of dwelling types, sizes and tenures to meet the needs of various sectors of society in accordance with paragraph 62 of the NPPF.
- 2.42 By comparison, the North East Thatcham Strategic Site (Policy SP17) is the only new draft allocation for residential development proposed at Thatcham. It requires significant new infrastructure on a large scale, including highway network mitigation and improvements to existing junctions in addition to local centres, education facilities and community facilities, plus green and blue infrastructure. Each of these items has associated long lead-in times and consequently it is unlikely to deliver housing in the short-medium term. However, Henwick Park could come forward in the short-term to deliver housing now.
- 2.43 The site has no major infrastructure requirements preventing its delivery and would represent an ‘early win’ for the LPR, whilst infrastructure and land assembly are being coordinate for larger sites. Subject to planning consent, the site would deliver housing within the first five years of the plan period.
- 2.44 Croudace has reviewed the economic viability of its proposals in terms of the land value, attractiveness of the locality, level of potential market demand and projected rate of sales. As stated in the HELAA, Croudace has an option agreement with the landowner and there are no known issues with the site, the market, legalities, cost or fragmented ownership which could constrain development of the site.
- 2.45 Croudace has analysed various cost factors associated with the site, including constraints and site preparation costs. As such, it confirms that the site is economically viable and therefore achievable in line with the NPPF.

### Site Promotion to Date

- 2.46 By way of context, Nexus has previously promoted the site on behalf of Croudace through the following stages of local plan making:
- Representations to the HSA DPD, in September 2014;
  - An outline planning application, submitted in July 2015<sup>8</sup>;
  - A subsequent planning application<sup>9</sup> and appeal<sup>10</sup>, including attendance at Inquiry in November-December 2016;
  - Representations to the LPR Scoping Consultation, in March 2018 (**Appendix E**);
  - Representations to the initial Regulation 18 stage LPR, in December 2018 (**Appendix F**); and
  - Representations to the subsequent Regulation 18 stage LPR, in February 2021 (**Appendix G**).
- 2.47 In summary, Croudace has previously aired concerns regarding the Council’s proposed approach to housing delivery, the over-reliance on large strategic sites at Newbury and Thatcham, and the assessment of sites within the North Wessex Downs AONB.

<sup>8</sup> Ref. 15/01949/OUTMAJ.

<sup>9</sup> Ref. 16/01508/OUTMAJ.

<sup>10</sup> Ref. APP/WO340/W/16/3144193.



- 2.48 That said, Croudace has previously lent its support to directing growth to Thatcham, and has promoted the Land at Henwick Park and its ability to deliver approximately residential development early in the plan period, without reliance on sizeable new infrastructure.

### Detailed Comments on Transport

- 2.49 Croudace has engaged Motion to undertake a review of the LPR's approach and evidence base in relation to transport and highways. A supporting Transport Representation Note is hereby attached at **Appendix L**.
- 2.50 In summary, Motion has noted that Henwick Park has been included in modelling scenarios within both the West Berkshire Council Phase 1 Transport Assessment and the WSP Strategic Transport Model Local Plan Forecasting Report. Whilst the modelling assessments include mitigation options to mitigate against the impacts of the proposed allocation at North East Thatcham, it is concluded that there are low levels of highway demand increases across the various scenarios assessed.
- 2.51 The Council's Phase 2 Transport Assessment excludes Henwick Park and concludes that with mitigation included as a result of development at North East Thatcham, there is to be a minimal change in traffic flow conditions. Motion considers that the evidence base demonstrates additional development can be accommodated on the local highway network within Thatcham over and above that proposed at North East Thatcham.
- 2.52 Motion has undertaken a junction modelling assessment to assess the potential impacts of development of the land at Henwick Park. It is concluded that if Henwick Park were to be developed, some capacity improvements would be required, alongside an increase to the number of residents choosing to travel via sustainable modes. To mitigate against the impacts identified, Motion considers the facilitation of a full roundabout junction at Heath Lane/Cold Ash Hill, which is assessed as operating over-capacity, would alleviate the impacts of development of Henwick Park on the Northern Distributor Road.
- 2.53 In assessing the likely vehicle movements associated with the development of Henwick Park, Motion considers that were the mitigation specific to Henwick Park be brought forward alongside the mitigation resulting from development at North East Thatcham, allocation and subsequent development of both sites could be accommodated on the highway network, particularly in light of the reduction of the proposed allocation at North East Thatcham by 1,000 units.
- 2.54 Further, development at Henwick Park would have a minimal impact on the A4 through the centre of Thatcham due to the presence of the Northern Distributor Road which largely avoids the need to use the A4 through central Thatcham.
- 2.55 Motion considers there to be significant sustainable transport opportunities associated with the potential allocations within Thatcham, including Henwick Park, which is located directly adjacent to bus routes allowing for potential service diversions to serve development. In addition, the potential use of mobility hubs and cycle routes add to the sustainable travel opportunities which can be secured via a package of Travel Plan measures associated with development.
- 2.56 Croudace therefore confirms to the Council that there is no highways-based reason that Henwick Park cannot be allocated for residential development.

### 3. General Comments on the Local Plan Review

- 3.1 In general, Croudace applauds the Council for preparing and bringing forward the emerging LPR for consultation.
- 3.2 Despite this, Croudace retains fundamental concerns with the strategy set out within the Regulation 19 stage LPR, specifically in relation to the following matters which are set out below within this and subsequent sections:
- a. The plan period (from paragraph 3.25 and 5.9);
  - b. Addressing the unmet needs of neighbouring authorities (from paragraph 5.11);
  - c. The approach to addressing affordable housing needs (from paragraph 5.20);
  - d. The approach to addressing those with specialist housing needs (e.g. elderly) or wish to build their own home (from paragraph 5.25, again at paragraph 6.78 and again at 6.85);
  - e. The over-reliance on large strategic sites and/or those which require substantial new infrastructure (from paragraph 6.17);
  - f. The direction of growth to the North Wessex Downs AONB (from paragraph 6.49);
  - g. The Council's overoptimistic assessment of its housing supply (from paragraph 6.59);
  - h. A lack of inherent flexibility within the plan to anticipate and accommodate future changes in circumstance (from paragraph 6.87);
  - i. The lack of consideration of reasonable alternatives, including the absence of allocation of the land at Henwick Park.
- 3.3 We also set out our recommended changes to make the plan 'sound' and 'legally compliant' in the Conclusion (Section 8).

#### Changes since the Regulation 18 Stage

- 3.4 We firstly note that the housing requirement has been reduced, from that set out at the Regulation 18 stage in December 2020 (575 dwellings per annum ('dpa')), to reflect the latest iteration of the standard method (April 2022) contained within PPG (513 dpa).
- 3.5 Whilst Croudace understands the rationale behind the change, it believes that the effect of the change represents an unambitious approach to plan-making; it will result in a significant reduction in the housing requirement at a time when there is an acute need for housing within West Berkshire. Therefore, Croudace urges the Council to revisit the housing requirement to help ensure the housing needs of all members of the community can be better met and ensure the plan meets the tests of soundness.
- 3.6 More positively, Croudace is pleased the LPR retains the ambition to direct growth to Thatcham, a highly sustainable 'top tier' settlement. It also welcomes the decision to reduce the draft allocation at North East Thatcham (Policy SP17) from 2,500 dwellings to 1,500 dwellings in principle.
- 3.7 We also note that a number of other previously proposed draft allocations in Thatcham have been removed from the plan and as a result, in combination with the reduction at North East Thatcham, the level of housing growth directed to Thatcham has reduced by up to 1,400 units. Likewise, 589 units have been removed from the allocations in the Eastern Area and 86 from the North Wessex Downs AONB.

## Vision and Strategic Objectives

- 3.8 Croudace strongly supports the proposed Vision set out at Chapter 3, to make available housing of different types, sizes, tenures and affordability a priority in order to provide West Berkshire residents with homes and environs at sustainable locations in towns and villages that meet their needs, whatever their income, stage of life and ability.
- 3.9 Croudace also supports the strategic objectives set out at Chapter 3, including those relating to:
- **Housing** – providing a range of sites to ensure that housing needs and aspirations are met, by providing a range of market, affordable and specialist housing types, tenures and sizes in appropriate and sustainable locations;
  - **Sustainable and quality development** – providing sustainable developments of high quality design, construction and efficiency (including land use) which contribute to an attractive, safe and accessible environment for all;
  - **Green infrastructure and healthy living** – ensuring a strong network of multi-functional green infrastructure which provides health and environmental benefits and enhances the overall quality of life of sustainable communities;
  - **Transport** – providing transport networks that support sustainable growth and promote low emission transport choices;
  - **Infrastructure** – ensuring infrastructure needs (physical and social) arising from growth are provided to support and keep pace with development.

## The Spatial Strategy and Settlement Hierarchy (Draft Policies SP1 and SP3)

- 3.10 West Berkshire is a highly constrained District. As set out at paragraph 4.6 of the LPR, it contains a number of physical and environmental constraints which influence the location of development including the North Wessex Downs AONB (which covers 74% of the District), substantial areas liable to flooding, the presence of the AWEs at Aldermaston and Burghfield, areas constrained by nutrient neutrality and various other heritage and environmental designations. These are well represented in visual form at Figure 1 of the LPR, which is extracted below at **Figure 5**.

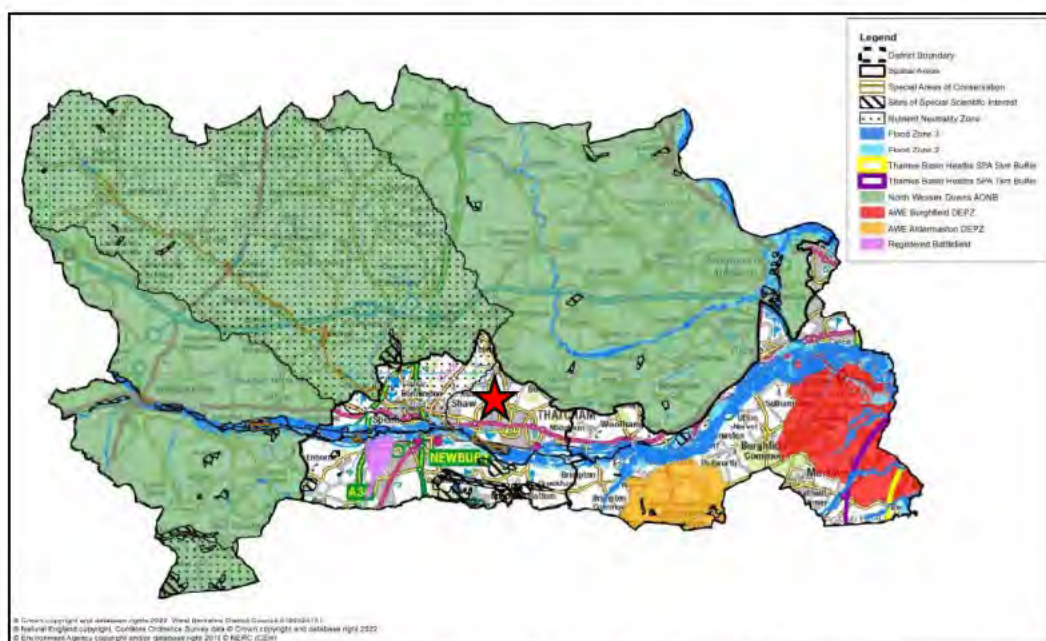


Figure 5 – Extract of Figure 1 of the LPR demonstrating constraints affecting West Berkshire (Source: West Berkshire Council, annotated by Nexus Planning with red star showing the broad site location)



- 3.11 In response to this, the LPR's spatial strategy is set out at draft Policy SP1. One of its key aims is to direct development to areas of lower environmental value.
- 3.12 It splits the District into three spatial areas: 'Newbury and Thatcham'; 'North Wessex Downs AONB'; and 'Eastern Area'.

### Newbury and Thatcham

- 3.13 As set out by Croudace's representations at the Regulation 18 stage (**Appendices E, F and G**), the decision to direct growth towards Thatcham is strongly supported.
- 3.14 Although Thatcham is one of the 'top tier' sustainable settlements in West Berkshire, it was only allocated very modest levels of growth in the adopted Core Strategy and HSA DPD. The Council justified this at the time on the basis that Thatcham had historically seen significant growth and was deemed to require a period of 'consolidation'. Again, the HSA DPD only contained a single allocation in Thatcham.
- 3.15 When the Core Strategy was examined between November 2010 and May 2012, the Inspector accepted the 'consolidation' strategy for Thatcham, but recommended it should be reconsidered as an area for housing growth in any future review, acknowledging its position at the 'top tier' of the settlement hierarchy. An initial review was taken by the HSA DPD and so the LPR represents the second review since the Core Strategy's adoption in July 2012.
- 3.16 Therefore, by continuing to designate Thatcham as a 'top tier' settlement and by directing growth to the 'Newbury and Thatcham' spatial area, the Council has taken this advice on board. Accordingly, Croudace supports Thatcham's status as a 'top tier' settlement (Urban Area) in draft Policy SP3.
- 3.17 However, Croudace considers that the LPR has not gone far enough, and in order to propose a 'justified' strategy, considers directing additional levels of growth to Thatcham given its status in the hierarchy. This growth could be redistributed either through different allocations to meet the proposed housing requirement identified (538 dpa) or through additional allocations to meet an increased housing requirement which provides additional 'headroom' or uplift in flexibility (for example, takes into account Reading's existing and future needs that remain, or will be, unmet).
- 3.18 Alternatively, Croudace considers that in order to provide greater flexibility to the LPR, the Council should explore an approach which allows development to come forward on sites outside, but immediately adjacent to the settlement boundary, subject to meeting certain criteria. Such an approach may be useful in instances where, for example, there is no 5YHLS and/or the Housing Delivery Test has been failed, or where delivery rates on sites in the housing trajectory drop below a certain level.
- 3.19 In this regard, Croudace would like to highlight an example used by many local authorities, including Fareham Borough Council, where Policy DSP40 (Housing Allocations) and emerging Policy HP4 both support residential development on land outside the urban area where there is no 5YHLS. (**Appendices H and I**).
- 3.20 In summary, Croudace lends its tentative support to some of the principles established by draft Policies SP1 and SP3. However, it cannot fully support these policies without a mechanism for bringing forward land at Henwick Park for development, whether that be an allocation or other favourable policy.

## Separation of Settlements around Newbury and Thatcham (Draft Policy DM2)

- 3.21 Draft Policy DM2 aims to prevent the coalescence of Newbury and Thatcham to maintain the separate identity of the district settlements around both towns, and was informed by the preparation of the 'Appropriate Countryside Designation Study' (2022). To achieve this goal, the draft policy proposes to designate five gaps, shown on the draft as Policies Map effectively as proposed 'green gaps'.
- 3.22 Croudace notes that there are two proposed 'green gaps' to the north of Thatcham, closest to Henwick Park – one between Thatcham and Cold Ash (to the north east), and another between Thatcham and Ashmore Green (to the north west). This is illustrated by the excerpt in **Figure 6**.



Figure 6 – Extract of LPR draft Policies Map showing the location of the site between two proposed gaps (shaded green) (Source: West Berkshire Council, annotated by Nexus Planning with red star showing the broad site location)

- 3.23 Naturally, Croudace supports the exclusion of Henwick Park from both proposed green gaps. Its omission demonstrates that, in line with the policy wording itself, the site's development would not diminish the clear physical and visual separation between the settlements and would not compromise the integrity of the gap, either individually or cumulatively with other proposed development.
- 3.24 That being said, some of the proposed green gap between Cold Ash and Thatcham does overlap slightly with some of the area proposed for extensive POS (i.e. a country park) at Henwick Park. However, it is Croudace's firm view that this would not conflict with the policy, as any physical built development would fall outside of the gap, whilst the presence of the Country Park to be proposed by Croudace would provide additional preservation to the gap between Thatcham and both Cold Ash and Ashmore Green.

## Plan Period

- 3.25 Paragraph 22 of the NPPF is clear that strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.



- 3.26 As currently drafted, the LPR covers the period 2022/23 to 2038/39. We note that the Council currently anticipates submission of the LPR to the SoS for Examination in March 2023. Therefore, to look forward a minimum of 15 years, the LPR would need to be adopted by the end of 2023/24. However, from our experience of Local Plan Examinations elsewhere, this would appear to be overly optimistic and highly unlikely to happen.
- 3.27 In our view, it would not be unreasonable to expect a period of at least 18 months more realistically from submission to adoption (to allow for Examination and consultation on Main Modifications etc.). This would place plan adoption at September 2024 (i.e. 2024/25) at the very earliest, which would reduce the remaining plan period down to 14 years.
- 3.28 Therefore, to ensure that the LPR is consistent with national policy, Croudace considers the Council must add at least one year to the plan period (i.e. to 2039/40). This would, of course, require an additional year of housing requirement (i.e. at least 538 dpa) being added to the plan.

### Extraordinary Meeting of West Berkshire Council

- 3.29 It has been brought to Croudace's attention that on 1 February 2023, the necessary number of elected Council Members (which we understand was led by the Liberal Democrats) signed a requisition to seek an Extraordinary Meeting of West Berkshire Council to discuss the Regulation 19 LPR consultation on the basis that it is flawed.
- 3.30 According to the published agenda papers, Members proposed to debate 'abandoning' consultation on the LPR so that all relevant issues can be rectified and/or clarified and thereby avoid the perceived risk of the LPR submission being dismissed as unsound by the Planning Inspector, and to undertake a new Regulation 19 consultation in the future once these omissions and errors have been rectified.
- 3.31 In summary, the alleged flaws include:
- a. Inaccuracies surrounding the housing numbers for North East Thatcham and the associated settlement boundary accommodating a greater level of growth than specified in the LPR;
  - b. The HELAA published in January 2023 contained new information which Councillors were unaware of when approving the Regulation 19 consultation;
  - c. Technical evidence not covering the entirety of the plan period;
  - d. The lack of engagement associated with, and evidence supporting, the provision of appropriate infrastructure to support the allocation at North East Thatcham;
  - e. The SoS' WMS of December 2022 (regarding national planning policy reform) not being taken into account as part of the LPR.
- 3.32 Croudace notes the points made and observed the Extraordinary Council Meeting on 2 March 2023 at which Members voted to reject the motion and as such it is envisaged that the LPR, together with a copy of all representations, will be submitted to the SoS for Examination as planned.
- 3.33 Notwithstanding this, Croudace shares many of the concerns highlighted by the Liberal Democrats, which raise legitimate concerns over the soundness of the LPR as currently drafted. As such, it makes comments throughout these representations in a similar vein, albeit with the exception of the proposals contained in the WMS and subsequent NPPF prospectus consultation (which do not represent current Government policy, as explained in Section 1 of these representations).

## 4. Detailed Comments on the Evidence Base

- 4.1 Croudace has reviewed the Council’s evidence base prepared to inform the LPR and makes comments on specific elements, particularly where they support the site’s allocation.

### Evidence Base Studies Relating to Site Selection

#### Housing and Economic Land Availability Assessment (January 2023)

- 4.2 Henwick Park is assessed in the HELAA under site reference CA12 ‘Land at Henwick Park, Bowling Green Road, Thatcham, RG18 3BY’. It is correctly identified as being adjacent to the settlement boundary, outside the AONB and available for the delivery of residential development.
- 4.3 **Table 3** provides a summary of the HELAA’s conclusions on the site, with Croudace’s response to the points made.

HELAA Assumptions	Summary of WBC Position	Croudace Response
<b>Suitability</b>	The site is partially suitable for development subject to surface water attenuation measures.	The Thatcham Flood Alleviation Scheme is currently under construction to attenuate off-site surface water, whilst SuDS can be provided to attenuate on-site surface water.
<b>Availability</b>	The site is “potentially available”.	Croudace has an option agreement with the landowner with an obligation to promote the site for residential development and to seek to secure a deliverable planning permission.
<b>Achievability</b>	Development is achievable.	Development is economically viable and therefore achievable.
<b>Conclusion</b>	Potentially developable in part.	Whilst the whole site is deliverable (and indeed developable), only the lower half of the site (45%) is proposed for built development; the remainder (55%) will be provided for POS and BNG.

Table 3: Summary of the HELAA’s assumptions on Henwick Park (Ref: CA12) (Source: West Berkshire Council, compared with Croudace’s response)

- 4.4 We understand the HELAA’s conclusion of the site’s partial suitability and developability stems from the fact that at the ‘Call for Sites’ stage, the entirety of the red line boundary was originally submitted for consideration. However, Croudace can confirm that only the southern part of the site, equating to less than half (45%) of the site, is proposed for built development, whilst the northern part (55%) is set aside for POS and BNG (**Appendix D**). This has been derived from landscape studies and feedback on earlier planning applications which identified the 95m AOD (above ordnance datum) contour line as being the appropriate limit to development without causing landscape harm. This approach was found acceptable by the Council, Inspector and SoS at appeal (**Appendix C**).
- 4.5 It is notable (and accurate) that no technical constraints are identified which would preclude the development of the southern part of the site for residential development. As Croudace is seeking only to deliver development in line with the conclusions of the HELAA (on the southern part of the site), it is contended that this part of the site (extending to 10.09 ha) is fully suitable, available, achievable, and therefore deliverable and developable.
- 4.6 Croudace confirms that if the Council concludes that additional sites are required for housing, it can be confident that there are no site-specific reasons why the Land at Henwick Park should not be allocated for residential development.



## West Berkshire Strategic Vision 2050 (November 2022)

4.7 The West Berkshire Strategic Vision 2050 looks to guide long term, sustainable growth in West Berkshire setting out how Newbury and Thatcham can achieve a zero carbon future whilst meeting its objectives for key strategic infrastructure requirements.

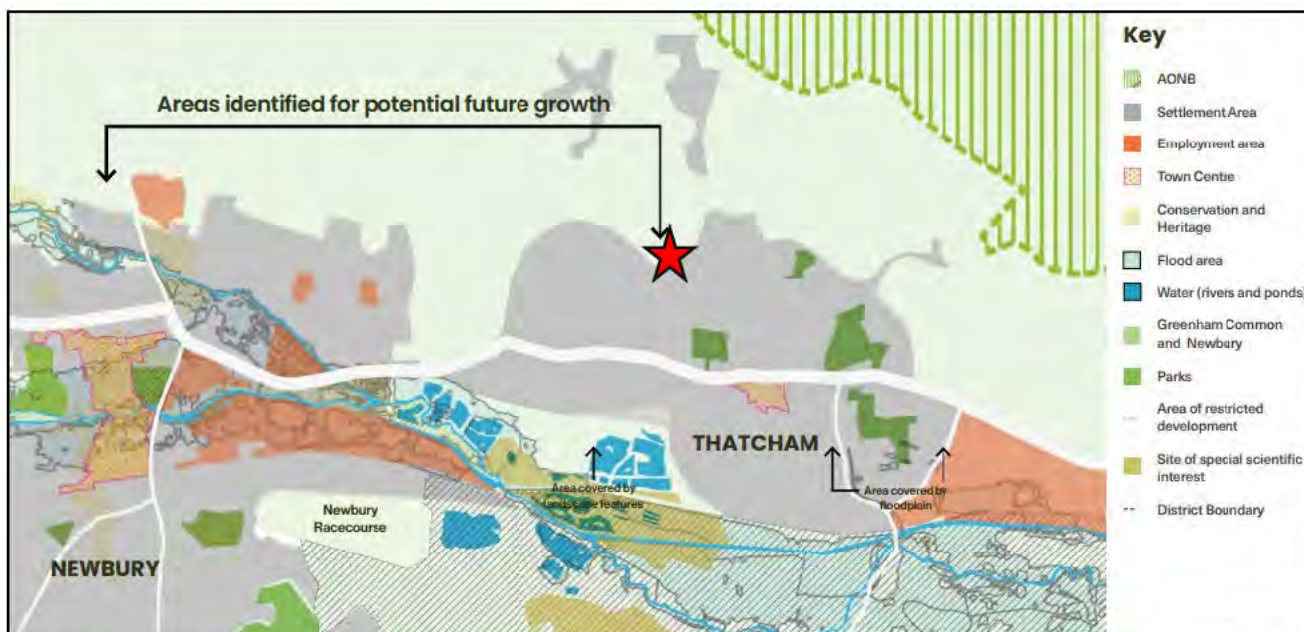


Figure 7 – Extract of Figure 5 (Newbury and Thatcham Influences Plan including opportunities and constraints) from West Berkshire Strategic Vision 2050 (Source: Icen, annotated by Nexus Planning with red star showing the broad site location)

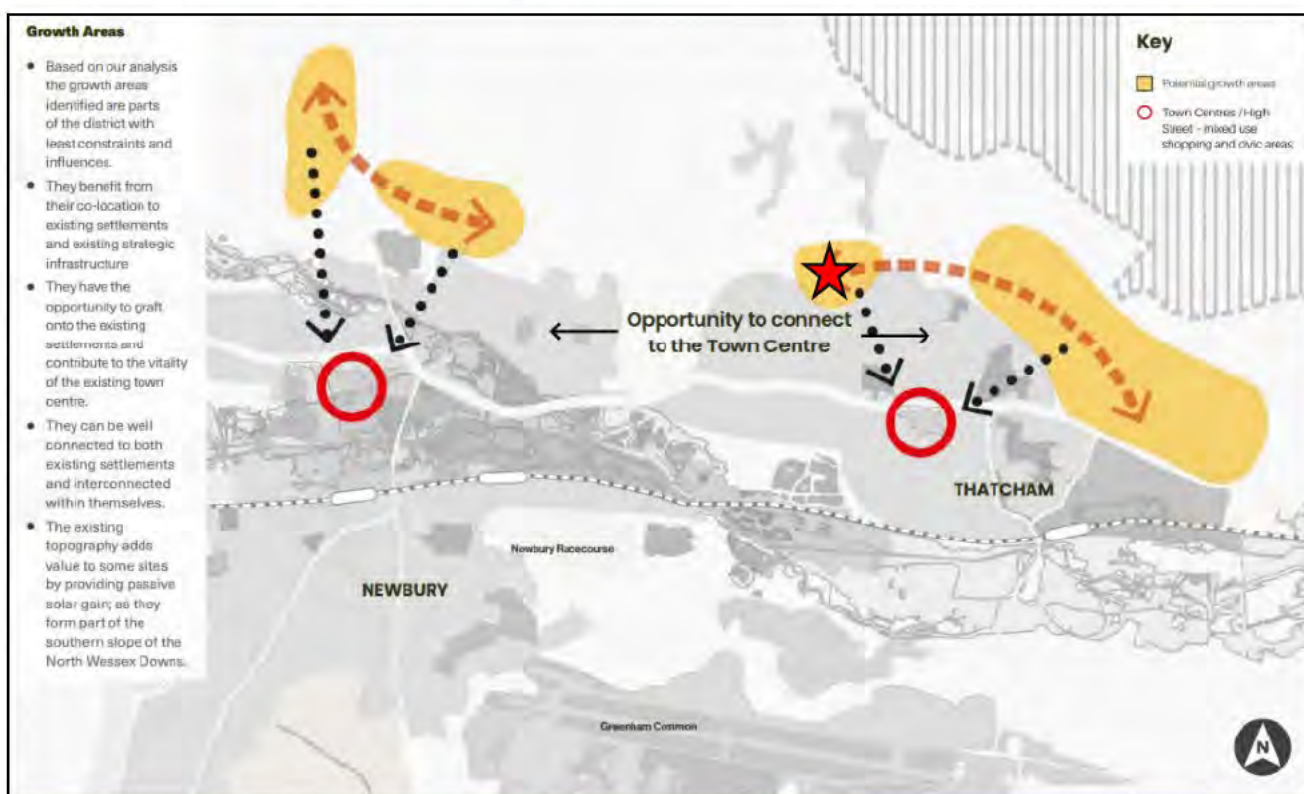


Figure 8 – Extract of Figure 6 (Potential Growth Areas) from West Berkshire Strategic Vision 2050 (Source: Icen, annotated by Nexus Planning with red star showing the broad site location)



4.8 Croudace notes that Figure 5 of the document (extract above) specifically identifies Henwick Park as an ‘area identified for future growth’. Croudace firmly agrees with the assessment made.

4.9 In addition, Figure 6 (extract above) sets out a series of key benefits of directing growth to areas including Henwick Parks:

- *“The growth areas identified are parts of the district with the least constraints and influences”;*
- *“They benefit from their co-location to existing settlements and existing strategic infrastructure”;*
- *“They have the opportunity to graft onto the existing settlements and contribute to the vitality of the existing town centre”;*
- *“They can be well connected to both existing settlements and interconnected within themselves”;*
- *“The existing topography adds value to some sites by providing passive solar gain; as they form part of the southern slope of the North Wessex Downs”.*

4.10 Furthermore, Figure 11 (extract below) confirms that Henwick Park is a ‘Potential Area of Search for Future Growth’. Again, on the following page of the document, the site is shown to benefit from safe and convenient walking distances to local centres and/or shopping areas.

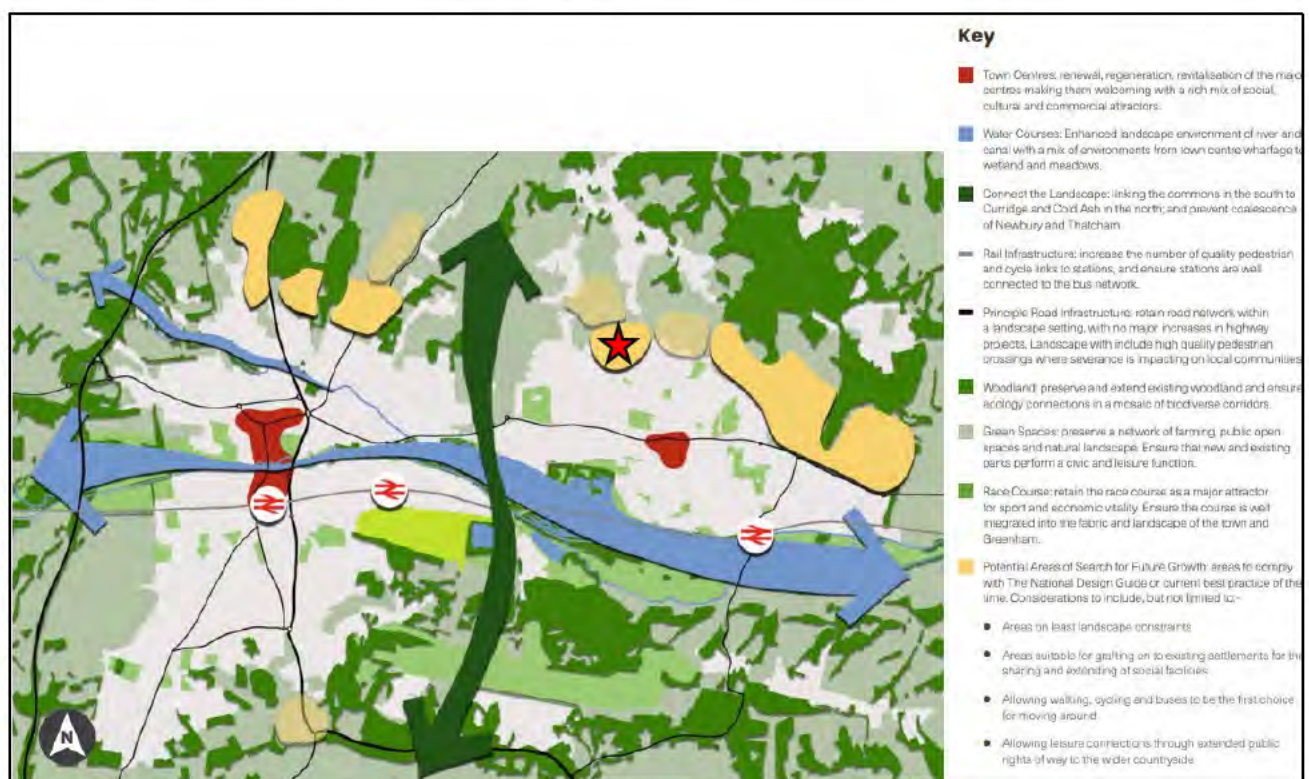


Figure 9 – Extract of Figure 11 (Emerging Vision for Growth at Newbury and Thatcham), from West Berkshire Strategic Vision 2050 (Source: Icen, annotated by Nexus Planning with red star showing the broad site location)

4.11 It is clear, based on the contents of the West Berkshire Strategic Vision 2050 that the Council’s evidence base supports Croudace’s assessment that Henwick Park constitutes a logical and sustainable location for growth, as confirmed through these representations.

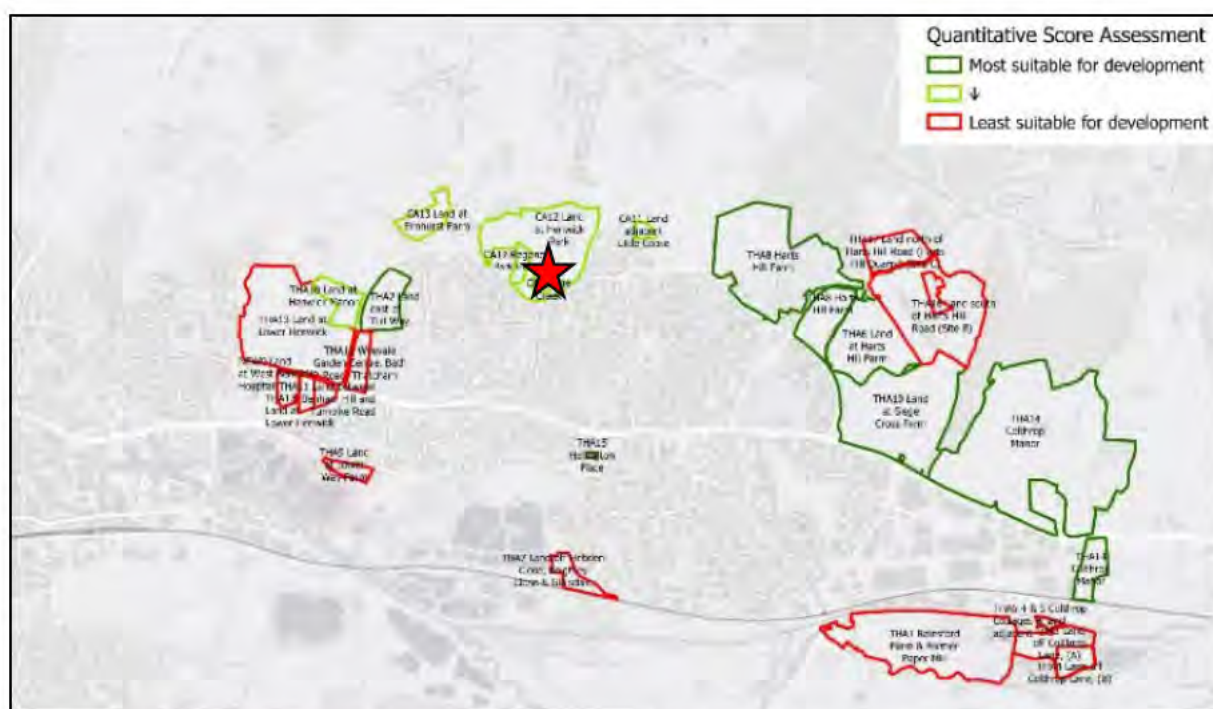
4.12 The Council can be confident that there are no site-specific reasons why the Land at Henwick Park should not be allocated for residential development.



### Stage 1: Thatcham Past (May 2019)

### Stage 2: Thatcham Present (April 2020)

4.15 A series of figures outline the unconstrained nature of Henwick Park, whilst Figure 7 (extract below) shows that in terms of constraints and deliverability, Henwick Park is considered suitable for development. Croudace contends that Henwick Park is as suitable, if not more so, than North East Thatcham, at least in terms of a lack of strategic infrastructure being required to support its development.



4.16 Paragraph 5.8 states that whilst Henwick Park could be considered as part of masterplanning work, its isolation from North East Thatcham and separate land control presents issues in designing comprehensive development. Croudace disagrees with this statement – land control/ownership is secured by an option agreement obliging Croudace to bring the site forward for development at the earliest opportunity, and isolation from North East Thatcham should be considered a benefit rather than a constraint. As demonstrated throughout these representations, Henwick Park can come forward either in isolation or alongside North East Thatcham.



- 4.17 Despite this, Figure 21 (extract below) confirms that the site represents an ‘Additional Site for Growth’, to be taken forward to Stage 3 masterplanning.

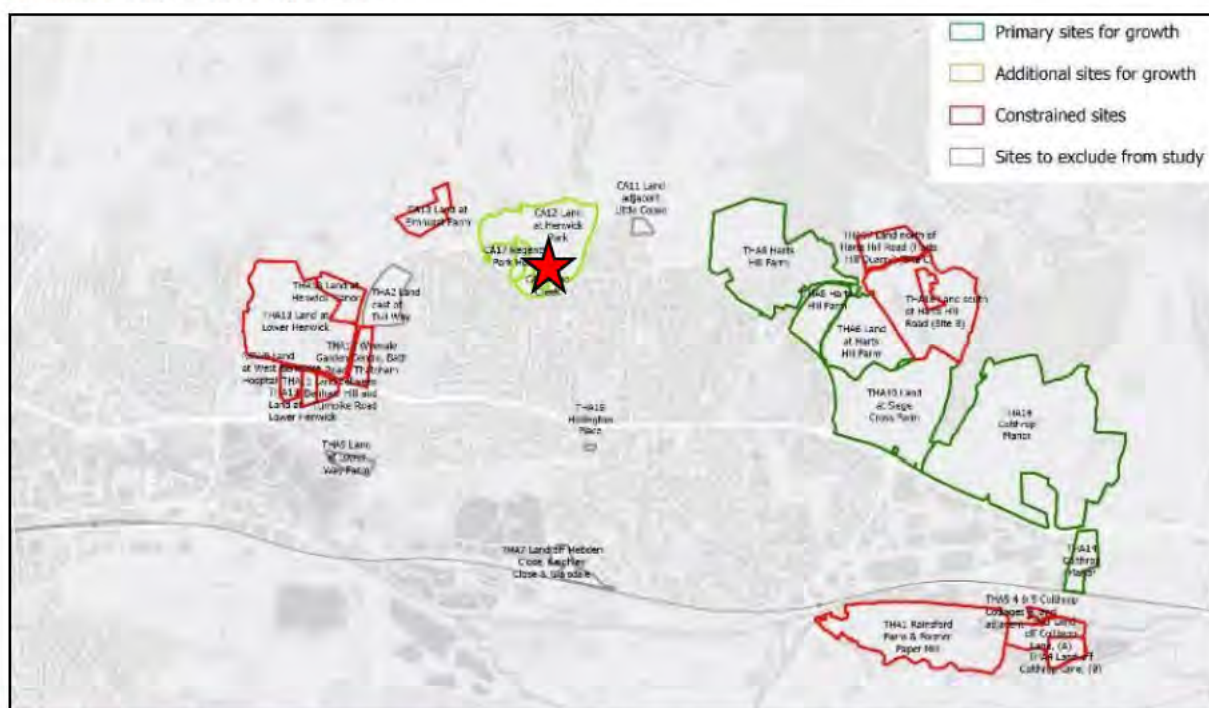


Figure 11 – Extract of Figure 21 (Recommendations for suitable sites to take forward to Stage 3 masterplanning), Thatcham Strategic Growth Study Stage 2: Thatcham Present (Source: David Lock Associates and Stantec, annotated by Nexus Planning with red star showing the broad site location)

#### Stage 3: Thatcham Future (September 2020)

- 4.18 Stage 3 of the Growth Study tests in more detail those areas with the potential to accommodate in the order of 3,500 dwellings and associated needs. Despite being confirmed in Stage 2 as an ‘Additional Site for Growth’, Croudace is disappointed that Henwick Park was ultimately not taken forward for consideration at Stage 3. According to paragraph 1.24, this is because the site is “disconnected from the contiguous area for growth identified in the Stage 2 study”.
- 4.19 Croudace considers that the Thatcham Growth Study should have assessed all sites considered suitable for growth in Thatcham. Instead, it appears that the Council has pre-determined the results of the assessments and taken only sites associated with North East Thatcham forward for detailed study. Croudace does not consider this to be a ‘justified’ approach, and certainly not one which has properly taken into account the reasonable alternatives.

#### West Berkshire Appropriate Countryside Designation Study (November 2022)

- 4.20 The West Berkshire Appropriate Countryside Designation Study was prepared to determine whether specific designations for countryside areas around Newbury and Thatcham would be an appropriate inclusion in the LPR. It assesses the suitability of several parcels of land to be subject to Green Belt, Green Gap/Wedge or Local Green Space designations.
- 4.21 Henwick Park forms part of Parcel 7, located to the north/north-west of Thatcham up the boundary of Cold Ash and includes the settlement of Ashmore Green (Figure 12).



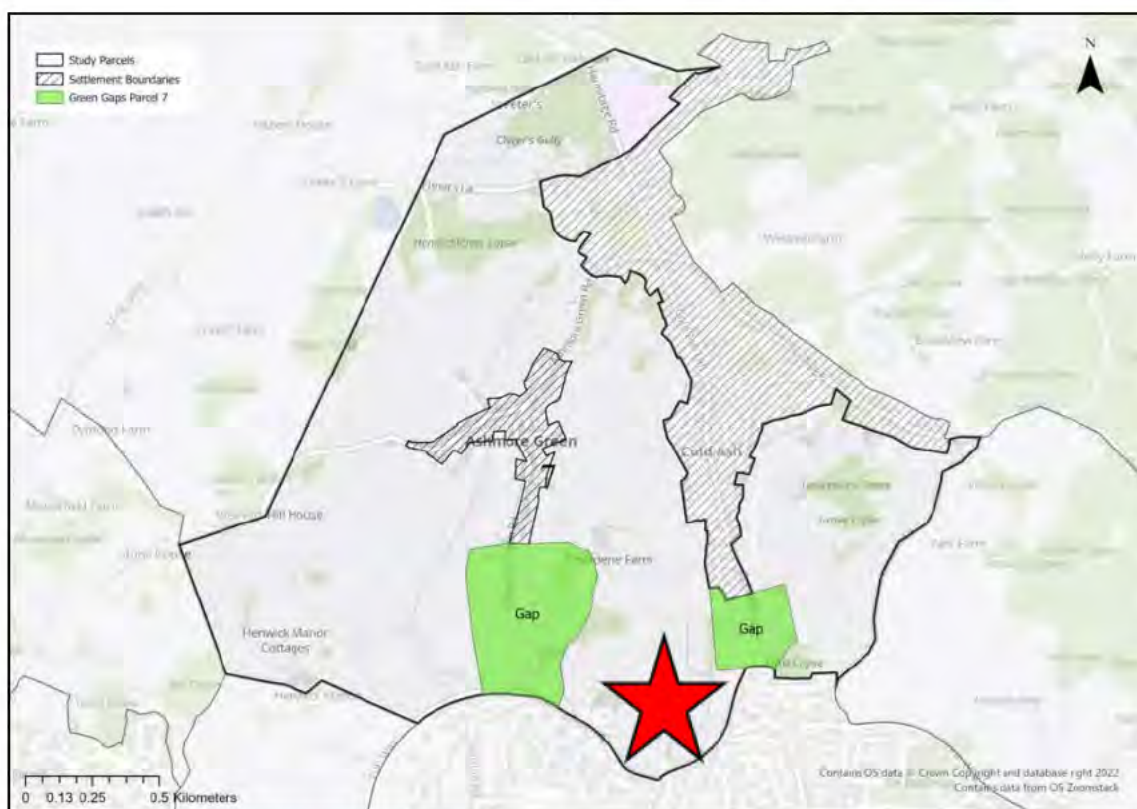


Figure 12 – Extract of Parcel 7 showing proposed ‘Green Gaps’ from West Berkshire Appropriate Countryside Designation Study (Source: ARUP, annotated by Nexus Planning with red star showing the broad site location)

- 4.22 In summary, the Study found that there would be some benefits to be derived from designating Green Gaps on two specific pieces of land located directly between Ashmore Green and Thatcham and Cold Ash and Thatcham, as the land “provides an essential gap between settlements” and development would be seen to visually or physically reduce the distance between them.
- 4.23 However, the Land at Henwick Park lies between these two suggested designations, as illustrated by **Figure 12**. As such, the site does not play an important role in countryside terms, enough to warrant specific ‘Green Gap’ protection. This clearly demonstrates the area of Henwick Park is capable of delivering built development free from any designation and well-suited to form a logical extension to Thatcham, between the suggested Green Gaps.
- 4.24 The Council can be confident that there are no site-specific reasons why the Land at Henwick Park should not be allocated for residential development.

#### Site Selection Methodology (January 2023)

- 4.25 We understand the Site Selection Methodology was used by the Council to identify new allocations in the LPR. Croudace has reviewed this evidence with interest in light of the decision to only allocate one site in Thatcham (Policy SP17 – North East Thatcham Strategic Site), despite the settlement being identified as a ‘top tier’ sustainable location for growth. Indeed, the spatial strategy set out at draft Policy SP1 states “Thatcham will be a focus for regeneration, for new housing and for improved provision of services and facilities”.
- 4.26 Steps 1 to 3 of the methodology: sourced potential land for allocation via a ‘Call for Sites’ exercise (Step 1); assessed those sites within the HELAA (Step 2); and considered sites in tandem with designated Neighbourhood Areas for potential allocation within Neighbourhood Plans (Step 3).

- 4.27 Step 4 considered ‘sites located in open countryside or settlements outside of the settlement hierarchy’. At paragraph 5.23 of the Site Selection Methodology, the Council confirms that sites in ‘open countryside’ which were not ruled out previously through the HELAA, “have been ruled out from further consideration because they are considered to be in unsustainable locations”.
- 4.28 Croudace fundamentally disagrees with this approach and does not consider it to be ‘justified’, particularly in relation to taking into account ‘reasonable alternatives’. It is also contrary to other evidence base studies and the decision to allocate land at North East Thatcham, which like the vast majority of strategic sites, would be outside the settlement boundary.
- 4.29 The HELAA confirms that the site (Ref. CA12) is “adjacent to the settlement of Thatcham. Thatcham is identified as an Urban Area in the settlement hierarchy. Urban Areas have a wider range of services and are to be the focus for the majority of development. The southern boundary of the site adjoins the settlement boundary”.
- 4.30 In addition, the SoS in the appeal decision (**Appendix C**) found no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing – a clear indication that the site is in a sustainable location. This is demonstrated further in Section 2 of these representations, where Croudace has undertaken an assessment of the site’s sustainability principles with reference to the HELAA, concluding that Henwick Park is extremely well connected to key services and facilities including bus services.
- 4.31 The position taken by the Council that all sites outside of settlement boundaries are not sustainably located is clearly flawed as per the evidence put forward by Croudace, and indeed the Council’s own evidence (e.g. the HELAA). This conclusion has led to the adoption of an inappropriate strategy for growth which does not meet the tests of soundness and Croudace urges the Council to reconsider its position on the allocation of sites outside the settlement boundary, but which are clearly in sustainable locations.
- 4.32 The Council can be confident that there are no site-specific reasons why the Land at Henwick Park should not be allocated for residential development. The site is in a sustainable location and is therefore well-placed to deliver residential development without the need to provide extensive and complex infrastructure to support new growth.

#### West Berkshire Landscape Character Assessment (2019)

- 4.33 The Landscape Character Assessment (‘LCA’) identifies the site as being within the Cold Ash Woodland and Heathland Mosaic Landscape Character Area, which extends to the north of the urban areas of Thatcham, Newbury and Theale.
- 4.34 The LCA sets out a Landscape Strategy for the LCA, which is broadly agreed with by Croudace. However, to reiterate, the site is not within the North Wessex Downs AONB, does not contain any recreational routes or designated historic assets and does not display the rural character evident in other more remote parts of the LCA.
- 4.35 Again, the Council can be confident that there are no site-specific reasons why the Land at Henwick Park should not be allocated for residential development.

#### Settlement Boundary Review Background Paper (December 2022)

- 4.36 Croudace notes the Settlement Boundary Review confirms that no changes to the settlement boundaries to the north of Thatcham, either affecting or close to the site, are proposed. The Council confirms a ‘landscape led approach’ to the re-drawing of settlement boundaries has been taken.



- 4.37 Page 7 of the document provides a list of built development and landscape features that settlement boundaries will or will not include. It is confirmed that contained curtilages and single plots that are physically and visually related to the settlement will be included, whilst the inclusion/exclusion of employment and leisure uses located at the edge of settlements will be considered on a site by site basis.
- 4.38 On that basis, Croudace are concerned that the Regency Park Hotel, and dwellings known as ‘The Creek’, ‘Creek Cottage’ and ‘Creek Bungalow’ along Bowling Green Road and Heath Lane have not been included within the settlement boundary for Thatcham.
- 4.39 Regarding the hotel, Croudace contests that it is counterproductive and economically limiting to exclude this business from the settlement of Thatcham. To promote investment in existing facilities, Croudace considers that a relatively straightforward amendment to the settlement boundary should be made to allow future expansion or alteration to the hotel to be more straightforward and not constrained by an arbitrary line on a plan at which point planning policy direction changes.
- 4.40 Likewise, the dwellings mentioned above are all read as part of Thatcham, are accessed from a main public highway and turn their back on the open countryside beyond Thatcham.
- 4.41 The dwellings and their enclosed curtilages should be included within the settlement boundary, particularly as it has already been established that:
- The Settlement Boundary Review Background Paper takes a ‘landscape led’ approach; and
  - The sites mentioned fall below the 95m contour above which landscape impacts begin to arise.
- 4.42 Croudace urges the Council to revisit its assessment of the settlement boundary of Thatcham accordingly.

#### **Sustainability Appraisal/Strategic Environmental Assessment (November 2022)**

- 4.43 The LPR’s Sustainability Appraisal/Strategic Environmental Assessment (‘SA/SEA’) seeks to ensure that sustainability issues are considered during the preparation of plans, identifying likely effects of options their effect on the LPR.
- 4.44 In assessing the options, Croudace note that the SA/SEA only assesses Henwick Park as a potential location for a strategic site<sup>11</sup>, as per the commentary on page 25. Henwick Park was apparently discounted as a strategic site due to its size being limited for the delivery of a strategic development and infrastructure that would be entailed. Combination of Henwick Park with North East Thatcham was also discounted, due to their physical separation from each other.
- 4.45 Despite this, Croudace considers that the Council should also have assessed the site in isolation as a non-strategic allocation. Page 52 of the SA/SEA sets out that Henwick Park was one of four sites lying adjacent to Thatcham that were considered as being strategic in nature. This is inaccurate – the commentary on page 25 confirms that the site is too small to be a strategic site.
- 4.46 Croudace contests that if the site is too small to be a strategic site, it should have been properly considered as a non-strategic allocation in the same way that, for example, alternative sites in Newbury were assessed and ruled out/in accordingly.

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<sup>11</sup> The Council’s Site Selection Methodology (January 2023) clarifies that a strategic site, for the purposes of site selection, is considered to be one central to achievement of the strategy, rather than tied to any specific number of homes to be delivered.

- 4.47 Page 52 explains that the Council determined that only growth on a strategic scale could support the services and regeneration that Thatcham requires. However, Croudace considers that the following phrase helpfully illustrates the fundamental flaw of the SA/SEA (p52):

*“Due to the proposed strategic allocation in Thatcham, it is not considered appropriate to allocate any further sites in Thatcham and therefore, no other sites have been assessed.”*

- 4.48 In addition, the assessment of sites in Cold Ash states that Henwick Park, among others, were identified as being strategic in nature. However, Croudace considers that the Council has artificially pre-determined this through choice, rather than relying on the evidence before it. Henwick Park is entirely suitable to be allocated as a non-strategic site and by not considering this potential, Croudace is not satisfied that the SA/SEA meets the legal test set out in the Planning and Compulsory Purchase Act 2004.
- 4.49 Croudace considers that in order to ensure that the plan is legally compliant, the Council should revisit the SA/SEA and assess Henwick Park as a suitable alternative non-strategic allocation.

### Infrastructure Delivery Plan (January 2023)

- 4.50 The Infrastructure Delivery Plan sets out specific strategic infrastructure requirements for West Berkshire. It outlines that in relation to North East Thatcham, a package of infrastructure improvements are to be delivered, including a £1.125m Travel Plan and £22m highways package – all to be funded by developer contributions, and presumably secured through a S106 agreement.
- 4.51 Croudace considers this is likely to lead to increased delays in delivery at North East Thatcham and could potentially threaten the viability of development, which may result in lower levels of contributions ultimately being secured. Given the doubts expressed regarding the housing trajectory, Croudace calls on the Council to identify other, less constrained sites without significant infrastructure requirements to come forward to help plug the gap.

## Evidence Base Studies Relating to Housing Need

### Berkshire (including South Bucks) Strategic Housing Market Assessment (February 2016)

- 4.52 Croudace has reviewed the Strategic Housing Market Assessment (‘SHMA’) with interest to verify that the mix of housing proposed at Henwick Park is in accordance with the needs of West Berkshire. This is despite its somewhat dated nature and the fact it has been superseded by the Updated Housing Needs Evidence (‘HNAU’) (July 2022).
- 4.53 Firstly, regarding the housing needs of older people, it found that population projections advise that the proportion of over 65s to be resident in West Berkshire by 2036 was due to increase by 76% – a stark increase, which emphasises the requirement to consider the housing needs of the ever-aging population.
- 4.54 The SHMA outlines that many older residents have built up equity in their properties and may look to downsize to release equity to support their retirement. However, they often want to retain housing with space for relatives to stay, or to remain within their chosen area close to family. It is therefore important to consider the creation of specialised housing close to areas where the elderly population is, or is predicted to be, high.
- 4.55 Table 116 of the SHMA sets out the projected need for specialist housing for older people, and outlines that in West Berkshire, there is a net need for 2,239 units between the period 2013-2036. This therefore demonstrates an acute need to deliver additional specialist housing within West Berkshire.

- 4.56 Secondly, with regard to affordable housing, the SHMA confirms that around three fifths of households with a need for new housing are likely to have insufficient income to afford market housing. Equally, approximately 34% of newly forming households would be unable to purchase market housing without some form of subsidy. Table 81 of the SHMA outlines a net affordable housing need for West Berkshire of 189 dpa, whilst paragraph 6.103 recognises that the private rented sector has taken on an increasing role in providing housing for households who require financial support to meet housing needs.
- 4.57 Thirdly, in terms of the required size of homes needed going forward, the SHMA outlines that the Western Berkshire HMA is likely to require mostly 3-bedroom homes (42.3%), supplemented with a lower proportion of 2-bedroom homes (28.9%), 4+ bedroom homes (19.7%) and a small amount of 1-bedroom homes (9.1%). Croudace considers this supports a broad mix of dwelling sizes.
- 4.58 Finally, the SHMA assesses the need for self-build plots, acknowledging that the lack of land is one of the biggest barriers to self-build projects. As of 2015, it was identified that West Berkshire had only five available plots for self-build and the HMA as a whole had only 14, demonstrating a clear need for this type of housing, which is anticipated to have grown.

#### West Berkshire Housing Needs Assessment Update (July 2022)

- 4.59 The Housing Needs Assessment Update ('HNAU') provides more up to date information regarding the specific housing needs of West Berkshire, building on the work carried out to inform the SHMA in 2016. It claims that there are no circumstances (relating to economic growth, growth funding, strategic infrastructure requirements or affordable housing need) that indicate that actual housing need is higher than the standard method indicates (513 dwellings per annum ('dpa')).
- 4.60 The HNAU outlines a need for 330 dpa affordable and social rented to 2039 and an additional need for 367 dpa for affordable home ownership – a total of 697 dpa, which far outstrips the standard method figure. However, the potential for re-sales of market homes could be enough to provide a significant additional supply of affordable homes for ownership. It is only through new development that new affordable and social rented dwellings can be provided, therefore placing a greater emphasis on the need for the delivery of affordable rented dwellings through new development.
- 4.61 Specialist housing needs are also assessed, with the HNAU outlining that the number of older people is expected to grow by 43% over the period to 2039. In terms of housing needs, there is a stark shortage of homes for wheelchair users, with a need for 1,200 homes designed to technical standard M4(3) wheelchair user dwellings.
- 4.62 The HNAU suggests the focus of new market housing should be on 2-3 bedroom properties, whereas affordable homes for ownership and or rent are needed as 1-3 bedroom homes, although the HNAU does suggest that policy requirements remain flexible.

#### Housing Background Paper (January 2023)

- 4.63 The Housing Background Paper explains the background to the housing policies contained within the LPR, including in relation to the housing requirement, affordable housing and strategic site allocations, as well as non-strategic site allocations and development control policies.
- 4.64 The Housing Background Paper contains the detailed Housing Trajectory which provides the supporting calculations to the trajectory contained at Appendix 8 of the LPR. However, as we explore in Section 6 of these representations,

we have significant concerns with the underlying assumptions and conclusions and therefore we dispute the robustness of the housing trajectory figures provided, which undermines the soundness of the plan.

#### **Duty to Cooperate Statement (January 2023)**

- 4.65 The Duty to Cooperate ('DtC') Statement sets out the approach to addressing unmet housing needs from Reading, explaining that the authorities making up the Western Berkshire Housing Market Area have agreed the principle that unmet needs should be met within the housing market area.
- 4.66 It acknowledges Reading's current unmet need and confirms that Reading Borough Council must review its Local Plan by 2024. It considers how the unmet need should be dealt with in light of the standard method figure.
- 4.67 Whilst Croudace commends the authorities for taking the DtC this far, it considers that the LPR should seek to address the unmet needs of Reading now, rather than loosely committing to do so at a later date, as we set out subsequently in these representations.

## 5. Detailed Comments on the Housing Requirement

- 5.1 Overall, Croudace is compelled to object to the proposed approach the Council is taking to its housing requirement on the grounds that it is unambitious and fails to meet unmet needs from neighbouring authorities. As a very minimum, the requirement needs to look ahead over a minimum 15-year plan period from adoption.

### Approach to Housing Delivery (Draft Policy SP12)

- 5.2 Draft Policy SP12 establishes that the housing requirement for West Berkshire across the plan period (2022-2039) will be between 8,721 and 9,146, equating to between 513 to 538 dpa.
- 5.3 Paragraph 61 of the NPPF requires strategic policies to be informed by a local housing need ('LHN') assessment, conducted using the standard method in national planning guidance.
- 5.4 The 'housing and economic needs assessment' section of PPG explains that the standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth (at present using the 2014-based Household Projections) plus an uplift for affordability based on data from the Office of National Statistics ('ONS') (at present, data from April 2022).
- 5.5 The largest 20 cities and urban areas in England are then subject to a further 35% increase (the 'urban centres uplift'), reflecting Government objectives to place new housing in existing urban areas and encourage the redevelopment of brownfield land. Whilst West Berkshire itself is not subject to the urban centres uplift, the neighbouring authority of Reading is, which has implications on West Berkshire, as the two authorities fall within the Western Berkshire Housing Market Area ('HMA').
- 5.6 It is important to emphasise that the Government considers the standard method calculation, and where relevant, the urban centres uplift, to be the minimum LHN for an area.
- 5.7 In the first instance, Croudace is therefore encouraged to see that the Council (in the supporting text to draft Policy SP12), confirms that the LHN is derived from the standard method figure of 513 dpa, which represents the latest figure following the release of the aforementioned ONS data in April 2022, even though that figure represents less housing growth than required by the adopted Core Strategy (525 dpa).
- 5.8 However, Croudace does not consider that the inclusion of an additional 5% buffer (538 dpa), whilst higher than the Core Strategy figure, is sufficiently ambitious enough to align with the Government's objective to significantly boost the supply of homes, albeit the Council clarifies this does not constitute a 'cap'. Croudace suggests that the inclusion of an additional 15% buffer would be more reasonable and would allow for much more flexibility in the plan-making process.

### Plan Period

- 5.9 As set out earlier in these representations, Croudace considers that an additional year (at least) should be added to the plan period (i.e. to at least 2039/40), to ensure it looks ahead over a minimum 15-year period from adoption in accordance with paragraph 22 of the NPPF.
- 5.10 Therefore, to ensure that the LPR is 'consistent with national policy', Croudace considers that the Council must add at least one year to the plan period (i.e. to 2039/40). This would, of course, require an additional year(s) of housing requirement (i.e. at least 538 dpa) being added to the plan's minimum requirements.

### Unmet Need from Neighbouring Authorities

- 5.11 Paragraphs 24 to 27 of the NPPF sets out a DtC on strategic matters that cross administrative boundaries. The importance of effective and ongoing joint working is deemed as being integral to the production of a ‘positively prepared’ and ‘justified’ strategy. Joint working is encouraged to help determine whether development meet needs that cannot be met wholly within a particular plan area could be met elsewhere.
- 5.12 Paragraph 6.4 of the LPR outlines that West Berkshire has a strong functional relationship with Wokingham Borough, Reading Borough and Bracknell Forest Councils which together form the Western Berkshire HMA, and confirms that the authorities work collaboratively on housing matters.
- 5.13 The LPR identifies that Reading Borough Council has a shortfall of 230 dwellings, based on the findings of the Berkshire SHMA (February 2016), which is anticipated to arise in the latter part of its current Local Plan period. Through ongoing joint working, the local authorities mentioned at paragraph 3.9 recognise that Reading’s unmet need should be met within the authorities working together.
- 5.14 The Statement of Common Ground (‘SoCG’) that has been agreed by the Western Berkshire HMA authorities recognises Reading’s unmet need and the principle that this should be met in the West of Berkshire area. The NPPF is clear that unmet needs must be taken into account when establishing the housing requirement. The emerging LPR therefore represented the optimum time to address Reading’s shortfall and accommodate the small amount of unmet need within West Berkshire, but Croudace is concerned that the opportunity has been missed.
- 5.15 By way of context, the SHMA and subsequently the Reading Borough Local Plan (adopted November 2019) set the objectively assessed need (‘OAN’) figure for Reading as 699 dpa. However, Reading’s LHN as calculated by the standard method is currently 907 dpa, which represents an increase of 208 dpa or 30%. Therefore, in principle, the actual shortfall could be significantly higher than 230 dwellings.
- 5.16 The Reading Borough Local Plan at paragraph 4.4.3 explains the shortfall is due to the fact that “Reading is a very tightly defined urban area, and sites for new development are limited. The undeveloped land that does exist is mainly either in the functional floodplain or is important public open space”.
- 5.17 These constraints are somewhat immovable and any increase in the housing requirement (such as through the standard method) for Reading Borough will lead to an increased shortfall that will need to be met elsewhere in the Western Berkshire HMA.
- 5.18 Whilst Reading has committed to a review of its Local Plan by 2024, at which point it will be required to adjust its housing requirement in line with the LHN in effect at the time, Croudace urges the Council to be more proactive by seeking to accommodate a proportion of Reading’s unmet needs within its housing requirement and consequently to allocate additional sites to ensure such requirements are met. By not seeking to do so at this stage, Croudace considers that the LPR is not ‘positively prepared’.
- 5.19 Naturally, Henwick Park, would be extremely well placed to meet the shortfall arising from Readingt, as we demonstrate earlier in these representations.

### Affordable Housing

- 5.20 The HNAU sets out a need for 330 affordable dpa. Given that the Council’s overall housing requirement (which takes into account all types of housing) is 538 dpa, the requirement for affordable homes makes up approximately 60% of the overall requirement.

- 5.21 330 dpa over the 17-year plan period equates to a requirement for 5,610 affordable homes.
- 5.22 Draft LPR Policy SP19 (Affordable Housing) requires affordable housing to be delivered on site for all development sites of 5-9 dwellings (20% provision) and all development sites of 10+ dwellings (30% provision for previously developed sites and 40% for greenfield sites).
- 5.23 Assuming a ‘best-case’ scenario<sup>12</sup>, a crude calculation confirms that these sites would theoretically yield only 2,934 affordable units, a shortfall of 2,676 against the need identified. In reality, the actual position will likely be worse, with some sites unable to deliver affordable units, for example, due to viability constraints and/or financial contributions being provided in lieu of on-site provision. Many sites will also not be required to deliver the maximum 40% affordable housing provision sought in line with draft Policy SP19.
- 5.24 Croudace therefore believes there is a clear case to request the Council to increase the housing requirement, at least to ensure that a greater proportion of affordable housing needs as identified within the Council’s evidence base can be met. If the Council does not seek to adjust the housing requirement accordingly, Croudace cannot consider it to be ‘positively prepared’.

### Self-Build

- 5.25 Footnote 28 of the NPPF explains that under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom housebuilding. They are also subject to duties to have regard to this and to give enough suitable development permissions to meet the identified demand.
- 5.26 The 2022 Authority Monitoring Report (January 2023) contains data on the number of individuals and associations on the self-build register in West Berkshire. We understand that as at October 2022, the number of entries logged on the register since May 2016 comprised 541 individuals and 2 groups. By comparison, a total of 128 self-builds were granted planning permission over the same period (May 2016 to October 2022).
- 5.27 Therefore, Croudace is encouraged to see that Policy SP18 (Housing Type and Mix) outlines support for the principle of self and custom-build housing, but considers that in order to be sound, the LPR should either allocate or ensure that development is obliged to deliver an element of self and custom-build housing to ensure needs are met.

### Specialist Housing for Older People

- 5.28 Other than one line within draft Policy DM19 (Specialised Housing), which requires specialist accommodation to form “an integral part of the mix from the strategic housing allocations at Sandleford Park and North East Thatcham”, there is no direction or clarity provided regarding the location, quantum or types of housing this sector needs over the plan period. Given the scale of the increase in older people in West Berkshire over the plan period, the LPR cannot be said to be ‘positively prepared’ on this basis, which is a clear failing.
- 5.29 Therefore, in order to ensure that the plan is ‘positively prepared’, Croudace urges the Council to explicitly and more seriously address the requirement in relation to specialist housing, especially for older people, by ensuring that planning policies contain a clear recognition of how needs for specialist housing will be delivered.

<sup>12</sup> For example, the on-site delivery of 40% affordable housing across the Council’s Housing Supply (as at 31 March 2022) and proposed LPR allocations (a total of 9,137 dwellings).



## 6. Detailed Comments on Housing Delivery

- 6.1 Croudace is concerned that housing delivery is constrained in several ways by the LPR.
- 6.2 As we explore below, Croudace is concerned there may not be a deliverable 5YHLS upon adoption and equally has significant doubts concerning the longer-term developable supply. Greater flexibility is therefore required to ensure that the wide range of needs across the District are suitably met across the plan period, in order to represent a 'positively prepared' or 'effective' strategy.

### Meeting the Housing Requirement

- 6.3 Firstly, against draft Policy SP12's housing requirement of 9,146 new dwellings (538 dpa), **Table 4** outlines how the Council envisages this will be met across a range of supply components.

Category	Net Units Outstanding	Proportion of Proposed Supply (following adoption of LPR)
Core Strategy Sites	2,045	22%
HSA DPD Sites	1,246	14%
Stratfield Mortimer Neighbourhood Plan Site	82	1%
Existing Commitments on Unallocated Sites	1,958	21%
Existing C2 Commitments (Communal Accommodation)	57	1%
Windfall Allowance to 2039	1,949	21%
<b>Total Existing Supply</b>	<b>7,337</b>	<b>80%</b>
Proposed LPR Allocations	1,720	19%
Sites to be Allocated through Neighbourhood Plans	80	1%
<b>Total Supply</b>	<b>9,137</b>	<b>100%</b>

Table 4: Breakdown of the Council's claimed housing land supply

- 6.4 Table 4 demonstrates that even with the Council's 'best estimates' of delivery, the identified housing land supply together with proposed LPR allocations are not sufficient to meet the housing requirement. There is, by the Council's own admission, a shortfall of 7 units over the plan period to 2039 (based on 538 dpa).
- 6.5 That precarious position has been reached even before:
- In terms of the requirement:**
    - The plan period is increased by at least one year, to account for likely delays in the plan's adoption;
    - A proportion of Reading's unmet needs are incorporated into West Berkshire's housing requirement;
    - The housing requirement is increased to help ensure affordable and other needs (such as for older people or those wishing to build or commission their own home) are met;
    - A more ambitious buffer of 15% is applied to provide additional flexibility.
  - In terms of housing supply:**
    - The Council's historic projections have been overly optimistic by 11% on average (**Table 5**);
    - Our detailed conclusions on the 5YHLS have been factored in;
    - Conclusions on the appropriateness of the proposed allocations and their ability to deliver completions at the point envisaged (or indeed at all) has been properly tested through the Examination process.



- 6.6 As mentioned above, Croudace has undertaken a comparison of actual completions witnessed in West Berkshire against historic forecasts. The results in **Table 5** reveal that over a 11-year period, the Council's predictions have overestimated the actual completions delivered on-site by around 11% on average.

Year	Projected Net Completions	Source	Actual Net Completions	Difference (units)	Difference (%)
2011/12	349	2011 AMR	162	-187	-54%
2012/13	548	2012 AMR	552	+4	1%
2013/14	491	2013 AMR	457	-34	-7%
2014/15	358	2014 AMR	496	+138	+39%
2015/16	520	2015 AMR	625	+105	+20%
2016/17	520	2016 AMR	485	-35	-7%
2017/18	521	2017 AMR	526	+5	+1%
2018/19	667	2018 AMR	543	-124	-19%
2019/20	609	2019 AMR	439	-170	-28%
2020/21	723	2020 AMR	621	-102	-14%
2021/22	1,019	2021 AMR	723	-296	-29%
<b>Total</b>	<b>6,325</b>	-	<b>5,629</b>	<b>-696</b>	<b>-11%</b>
<b>Average</b>	<b>575</b>	-	<b>512</b>	<b>-63</b>	<b>-11%</b>

Table 5: Comparison of historic projected and actual completions (Source: West Berkshire Council, with Nexus Planning analysis)

- 6.7 There is therefore less certainty that West Berkshire's full needs will be met over the plan period. As such, this undermines the soundness of the plan, at least from a 'positively prepared' and 'effective' perspective. This is fundamental and goes to the heart of the plan's soundness.

### Five Year Housing Land Supply

- 6.8 Croudace has undertaken a detailed assessment of the immediate five-year (i.e. deliverable) housing land supply, focusing on the deliverability of the sites or allowances included to establish if they meet the requirements of NPPF paragraph 74, the definition within the Glossary and guidance in PPG.
- 6.9 It has reviewed sites within the following categories:
- Allocated sites:
    - Core Strategy allocations;
    - HSA DPD and Neighbourhood Plan allocations.
  - Non-allocated (large/medium) sites:
    - Sites with planning permission (10+ units);
    - Sites with prior approval (10+ units).
  - Non-allocated (small) sites:
    - Sites with planning permission (<10 units);
    - Sites with prior approval (<10 units).
  - Allowances:
    - Small site windfall allowance;
    - Communal accommodation.
- 6.10 In addition, there is a further component which has not been allowed for – an allowance for future demolitions and other losses, albeit this has a negative effect on the supply figures.



- 6.11 Based on 538 dpa over the five-year period 2022 to 2027, Croudace’s assessment finds there to be a supply of only **4.9 years**. In addition, looking at the subsequent five-year period 2023 to 2028, the position worsens further to **3.8 years**.
- 6.12 Croudace’s highlights that its findings are much more realistic and robust than the Council’s forecasts. They highlight that there is a real risk that the Plan would not be able to demonstrate a 5YHLS upon adoption. As such, additional new non-strategic, unconstrained sites without requiring significant new infrastructure and which can deliver early in the plan period should be allocated. Croudace considers that the Land at Henwick Park is an ideal candidate site for consideration.

### Longer-term Housing Land Supply

- 6.13 Croudace has also undertaken an assessment of the longer-term (i.e. developable) housing land supply.
- 6.14 Table 2 of the LPR (“Housing Supply at 31 March 2022”) outlines a claimed supply of 7,337 dwellings. By offsetting that total against the housing requirement of 9,146, the Council suggests that sites sufficient to accommodate a further 1,809 dwellings need to be found.
- 6.15 The LPR proposes to allocate land for an additional 1,720 dwellings. This leaves a shortfall of 89 dwellings, of which 80 dwellings are proposed to be delegated to come forward through new Neighbourhood Plan allocations.
- 6.16 Croudace raises concerns regarding the Council’s claimed supply. Our detailed analysis results in a reduction to the Council’s assumed supply of 560 dwellings across the plan period.
- 6.17 The results of our assessment are summarised in **Table 6**.

Source of Supply	Council’s Assumed Supply	Croudace Assessment	Difference
Core Strategy Sites	2,045	2,045	0
HSA DPD Sites	1,246	1,083	-163
Stratfield Mortimer Neighbourhood Plan Site	82	82	0
Existing Commitments on Unallocated Sites	1,958	1,602	-38
Existing C2 Commitments (Communal Accommodation)	57	57	0
Windfall Allowance to 2039	1,949	1,764	-185
<b>Total Existing Supply</b>	<b>7,337</b>	<b>6,796</b>	<b>-286</b>
Proposed LPR Allocations	1,720	1,576	-94
Sites to be Allocated through Neighbourhood Plans	80	0	-80
<b>Total Supply</b>	<b>9,137</b>	<b>8,372</b>	<b>-560</b>

Table 6: Comparison of the Council’s claimed supply versus Croudace’s assessment

### Local Plan Review Allocations

- 6.18 The Council proposes to allocate the sites listed at **Table 7** for residential development. Croudace’s analysis of the proposed allocations and their ability to deliver completions is summarised alongside each relevant allocation, with further analysis contained within the subsequent paragraphs.



LPR Policy	Site Name	Approximate Numbers	% of Proposed Allocations	% of Council's Claimed Overall Supply	New Allocation?	Croudace Position
SP16	Sandleford Park, Newbury	1,500	35%	16%	N	A significant risk to rely upon the delivery of such a substantial proportion of the overall housing requirement on this site.
SP17	North East Thatcham	1,500	35%	16%	Y	A significant risk to rely upon the delivery of such a substantial proportion of the overall housing requirement on this site.
RSA1	Land north of Newbury College, Monks Lane, Newbury	15	0.4%	<1%	N	N/A
RSA2	Land at Bath Road, Speen, Newbury	100	2%	1%	N	Remove allocation due to nutrient neutrality constraints.
RSA3	Land at Coley Farm, Stoney Lane, Newbury	75	2%	1%	N	N/A
RSA4	Land off Greenham Road, South East Newbury	160	4%	2%	N	N/A
RSA5	Land at Lower Way, Thatcham	85	2%	1%	N	N/A
RSA6	Stonehams Farm, Tilehurst	65 bedspace care home	2%	1%	N	N/A
RSA7	72 Purley Rise, Purley on Thames	35	1%	<1%	N	N/A
RSA8	Land adjacent to Bath Road and Dorking Way, Calcot	35	1%	<1%	N	N/A
RSA9	Land between A340 and The Green, Theale	100	2%	1%	N	N/A
RSA10	Whiteheart Meadow, Theale	40	1%	<1%	Y	N/A
RSA11	Former Sewage Treatment Works, Theale	60	1%	1%	Y	N/A
RSA12	Land adjoining Pondhouse Farm, Clayhill Road, Burghfield Common	100	2%	1%	N	N/A
RSA13	Land north of A4 at junction of New Hill Road, Woolhampton	16	<1%	<1%	Y	N/A
RSA14	Land adjoining Lynch Lane, Lambourn	60	1%	1%	N	Remove allocation due to nutrient neutrality constraints.
RSA15	Land at Newbury Road, Lambourn	5	<1%	<1%	N	Remove allocation due to nutrient neutrality constraints.
RSA16	Land north of South End Road, Bradfield Southend	20	<1%	<1%	Y	N/A



LPR Policy	Site Name	Approximate Numbers	% of Proposed Allocations	% of Council's Claimed Overall Supply	New Allocation?	Croudace Position
RSA17	Land at Chieveley Glebe	15	<1%	<1%	Y	Remove allocation due to nutrient neutrality constraints.
RSA18	Pirbright Institute, High Street, Compton	140	3%	1%	N	N/A
RSA19	Land west of Spring Meadows, Great Shefford	15	<1%	<1%	Y	Remove allocation due to nutrient neutrality constraints.
RSA20	Land off Charlotte Close, Hermitage	34	1%	<1%	N	Remove allocation due to nutrient neutrality constraints.
RSA21	Land to the south east of the Old Farmhouse	10	<1%	<1%	N	Remove allocation due to nutrient neutrality constraints.
RSA22	Land adjacent Station Road, Hermitage	34	1%	<1%	Y	Remove allocation due to nutrient neutrality constraints.
RSA23	Land adjacent to The Haven, Kintbury	20	<1%	<1%	Y	Only considered partially suitable for development. Reduce allocation by 10 units.
RSA24	New Stocks Farm, Paices Hill	8	<1%	<1%	N	N/A
RSA25	Long Copse Farm, Enborne	24	1%	<1%	N	N/A

Table 7: Summary of Croudace's position regarding the draft allocations within the LPR (Source: West Berkshire Council, with Nexus Planning analysis)

### Proposed New Allocations

6.19 The LPR proposes to allocate nine new sites for residential development to bring forward an estimated 1,720 units. It also delegates the allocation of land for 80 units upon adoption of two respective Neighbourhood Plans.

#### North East Thatcham Strategic Site (Policy SP17)

6.20 The largest of the proposed draft allocations is 'North East Thatcham', identified to deliver 1,500 units across the plan period.

6.21 Whilst Croudace generally supports the direction of a large amount of growth to Thatcham, it does have ongoing concerns regarding the deliverability and developability of North East Thatcham. On this basis, the Council should allocate smaller, unconstrained sites which can come forward early on in the plan period without requiring much in the way of supporting infrastructure.

6.22 However, should the draft allocation at North East Thatcham ultimately remain, Croudace considers that there is still a scenario in which there is a need to allocate additional sites around Thatcham to alleviate some of the pressures on supply arising from elsewhere in the District and to provide additional flexibility for a 'top tier' settlement in the earlier part of the plan period. Sustainable sites such as Henwick Park, which are not subject to any constraints and do not require any large scale infrastructure interventions to ensure delivery, are very well placed in the short-term to deliver development on land which is directly adjacent to the settlement boundary.

#### North East Thatcham – Spatial Matters

6.23 Despite acknowledging that Thatcham is a focus for strategic growth, the Council proposes to allocate one single site at North East Thatcham. Land is identified for an urban extension to deliver approximately 1,500 dwellings

across the plan period. Draft Policy SP17 requires the site to be masterplanned and delivered comprehensively along with key infrastructure including community uses, green infrastructure and transport and the achievement of high standards of sustainability.

- 6.24 By way of context, the Regulation 18 stage LPR identified North East Thatcham for the delivery of 2,500 dwellings and associated infrastructure. As such, there has been a theoretical reduction of 1,000 dwellings. However, Croudace notes that the proposed allocation boundary (shown both within the draft Proposals Map and on page 65 of the LPR) has not been amended accordingly to match the reduction. Croudace therefore assumes that as currently drawn, the amended settlement boundary for Thatcham will also extend in a similar manner.
- 6.25 As such, Croudace objects to the extension of the settlement boundary in such a manner and considers that this could lead to development being brought forward at North East Thatcham which is far in excess of the number of dwellings envisaged to be allocated at the site. That is indeed, if the site does deliver.

#### North East Thatcham – Deliverability

- 6.26 Policy SP17 outlines the expectation that all 1,500 dwellings proposed to be allocated at North East Thatcham will be delivered within the plan period.
- 6.27 The Council's Housing Trajectory (within the Housing Background Paper) illustrates that North East Thatcham is not expected to start yielding housing completions within the first five years of the plan period. As such, it can be concluded not to be a 'deliverable' site in accordance with the definition in national policy.
- 6.28 Assuming that it is capable of being considered a 'developable' site, it is instead slated to deliver 150 units from a standing start in 2029/30 (i.e. Year 8 of the LPR) and then in every subsequent year until 2038/39 (i.e. Year 17).
- 6.29 Croudace considers it unrealistic for the site to deliver 150 units in its first year given significant preliminary and enabling works will be required to install key infrastructure, before construction of houses can begin. Whilst there is no indication as to how 150 units a year will be delivered (e.g. through multiple sales outlets etc.), Croudace considers that the trajectory should be redrafted to show more realistic delivery rates, together with lead-in times for supporting items of key infrastructure.
- 6.30 Large strategic sites, including those allocated by the Council's Core Strategy at Sandleford Park, can often take much longer to begin delivering dwellings and subsequently thereafter due to complex infrastructure requirements and delays with land assembly.
- 6.31 The Lichfields document 'From Start to Finish' (February 2020)<sup>13</sup> suggests at figure 4 that for sites of 2,000+ dwellings<sup>14</sup>, the average timeframe from validation of first outline planning application to completions on site is 8.4 years. After that, the average build out rate for a greenfield site of 2,000+ dwellings is 181 dpa.
- 6.32 Therefore, to achieve the delivery of 1,500 dwellings as assumed within the plan period, an outline planning application would have needed to be submitted in Spring 2022, allowing first completions in 2029/30. Clearly, an outline planning application has not been submitted at North East Thatcham and the trajectory set out by the Council is unlikely to be achievable. As such, the Council should take a precautionary approach and make provision for smaller scale allocations such as at Henwick Park.

<sup>13</sup> <https://lichfields.uk/content/insights/start-to-finish>

<sup>14</sup> Relevant due to the scale of development assessed for North East Thatcham within the Council's evidence base.

- 6.33 For example, according to the 5YHLS Statement (November 2022), Sandleford Park has failed to deliver any completions since it was allocated by the Core Strategy in 2012. Sandleford Park East was granted outline planning permission on appeal in May 2022 but no reserved matters application has yet been submitted, while Sandleford Park West is subject to a longstanding outline planning application which remains undetermined since submission in 2018. The Council has correctly not counted any units arising from Sandleford Park West in its 5YHLS up to 2028.
- 6.34 In common with the Sandleford Park site, draft Policy SP17 requires a ‘comprehensive’ form of development (i.e. a single planning application) to ensure that the “provision of all infrastructure, services, open space and facilities will be timely and co-ordinated”. Given that requirement and for a scheme of this size, the Council may require a Supplementary Planning Document to guide development, thus adding further scope for delays to delivery whilst such a document is drafted.
- 6.35 Given the delays experienced with the comparable allocation at Sandleford Park, Croudace is concerned that the Council relies on two strategic sites to deliver a combined 70% of the LPR’s total allocations (and one large strategic site to deliver 80% of the LPR’s new allocations). Likewise, the two large strategic sites make up a combined 32% of the Council’s claimed supply across the plan period. Croudace does not believe that this represents a ‘justified’ or ‘effective’ strategy. To the contrary, it is a high-risk strategy.
- 6.36 Croudace considers that the delivery issues at Sandleford Park clearly demonstrates the types of challenges that can be faced with delivering housing on such a large scale. This should respectfully serve as a warning to the Council that a variety of allocations are required for flexibility across the plan period.
- 6.37 The inability of North East Thatcham to yield housing completions within the first seven years of the plan period has the potential to lead to a shortfall in housing land supply for the Council, soon after plan adoption. Clearly therefore, the LPR should be allocating a range of additional smaller sites to provide greater flexibility and certainty. NPPF paragraph 68 is clear that planning policies should identify a sufficient supply and mix of sites and that authorities should identify a supply of specific, deliverable sites for years one to five of the plan period.
- 6.38 Paragraph 73 of the NPPF refers to the potential benefits of larger scale development but requires authorities to make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites.
- 6.39 If allocated for development, the Land at Henwick Park is a deliverable site which could deliver dwellings within the first five years of the plan period, as we demonstrate earlier within these representations.

#### North East Thatcham – Affordable Housing

- 6.40 Draft Policy SP17 expects North East Thatcham to deliver 40% affordable housing, potentially equating to 600 units as part of its comprehensive development. However, given it is unlikely to deliver housing until Year 8 of the plan period (i.e. 2029/30), this will also result in a delay to the delivery of vital affordable housing.
- 6.41 Thatcham, as a result of its period of ‘consolidation’, has suffered from a lack of affordable housing in recent years and would therefore benefit from a meaningful delivery of affordable housing early in the plan period.
- 6.42 The site at Henwick Park would deliver at least a policy compliant level of affordable housing (40%) and as set out above, Croudace anticipates that a significant proportion of affordable units could be delivered within the first five years of the plan.



Other New Allocations (Draft Policies SP13, SP14 and SP15)

- 6.43 Croudace notes that draft allocations are proposed in each spatial area. However, some of these sites are subject to constraints which should see them removed from the LPR as their development is likely to be impeded.
- 6.44 For example, the following sites are within the River Lambourn Special Area of Conservation ('SAC') – an area constrained by issues surrounding nutrient neutrality as marked on the draft Policies Map:
- RSA17: Land at Chieveley Glebe (15 units);
  - RSA19: Land West of Spring Meadows, Great Shefford (15 units);
  - RSA22: Land Adjacent Station Road, Hermitage (34 units).
- 6.45 In addition, 25 units are proposed to be delegated by the LPR to come forward via a Neighbourhood Plan at Lambourn; a Neighbourhood Area highly constrained by nutrient neutrality issues.
- 6.46 As explained by Natural England<sup>15</sup>, “nutrient neutrality is a means of ensuring that a development plan or project does not add to existing nutrient burdens within catchments, so there is no net increase in nutrients as a result of the plan or project”.
- 6.47 Planning applications submitted in areas affected by nutrient neutrality must be accompanied by a Habitat Regulations Assessment ('HRA') which demonstrates that there is no effect on the level of nutrients within watercourses. Where there is a negative effect on nutrient levels, mitigation strategies must be secured.
- 6.48 It is our understanding that mitigation strategies (likely to be in the form of a scheme enabling developers to purchase 'nutrient credits') are not currently well advanced, and until they are, it is the case that development in affected areas is effectively 'on-hold' unless nutrient neutrality can be demonstrated.
- 6.49 Croudace does not consider the proposed allocation of sites in areas which are so heavily constrained by an issue which is unlikely to be resolved in the short term to be a 'justified' or 'effective' strategy. Nutrient neutrality is a complex matter, and a resolution is likely to mean that development in nutrient neutrality zones is impeded for long enough to delay delivery of housing beyond a five year period.
- 6.50 On that basis, Croudace considers that the Council should remove draft allocations RSA17, RSA19 and RSA22 and the reliance on the Lambourn Neighbourhood Plan. The effect of this would be to **reduce the claimed supply by 89 units**.
- 6.51 Part of this shortfall could be made up by proposing alternative allocations on unconstrained sites, such as Henwick Park, which is not impacted by nutrient neutrality issues.

Sites Allocated for Residential & Mixed-Use Development in the North Wessex Downs AONB (Draft Policy SP15)

- 6.52 Croudace notes the proposed draft allocation of five new sites to deliver a total of 104 new dwellings within the North Wessex Downs AONB:
- RSA16: Land north of South End Road, Bradfield Southend (20 units)
  - RSA17: Land at Chieveley Glebe (15 units);
  - RSA19: Land west of Spring Meadows, Great Shefford (15 units);
  - RSA22: Land adjacent Station Road, Hermitage (34 units);

<sup>15</sup> TIN186 Edition 1 Nutrient Neutrality Principles

- RSA23: Land adjacent to The Haven, Kintbury (20 units).

- 6.53 In addition, a further 80 dwellings are proposed to be delegated by the LPR to come forward through neighbourhood plans at Hungerford and Lambourn – both Neighbourhood Areas are within the AONB.
- 6.54 Croudace considers the AONB to be a sensitive location for this scale of growth proposed given its inherent special characteristics. Whilst Croudace is supportive of the need to support the vitality and viability of rural settlements, which may be achieved via the delivery of housing, this should only be essential and directly linked to the needs of the relevant settlements.
- 6.55 The NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONBs which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited.
- 6.56 Croudace has previously undertaken an assessment of four of these sites within its representations to the Regulation 18 stage (**Appendix G**).
- 6.57 It was concluded that sites RSA16, RSA17 and RSA19 are not suitable for development, owing to landscape impacts and thus all three should be removed from the Council's assumed housing supply – this would equate to the removal of 50 units. RSA23 was considered only to be developable in part and therefore this site's yield should be reduced to 10 units, rather than the 20 identified in the LPR.
- 6.58 Removal of inappropriate allocations in the North Wessex Downs AONB should therefore necessitate the removal of a total of 60 units from the Council's assumed supply. In addition, the 55 units directed to the Hungerford Neighbourhood Area should also be removed given the extent to which the NPPF and the LPR's objectives seek to protect the AONB.
- 6.59 However, as set out above, we have already recommended that sites RSA17 and RSA19 (delivering 30 units), and the 25 units to be delivered through the Lambourn Neighbourhood Plan, be removed from the Council's claimed supply due to their potential to be impacted by nutrient neutrality.
- 6.60 **Croudace therefore considers that 85 units should be removed from the Council's claimed supply** (arising from 55 Neighbourhood Plan units, the removal of the allocation at Land North of South End Road, Bradfield Southend (20 units) and the reduction of the allocation at Land adjacent to The Haven, Kintbury (reduced from 20 units to 10 units)).
- 6.61 Part of this shortfall could be made up by allocating land at Henwick Park for development. Henwick Park lies entirely outside of the AONB and its development would not generate adverse landscape impacts. Its location on the edge of Thatcham, which is a highly sustainable settlement, should be preferred over the proposed allocations within the AONB.

### Existing Commitments

- 6.62 Croudace's assessment of the Council's claimed supply has appraised the individual sites which make up the element of supply entitled 'Existing Commitments', from which 1,958 units are expected to be delivered.
- 6.63 The analysis confirms that the following sites should be removed from the supply as they are not considered to be deliverable or developable in line with the tests set out within national policy:

- 1 West Street, Newbury (20 units) – the Council’s assessment of 5YHLS confirms that the site’s planning permission expired in September 2022;
- Bloor Homes, Southern River View House, Newbury Business Park (12 units) – Croudace’s assessment of this site as part of the 5YHLS Assessment deduced that this building was still being marketed for office use, with no developer identified;
- 6 units should be removed from the supply at the existing commitment ‘Market Street redevelopment, Newbury’ due to over-counting of permissions/completions.

6.64 As such, Croudace confirms that **38 units should be removed from the supply**.

### Windfall

6.65 In terms of windfall, the Council makes an allowance for 1,949 units to come forward from Year 4 of the Plan onwards. This equates to 129 dwellings in Year 4, and 140 dpa thereafter.

6.66 Paragraph 6.20 of the LPR states that the windfall allowance does not include sites of 10 or more dwellings, and therefore Croudace has had regard to historic delivery rates to make a judgement as to whether the allowance of 140 dpa is in line with the requirements of the NPPF at paragraph 71, which requires compelling evidence that windfalls provide a reliable source of supply.

6.67 As such, Croudace has drawn upon Table 3.1 of the Council’s 5YHLS Statement, which breaks down net windfall completions since 2006/07.

6.68 Looking solely at sites less than 10 units, the average annual windfall delivery is 141 units, although Croudace considers this to be skewed by a handful of years where performance is significantly improved. In reality, in only five years of the 16-year monitoring period has windfall delivery on small sites reached 140 dpa. In addition, windfall delivery from small non-allocated sites generally has a negative trend as indicated within **Figure 13**.



Figure 13: Delivery on small non-allocated sites (less than 10 units)



- 6.69 Croudace urges the Council to look again at historic windfall delivery rates in a manner that is not influenced so heavily by well performing years. This is pertinent especially in light of current economic conditions, the price of building materials, supply chain issues, shortages of labour and increasing interest rates etc. – which all reduce the likelihood of SME builders meeting the 140 dpa ‘target’.
- 6.70 These issues suggest that historic delivery rates may not continue at the same rate into the future and therefore the Council must take a broader look at windfalls, particularly given small sites within the urban area are a finite resource which dwindles over time, as demonstrated by the trend-line at **Figure 13**.
- 6.71 Instead, Croudace considers that a ‘median’ figure (rather than the ‘mean’) may be more appropriate. The median figure in this case would result in an annual windfall allowance of 126 units. Applied over the same period from Year 4 (2025/26) onwards, this would generate a more modest windfall allowance of 1,764 dwellings.
- 6.72 Croudace therefore applies **a deduction of 185 units from the Council’s assumed supply** for windfall development.
- 6.73 Even with this reduction, approximately 20% of the Council’s supply would still be comprised of windfalls, which is a significant proportion.
- 6.74 Clearly, Croudace does not consider that the reliance on windfalls is a ‘positively prepared’ or ‘effective’ strategy. Instead, the Council should seek to allocate a sufficient quantum of additional sites to provide certainty that the housing requirement (even if it were to remain at 538 dpa) would be delivered. Croudace would like to highlight that the Land at Henwick Park is an unconstrained site which could give greater certainty and therefore credibility to the plan.

#### Existing Allocations Carried Forward / Effects of the Housing Trajectory

- 6.75 The LPR proposes to carry forward 18 existing allocations from the Core Strategy (adopted July 2012) and the HSA DPD (adopted May 2017). These sites are spread across the three spatial areas identified at draft Policy SP1.
- 6.76 Croudace notes that a number of these sites are affected by constraints which are likely to impede development either in totality, or at least through a delayed start on site or lower rate of delivery. For example, Five allocations to be carried forward are located in areas which are constrained by nutrient neutrality as noted in **Table 8**.

Site Name	Proposed Policy Reference	Existing Policy Reference	Approximate Yield (Units)	Units in the 5YHLS Supply 2022-2027	Units Benefitting from Full Planning Permission
Land at Bath Road, Speen, Newbury	RSA2	HSA2	100	11	11
Land adjoining Lynch Lane, Lambourn	RSA14	HSA19	60	0	0
Land at Newbury Road, Lambourn	RSA15	HSA20	5	0	0
Land off Charlotte Close, Hermitage	RSA20	HSA24	15	16	16
Land to the south east of The Old Farmhouse, Hermitage	RSA21	HSA25	10	0	0
<b>Total</b>			<b>190</b>	<b>27</b>	<b>27</b>

Table 8: Existing allocations carried forward into the LPR subject to Nutrient Neutrality constraints

- 6.77 As explained above, Croudace therefore considers that the reliance on five existing allocations within areas constrained by nutrient neutrality to be a fundamental flaw in the plan-making process. These sites are unlikely to be able to deliver residential development within the first five years of the plan period, owing to a lack of available mitigation schemes to offset the likely impacts on nutrients.

- 6.78 Appendix 8 of the LPR and Appendix 2 of the Housing Background Paper set out the anticipated Housing Trajectory across the plan period. The trajectory identifies that only 27 units from the sites listed at **Table 8** are expected to deliver units within the first five years of the plan period – i.e. those with the benefit of full planning permission.
- 6.79 This emphasises the difficulty the Council may find itself in as regards the 5YHLS, by relying upon existing allocations which cannot yet deliver housing.
- 6.80 In Croudace's view, it is not a 'positively prepared', 'justified' or 'effective' strategy to carry forward allocations on sites where there remain such uncertainties. It therefore recommends that allocations RSA2, RSA14, RSA15 and RSA21 are removed from the LPR and alternative land be found to accommodate the 163 units lost as a result.

### Allocations for Specialist Housing

- 6.81 The NPPF at paragraph 62 outlines the importance of considering the size, type and tenure of housing needed for different groups in the community and that these needs should be assessed and reflected in planning policies. Such groups may include older people or those with disabilities.
- 6.82 Such accommodation could include care homes or sheltered, supported or extra care housing for people who may not be in a position to live independently in more traditional forms of housing. In addition, the provision of specialist accommodation for these groups has the potential to free up existing housing stock (e.g. larger family accommodation) to meet more general housing needs.
- 6.83 Whilst draft Policy DM19 (Specialised Housing) generally supports the provision of new specialist forms of housing designed to meet the needs of those with identified support or care needs, no specific allocations are proposed to meet these needs in West Berkshire. Instead there is an expectation that the two strategic housing allocations at Sandleford Park and North East Thatcham will provide specialist accommodation as an integral part of their mix. In Croudace's view, this is grossly insufficient to meet the scale of needs set out within the evidence base.
- 6.84 Croudace provides the Council with two alternative ways in which this could and should be addressed.
- 6.85 Firstly, the most logical approach would be to allocate specific sites, or parts of sites (alongside more general market and affordable housing), to meet specialist housing. In this vein, Croudace wishes it to be known that Henwick Park offers the obvious potential to provide specialist housing in a sustainable location with good access to local services and space for appropriate on-site amenity. As explained at Section 2 of these representations, any proposal to bring forward residential development at Henwick Park could feasibly include specialist accommodation to meet the needs of certain groups.
- 6.86 Alternatively, another approach would be to introduce a specific mechanism in planning policy which supports the provision of specialist housing outside of settlement boundaries, subject to certain criteria. For example, the South Northamptonshire Council model in Policies LH6 and LH7 of its Part 2 Local Plan (**Appendix J**). These policies provide support for proposals bringing forward housing for older persons, specialist housing, residential care and nursing care on land directly adjoining settlement 'confines' (i.e. boundaries) where certain criteria relating to sustainability, design, highways and parking and amenity space is met, and where there is evidenced need for the facility and no preferential sites within settlement confines are available.
- 6.87 By taking the latter approach, the Council could help to deliver land for specialist housing without needing to specifically allocate it for development. In essence, the market for that type of housing would determine appropriate locations for growth and it would not be reliant on spatial allocations for delivery.

## Self and Custom-Build

- 6.88 Whilst Croudace is encouraged to see that Policy SP18 (Housing Type and Mix) outlines support for the principle of self and custom-build housing, only two proposed allocations within the plan (SP17 – North East Thatcham Strategic Site Allocation which requires 3% to be delivered via serviced custom/self-build plots; and RSA7 – 72 Purley Rise, Purley on Thames which more vaguely requires ‘an element’ of self or custom-build homes).
- 6.89 To increase the variety in the supply of land for residential development, Croudace considers that the Council actively seeks to meet the needs for self and custom-build housing by outlining locations where this type of accommodation would be supported and allocating sites to deliver it. Without doing so, the LPR does not meet the tests of soundness and Croudace cannot support it.

## Adding Sufficient Flexibility

- 6.90 Overall, Croudace considers there to be an inherent lack of flexibility built into the LPR, which raises concerns that it is not an ‘effective’ strategy:
- a. The LPR should allocate a sufficient quantity of smaller, deliverable sites (such as Henwick Park for development immediately); and
  - b. The LPR should look to allocate a reserve supply of sites (i.e. ‘Plan B’ sites) if the projected housing land supply does not materialise as predicted.
- 6.91 As touched upon earlier, large strategic sites can take many years to assemble (e.g. Sandleford Park) and sometimes some do not materialise whatsoever. For example, there may be uncertainty surrounding such issues as the need to overcome constraints relating to land ownership, agreeing masterplans, securing planning consent, agreeing S106 agreements, discharging conditions and funding and constructing new infrastructure etc. It can therefore take a significant period of time for strategic sites to yield completions, which should not be underestimated.
- 6.92 Croudace urges the Council to allocate a range of unconstrained, smaller, less strategic sites that can complement those strategic allocations in helping to meet housing needs. Deliverable sites such as Henwick Park can help to boost housing delivery in the short term to plug the gap in delivery before strategic sites begin to deliver housing.
- 6.93 We believe the Council should also be requested to consider allocating a stock of reserve or ‘Plan B’ sites<sup>16</sup>, providing an additional buffer of housing land within the plan period. Such land could be released under specific circumstances (such as a lack of 5YHLS or failing the Housing Delivery Test, or where accommodating unmet needs from Reading, for example). This would create inherent flexibility in the LPR thereby avoiding lengthy delays associated with undertaking another Local Plan Review or a more comprehensive update.
- 6.94 Alternatively, a policy allowing the development of land outside of settlement boundaries where certain circumstances arise (such as no five-year housing land supply, as per Fareham at **Appendices H and I**) or constraints-based criteria are met could be considered. Sites with no constraints could then provide additional flexibility.

<sup>16</sup> See the approach of West Lancashire’s Local Plan Policy RS6 ‘A “Plan B” for Housing Delivery in the Local Plan’ (**Appendix K**).



6.95 Finally, flexibility could be written into the plan by following a similar approach to South Northamptonshire (**Appendix J**), where certain types of specialist housing are supported outside of settlement boundaries subject to the meeting of several criteria and a clear evidencing of need and lack of available alternative sites.

## 7. Conclusion

- 7.1 Following a review of the LPR and the associated evidence base, Croudace firmly considers that the Plan as currently drafted is not legally compliant and cannot be found ‘sound’ in line with the tests outlined at paragraph 35 of the NPPF.
- 7.2 Fundamental changes are required in order to ensure that the LPR is ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’, as well as being legally compliant.

### Changes Required to the Plan

- 7.3 In summary, Croudace concludes the following changes are required in order to make the plan ‘sound’:
- a. **Extension of the plan period** – upon adoption, it is likely that the LPR would look ahead only 14 years, whereas the NPPF requires plans to look ahead for a minimum of 15 years. Croudace requests that the Council extend the plan period by at least one year to at least 2039/40 in order to ensure that the LPR is ‘positively prepared’ and ‘consistent with national policy’.
  - b. **Adoption of a more ambitious approach to plan-making by increasing the housing requirement** – the adoption of a mere 5% buffer over and above the LHN figure is unambitious, constricting and inconsistent with all tests of soundness. Croudace considers that the housing requirement should be higher to provide greater flexibility and surety that housing needs can be delivered across the plan period. In addition, an increased housing requirement to assist Reading in meeting its unmet needs, ensuring the delivery of affordable, specialist and self and custom-build housing and reflecting a necessary increase to the plan period would make for a more appropriate strategy.
  - c. **Making a more realistic assessment of housing land supply** – Croudace calls on the Council to make a more accurate, realistic and therefore ‘effective’ assessment of housing land supply, reducing reliance on windfall development and removing allocations which are not deliverable. This would have the effect of reducing the supply of housing to a level which would mean the Council would need to allocate additional land for housing on readily available sites.
  - d. **A reduction in the reliance on the large strategic site at North East Thatcham** – large strategic sites such as that proposed at North East Thatcham can take many years to begin delivering housing and can often run into difficulties with land assembly and infrastructure requirements. By relying solely on one large strategic site in one of the key growth areas, the Council runs the risk of not delivering housing in an area where it is much needed until much later, or even beyond the plan period. Croudace do not consider this to be a ‘justified’ or ‘effective’ strategy.
  - e. **A reduction of the level of growth proposed in the North Wessex Downs AONB** – the AONB is offered the highest level of protection by national planning policy and therefore the Council should not be seeking to direct any more growth to it in preference to other less constrained areas than is absolutely essential. To do so is not ‘justified’ or ‘consistent with national policy’. Croudace’s assessment of the sites proposed for allocation within the AONB shows that they are largely unsuitable for development in any event and therefore the proposed allocations should be removed from the Council’s claimed housing supply.
  - f. **The removal of allocations in areas affected by nutrient neutrality** – the LPR proposes new allocations in areas affected by nutrient neutrality, and proposes to carry forward HSA DPD allocations affected by the

issue. Croudace does not consider it to be a 'justified' or 'effective' strategy to rely on sites which have uncertain delivery timeframes to deliver housing in areas which need delivery early in the plan period. By opting to allocate such sites, the Council risks restricting the supply of housing and forcing itself into a position where it may not be able to demonstrate a 5YHLS soon after adoption of the LPR.

- g. **Ensuring the needs for all types of housing are accounted for** – the LPR at present does not specifically allocate land for specialised housing and only allocates land for a small number of self and custom build homes in one area. Croudace encourages the Council to re-think this strategy to ensure that the needs of all members of the community are accounted for, particularly in light of the needs outlined within the LPR's evidence base. As it stands, the LPR is not 'consistent with national policy' or 'positively prepared', in this regard.
- h. **The identification of land to provide inherent flexibility for the future** – if not making sufficient allocations at this stage, the Council should look to provide sufficient flexibility in the plan to adapt to potential changing circumstances in the future by identifying reserve (i.e. 'Plan B') sites which can be brought forward for development in specific circumstances, or by looking to support development outside of settlement boundaries in specific circumstances. This would be a much more 'positively prepared' and 'effective' strategy.
- i. **Consideration and allocation of sustainable, reasonable alternative sites** – such as Henwick Park, in order to address the above issues.

- 7.4 Croudace considers that the LPR fails to meet the legal compliance requirements of the Planning and Compulsory Purchase Act 2004 by not properly considering all reasonable alternatives to meet a variety of challenges faced by the LPR. Henwick Park, for example was dismissed as a strategic site but not even considered as a non-strategic option by the SA/SEA.
- 7.5 If the site were properly assessed as a non-strategic option, Croudace is confident that the Council would find Henwick Park's ability to be delivered, crucially in absence of constraints and within the first five years of the plan period, of benefit to its housing land supply position. Furthermore, its allocation would add more choice to the land identified for the delivery of housing and would help to make a meaningful contribution to the delivery of a range of housing in the short-term, which will deliver the much required housing that West Berkshire needs.
- 7.6 Croudace strongly urges the Council to reconsider the Regulation 19 LPR before it submits the Plan to the Planning Inspectorate to address the above failures in soundness and legal compliance. If it does not do so, Croudace will respectfully ask the appointed examining Inspector to find the Plan unsound in the absence of such modifications.





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## Appendix A – EIA Screening Opinion (23/00114/SCREEN)

3<sup>rd</sup> February 2023



**Development & Regulation**

Council Offices  
Market Street, Newbury  
Berkshire, RG14 5LD

**Our Ref:** 23/00114/SCREEN

**Your Ref:** 30695/1

**Contact Centre:** 01635 519111

**Email:** planapps@westberks.gov.uk

By email: [REDACTED]

Dear [REDACTED]

**Screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulation 2017**

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**Reference:** 23/00114/SCREEN

**Site:** Land West Of Heath Lane and North Of Bowling Green Road, Thatcham

**Proposal:** Outline application (with all matters reserved except for access) for residential development and specialist housing for older people, together with access from Bowling Green Road and Cold Ash Hill, public open space, landscaping, sustainable drainage systems, and associated works and infrastructure.

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Thank you for your letter dated 17<sup>th</sup> January 2023. In accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Council is required to adopt a screening opinion as to whether the proposal constitutes 'EIA development', and therefore whether Environmental Impact Assessment (EIA) is required as part of the decision-making process. Information on EIA is available from the Planning Practice Guidance:

<https://www.gov.uk/guidance/environmental-impact-assessment>

The proposed development falls within the column 1 description at paragraph 10(b) Urban development projects of Schedule 2. It is not located in a sensitive area, however it is close to the North Wessex Downs Area of Outstanding Natural Beauty. It does meet/exceed the relevant threshold in column 2. This is because (i) the development includes more than 150 houses and (ii) the overall area of the development exceeds 5 hectares. The proposal is therefore "Schedule 2 development" within the meaning of the Regulations.

However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is **NOT considered "EIA development"** within the meaning of the Regulations. An Environmental Statement is not required. Please see the written statement in Annex A to this letter, which gives the reasons for this screening opinion.

The judgements on the significance of the effects on the environment are made solely in relation to the EIA Regulations, and any conclusions that 'significant environmental effects' are unlikely in terms of the Regulations does not necessarily denote that such impacts would be regarded as acceptable when considering a planning application. Neither the screening



opinion, nor any statement within this letter, should be construed as precluding the Council from concluding that the development would have environmental impacts, albeit not significant in terms of the Regulations.

A copy of this screening opinion will be placed on the Planning Register. If you wish to discuss this screening opinion, please contact Sian Cutts on 01635 519344 or [sian.cutts@westberks.gov.uk](mailto:sian.cutts@westberks.gov.uk).

Yours sincerely

*Bob Dray*  
**Acting Development Control Manager**

Enc. Annex: Screening Opinion Written Statement

## ANNEX – SCREENING OPINION WRITTEN STATEMENT

Case Details:	
Reference:	23/0114/SCREEN
Stage/Type:	Pre-application screening
Relevant history:	15/02938/SCREEN 15/01949/OUTMAJ 16/01508/OUTMAJ
Has the applicant supplied an ES for the current or previous (if reserved matters or conditions) application?	No

Schedule 1	
Is the proposed development Schedule 1 development as described in Schedule 1 of the EIA Regulations?	No
If YES, under which description of development i.e. Nos. 1-24?	N/A

Schedule 2	
Is the proposed development Schedule 2 development as described in Column 1 of Schedule 2 of the EIA Regulations?	Yes
If YES, under which description of development in Column 1 i.e. Nos. 1- 13?	10(b) – Urban Development Project
Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations?	Yes
If YES, which area?	North Wessex Downs Area of Outstanding Natural Beauty
Are the applicable thresholds/criteria in Column 2 exceeded/met?	Yes
If yes, which applicable threshold/criteria?	(ii) the development includes more than 150 dwellings (iii) the overall area of the development exceeds 5 hectares
Is it necessary to issue a screening opinion?	Yes

Decision	
Is an ES required?	No
Reason	<p>Whilst the proposed development meets the definition of Schedule 2 development in column 1 regard must be had to the section criteria set out in Schedule 3. Having regard to this criteria the proposed development is considered as follows;</p> <p><b>Characteristics of the development</b></p> <ul style="list-style-type: none"> <li>a) The development is proposing up to 325 dwelling units together with public open space provision, sustainable drainage systems and associated works, on land which is adjacent to the built up area of Thatcham, which is suburban in nature, with a significant part of the site remaining undeveloped, and so the size and design of the development could be considered within the scope of the planning application.</li> <li>b) The consideration of the culmination of the development can be considered within the scope of a planning application</li> <li>c) The assessment of impacts on soil, land, water and biodiversity can</li> </ul>

- be considered within the scope of the planning application.
- d) The proposal will result in waste through the construction phase, and ongoing through household waste management which would be assessed during the consideration of a planning application
  - e) The risk of pollution would be considered within the planning application, and is not considered to have a significant impact
  - f) The proposal is unlikely to increase the risk of major accidents
  - g) No significant risks to human health are anticipated, and air pollution risk would be assessed as part of the application process

#### **Location of the Development**

- (a) The site is proposing residential development adjacent to the existing settlement of Thatcham, and can be considered within the scope of a planning application
- (b) The proposal includes providing approximately half of the site for use public open space, which the context of the edge of the settlement and adjacent agricultural land and wildlife site.
- (c) The site is close to the boundary with the North Wessex Downs Area of Outstanding Natural Beauty, however given the area of agricultural land and residential area of Cold Ash which separates it from the site it is not considered to be a significant impact. On the protected landscape. The site is adjacent to residential development, and includes the provisions of public open space. The consideration of the development within its landscape setting would be considered within the planning application.

#### **Types and characteristics of the potential impact of the development**

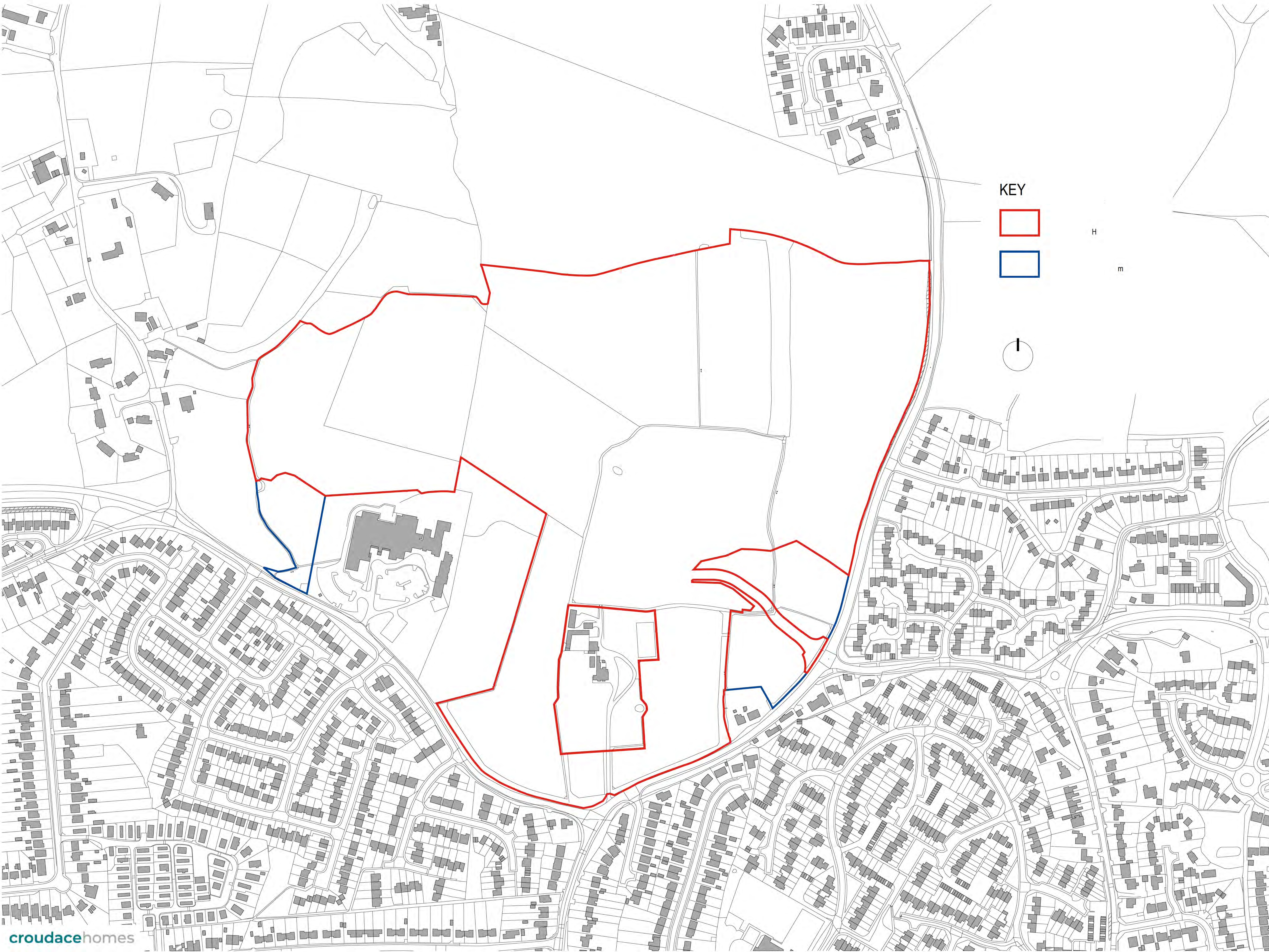
The impacts of the assessed above do not have any transboundary implications, The magnitude, intensity and complexity of the impact of the development and the probabilities of the impacts would be assessed within the scope of the planning application, and are likely to be limited to local viewpoints, and localised effects. Whilst the development is likely to be irreversible there would be mitigation measures assessed within the planning application to provide mitigation of those effects. The cumulative impacts of the proposal in the context of the adjacent built-up area would be considered in the context of the planning application.

Overall, the potential environmental effects of the development are considered insignificant in terms of the EIA Regulations.



## Appendix B – Site Location Plan



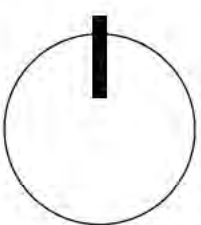


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**Appendix C – Secretary of State Decision  
(APP/WO340/W/16/3144193)**





Department for  
Communities and  
Local Government

Steven Doel  
Nexus Planning  
Suite A  
3 Weybridge Business Park  
Addlestone Road  
Weybridge  
Surrey  
KT15 2BW

Our ref: APP/WO340/W/16/3144193  
Your ref: 15/01949/OUTMAJ

27 July 2017

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY CROUDACE HOMES LTD  
LAND AT HENWICK PARK, WEST OF HEATH LANE AND NORTH OF BOWLING  
GREEN ROAD, THATCHAM, BERKSHIRE  
APPLICATION REF: 15/01949/OUTMAJ**

1. I am directed by the Secretary of State to say that consideration has been given to the report of John Chase MDC, Dip Arch, RIBA, MRTPI, who held a public local inquiry between 15 November and 7 December 2016 into your client's appeal against the decision of West Berkshire Council ("the Council") to refuse your client's application for planning permission for up to 265 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas; provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan in accordance with application ref: 15/00296/OUTMAJ, dated 17 December 2015.
2. On 1 April 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed and outline planning permission be granted subject to the conditions set out in Annex 3 of the Inspector's Report (IR).
4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation, dismisses the appeal and refuses planning permission. A copy of the IR is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Department for Communities and Local Government  
Phil Barber, Decision Officer  
Planning Casework  
3rd Floor Fry Building  
2 Marsham Street  
London SW1P 4DF

Tel: 0303 44 42853  
Email: [PCC@communities.gsi.gov.uk](mailto:PCC@communities.gsi.gov.uk)

## **Procedural matters**

5. Following submission of the appeal, the appellants prepared revised proposals for a reduced scheme of 225 houses, in order to address some of the grounds of refusal. The Council do not resist the substitution and have notified local residents of the new scheme, giving them time for responses.
6. The Secretary of State does not consider that the reduced scheme of 225 houses raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal. He is satisfied that no interests have thereby been prejudiced and has determined the appeal on that basis.

## **Matters arising since the close of the inquiry**

7. Following the close of the original inquiry, the Secretary of State received representations from the Council which were sent to the Planning Inspectorate on 10 April 2017. These included information on an updated five year housing land supply (HLS) and the Inspector's Report for the Housing Site Allocations Development Plan Document (DPD) dated 6 April 2017 which was due to be adopted on 9 May 2017. The Secretary of State also received representations from your company on behalf of your clients on 23 March 2017 and Barton Willmore on 29 March 2017.
8. On 3 May 2017 the Secretary of State wrote to the parties to afford them the opportunity to comment on the additional information referred to in paragraph 7 above. The Secretary of State has taken the representations received into account in reaching his decision. A list of representations received is at Annex A.
9. On 9 May 2017 the Housing Site Allocations DPD was formally adopted by West Berkshire Council.
10. On 17 May 2017, the Secretary of State wrote to the parties to afford them the opportunity to comment on the implications, if any, of the Supreme Court judgment on the cases of Cheshire East BC v SSCLG and Suffolk DC v SSCLG which was handed down on 10 May 2017. These representations were recirculated to the main parties who were invited to comment on the representations of other parties. These additional representations were recirculated. A list of representations received is at Annex A.
11. Copies of all the correspondence referred to above can be obtained upon request to the address at the bottom of the first page of this letter.

## **Policy and statutory considerations**

12. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
13. In this case the development plan consists of saved policies from the West Berkshire District Local Plan (2002); the Core Strategy (2012); and the Housing Site Allocations DPD which was adopted on 9 May 2017. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR175. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the

Guidance'), as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

### **Main issues**

14. The Secretary of State agrees with the Inspector that the main issues are those set out at IR 146-147, taking account of the subsequent adoption of the Site Allocations DPD.

#### *Housing Land Supply*

#### *Assessment of Need*

15. The Secretary of State has carefully considered the Inspector's analysis of assessment of need at IR150, including the finding that the Strategic Housing Market Assessment (SHMA) assessed a need of 665 dwellings per annum (dpa) in West Berkshire.
16. With regard to the demographic assessment, for the reasons given at IR151, the Secretary of State agrees that the similarity of outcome between different methodologies diminishes the extent to which the alterations sought by the appellants would have a material effect on the assessment of demographic need. For the reasons given at IR152-153, the Secretary of State agrees that it has not been shown that the SHMA has failed to take account of relevant factors, nor that its methodology is fundamentally flawed in respect of demographic assessment.
17. He further agrees, for the reasons set out by the Inspector, that the evidence falls short of proving that the SHMA has significantly underestimated the level of in-migration (IR154).
18. The Secretary of State, for the reasons given at IR155-158, agrees that the evidence falls short of proving that the basis of the SHMA employment estimate is unduly pessimistic in its approach. Similarly, he agrees that the alternative evidence does not prove that the SHMA is wrong on the source and quality of data to set activity rates, commuting ratios and whether double jobbing should be taken into account.
19. For the reasons set out by the Inspector at IR159, the Secretary of State agrees the SHMA assesses need throughout the Housing Market Area, and it is not counter to the Guidance if appropriate adjustments are made between authorities.
20. The Secretary of State agrees, for the reasons given at IR160-161, that the proposed uplift in response to market signals does not seem unreasonably low.
21. With regard to affordable housing, the Secretary of State, for the reasons set out by the Inspector at IR162-164, agrees that the Council has addressed the need for affordable housing, and the evidence does not show that the criteria used are either so adrift of normal practice, or that the expectations of the level of delivery are so unrealistic, as to justify rejecting the SHMA figure on those grounds.
22. For the reasons given at IR165-166, the Secretary of State agrees with the Inspector that with regard to the report to Government of the Local Plans Expert Group (LPEG), it is not possible to give substantial weight to the relevant LPEG proposals.

#### *Conclusions on Housing Need*

23. The Secretary of State agrees that while the SHMA has not been tested at a Local Plan Examination, there were opportunities for third party involvement while it was being drawn



up. He further concludes that the representations of the appellant fall short of proving that the SHMA is fundamentally flawed in its methodology or results. While some of the data is now of some age, he conclude, in agreement with the Inspector, that any variation is not of such significance as to invalidate the results. The Secretary of State thus agrees with Inspector's conclusions at IR167-168 that there are grounds to consider that 665 dpa is an adequately realistic measure of the objectively assessed need in West Berkshire, and he has used this as his starting figure.

### *Land Supply*

#### *The Buffer*

24. The Secretary of State has carefully considered the Inspector's analysis of the buffer at IR169-172 and carefully considered the Inspector's conclusion that there are grounds to consider that there is a record of persistent under delivery and that a buffer of 20% is now justified. However, the Secretary of State disagrees with the Inspector's conclusions. In coming to this conclusion, the Secretary of State has had regard to report into the West Berkshire Housing Site allocations DPD and the DPD Inspector's conclusions (DPD IR134) that the housing supply situation is satisfactorily monitored with no reasons to conclude that there is any significant threat to the delivery of housing in West Berkshire. The Secretary of State also concludes that while there has been an undersupply in 6 of the past ten years, this has been in part due to the influence of the recession. As such he finds that a 5% buffer is appropriate.
25. It is common ground between the parties that there is a shortfall of 417 dwellings. As such the Secretary of State concludes that net housing need is 3,742  $[(665 \times 5) + 417]$ , to which he adds a 5% buffer, to give an overall housing need of 3,929 units.

#### *Deliverable Housing Land*

26. The Secretary of State has carefully considered the Inspector's analysis of deliverable housing land at IR 173-179. With regard to Sandleford Park, the Secretary of State has considered the Inspector's conclusions, and had regard to the representations of the parties, and agrees with the Inspector that it should be removed from the figures for deliverable sites given doubts as to whether it will deliver within the 5 year period.
27. The Secretary of State has gone on to consider the Core Strategy site at Newbury Racecourse (IR175). Given the revised trajectory of February 2017 from the developer, and noting that units on the site are selling well and that development is now under way on the third phase of the site, the Secretary of State concludes that it is realistic to deduct only 102 sites from the delivery figures, to give a total of 873 dwellings at the site.
28. With regard to the J&P Motors site, the Secretary of State notes that there is no indication of any legal impediment to the use of the land for housing, there is an implemented planning permission, and there is recent evidence of the involvement of the developer (IR176). As such he agrees with the Inspector that this site will deliver housing within the five year period. With regard to the Lakeside site in Theale, the Secretary of State disagrees with the Inspector, given the uncertainty as to whether the site will begin to deliver within the five year period, he has excluded the site from his calculations, disagreeing with the Inspector.

29. The Secretary of State has also excluded 160 units on land off Faraday and Kelvin Road from his calculations, given that the lease situation means that it is not certain that the site will deliver within the five year period.
30. The Secretary of State has had regard to the Inspector's analysis at IR178 on the Market Street site, and notes that the s106 Agreement has now been signed and planning permission granted. For that reason, and for the reasons set out by the Inspector, that delivery of 232 units from this site within 5 years is not an unreasonable expectation. He further agrees, for the reasons set out by the Inspector, that there is not a substantial reason to exclude the Pound Lane Depot site from his calculations.
31. The Secretary of State has had regard to representations concerning the Land adjacent to Hilltop site. However, given that planning permission has now been granted following appeal, he concludes that it is reasonable that 200 units will be delivered within the five year period.
32. With regard to Land adjacent Pondhouse Farm; Land at Poplar Farm; 72 Purley Rise; and Field between A340 and The Green; and Land adjacent to Lynch Lane, the Secretary of State has taken into account representations on reducing the figure of deliverable dwellings, and those representations of the Council (Annex 2) stating that the sites are available, and early delivery is expected.
33. With regard to South East Newbury (2); and South East Newbury (3), the Secretary of State has had regard to the representations on reducing the figure of deliverable dwellings, and the representations of the Council stating that the sites are available, and delivery is expected in the later phase of NEW047.
34. The Secretary of State has also had regard to the Inspector's analysis of DPD allocations at IR177. In addition he has had regard to the fact that the DPD has now been adopted. The Secretary of State has taken into account the DPD Inspector's conclusions that that the housing supply situation is satisfactorily monitored and that there are no reasons...to conclude that there is any significant threat to the delivery of housing in West Berkshire. For those reasons, and those given by the Inspector, he concludes that there is insufficient evidence to conclude that these sites will not deliver within the five year period.
35. As such the Secretary of State concludes that 873 dwellings can be taken into account at Core strategy sites (Newbury Racecourse), and 1,076 from DPD allocated sites. He includes 443 dwellings at permitted sites under 10 units, and 1,175 dwellings at larger permitted sites. He includes 279 sites without planning permission, and 261 units on sites allocated through the prior approval process. To this figure he adds a windfall allowance of 192 dwellings.

#### *Conclusion on housing land supply*

36. The Secretary of State thus concludes that the Council can deliver a total of 4,299 dwellings within the five year period. Setting this against a 5 year requirement of 3,929 dwellings, as set out above, the Secretary of State concludes that there is a surplus of 370 dwellings, or a 5 year supply of 5.47 years.
37. As such, for the reasons set out above the Secretary of State disagrees with the Inspector and concludes that in his judgement the local planning authority can now demonstrate a 5 year supply of deliverable housing sites.



## *Development Plan Policy*

### *Whether the proposal complies with the development plan*

38. The Secretary of State has gone on to consider the Inspector's discussion regarding the development plan (IR181-186) in the context of the Council now being able to demonstrate a 5 year HLS.
39. The Secretary of State has had regard to Core Strategy Policy CS1 and considers that the proposal does not comply with any of the identified 4 categories of land. The appeal site is not one of the sites which has been chosen in the Site Allocations DPD. However, the Secretary of State considers that the wording is not wholly prohibitive of development outside these categories (IR182).
40. The Secretary of State agrees with the Inspector at IR183 that the location of the appeal site would meet a number of the criteria in Core Strategy Policy ADPP1. For the reasons given at IR178, the Secretary of State agrees with the Inspector that the land falls below the settlement hierarchy. As the appeal site lies within land composed of agricultural fields with the characteristics of open countryside, the proposal is subject to the final bullet point of Core Strategy Policy ADPP1, which allows only limited development which addresses identified needs and maintains a strong rural economy. The Secretary of State therefore agrees with the Inspector that the proposal would not comply with this aspect of the development plan (IR184).
41. The Secretary of State has given careful consideration to the Inspector's discussion regarding Core Strategy Policy ADPP3 at IR185. Policy ADPP3 indicates that approximately 900 homes are to be provided in Thatcham during the plan period. For the reasons given at IR185, the Secretary of State agrees with the Inspector's conclusion that 900 homes should not be viewed as a ceiling, and the wording of ADPP3 does not directly restrict development to this level.
42. The Secretary of State agrees with the Inspector at IR186 that Policy C1 in the Site Allocations DPD includes a presumption against new residential development outside settlement boundaries.

### *The weight to be attributed to policies*

#### *The Site Allocations DPD*

43. The Secretary of State has carefully considered the Inspector's comments at IR190, and agrees that the relevant policies for the supply of housing are CS1, ADPP1, ADPP3 and C1.
44. The Secretary of State has given careful consideration to the Inspector's analysis at IR188-190, but disagrees with his conclusions. He agrees that the intention to protect rural areas by restricting development outside settlement boundaries is not inconsistent with the Framework. He further agrees that the site allocations DPD amends the settlement boundaries to allow more land for housing. While he agrees that the DPD is based on the Core Strategy, which was not based on an objective assessment of need, he notes that Policy CS1 treats housing numbers as a minimum, allowing for their review and update over time to reflect housing need. He thus concludes, in the context of the Council demonstrating a 5 year housing land supply, that the housing policies of the Local Plan are

consistent with the Framework and that the application of paragraph 14 of the Framework is not triggered.

45. For the reasons given at IR191, the Secretary of State agrees that the proposal would be in conflict with policies ADPP1 and C1.

#### *Other Matters*

46. For the reasons given at IR193-194, the Secretary of State agrees with the Inspector that there is no reason to conclude that the land cannot be satisfactorily drained, and that a planning condition would enable scrutiny of the details of the scheme.
47. For the reasons given at IR195-196, the Secretary of State agrees with the Inspector that there is no indication that the development would have a harmful effect on the setting of the Area of Outstanding Natural Beauty. He further agrees with the Inspector that the scheme would avoid an unduly harmful visual impact.
48. For the reasons given at IR197, the Secretary of State agrees with the Inspector that there are not substantial grounds to challenge the conclusions of the Transport Statement of Common Ground. He further agrees that the evidence does not prove that the housing could not be adequately served by local facilities and infrastructure. He further agrees that the scheme would lead to some disturbance of wildlife, but the retention of open space, and measures to protect and enhance habitats, would help to minimise any harm.
49. The Secretary of State agrees with the Inspector's conclusion at IR198 that these matters raised at IR193-197, and the other matters raised.

#### **Planning conditions**

50. The Secretary of State has given consideration to the Inspector's analysis at IR140-144, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

#### **Planning obligations**

51. Having had regard to the Inspector's analysis at IR199-200, the planning obligation dated 2 December 2016, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR 199-200 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.



## **Planning balance and overall conclusion**

52. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Core Strategy policies CS1, CS 14, CS19, ADPP1, ADPP3 and DPD Policy C1, and is therefore not in accordance with the development plan overall. The Secretary of State concludes that, as the Council can demonstrate a 5 year housing land supply, the application of paragraph 14 of the NPPF is not triggered, and as such the proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.
53. The Secretary of State considers that the addition of up to 225 homes in an accessible location would contribute to the Council's housing supply, and meet some of the objectives identified in the SHMA, including increased affordability, and accommodation for a workforce to support economic growth, and he affords this benefit moderate weight. He also finds that the development would contribute to local investment during the construction phase, and a market for local goods and services thereafter, to which he affords moderate weight. Up to 90 affordable homes would meet a need for lower cost housing in the area, which attracts significant weight. The Secretary of State also considers that there would be the wider benefits of additional investment in flood control within the context of the town's surface water scheme, and the provision of public open space, to which he grants moderate weight.
54. The Secretary of State considers that there is no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing. He also finds that the additional development would provide the opportunity for greater investment in local infrastructure, and he affords this benefit moderate weight.
55. Against this the Secretary of state weighs the conflict with policies CS1, ADPP1, ADPP3 and DPD Policy C1, and he affords this conflict substantial weight in the context of a 5 year housing land supply and a now made DPD.
56. The Secretary of State also weighs against the proposal the replacement of agricultural land with suburban development which would lead to a change in character of the land. However, the Secretary of State considers that the impact of this change would be limited, not out of keeping with the present character of the area, and without having an unduly damaging effect on the setting of either Thatcham or Cold Ash. As such he gives this conflict moderate weight.
57. Having regard to the conflict with the development plan as a whole and taking account of the policy set out in paragraph 196 of the Framework, and the other harms, the Secretary of State therefore concludes that there are no material considerations sufficient to indicate that the proposal should be determined other than in accordance with the development plan. He concludes that the appeal should be dismissed and planning permission refused.

## **Formal decision**

58. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for up to 225 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham

Surface Water Management Plan in accordance with application ref: 15/00296/OUTMAJ, dated 17 December 2015.

**Right to challenge the decision**

59. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
60. A copy of this letter has been sent to West Berkshire Council and notification has been sent to others who asked to be informed of the decision.
- Yours faithfully

*Philip Barber*

Authorised by Secretary of State to sign in that behalf



## **Annex A – Schedule of representations**

### **SCHEDULE OF REPRESENTATIONS**

#### **General representations**

<b>Party</b>	<b>Date</b>
Steven Doel Nexus Planning	23 March 2017
Mark Owen Barton Willmore	29 March 2017
Bob Dray West Berkshire Council	10 April 2017, 12 April 2017

#### **Representations received in response to the Secretary of State's letters of 3 May 2017 and 17 May 2017**

Steven Doel Nexus Planning	17 May 2017, 31 May 2017
Kim Cohen Barton Willmore	17 May 2017, 15 June 2017
Sinéad O Donoghue West Berkshire Council	17 May 2017
Bob Dray West Berkshire Council	1 June 2017
Clare Jenner West Berkshire Council	15 June 2017

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# **Report to the Secretary of State for Communities and Local Government**

**by John Chase MCD, Dip Arch, RIBA, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 4 April 2017**

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**TOWN AND COUNTRY PLANNING ACT 1990**

**WEST BERKSHIRE DISTRICT COUNCIL**

**APPEAL BY**

**CROUDACE HOMES LIMITED**

Inquiry held on 15 November to 7 December 2016

Land at Henwick Park, West of Heath Lane and North of Bowling Green Road, Thatcham, Berkshire

File Ref: APP/W0340/W/16/3144193

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## **ABBREVIATIONS USED IN REPORT**

AONB	Area of Outstanding Natural Beauty
CIL	Community Infrastructure Levy Regulations 2010
DCLG	Department for Communities and Local Government
dpa	Dwellings per annum
DPD	Development Plan Document
HLS	Housing Land Supply
HMA	Housing Market Area
LEP	Local Enterprise Partnership
LPEG	Local Plans Expert Group
LVIA	Landscape and Visual Impact Assessment
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
OBR	Office for Budget Responsibility
para	Paragraph
PPG	Planning Practice Guidance
SA/SEA	Sustainability Appraisal/Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
WBC	West Berkshire District Council

**File Ref: APP/W0340/W/16/3144193**

**Land at Henwick Park, West of Heath Lane and North of Bowling Green Road, Thatcham, Berkshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Croudace Homes Ltd against the decision of West Berkshire Council.
- The application Ref 15/01949/OUTMAJ, dated 9 July 2015, was refused by notice dated 17 December 2015.
- The development proposed is up to 265 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan.

**Summary of Recommendation: That the Appeal be Allowed.**

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**Procedural Matters**

1. At the Inquiry this appeal was conjoined with an appeal by A2Dominion Developments Ltd for 495 houses and associated works at Siege Cross, Land North of Bath Road, Thatcham, Berkshire (APP/W0340/W/15/3141449). Housing land supply and policy matters common to both appeals were dealt with in joint sessions. For ease of reference, the present appeal is entitled Appeal B, and Siege Cross is Appeal A.
2. Document references (in bold italic) relate to the schedule at Annex 2. This contains the full schedule for both appeals, as there was sharing of some documents.
3. The planning application was made in outline, with all matters reserved except access. It was accompanied by a range of reports and illustrative plans, identified at Sections **CD2/B** and **CD2.1/B** in Annex 2.
4. The Council refused the planning application on the grounds that 1) there was a failure to enter planning obligations to mitigate the effect of the development on public open space and local ecology, and to provide affordable housing; 2) the site is green-field land outside the settlement boundary, where there is a presumption against new housing, and its development would be contrary to the strategic aims for Thatcham and premature to the emerging Housing Site Allocations DPD; 3) the proposal would be harmful to the landscape character of the area and the setting of the Area of Outstanding Natural Beauty, and erode the separation of Thatcham and Cold Ash; 4) there would be a need for the mitigation of the impact on local highways infrastructure, and 5) the development would have an unacceptable effect on mature trees. The decision notice is at **CD3/B/2**.
5. Following submission of the appeal, the appellants prepared revised proposals for a reduced scheme of 225 houses, in order to address some of the grounds of refusal. Illustrative plans of the new arrangement are shown at documents **CD1/B/13-17**. Whilst the alterations amount to a significant reduction in the number of houses, they affect a limited part of the site, with proposals for the remainder of the land being largely unchanged. The Council do not resist the substitution, and have notified local residents of the new scheme, giving time for

responses. The amendments are not such a departure from the original application as to amount to a substantially different arrangement, and there are no grounds to consider that any third party would be unduly prejudiced by the change. For these reasons, it is recommended that the revised scheme be accepted for consideration in the appeal, and this report has been prepared on that basis.

6. The description shown in the title box is therefore amended to that given in the appellants' planning proof of evidence, being: *"The development proposed is up to 225 residential dwellings (Class C3) with associated vehicular, pedestrian, and cycle accesses, public open space, provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan"*.
7. The Council accept that the amended scheme overcomes concerns about landscape and trees (reasons for refusal 3 and 5), whilst reasons 1 (obligations) and 4 (highways) are resolved by the submission of a Unilateral Undertaking, the details of which are discussed below. Reason 2, concerning the principle of development of the land, remains as a ground of refusal.
8. Screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been carried out, determining that, whilst there may be some impact on the surrounding area as a result of the development, the proposal is not of a scale and nature likely to result in significant environmental effect, and an Environmental Impact Assessment is not required.
9. The appeal has been recovered by the Secretary of State because it involves proposals for residential development of over 150 units or on a site of over 5 ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and to create high quality, sustainable, mixed and inclusive communities.
10. The Inquiry took place on 15-18, 22-25, 29-30 November, 1 & 2 December, and 7 December 2016. The accompanied site visit took place on 6 December, but longer views from outside the site were obscured by fog, and it was agreed that a further, unaccompanied visit would be carried out at a later date. This occurred on 13 February 2017.

## **The Site and Surroundings**

11. Section 3 of the Planning Statement of Common Ground (**CD1/B/5**) contains a description of the site and its surroundings, whilst the Parameters Plan (**CD1/B/13**) indicates the extent of the application site, and Appendix A of the appellants' landscape proof of evidence (**CD1/B/12**) shows its position in the wider area.
12. The site amounts to 24.5ha open land, approximately 1.6km north of Thatcham town centre, adjoining the built up area. Bowling Green Road and Heath Lane/Cold Ash Hill local distributor roads run around the south western and south eastern sides of the site respectively, beyond which is medium density residential development, mainly dating from the post-war period. The northern half of the site abuts open countryside, being part of the north slope of the Kennet Valley as it rises out of Thatcham. Further north is the village of Cold Ash, which extends southwards down Cold Ash Hill towards the site.



13. The red line site boundary is drawn to exclude the Regency Park Hotel, on the western side, and the curtilages of individual houses to the south. The land is divided into irregularly shaped fields, separated by fences, hedges and trees, and, apart from an open boundary on part of the eastern side, views from adjoining roads are largely screened by vegetation. The property is in agricultural use, indicated as both arable and pastoral.

### **Planning Policy**

14. Section 5.0 of the Planning Statement of Common Ground (**CD1/B/5**) sets out the agreed relevant planning policy. Saved policies from the West Berkshire District Local Plan adopted 2002 (**CD6/AB/2**) remain part of the development plan, including HSG1, which seeks to deliver new development within defined settlement boundaries. It is agreed that the appeal site lies outside the settlement boundary.
15. The Core Strategy was adopted in 2012 (**CD6/AB/1**). CS1 makes provision for at least 10,500 dwellings during the plan period, at the rate of 525 per annum. A Strategic Housing Market Assessment (SHMA) will be undertaken within 3 years, with a review of the Core Strategy allocation if a need for more houses emerges. New housing will be directed to sites within settlements, to identified strategic sites, and to those allocated in subsequent DPDs. Green-field sites will be needed adjoining existing settlements, selected to achieve the most sustainable form of development.
16. The spatial strategy to meet this housing provision is set out in Area Delivery Plan policies. ADPP3 indicates that about 900 homes will be provided in Thatcham, two thirds of which has already been committed, and the remainder will be delivered through the Site Allocations and Delivery DPD, including green-field land adjoining the settlement. ADPP1 indicates that most new development will be within or adjacent to identified settlements, with the focus on the main urban areas and on previously developed land, taking account of the degree of accessibility and availability of services. The settlement hierarchy identifies Thatcham as an urban area, in the same category as Newbury and the outskirts of Reading.
17. The parties agree that Local Plan policy HSG1 and Core Strategy policies ADPP1, ADPP3 and CS1 are policies relevant to the supply of housing in terms of para 49 of the NPPF.
18. Other policies referred to include: CS5 (infrastructure delivery), CS6 (affordable housing), CS17 (bio-diversity); CS18 (green infrastructure); CS19 (landscape character); and ADPP5 (AONB).
19. The emerging Housing Site Allocations Development Plan Document (DPD) was subject to Examination in June and July 2016, with public consultation on proposed modifications taking place by early 2017, and the Inspector's final report expected in the spring. Policy HSA5 allocates one site in Thatcham, for about 85 houses at Lower Way. Policy C1, the successor to Local Plan Policy HSG1, includes a presumption against new residential development outside settlement boundaries.
20. Relevant Supplementary Planning Documents (SPD) include Planning Obligations (**CD6/AB/23**) and Quality Design (**CD6/AB/22**). The Council implemented its

Community Infrastructure (CIL) Charging Schedule (**CD6/AB/20**) in April 2015, with a residential rate of £75/sqm. The CIL 'Regulation 123 List' is contained at **CD6/AB/25**. The Berkshire Strategic Housing Market Assessment (SHMA) has been carried out with other Berkshire authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP), with a final report issued in February 2016. It estimates the objectively assessed housing need (OAN) for West Berkshire as 665 dwellings per annum (dpa). Other planning documents are listed at section **CD6/AB** in Annex 2.

21. In addition, attention has been drawn to a range of policies in the National Planning Policy Framework (NPPF), and advice in the Planning Practice Guidance (PPG), which will be discussed further below.

## **The Proposals**

22. The Parameter Plan (**CD1/B/13**) indicates the proposed distribution of uses on the site, whilst the Masterplan (**CD1/B/15**) provides an illustrative layout of a possible form of development. It is proposed to distribute up to 225 dwellings in the south eastern quadrant of the site, along with a doctors' surgery, with open parkland to the north and west. There would be flood alleviation ponds and basins adjoining the perimeter roads to the south and east, and within the parkland area. A new access would be formed at the existing roundabout at the junction of Cold Ash Hill and Heath Lane, along with a further new road access on the southern edge of the site. An illustrative storey heights plan (**CD1/B/14**) indicates that the general scale would be two storey development, but with a small number of 2.5 storey buildings. 40% of the houses would be designated affordable.
23. Whilst the description of the original planning application indicated a range of uses for the retained open space, including allotments and sports facilities, it is the intention to establish the layout of this space as part of the reserved matters applications. The Section 106 undertaking would secure the public use of this land and make provisions for its future maintenance.

## **Other Agreed Facts**

24. Following submission of the amended scheme, the Council accepted that the development would occupy the lower and less visible portion of the site, and withdrew their concerns about the effect on the landscape character of the area, the setting of the AONB, and the separation of Thatcham and Cold Ash. It was also agreed that the impact on trees could be adequately mitigated through the submission of reserved matters applications.
25. The scheme would be able to secure suitable highway standards, and be sufficiently accessible to local facilities, including public transport. Whilst local residents have a particular concern about the effect on flooding, which will be discussed further below, the Council are satisfied that any risk could be adequately overcome. There are no fundamental objections on ecological grounds.

## THE CASE FOR THE COUNCIL

26. The summary below is a précis of the Council's closing statement at the appeal. The full text may be found at document **CAB11**.

### ***The Five Year Housing Land Supply***

#### *The Derivation of the 5 Year Housing Land Supply*

27. The Council's Core Strategy was prepared during a period of transition, with the introduction of the NPPF, and uncertainty surrounding the abolition of the South East Plan Regional Strategy. The Inspector had regard to these exceptional circumstances, and took a reasonable approach to the application of legislation and Government policy in finding the Core Strategy to be sound. It was subsequently adopted, without challenge, and now forms an integral part of the plan led system. Its legitimacy cannot be questioned in any legal proceedings except under the terms of S113 of the Planning and Compensation Act 2004.
28. The Core Strategy housing requirement was preceded by the words "at least", being a flexible means of ensuring that it did not represent a target or a ceiling, but a minimum figure; an approach that is endorsed by the Council in the preparation of its Strategic Housing Market Assessment (SHMA). Regard is had to the Ministerial Letter of 19 December 2014 (**CD8/CAB/3**), which notes:  
*"Many councils have now completed Strategic Housing Market assessments either for their own area or jointly with their neighbours. The publication of a locally agreed assessment provides important new evidence and where appropriate will prompt councils to consider revising their housing requirements in their Local Plans. We would expect councils to actively consider this new evidence over time and, **where over a reasonable period they do not, Inspectors could justifiably question the approach to housing land supply.** However, the outcome of a Strategic Housing Market Assessment is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans."*
29. The Council have actively considered this advice, and accept that the Core Strategy housing figure is out of date for the purpose of establishing the five year housing land supply, the Objectively Assessed Need (OAN) in the SHMA being the current requirement. However, this does not mean that the whole of the Core Strategy is out of date.
30. As envisaged by the Core Strategy Inspector, the Council are in the course of producing a Housing Land Supply DPD, which does not change the housing requirement in the Core Strategy, but demonstrates compliance with the "at least" qualification by significantly boosting short term supply to meet the current OAN. The Council have actively pursued the plan making process, and have commenced the preparation of evidence towards a new Local Plan, which is programmed for adoption in 2019. In the meantime, the SHMA OAN represents the best current evidence of housing need, being a significant (27%) increase in the housing requirement over the Core Strategy figure. It has been prepared with the involvement of stakeholders and should be given substantial weight in this appeal.

#### *The Objectively Assessed Need*

31. The SHMA was published in February 2016 and represents a valid, robust and up to date assessment of the needs of the Housing Market Area (HMA) that complies



with the requirements of the NPPF and Planning Practice Guidance (PPG). It was made on an evidence based assessment, including regard for economic growth and its drivers, consistent with the London SHMA.

32. It is recognised that the Firlands Farm appeal decision (**CD7/AB/1**) of July 2015 favoured an OAN of 833 dpa put forward by the appellants in that case, but this preceded publication of the SHMA and was in the absence of any alternative OAN from the Council. It is irrelevant for the purposes of determining this appeal.

#### *The approach to the SHMA*

33. Preparation of the SHMA took a reasonable approach by: i) adopting a Housing Market Area (HMA) which also included Reading, Wokingham and Bracknell Forest, being a practical and manageable area; ii) using household projections from the Department of Communities and Local Government (DCLG) as the starting point of the assessment, acknowledging that new projections would not, of themselves, render the SHMA out of date; iii) adjusting the OAN to respond to adverse market conditions, based on professional judgement; iv) engagement with housebuilders, registered providers, the Local Enterprise Partnership (as recommended by the PPG) and surrounding local authorities; v) carrying out a "thorough" assessment in terms of the advice in the PPG<sup>1</sup>; vi) having regard to the forecasts of well respected forecasting houses (Cambridge Econometrics and Oxford Economics); and vii) adjusting the results of economic models to take account of local conditions.

#### *The Demographic Led OAN*

34. Document **A9** illustrates little difference between the parties in assessing demographic led OAN. The appellants provided no evidence of increases in lone parent and single households to justify a return to 2001 household formation rates. Cultural changes and tuition fees are examples of factors which may have influenced falling household formation rates amongst certain age groups. It was accepted that the use of the patient data register could over-estimate the population and, in any event, there was little difference in migration assumptions between the parties<sup>2</sup>. Both sides' evidence included upward adjustments to migration and household formation, albeit from different starting points. The similarity of housing needs enables issues associated with the 2014 demographic projections, 10 year migration trends and adjustments for younger households to be set aside.

#### *Economic Led OAN*

35. The PPG<sup>3</sup> recognises the need for early involvement with the Local Enterprise Partnership (LEP), a matter overlooked by the appellants. The use of the Cambridge Econometrics 2013 baseline assumptions was consistent with the LEP evidence base. Nor did the Council rely entirely on the 2013 figures, the forecasts going well beyond in gathering local intelligence to establish the economic growth potential, including an assessment of commercial dynamics, local infrastructure investment, and consultation with stakeholders.

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<sup>1</sup> 2a-005-2014036

<sup>2</sup> see Mr Ireland's supplementary proof (**CAB2**) Table 1 on page 4

<sup>3</sup> 2a-007-20150320

36. The Council were criticised for not updating the SHMA to reflect the 2015 Cambridge Econometrics data, which showed a rise from 522 to 790 jobs per annum. However, the SHMA had been circulated by the date of this forecast, and there was, in any event, no credible explanation of why such a substantial rise had occurred between the two forecasts, nor what effect "Brexit" might have on these figures. In fact, more recent data from both Oxford Economics and Cambridge Econometrics show a fall in employment forecasts since the referendum, to 513 and 527 jobs per annum respectively, close to the figures on which the SHMA is based. National jobs forecasts (such as those of the Office for National Statistics) rely on surveys by businesses, but only show where a job is registered, rather than where it actually takes place. It is necessary to interrogate the data and undertake wider research to understand the local economy, as the Council have done.
37. The Confederation of British Industry anticipate slower growth next year, downgrading their forecast from 2% to 1.3%, and 1.1% in 2018, expecting a fall in the level of employment and more challenging economic conditions. There is no reason to upgrade the job estimates on which the SHMA is based.

#### *The Housing Market Area (HMA)*

38. In establishing the OAN, the appellants preferred to look at the individual local authority rather than the full HMA. This approach is not consistent with the conclusions of the Court in *St Modwen*<sup>4</sup> nor the PPG<sup>5</sup>, which makes no reference to balancing homes and jobs within an individual local authority. The Council distinguishes their position from the recent case of *Oadby and Wigston*<sup>6</sup>, considering that *St Modwen* remains good law. The Council are in the same position as East Riding Council (see para 52 of *Oadby*) as they can demonstrate a strong track of working together with their neighbouring authorities over an extended period. Ousley J said in *St Modwen* (para 74) that "*the NPPF does not require housing needs to be assessed always and only by reference to the area of the development control authority*". In this case, any apportionment of job growth between the constituent councils of the HMA reflects their collective view and, like *St Modwen*, it should be possible to rely on their long standing and continuing cooperation in plan preparation.

#### *Economic Participation*

39. The only data used by the appellants for economic activity rates specific to West Berkshire is from the 2011 Census, despite the availability of later evidence, and from a time when the economy was in recession. The Council's current evidence is that the employment rate for men between 20 and 54 and women over 34 is increasing<sup>7</sup>. This is stronger than the forecasts of the Office for Budget Responsibility, on whom the appellants rely, whose purpose is to look at the long term sustainability of public finances, and which is unduly pessimistic about the labour market, as confirmed by data from Oxford Economics and Experian. There

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<sup>4</sup> *St Modwen Developments Ltd v SSCLG and East Riding of Yorkshire Council* [2016] EWHC 968 (Admin) **CD7/CAB/3**.

<sup>5</sup> 2a-018

<sup>6</sup> *Oadby and Wigston Borough Council v SSCLG and Bloor Homes Ltd* [2016] EWCA Civ 1040 document **A3**.

<sup>7</sup> Mr Ireland's proof, Figures 8 and 9 on page 50

is no reason to consider that these latter bodies are any less impartial or independent in their approach. Nor is there evidence to support the appellants' assumption that no person would hold more than one job.

### *Market Signals and Affordable Housing*

40. The appellants sought to argue for a 20% uplift on the demographic starting point to address the need for affordability, as indicated by market signals. However, this was founded on the additional consideration of just two indicators, with analysis of past housing delivery performance based on comparison of short-term trends and in a period of over-delivery against the housing targets of the time. The SHMA followed the PPG approach<sup>8</sup> by relying on secondary data, including national surveys, to derive estimates of affordable housing need. Whilst the appellants suggested that more existing home owner occupiers might fall into affordable housing need, it was accepted that the Guidance requires application of an affordability test, that primary survey evidence is not required, and that applying the Council's Home Choice Criteria<sup>9</sup>, homeowners would not generally qualify for affordable housing. It was also accepted that the housing register for 2015 showed a similar level of need to that in the SHMA.
41. The choice of income threshold for assessing affordability is influenced by the cost of housing, not income levels<sup>10</sup>. The income threshold was based on a lower quartile rent across all property sizes of £650/month which, at a 35% proportion of income, would require earnings of £23,300 per year. The lower quartile rent is identical to that in West Oxfordshire<sup>11</sup>, so that a consistent income threshold would be appropriate. In addition, it was accepted that historical rates of affordable housing delivery, with which the appellants had sought to criticise the Council's estimate of 30%, were influenced by demolitions and assessments against the lower requirements of the Local Plan which preceded the Core Strategy.
42. The appellants' contention that adjustments to improve affordability need to be treated entirely independently from adjustments to household formation rates is not consistent with the logic of their own evidence, which recognises that affordability influences household formation. The Local Plans Expert Group (LPEG) methodology favoured by the appellants has been criticised as introducing double counting by applying separate adjustments to household formation, for market signals and for affordable housing, when there are clear overlaps between these issues. The LPEG proposals are not Government policy or guidance.

### *Conclusions on OAN*

43. The Council's witness, Mr Ireland, has been personally involved in producing SHMA for 9 local authorities, which have been accepted by Inspectors for adoption in Local Plans without uplift of the OAN. The current West Berkshire SHMA establishes an OAN which has been subject to extensive research and should carry substantial weight. It is a robust assessment against which to measure the five year housing supply.

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<sup>8</sup> 2a-014-20140306

<sup>9</sup> **CAB4**

<sup>10</sup> SHMA para 6.27 **CD8/AB/1**

<sup>11</sup> **CAB5**



### *The Buffer*

44. The Core Strategy Inspector (2012), the Mans Hill appeal Inspector<sup>12</sup> (2015) and, most recently, the Firlands Farm appeal Inspector<sup>13</sup> (2015) all found that the Council had not persistently undersupplied housing and applied a 5% buffer. The purpose of the buffer is so that performance in the past can provide a realistic prospect of achieving the planned supply in the future; it ensures that the circumstances of the past are not repeated.
45. The assessment of the buffer to be applied is a matter for the decision maker. In measuring past performance, the Cotswold cases<sup>14</sup> note that it is necessary to establish the standard which applied and the degree to which that standard had been met. The decision maker would be entitled to consider the figures in a previous development plan for this purpose. In the present case the appellants have applied the SHMA OAN figure (665 dpa) for the last three years, even though the document was not published until February 2016. The Council could not have achieved a supply against a figure of which they were unaware.
46. In any event there has been no persistent under-delivery. In the Uttlesford appeal decision<sup>15</sup>, the assessment was based upon whether there had been under delivery for several years in a row. In the present case, whilst the Council did not meet the Core Strategy figure of 525 dpa during 5 of the preceding 10 years, these were interspersed with years when the figure was met. There were not several years of under delivery in a row, but, rather, the supply fluctuated above and below the requirement. It is also clear that performance between 2009 and 2012 was affected by the economic recession, a matter which the Core Strategy Inspector took into account<sup>16</sup>. In addition, the 2010-2012 figures were influenced by regeneration schemes, involving loss of housing before making a gain, whereas there are no similar schemes in the Council's future supply.
47. It is apparent<sup>17</sup> that the Council's average supply over the last 12 years, at 587 dpa, exceeds the Core Strategy "at least" requirement of 525 dpa, with housing delivery in West Berkshire increasing in recent years, and the Housing Site Allocations DPD will ensure further improvement. There is no need to deviate from the views of previous Inspectors who have considered the performance of West Berkshire, and a 20% buffer is not justified.

### *Deliverability*

48. The PPG indicates<sup>18</sup> that deliverable sites include those allocated in a development plan and those with planning permission, unless there is clear evidence that a scheme will not be implemented within 5 years. The exercise should be approached on the basis of the rebuttable presumption; footnote 11 of the NPPF does not require certainty that a site will deliver.

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<sup>12</sup> **CD7/CAB/8**

<sup>13</sup> **CD7/AB/1**

<sup>14</sup> Cotswold District Council v SSCLG [2013] EWHC 3719 document **A16**

<sup>15</sup> Appendix 7 of Ms Peddie's proof para 15.15 of the Inspector's report

<sup>16</sup> **CD6/A/2** para 45

<sup>17</sup> see page 36 of Ms Peddie's proof

<sup>18</sup> 3-031-20140306

49. The disputed sites include Sandleford in Newbury, which does not have planning permission but is allocated in the Core Strategy. It should be considered deliverable within 5 years unless there is clear evidence to the contrary. The difference between the parties is not whether the site will be developed, but the rate at which development will occur. It is accepted that an extension for issuing planning permission beyond the deadline of 31 December 2016 may be necessary, that it is a complex site, and that there may be disagreements between the owners of the land. Nonetheless, a package of amendments to the scheme is out to consultation, and highways modelling has been carried out. Regular meetings of a steering group monitor progress, and a dedicated Council officer is assigned to the scheme. There is no reason to doubt the developer's trajectory for delivery from the site.
50. The second major site is Newbury Racecourse, which has planning permission, so that the rebuttable presumption in NPPF footnote 11 applies. Building is underway, with an average completion of 136 units per annum since 2013, and a forecast rate of 180 dwellings per annum for the next 6 years. There will be a 50/50 mix of houses and apartments, similar to the 40/60 mix which has already been achieved, and the developer has an incentive to keep to the programme, with financial penalties if this is not achieved, as well as the need to recoup the cost of infrastructure already provided. There is no evidence to support assertions that the market cannot support the programme of completions, nor that national statistics of building rates are to be preferred to the actual levels achieved on this site.
51. The J&P Motors site has an implemented planning permission, so that the rebuttable presumption applies. Whilst part of the site is currently retail, and there is planning permission for another use, there is now a housing developer involved, and there are no grounds to contradict the conclusion of the Mans Hill Inspector<sup>19</sup>, who found no good reason to exclude the site.
52. The Lakeside site in Theale also has an implemented planning permission, and the developer has already paid more than £500,000 in planning obligations, indicating a firm intention to proceed. It is true that a further planning application has been taken to appeal on the grounds of non-determination, but this does not indicate that the site will not be developed within the timescale, nor that the existing permission does not represent a realistic fallback position.
53. Whilst awaiting adoption of the Housing Site Allocations DPD, proposed housing sites have been considered at the Examination and the Inspector has not recommended deletions. The Council have included only 70% of the allocated units in the five year supply, and there is a firm likelihood that they will be delivered. In each disputed case the owners have indicated an intention to proceed with planning applications.
54. Market Street, Newbury is a Council owned site, with a resolution for planning permission to be granted, subject to completion of a planning agreement. There is already permission for the relocation of the bus station away from the site, and any third party ownerships would not impede development. There is no reason

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<sup>19</sup> CD7/CAB/8 para 24

for it to be excluded from the five year housing supply, as confirmed by the Mans Hill Inspector<sup>20</sup>.

55. Pound Lane, Thatcham is also a Council owned site, which is previously developed land, and where planning permission will be confirmed by submission of a Section 106 agreement, expected during December 2016. A national house builder is in the process of purchasing the site.
56. Overall, the housing sites in the Council's 5 year supply satisfy the tests in the NPPF footnote 11 and the advice in the PPG and there is no reason to consider that they will not be deliverable.

### ***Policy Implications***

57. For these reasons, the Council are able to demonstrate a 5 year housing land supply, so that NPPF para 49 does not apply and housing policies should be considered up to date. The process in the second part of NPPF para 14 is not triggered; the appeals should be determined in accordance with the development plan.
58. The appellants also allege that relevant policies are out of date because the housing requirement in the Core Strategy was based on the withdrawn South East Plan. To follow this logic, the policies would have been deemed out of date the moment the Core Strategy was adopted. However, the figure in this plan was never a ceiling, and the Council have used their evidence base to establish an OAN in accordance with NPPF para 47, whether or not it is part of their Local Plan. Again, the process in NPPF para 14 is not triggered.
59. In any event, the NPPF allows weight to be allocated to policies even if they are out of date, a point endorsed by the Suffolk Coastal judgement<sup>21</sup>. The degree of weight is a matter for the decision taker. In this respect, the most relevant part of the nominated policies is the spatial distribution of development, which should reflect the existing and future role of the settlements, to ensure sustainability.

### ***The Interpretation of development plan policies relevant to the supply of housing***

60. The site is green-field land in open countryside outside the defined settlement of Thatcham. The proposal does not comply with development plan policies when read together and with the supporting text. The spatial strategy of the Council is the strict control of development outside settlement boundaries, to ensure the most sustainable locations; any settlement extensions are allocated through the plan led process.
61. The District Settlement Hierarchy in Core Strategy policy ADPP1 refers only to sites within settlement boundaries, and not other land, even if it is adjacent to the boundary. The "open countryside" bullet point of ADPP1 applies. Unlike Thatcham, Newbury is the main focus of housing growth<sup>22</sup>. Policy ADPP3 limits planned growth in Thatcham, two thirds of which has already been committed, and the rest will be delivered through the Housing Site Allocations DPD. There

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<sup>20</sup> CD7/CAB/8

<sup>21</sup> CD7/A/15

<sup>22</sup> CD6/AB/1 para 4.21



are five paragraphs<sup>23</sup> of explanatory text in the Core Strategy to indicate how this allocation will take place.

62. Whilst policy ADPP1 refers to sites adjacent to the settlement boundary, the only logical interpretation of this paragraph, and the Core Strategy Inspector's comments about green-field land in Thatcham<sup>24</sup>, is that such land will only come forward as part of a planned provision. When read in conjunction with policy CS1, it is clear that the Core Strategy is precluding development outside the settlement boundary on green-field sites, except where they have been specifically allocated.

63. The conflict with the development plan weighs heavily against the proposal.

*The weight to be attached to the emerging DPD*

64. In accordance with NPPF para 216 the Housing Site Allocations DPD can be accorded substantial weight. The Inspector has had regard to objections, and, in particular, has hardly altered the wording of policy C1. It is only the modifications that will now be consulted on, and the appellants cannot repeat the objections previously made. Nor is there a case that the DPD is inconsistent with the NPPF by being based on the Core Strategy OAN, rather than more up to date figures. This point was established in *Gladman v Wokingham BC*<sup>25</sup>, which noted that the delay incurred would not match the need for the preparation of planning documents to guide development decisions. There is no support for the view that policy C1 will be out of date immediately on adoption.

65. Local Plan policy HSG1 was saved in 2007 and remains part of the development plan until its replacement with policy C1. The new policy does not represent a shift towards some general expansion of settlements, and, whilst the settlement boundary has been altered, that alteration does not affect the appeal site. Policy C1 continues the objective of protecting the countryside, and can be accorded substantial weight.

*Conclusions on Policy*

66. Core Strategy policy CS1 establishes the need to review settlement boundaries through the Housing Site Allocations DPD, to meet the broad accommodation of housing set out in the ADPP policies, and, as noted by the Mans Hill Inspector<sup>26</sup>, development on a green-field site adjacent to the settlement boundary is contrary to these policies. Overall, the Council have taken a positive approach to the preparation of plans to actively increase the supply of housing, and the policies for this purpose should be accorded substantial weight. This scheme does not accord with the development plan, and there is no justification for allowing this appeal.

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<sup>23</sup> CD6/AB/1 paras 4.9, 4.10, 4.11, 4.13, and 4.15

<sup>24</sup> CD8/CAB/2 para 66

<sup>25</sup> *Gladman Developments Ltd v Wokingham Borough Council* [2014] EWHC 2320 (Admin)

**CD7/CAB/9**

<sup>26</sup> **CD7/CAB/8**

### ***Planning Balance and Conclusions***

67. The Council have a five housing year land supply, and a Core Strategy adopted after the introduction of the NPPF, with an overarching strategy for growth distributed across 4 specified spatial areas. Only the housing requirement is out of date, being an "at least" figure, and the Council is working towards delivering housing to meet the objectively assessed need set out in the SHMA.
68. Nonetheless, if the tilted balance set out in the latter part of para 14 of the NPPF is triggered then the Council accept that the level of harm arising out of the scheme would not significantly and demonstrably outweigh the benefits.
69. If, on the other hand, the simple planning balance set out in s.38(6) of the Planning and Compulsory Purchase Act is applied then the conflict with the development plan, and the emerging Housing Site Allocation DPD, would not be outweighed by the provision of market and affordable housing. Other potential benefits are minor and not unique to this site, particularly given the level of planned provision which will be delivered through the DPD. The Council have invested significant resources in this plan led approach to ensure the most sustainable sites have been selected to boost housing development in the area. In these circumstances the Secretary of State is respectfully invited to dismiss the appeal.

### **THE CASE FOR THE APPELLANTS**

70. The summary below is a précis of the closing address to the Inquiry, prepared by the appellants for use in this report. The full text of the address may be found at document **B12**.

#### ***Introduction***

71. Of the 5 Reasons for Refusal, only Reason 2 remained by the start of the inquiry. During the course of the inquiry the 'prematurity' objection that had formed part of Reason for Refusal 2 was abandoned also, leaving a pure policy objection by reference to policies HSG1, CS1, ADPP3 and emerging C1.
72. Further, during evidence, the Council accepted that if para. 14(2) of the NPPF applies, such planning harm as they identifies through their Reason for Refusal 2 would not significantly and demonstrably outweigh the benefits they acknowledge stem from the scheme. As such, the Council accept that on the basis that the development plan policies are found out of date (by reference to para. 215 consistency with the NPPF) or para. 49 (no 5 year housing land supply), or both, permission should be granted.

#### ***The development plan and the NPPF***

73. The only Local Plan policy cited against the proposal is HSG1. The Council acknowledge that the 2002 settlement boundaries are not able to accommodate today's development needs. As the Inspector found at Firlands Farm<sup>27</sup>, the adopted settlement boundaries in the 2002 plan are not up to date.

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<sup>27</sup> **CD7/AB/1**

74. The Core Strategy policies cited against the proposal in Reason for Refusal 2 are CS1 and ADPP3. CS1 sets an overall housing requirement of 10,500 for the period 2006-2026. ADPP3 distributes 900 of those 10,500 to Thatcham, as an 'urban area' within the settlement hierarchy set out in ADPP1 ('Spatial Strategy'). The Council acknowledge that the 10,500 figure and the 900 figure derived from it are (a) not caps or ceilings, and there would be no planning harm arising from exceeding them; and (b) do not amount to up-to-date housing requirement figures<sup>28</sup>.
75. Importantly, the Reason for Refusal does not allege that the proposal is contrary to ADPP1. This is the correct approach. Although orally, Mr Dray sought to allege conflict with the very last bullet of ADPP1, it is clear that it refers to categories of land not listed in the settlement hierarchy above; it simply does not apply to this site.
76. All three policies, CS1, ADPP3 and ADPP1 recognise the need to use green-field land adjacent to (and hence outside of) the adopted HSG1 settlement boundary in order to deliver even the non-NPPF complaint 10,500 units. The Council further acknowledge that to deliver the OAN requirement (whatever it is) beyond the 10,500 figure, additional green-field land will be required<sup>29</sup>.
77. The emerging Site Allocations DPD is a 'daughter document' to the Core Strategy. While this is perfectly lawful as an approach<sup>30</sup>, it does affect its weight. The DPD limits itself to delivering the balance of the 10,500 units in the Core Strategy<sup>31</sup>. In so doing it necessarily allocates land on green-field sites outside the HSG1 settlement boundaries. They will be replaced, once the DPD is adopted, by new settlement boundaries and Local Plan policy HSG1 will be replaced by DPD policy C1. But as the DPD is limited to delivering the Core Strategy requirement, the 'daughter' is similarly infected with the failure of the 'parent' – i.e. that the 10,500 is not an up-to-date, NPPF compliance OAN-based housing figure.
78. NPPF Paragraphs 14 (first part), 17(1), 17(3), 47(2), 156, 159 and 187(2) all require that the development plans should seek to identify *and meet* housing need assessed in accordance with the NPPF. A development plan which does not do this (as here) is in conflict with the NPPF and out of date by reference to paras 215/216.
79. As such, the Council recognise that the 2002 settlement boundaries to which HSG1 is directed are out of date by reference to the requirements of the NPPF. Similarly, the Council recognise that the 10,500 unit CS housing figure is out of date as being in conflict with the NPPF. The daughter document, the Site Allocations DPD, while not yet adopted, is similarly affected and Mrs Peddie accepted that, by seeking to restrict development, emerging policy C1 is, as the CS policies were, equally in conflict with the NPPF.
80. The consequence is that para. 14(2) of the NPPF is engaged; as noted above, Mr Dray volunteered that judged against that test, the Henwick Park appeal should be allowed and permission should be granted.

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<sup>28</sup> Gladman v Wokingham BC **CD7/CAB/9**

<sup>29</sup> **CD8/AB/4** foot of second page

<sup>30</sup> Oxted Residential v Tandridge DC **CD7/AB/5**

<sup>31</sup> The trajectory shows 10,700 being delivered by 2026



81. In addition, the Council are unable to demonstrate a 5 housing land supply and NPPF para. 49 is engaged. For this reason also, paragraph 14(2) applies. The policies HSG1, CS1, and ADPP3 are all housing land supply policies, caught by the deeming provision, as is emerging policy C1 similarly caught<sup>32</sup>. Following *Hopkins Homes*<sup>33</sup>, the same approach is urged here as adopted by the Secretary of State in *Birchen Lane*<sup>34</sup>, namely that this means that the weight to be given to those policies is 'greatly reduced'. The Council appear to argue that weight can still be given to these policies on the basis that they are taking action to address it, through the adoption of their Site Allocations DPD. However, as set out above the DPD does not, and does not purport to, meet the Council's OAN for housing. Further, the Council will not have an adopted NPPF-compliant Local Plan until 2019 at the very earliest. There can be no basis for attaching weight to restrictive, out of date, policies on the basis that the Council have just started to prepare an NPPF compliant plan.

### ***Housing land supply***

#### *Requirement*

82. The Council acknowledge that they cannot use the adopted Core Strategy housing figure of 10,500 (525 dpa) which was not derived from an assessment of OAN and would not comply with the NPPF or PPG. It was adopted at a time when the South East Plan was still in force and before any NPPF-compliant assessment of housing need had been undertaken for the District or Housing Market Area (HMA)<sup>35</sup>.
83. Since then, a SHMA has been produced, but this has not been tested in any development plan process. Following *Hunston*<sup>36</sup> and *Gallagher*<sup>37</sup>, the decision-maker must undertake the best exercise he can to assess a 'policy off' OAN figure.
84. The untested SHMA figure is relevant, but by no means definitive. Mr Usher for Appeal A provides evidence for an OAN in the range of 820-950; Mr Veasey for Appeal B provides evidence for an OAN within that range of 'a minimum' of 840<sup>38</sup>. By the time of the forthcoming new Local Plan being adopted in 2019, the current untested SHMA is unlikely to be the one relied upon even by the Council.
85. For the demographic 'starting point' Mr Usher and Mr Veasey use the more up to date projections, which result in a lower figure. It is misleading, then, to point to Document **A9** and say 'all the demographic figures are much the same'. Mr Usher and Mr Veasey undertake the proper exercise of adjusting the starting point for suppression of household formation rates and migration trends, as demographic adjustments. This is what gives them the demographic 570-610 and 584

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<sup>32</sup> Woodcock Holdings v SSCLG [2015] EWHC 1173 (Admin)

<sup>33</sup> Hopkins Homes Ltd v SSCLG [2015] EWHC 132 (Admin) **CD7/AB/9**

<sup>34</sup> Appeal Ref APP/D3830/W/15/3137838 **B10**

<sup>35</sup> **CD6/B/1** para 33

<sup>36</sup> Hunston Properties v St Albans City & DC **CD7/AB/4**

<sup>37</sup> Gallagher Homes v Solihull MBC **CD7/AB/2**

<sup>38</sup> See **A9**

respectively<sup>39</sup>. To these correctly arrived at demographics, they then apply economic-led and market signals adjustments<sup>40</sup>.

86. Mr Ireland's SHMA did neither: it had migration adjustment in as an economic factor and an adjustment for housing formation rates as a market signal<sup>41</sup>. Had he (correctly) put those factors in at the demographic stage, he would have had a demographic figure of 630. He should, however, have first got the demographic figure correct and *then* applied economic and market signals uplift. Having put what is a demographic adjustment in the wrong place, the effect is that he has disguised the fact that he has not actually done a proper economic or market signals adjustment at all.
87. Mr Ireland's migration adjustment (of 14 dpa) is related only to London migration. Mr Veasey points out that migration factors should cover all migration and that 10 year trends show a 123 dpa adjustment<sup>42</sup>. On headship rates, Mr Veasey and Mr Usher both point to the decline in household formation rates in both the cohorts 25-34 and 35-44 and adjust accordingly. Mr Ireland limited his adjustment to the 25-34 age group which, while being the most dramatic, is not the only group affected. The effect is that Mr Veasey adds 75 dpa compared to Mr Ireland's 32.
88. The PPG then asks that an economic-led adjustment be made if the demographic figure would not provide sufficient workers for projected employment growth. In all three assessments before the inquiry, the demographic figures are, indeed, too low to meet job growth and an economic adjustment is required<sup>43</sup>.
89. For the job numbers, the SHMA used Cambridge Econometrics 2013 and arrived at 522 jobs per annum. Both Mr Usher and Mr Veasey used an average of the three leading forecast houses (Cambridge Econometrics Nov 2015; Oxford Economics April 2016; Experian Economics June 2016) and arrive at 720 jobs per annum. In his Supplementary Proof, Mr Ireland sought to rely on Oxford Economics October 2016 and came to a jobs figure of 513 pa<sup>44</sup>.
90. Cambridge Econometrics 2013 was criticised in the Stanbury House appeal<sup>45</sup> for being too pessimistic. It was criticised by the appellants in this case for being out of date. Mr Ireland's response was not to update his use of Cambridge Econometrics to the current Nov 2015, but to shift forecasting houses altogether - to one that gave him an even more pessimistic figure.
91. Had the SHMA used, as would have been logical, the most up to date Cambridge Econometrics projection (Nov 2015) the jobs figure would have been 790 pa. For reasons never satisfactorily explained, the SHMA, published in February 2016 continued, however, to use figures three years old, rather than any of the six-monthly Cambridge Econometrics updates, ending with the most recent of November 2015. On the SHMA's method, it *should* have recorded 790 jobs, not

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<sup>39</sup> **A9** bottom row of Stage B

<sup>40</sup> **A9** Stages B and C

<sup>41</sup> SHMA page 282

<sup>42</sup> **A9** Stage A, third row

<sup>43</sup> **A9** Stage B

<sup>44</sup> **A9** State B, rows 2 and 4

<sup>45</sup> **CD7/AB/7**

522, and the SHMA OAN would have been 804 not 665<sup>46</sup>. It is noteworthy in this regard that the input and output of the SHMA has to be agreed by the commissioning steering group. The objectivity of the outcome of such a document is, consequently, open to serious doubt. This inquiry is the first time it has been tested, and the continued use of a superseded Cambridge Econometrics 2013 figure is not justified.

92. Had the SHMA followed its own analysis but used the most up-to-date figure, the OAN would have been 804. Had Mr Ireland followed the 'blended' approach of Mr Usher and Mr Veasey, his OAN would have been 726<sup>47</sup>. He objected to using anything other than an Oxford Economics figure from October 2016 as that was the only 'post-Brexit' projection available to him. But in so doing, he neglected to observe that the Oxford numbers before and after Brexit showed only a 6.7% reduction<sup>48</sup>. This happens to be the same for Experian pre and post Brexit, now available<sup>49</sup>.
93. After evidence but immediately prior to Closing, Cambridge Econometrics published a November 2016 set of predictions. In common with the pessimistic tendency of that forecasting house criticised in the Stanbury House appeal, this shows a greater reduction for Brexit than do Oxford Economics and Experian. Nonetheless, for completeness, Mr Veasey ran the figures again, blending the very latest Cambridge Econometrics, Oxford Economics and Experian post-Brexit predictions<sup>50</sup>. It gives an economic-led OAN of 772. Consequently, while Mr Veasey and Mr Usher do not consider that it is safe to alter a 20 year projection by reference to the immediate effects of the Brexit vote, even were one to do that, it could not possibly justify the SHMA 665<sup>51</sup>.
94. On the economic activity rates, ironically, the SHMA did use a blend of the three forecasting houses<sup>52</sup>. The appellants preferred the finer grain of the OBR. As noted above, even with a complete suite of post-Brexit forecasts, the result is 772 dpa<sup>53</sup>, still well above the SHMA's economic-led 618<sup>54</sup> or even the SHMA overall 665. To this, Mr Veasey would then add an adjustment to assist affordable housing delivery and bring the OAN up to 840 dpa.
95. Market signals are the next stage in the process: to be applied *to the correct* demographic figure. Although all three experts agreed that a market signals uplift was required, the resultant figure (701 in Mr Veasey's case<sup>55</sup>) was lower than the appropriate OAN having already adjusted for economic-led factors (840) so the

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<sup>46</sup> **B3**, third entry

<sup>47</sup> **B3**, second entry

<sup>48</sup> OE April 2016 550 jobs; OE Oct 2016 513 jobs (**A9** Stage B, second row)

<sup>49</sup> **A12**

<sup>50</sup> **A9**, 'A'

<sup>51</sup> If a 6.7% reduction had been applied to the 720 calculation the result would have been 670 jobs which translates to 811 dwellings as a job led OAN

<sup>52</sup> **A9**, Stage B, row 5

<sup>53</sup> **A9**, 'A'

<sup>54</sup> Orally corrected from 665 but table **A9** not amended

<sup>55</sup> Doc A9, stage C, row 2



- two are not additive<sup>56</sup>. Prior to considering affordable housing, Mr Veasey places the OAN, therefore, at an economic-led 840 dpa.
96. Affordable housing need is made up of three elements<sup>57</sup>, all dependent (or 'heavily predicated') on the assumption of the affordability threshold – i.e. the level of income below which it is considered that one cannot provide one's own accommodation without subsidy. The SHMA sets this at 35% of gross household income, which results in a net affordable housing need of 189 dpa. As Table 82 of the SHMA shows, that result is highly sensitive to the assumption used: 30% gross income gives 297 dpa; 25% gross income gives 427 dpa – the figure at which Mr Veasey arrives<sup>58</sup>.
  97. The use of 35% gross household income is at odds both with the old SHMA Guidance of 25% gross and WBC's own definition of affordable housing need as 30% net (equivalent to 25% gross)<sup>59</sup>. To depart from these, the SHMA uses a methodology which has no origin or support in policy or guidance and is described in the SHMA itself as 'somewhat convoluted' and 'not definitive'<sup>60</sup>.
  98. Given how highly sensitive the results are to small variations in the percentage<sup>61</sup>, some quite weighty support would be needed in order to move from the 25% gross threshold. Mr Ireland points to the acceptance of 35% threshold in West Oxfordshire<sup>62</sup>. But in so doing, he neglected to inform the Inquiry that the method used there was not the 'Thanet' benchmark used here. Mr Veasey showed that the West Oxfordshire methodology applied here provides a 30% threshold and an affordable housing need of 297<sup>63</sup>. In fact, Mr Veasey prefers to stick to the Government's only published figure of 25%, which matches WBC's own affordability threshold, which gives a dpa affordable housing need of 427<sup>64</sup>.
  99. Secondly, using the 35% threshold, the SHMA has assumed that a household which has a gross income in excess of £22,300 is able to afford its own accommodation. But as SHMA Fig 67 and Mr Veasey's Table 5.7 make clear, at this threshold point, all that could be afforded would be a one bedroom flat to rent. Thus a household whose needs were greater than a one bedroom flat to rent would still be in affordable housing need. Table 108 of the SHMA shows that even among those acknowledged to be in affordable housing need, more than half require accommodation larger than a one bedroom flat. SHMA Table 81 is, therefore, woefully under-representing the true extent of affordable housing need.
  100. These two errors make unreliable all three of the elements in Table 81. In addition, for 'current unmet need', Table 75 is based on an unevidenced and unjustified assumption that 90% of owner occupiers would sell their house and

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<sup>56</sup> Had economic matters led to a figure below, 701, there would, naturally, have been an adjustment at Stage C to the 701; the OAN cannot be less than 701.

<sup>57</sup> SHMA Table 81

<sup>58</sup> **A9**, Stage D, first row.

<sup>59</sup> Mr Veasey's proof 5.93

<sup>60</sup> SHMA 6.32

<sup>61</sup> As shown in Table 82 of the SHMA, noted above

<sup>62</sup> Mr Ireland's proof 6.39

<sup>63</sup> SHMA Table 82

<sup>64</sup> SHMA Table 82

spend the equity on rent; and for 'newly arising need', Table 76, a percentage is applied to a demographic which is itself (as set out above) incorrect.

101. The SHMA justifies not applying an affordable housing uplift by saying that the affordable housing need sits at only 189 dpa. However, the above matters indicate that affordable housing need is (even based on the SHMA) not less than 427 dpa. At Mr Ireland's preferred delivery rate of 30%, that would give an overall affordable housing OAN of 1423<sup>65</sup>. Plainly, 665 barely scratches the surface. Mr Veasey has calculated an OAN of 840, which will go some way towards it. If, for whatever reason, the OAN arrived at is less than 840 by reference to stages A-C of the PPG methodology, given the high affordable housing need, an uplift to 840 would be appropriate in any event.
102. On the evidence before the inquiry, the OAN is not 665; it is a *minimum* of 840.
103. In addition, the LPEG recommendations would, if adopted, lead to an OAN of 771 dpa. If the Secretary of State decides to accept the LPEG recommendations, that figure is not one that is mathematically in dispute. It is materially above the 665, with the consequence, as we will see below, that the Council cannot realistically hope to demonstrate a 5YHLS.
104. On the buffer, the Council contend for 5%, but in error. In terms, Mrs Peddie asserts that the delivery must be measured against the known development plan targets (i.e. 525 dpa in the Core Strategy). That approach is contrary to the judgment of Lewis J in *Cotswold DC*<sup>66</sup>. The exercise is not one of assessing against policy targets, it is of assessing against housing needs.
105. The CS figure of 525 dpa is known to have under-represented need. Even the 665 SHMA figure from 2013 is – the appellants say – also significantly under-representing need. But for the period 2013 onwards there can be no case for continuing to measure delivery against the 525. Complaining that it is 'unfair' to have expected a delivery of over 665 when the requirement was known only to be 525 entirely misses the point of the exercise in para. 47(2). It is not about blame or opprobrium, fairness or excuses; it is about seeing whether, over a suitably long period of time, there has been delivery of the houses the district needed. That measurement of need is made on today's knowledge; for 2013 onwards it was not less than 665; for 2006-2013 it was (more than) 525. Measured against those figures, delivery has failed in six of the last 10 years and succeeded only once (by 27 dwellings) in the last 7 years. The net effect is a running and continuing shortfall and very clear evidence of persistent under delivery. A 20% buffer is required.

### *Supply*

106. Document B6 shows that if the Secretary of State accepts, as he is urged to, the Appellant's assessment of OAN, the Council cannot demonstrate a 5YHLS, regardless of whether the correct buffer is 5 or 20%. Further, it shows that, if the Secretary of State has decided to adopt the LPEG recommendations, the Council would not be able to demonstrate a 5YHLS with the (correct) 20% buffer, and could only claim one on the (incorrect) 5% approach with a margin of 80 units. A

<sup>65</sup> **B3**, Table on page 2

<sup>66</sup> *Cotswold DC v SSCLG* **A16**

putative margin of 80 units out of a claimed supply of 4,900 requires such a spurious accuracy in forecasting that it is effectively the same as not being able to demonstrate a 5YHLS.

107. Thus, it is only if the 665 is a reliable figure that any serious consideration needs to be given to the supply side. Doc B6 shows: at 5% the Council claim a 971 unit surplus; at 20% that falls to a 410 surplus. On this point Doc **B4** and Table 2 is a useful summary.
108. Two strategic sites from the Core Strategy together would delete 604 from the Council's supply. That alone is enough to remove the 5YHLS if the correct 20% buffer is utilised (on the incorrect 665).
109. 290 is removed at Sandleford Park, which has yet to receive planning permission, is required by the SPD to have a comprehensive application, but is in split ownership (who appear to have fallen out) who cannot agree a s. 106 obligation, and has serious outstanding highways and education objections still unresolved despite fortnightly meetings. Furthermore, the submitted application has been subject to significant amendments. The inquiry has been given no information or minutes from these meetings and only silence from the case officer and developers on the likely timetable. Mrs Peddie was reduced (in November 2016) to utilise a trajectory drawn up for the purpose of highways testing in July 2015; it has no validity as an actual build programme, and assumed a permission by Christmas this year. The applications are not even scheduled to go to committee this December, let alone be permitted, and in the absence of co-operation on the s. 106 obligation, there will not be an implementable planning permission in the foreseeable future.
110. 314 are removed from Newbury Racecourse. This site has a permission which is being built out, but it is already five years into a supposed 10 year build-programme. So far it has been running at about 2 units a week. The Council's trajectory assumes more than double: 4-5 a week, every week for the next 5 years - well in excess of either its past record or the company average<sup>67</sup>. If units do not 'shift', there is no practical likelihood that the developer will build more and flood their own market; it is not credible to suggest that either the landowner or developer would reduce their overall return.
111. J&P Motors and Lakeside, Theale, lose 37 units and 150 units respectively. At J&P Motors, the site is occupied by existing commercial uses and, by reference to the PPG, is not to be considered 'available'<sup>68</sup>. At Lakeside, a very old planning permission has never been developed out; the landowner has been waiting 11 months for a revised scheme; the Council have been unable to give the landowner comfort of a positive outcome and cannot even say that the non-determination appeal will not be resisted.
112. Two identified sites without planning permission, Market Street, Newbury and Pound Lane depot, have 190 and 47 units deducted. Market Street is a complex development with certain land ownerships yet to be secured. Even looking at it favourably, if it were to slip by only one year, 190 units disappear. At Pound Lane

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<sup>67</sup> 48 a year, see **B7**

<sup>68</sup> PPG 3-020 **CD4/AB/2**



although a resolution to grant planning permission has been made, the applicant has failed to meet the deadline for the s. 106.

113. Together, the above sites come to 1028 units to be deducted from the Council's 'best case' surplus of 971 (assuming 665 OAN and 5%). In addition, a further 219 units are deducted from five sites within the Housing Site Allocations DPD draft allocations.

114. The Council accept that they cannot use their 525 dpa Core Strategy. Only by asserting (and winning) a 665 dpa OAN can the Council even claim a 5YHLS, but their vaunted supply of 4,900 is not a reliable one. 3,649 units is much nearer the mark.

115. A 5 year housing land supply cannot be shown.

### ***Compliance with the spatial policies of the development plan***

#### *Local Plan, HSG1*

116. The supporting text to HSG1 notes that development will be restricted outside the adopted settlement boundaries. However, the Council acknowledge that those boundaries are out of date in that they do not purport to provide for today's development needs. Indeed, they cannot even provide for the non-NPPF 10,500 housing requirement post-2006 and are in the course of being replaced by the boundaries being drawn up for the DPD policy C1 (which will, themselves, be amended further to accommodate any OAN-based requirement)<sup>69</sup>.

#### *Core Strategy*

117. CS1 expressly recognises the need for green-field development (i.e. outside HSG1 boundaries) to deliver the 10,500 units. These are to be delivered through the spatial hierarchy, which itself is set out in ADPP1. The 10,500 figure is not a cap or ceiling and the Council acknowledge that to exceed it is not to cause planning harm. It is equally acknowledged that 10,500 is an out-of-date, non-NPPF compliant figure, the exceeding of which would be justified even had the policy been drawn to prevent that.

118. ADPP1 directs 'the majority of development' to the three 'Urban Areas'<sup>70</sup>. In so doing, it recognises that 'most development will be within or adjacent to [ie outside] the settlements included in the settlement hierarchy'<sup>71</sup>. The proposals entirely accord with that approach. ADPP1 establishes that locations adjacent to Thatcham are suitable locations, in principle, and no site-specific objections are raised.

119. While ADPP3 is cited against the proposals, it is actually a policy which supports the principle of green-field housing development adjacent to Thatcham. Further, it was confirmed by the Council that the 900 unit figure is not to be seen as a cap or ceiling and no planning harm would arise by exceeding that number. In any event, the 900 is a function of the 10,500 figure, which is recognised to be out of date and would not justify a refusal.

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<sup>69</sup> **CD8/AB/4**

<sup>70</sup> ADPP1, Box **CD6/AB/1**

<sup>71</sup> ADPP1, second paragraph **CD6/AB/1**

120. As to the objection that the site is not identified through the allocations DPD, the answer is simple: the DPD is only doing part of the necessary job; it provides only for the out of date 10,500 dwellings and there is no doubt that more is needed; there is no site specific objection mounted; and no prematurity objection is pursued. No harm arises, therefore, in bringing forward additional development now in a location supported in principle by the policy.
121. Paragraph 14(2) of the NPPF requires that permission should be granted unless the harms significantly and demonstrably outweigh the benefits. Mr Tustain gives no more than very limited weight to the breach of the 2002 settlement boundaries. It is respectfully suggested that he is right to do so. Mr Dray accepts that, on the para. 14(2) test, permission should be granted.

*Weight to be given to the emerging Site Allocations DPD:*

122. The Site Allocations DPD is, as noted above, no more than a daughter document to its parent, the Core Strategy. As the DPD does no more than seek to deliver the CS figure of 10,500 and the CS figure is acknowledged to be neither OAN-derived nor up to date, any purported restriction to within settlement boundaries would be in conflict with the NPPF and, under para. 216 only accorded limited weight. The context of the DPD's production means that it cannot be used to prevent development outside but adjacent to settlement boundary of Thatcham, that being a location identified by ADPP1 as being appropriate for additional housing.
123. While it is true, therefore, that the DPD does not allocate the appeal site, this is no bar to permission being granted. It is not even surprising, given that the DPD was only looking for the balance of 900 at Thatcham. None of the site specific issues raised in the DPD SA/SEA are maintained by the Council as objections to this scheme.

***Benefits of the scheme***

124. In economic terms, the contribution<sup>72</sup> of the scheme by £33m construction value, 261 construction jobs and £6m gross annual residential expenditure is now recognised to be worthy of *significant* weight by reference to para. 19 of the NPPF.
125. In social terms, the contribution of the scheme in terms of housing and affordable housing is now recognised by the Council to be worthy of *significant* weight. The site is obviously anticipated to be a high quality residential environment and is accessible to the necessary services and facilities.
126. In environmental terms, the scheme brings improvement to the current flooding situation<sup>73</sup>, which is a particular concern to local residents; it provides bio-diversity gains<sup>74</sup>; and a 14 ha country park, with public access. Its location adjacent to the sustainable settlement of Thatcham, in the top rung of the settlement hierarchy in ADPP1, means that it contributes positively to the sustainability aims of the third dimension in terms of pollution, natural resources, climate change and low carbon economy.

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<sup>72</sup> Mr Tustain's planning proof, Section 5

<sup>73</sup> Flooding Statement of Common Ground, para 8.4 **CD1/B/8**

<sup>74</sup> Mr Tustain's planning proof, para 5.37

127. The Council raise loss of green-field land as a disbenefit, but this does not extend to any landscape or visual impact objection. Indeed, the site is undesignated in landscape terms and its development for 225 units is considered acceptable by the Council's landscape advisor. Green-field land is necessary if the Council are to meet their 10,500 CS requirement and ADPP1 and ADPP3 both direct development to sites adjacent to the settlement boundary of Thatcham (i.e. in the 'countryside'). In addition, green-field land is necessary if the Council are to meet any assessment of OAN<sup>75</sup>. As such, it is axiomatic that if housing is to be provided in accordance with the NPPF, green-field land will be developed. Its use is not, therefore, objectionable; it is necessary<sup>76</sup>.

### ***Striking the planning balance***

128. It is not surprising, therefore, that Mr Dray volunteered that if the scheme is judged against the balance in para. 14(2) of the NPPF, the harms do not significantly and demonstrably outweigh the benefits of the proposal.
129. We ask ourselves what are the 'harms' alleged? Other than the loss of green-field, which is axiomatic if housing is to be provided adjacent to the sustainable settlement of Thatcham, the only objection is, in effect: 'you are not allocated in our DPD'<sup>77</sup>.
130. That is a process point, in respect of which no prematurity point is being alleged any longer and on a site where no site-specific objection is raised – i.e. there is no planning harm identified by virtue of bringing forward development which locationally (i.e. in *spatial* terms) accords with both ADPP1 and ADPP3. There is no way, rationally, that that 'harm' could be said to 'significantly and demonstrably' outweigh the sum of the significant benefits listed above.
131. Para. 14(2) is engaged by virtue of the relevant development plan policies conflicting with the NPPFs, as accepted by Mrs Peddie. It is also, the Appellants say on the evidence, engaged by the inability of the Council to demonstrate a 5 year housing land supply. On that basis, now, the Council and the Appellants are in agreement that Appeal B should be allowed.
132. But even were it conceivably possible to say that the relevant policies were 'up to date', and the decision fell simply by reference to the 'material consideration' test in s.38(6), permission should be granted. To refuse the scheme would be to forego the many and significant benefits of bringing forward housing on this sustainably located site at the top of the settlement hierarchy, and would be to fail to deliver sustainable development.

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<sup>75</sup> **CD8/AB/4**

<sup>76</sup> And hence para. 8.20 of Mr Dray's proof proceeds on a mistaken premise

<sup>77</sup> That was, in essence, the beginning and end of Ms Peddie's objection



## THE CASES FOR THIRD PARTIES GIVING EVIDENCE AT THE INQUIRY

### *Those giving evidence at the Inquiry*

133. The Inquiry was addressed by 7 interested parties. Notes of these addresses, and supplementary documents, are included at **TB1 to TB7**.
134. A major concern was the impact of the proposal on the risk of flooding in Thatcham. It was noted that a major flood had occurred in 2007, affecting 1100 houses, and there had been regular incidents since. A flood alleviation scheme had been established, and was in the course of construction, with support from the Environment Agency, and the local Parish and Town Councils had set up a flood forum and appointed a flood warden.
135. The appeal site is directly north of, and on higher ground than, the developed part of Thatcham, and discharge from it would be a major component of any future flooding in the town. There were doubts about the effectiveness of the technical solution proposed by the appellants, including concerns about the limited capacity of the watercourses into which the land would drain, and the difficulty of ensuring adequate attenuation on the site. It was questioned whether the site could be developed at all, noting, amongst other matters, the nature of the underlying clay geology, the loss of absorbent ground which would result from site clearance, and the likelihood of breaching the water table with the building works. There were also concerns about whether it would be possible to secure the maintenance of any system in perpetuity.
136. Other matters raised included the principle of developing outside the settlement boundary, and the resulting harm to the quality of the landscape, drawing attention to the recent appeal decision<sup>78</sup> at Pound Cottage, Cold Ash, which found that the construction of 6 bungalows on Cold Ash Hill would intrude into the countryside and erode the rural setting of the village. The current proposal would be a disproportionately large increase in the population of Cold Ash Parish, and lead to the coalescence of the village with Thatcham.
137. There were concerns about existing traffic problems in the area, particularly on Cold Ash Hill, and doubts about the appellants' conclusion that development of the site would not exacerbate these issues. The site is not in an accessible location, whether in relation to Thatcham or Cold Ash, being remote from services and facilities, and there were uncertainties about the capacity of local infrastructure to cope with the increased demand, especially schools.

### *Written Representations*

138. The planning application was opposed by the Cold Ash Parish Council and Thatcham Town Council, and 62 letters of objection were received by the Planning Authority. 66 letters against the proposals were sent to the Planning Inspectorate in response to the appeal application.
139. In addition to the points raised at the Inquiry, concerns included the impact on wildlife; the setting of listed buildings; sewage disposal and water supply capacity; the loss of green fields, trees and hedgerows; pollution; noise and

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<sup>78</sup> APP/W0340/W/16/3143521

disturbance during construction; inadequate health facilities; road safety; and, a lack of public transport to serve the site.

## **PLANNING CONDITIONS (IN THE EVENT THAT THE APPEAL IS ALLOWED)**

140. In recommending the schedule of conditions shown at Annex 3, regard is had to the Council's draft list<sup>79</sup>, the discussions at the Inquiry, and the advice in Planning Practice Guidance. The numbers in brackets below refer to the condition numbers in Annex 3.
141. Conditions are applied to require general accordance with the submitted illustrative plans (5) and control the scale of development (16, 17), to obtain a comprehensive landscape strategy plan (6), and to limit the size of the scheme to the specified 225 dwellings (7), for the benefit of the appearance of the development, and its impact on the wider area. The approved access details are listed (4) for the avoidance of doubt, and there is also a need for the submission of internal access arrangements (8). The hours of building work (9), and a construction method statement (10) and restriction on piling methods (21), are required to protect the amenity of adjoining residents, and travel plans (11) are necessary to secure a sustainable form of development.
142. Highway works (12-15) will help to secure road safety and the free flow of traffic, and to facilitate pedestrian and cycle use. In view of the sensitive nature of flood control in this area, the Council's SUDS condition is adopted (18) but with amendments to remove reference to the requirements for of other approvals by third parties. There is a need to secure archaeological interests (19), and to ensure that any unforeseen ground pollution is adequately addressed (20). Protection of existing trees (22) helps to secure the appearance of the development, as do conditions to require details of cycle and refuse/recycling storage (26, 27). Ecological interests are served by control over external lighting (24), and the submission of environmental management plans (23, 25).
143. The possibility of a shortage of water supply, and potential harm to nature interests by water extraction, have been raised by Thames Water and Natural England, with a request for a condition preventing development until feasibility studies have been carried out. Any remedy would be outside the control of the developer and, whilst a Grampian style condition could be applied, the submitted evidence falls short of a strong case that significant harm would arise, or that any outstanding issues could not be resolved by other statutory powers. Having reviewed the situation the Council, at the Inquiry, agreed to withdraw their request for such a condition, and it is recommended in this report that the need for it has not been proved. Correspondence surrounding this matter is appended to the draft conditions for Appeal A in **CA2**.
144. In addition to the identified reserved matters, a number of conditions require action prior to the commencement of development. Those relating to the overall planning and operation of the site, including flood control, are necessary to ensure a coordinated form of development, whilst protection of trees, archaeology, and ecological interests should occur before potential harm could

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<sup>79</sup> **CB1**

arise through building works. A safe form of road access, and protection of the amenity of adjoining residents, should be secured before construction works commence.



## **INSPECTOR'S CONCLUSIONS**

145. Numbers in square brackets refer to previous paragraphs in this report.

### **The Main Considerations**

146. The following main considerations were suggested to the parties at the beginning of the Inquiry: i) whether the proposal complies with spatial policies in the development plan and, if not, whether the application of those policies is outweighed by other considerations, including the need to demonstrate a five year supply of deliverable housing land, ii) the weight to be allocated to the emerging Site Allocations DPD, and whether permission for the proposal would undermine its preparation.

147. No objection to the choice of these considerations was raised, but the Council subsequently withdrew their concern about prematurity to the Site Allocations DPD on the ground that the plan had proceeded a considerable way towards adoption, to diminish its vulnerability to change. There is no reason to disagree with the Council on this point and the second consideration is therefore amended as follows: ii) the weight to be allocated to the emerging Site Allocations DPD.

148. A substantial portion of the Inquiry time was spent on the assessment of housing land supply in West Berkshire. As this aspect informs the evaluation of development plan policy, it is dealt with first.

### **Housing Land Supply**

149. The Inquiry dealt with housing land supply in a combined session of Appeals A and B. Each of the appellants produced their own proofs and gave evidence separately, but took a broadly similar approach to the matters raised, confirmed in a statement of common ground at **CD1/A/5**. They are referred to jointly as "the appellants" in this part of the report.

### **Assessment of Need**

150. The objective to provide for at least 10,500 houses (525 dwellings per annum), in Core Strategy policy CS1 was based on the South East Plan, and was recognised by the Examining Inspector as not representing the objectively assessed need (OAN) set out in para 47 of the NPPF. The policy envisaged that this figure would be updated once a Strategic Housing Market Assessment (SHMA) had been undertaken, and this was issued in February 2016. It was prepared for the wider Housing Market Area (HMA) in conjunction with surrounding Authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP). The SHMA assessed a need for 665 dwellings per annum (dpa) in West Berkshire, and, despite earlier indications of preferring a lower figure to take account of development constraints, this was the level supported by the Council at the Inquiry. The appellants dispute the findings of the SHMA, assessing an OAN ranging between 750 and 950 dpa<sup>80</sup>. A useful summary of the respective positions of the parties is contained in the table at document **A9**, the

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<sup>80</sup> See document **A9**. Mr Veasey indicates OAN would rise to 1708 dpa if all affordable housing needs were taken into account.

final version of which reflects a number of agreed adjustments made during the course of the Inquiry. [27-31,82, 84]

### *Demographic Assessment*

151. Dealing first with the demographic assessment (stage A of table **A9**), the starting point for the SHMA was 537 dpa derived from the 2012 projections published by the Department of Communities and Local Government (DCLG). Whilst the 2014 figures are now available, showing a reduction to 391 dpa, the Planning Practice Guidance (PPG) recognises that housing assessments are not automatically rendered out of date every time a new projection is issued, and the Council assert that the updated estimates have a limited impact on the overall result<sup>81</sup>. The appellants use the updated figures, which are then adjusted to take account of evidence of household suppression and migration trends, to produce an overall demographic led total of 570-610 dpa (Appeal A) and 584 dpa (Appeal B). These levels are not substantially different from a comparably adjusted figure in the SHMA of 583 dpa. Whilst there is fundamental disagreement about the methodology used to reach these results, discussed further below, the similarity of outcome diminishes the extent to which the alterations sought by the appellants would have a material effect on the assessment of demographic led OAN. [33, 34, 85]
152. The projections demonstrate a declining rate of household formation in the 25-34 age group when compared with earlier data and, to a much lesser extent, in the 35-44 band. The SHMA indicates that there may be a range of socio-economic reasons for this trend but acknowledges that a lack of availability of suitable accommodation is a factor that should be addressed. It is the appellants' view that the PPG intends that this should be dealt with as an adjustment to the initial demographic demand, rather than as a response to market signals, which appears later in the calculation. Reference is made to a number of previous appeals and local plan examinations which have adopted this approach, as well as the Local Plans Expert Group (LPEG) in their report to Government of 2016. [34, 42, 86, 87]
153. These points are noted, but even if it is the intention of the PPG to separate these elements of the calculation, the guidance also makes clear that there is no definitive approach to calculating OAN, and there is some strength to the Council's concern about the likelihood of double counting, because the various influences on housing demand are interlinked. It is not accepted that the SHMA has failed to take account of relevant factors, nor that its methodology is fundamentally flawed in these respects. [86]
154. The population and household projections which form the basis of the OAN take account of recent trends in migration patterns, but there is the contention that those used in the SHMA were heavily influenced by the 2008 recession, and that a longer timescale would give a more reliable indication. However, it is also the case that the projections used in the SHMA were sensitivity tested against 10 and 12 year timescales and the outcome did not prove that the 2012 figures unduly suppressed migration trends, although an additional allowance was made for London migration. The evidence falls short of proving that the SHMA has significantly underestimated the level of in-migration. [34, 87]

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<sup>81</sup> Mr Ireland's proof of evidence, paras 6.1-6.12

## *Economic Growth*

155. Turning to the second component of the calculation (stage B in the table at **A9**), the disagreement about the anticipated level of economic growth in West Berkshire forms a significant part of the difference between the parties' OAN estimates. The SHMA used data from Cambridge Econometrics September 2013 forecasts, indicating an average rise of 522 jobs per annum (0.5% increase) in West Berkshire. However, prior to the issue of the SHMA, the November 2015 forecasts had become available, showing an average rise of 790 jobs per annum, but this was not reflected in the SHMA analysis. The appellants also criticise the use of only one source of data, whereas their estimates are based on an average of the three main forecasting houses. [36,88-93]
156. There is validity in these concerns. The Inspector at the Stanbury House appeal<sup>82</sup>, dealing with the same SHMA, questioned the use of only one source, noting that the Cambridge Econometrics forecasts appeared relatively conservative by comparison with those issued by Oxford Economics and Experion, a point echoed in the SHMA itself<sup>83</sup>. It is also the case that the estimate on which economic projections were based was already two and a half years out of date by the time the SHMA was issued, and the latest figures should be used where possible. Late adjustment for the 2015 forecast could have had a significant effect on the OAN. [35, 36, 88-93]
157. However, there are extenuating circumstances. The Cambridge Econometrics forecast was chosen to align the SHMA with the Strategic Economic Plan, prepared by the Thames Valley Berkshire Local Enterprise Partnership. Whilst, as noted by the Stanbury House Inspector, such an alignment should not be at the expense of the accuracy of the OAN, the PPG recognises the value of such an arrangement. Similarly, the SHMA took account of local economic circumstances in assessing the level of growth. The Inquiry also heard that the latest Cambridge Econometrics forecast, of November 2016, reversed the increase shown in 2015, by estimating an average jobs growth of 527. An Oxford Economics forecast of October 2016 showed a similar level (513), although an Experion forecast from the same month estimated the level at 765. [35, 36, 88-93]
158. Taken together, there is clearly a wide variation of results, whether between forecasting houses or over time, and reliance on one forecast could give a misleading impression. However, having regard to the breadth of the Council's local research and consultation, and because the Cambridge Econometrics forecast of 2013 does not appear substantially different from two out of the three current forecasts, the evidence falls short of proving that the basis of the SHMA employment estimate is unduly pessimistic in its approach. Similarly, whilst there is dispute about the source of and quality of data to set activity rates, commuting ratios and whether double jobbing should be taken into account, the alternative evidence does not prove that the SHMA is wrong on these points. [33, 35-39, 88-93, 94]
159. Attention is drawn to the balancing of jobs within the HMA, resulting in a reduced housing requirement in West Berkshire, on the ground that this is an application

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<sup>82</sup> APP/X0360/W/3097721, issued 20 June 2016, **CD7/AB/7**

<sup>83</sup> **CD8/AB/1**, para 5.48



of policy rather than reflecting the unadulterated assessment of need. However, the SHMA assesses need throughout the HMA and it does not seem to run counter to the advice in the PPG if appropriate adjustments are made between authorities provided they are agreed in the duty to cooperate. The SHMA was jointly commissioned and regularly consulted on by the constituent authorities and there is no reason to suppose that this was not an agreed position. The Council draw attention to the outcome of the St Modwen case<sup>84</sup> in support of their position. [38]

### *Market Signals*

160. Section C of the table at **A9** refers to the response to market signals, and the PPG sets out the criteria for assessing whether an adjustment is necessary. Mr Ireland's evidence<sup>85</sup> summarises the measures taken in the SHMA to assess each criterion, leading to the conclusion that there were affordability pressures in West Berkshire, but not unduly pronounced by comparison with other parts of the region. The SHMA increased the initial DCLG figure (537 dpa) by 13.5% to improve affordability, addressing the suppression of household formation observed in the younger age groups. A further 9.1% upward adjustment was made to accommodate future migration. [33, 40, 42, 95]
161. The appellants dispute the principle behind this methodology, noting that the PPG deals with affordability as a separate element after demographic trends have been considered. However, for the reasons previously given, it is not accepted that the SHMA is necessarily wrong in this respect. Any adjustment to address affordability is, by its nature, approximate, and it is necessary to monitor the effect in later iterations of the OAN calculation. However, on the basis of the present information, the proposed uplift does not seem unreasonably low, and would not be out of keeping with the conclusions of the Inspector at the Stanbury House appeal<sup>86</sup> when dealing with the same issue, albeit in a different Authority. [86, 95]

### *Affordable Housing*

162. With respect to the level of affordable housing (section D of the table at **A9**), the SHMA assesses a need for 189 affordable dwellings per annum in West Berkshire which, at a delivery rate of 30%, would generate an overall need for 630 dpa. This is based on a threshold of 35% of gross income being spent on housing costs, which the Council point out<sup>87</sup> is very similar to the 34% of income spent on rent nationally identified by the Survey of English Housing, and the threshold advised to registered providers by the Homes and Communities Agency. Although the 30% rate of delivery would be higher than is presently achieved, a larger proportion of future sites will be on green-field land, where there is more likelihood of reaching the target of 40% affordable housing in policy CS6. [40, 41, 96-101]

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<sup>84</sup> St Modwen Developments Ltd v SSCLG and East Riding of Yourshire Council [2016] EWHC 968 (Admin) **CD7/CAB/3**

<sup>85</sup> Mr Ireland's proof of evidence para 5.73

<sup>86</sup> APP/X0360/W/3097721, issued 20 June 2016, **CD7/AB/7**, para 42

<sup>87</sup> See Mr Ireland's proof para 6.39

163. The appellants note that the 35% threshold of gross income threshold is significantly higher than the 30% net income referred to in the definition of affordable rents in the Core Strategy. In West Berkshire it would secure only a one bedroom dwelling on the private rental market, leaving little disposable income, and there is limited evidence to support the assumption that 90% of owner occupiers would be able to finance any shortfall in their accommodation costs out of their own resources. A safer set of assumptions<sup>88</sup>, indicate, for instance, that a 25% gross income threshold would generate a need for 427 affordable dwellings, which, at a more realistic 25% rate of delivery, would require a total of 1708 market and affordable homes per annum. [41, 96-101]
164. However, whilst a case may be made for a higher level of provision than that shown in the SHMA, it is also true, as pointed out in the Kings Lynn judgement<sup>89</sup>, that the calculation of unmet affordable housing need will often produce a figure with little prospect of being delivered in practice. The NPPF distinguishes between the obligation to meet general housing demand and the requirement to address affordable housing need, and the PPG advises only that an increase in the total housing should be considered where it would help to deliver the required affordable homes. In the present case, the Council have addressed the need for affordable housing, and the evidence does not show that the criteria used are either so adrift of normal practice, or that the expectations of the level of delivery are so unrealistic, as to justify rejecting the SHMA figure on these grounds. [40, 41, 96-101]

#### *Local Plans Expert Group*

165. Reference is made to the report to Government of the Local Plans Expert Group (LPEG) of March 2016 which, amongst other matters, recommended codifying the calculation of OAN for the benefit of consistency and to streamline plan preparation. The appellants draw support from a number of the conclusions reached by this group, and have prepared an OAN based on its recommendations, in parallel with their own calculations, indicating an OAN of 771 dpa. [42,103]
166. The LPEG report is under consideration by DCLG, and at the time of writing there is no indication whether its recommendations are to be adopted, in whole or in part. It is also recognised that some aspects of the proposed methodology have been the subject of criticism, particularly in respect of possible double counting<sup>90</sup>. At this stage it is not possible to give substantial weight to the relevant LPEG proposals, but it may be, during the course of these appeals, that this is a matter which the Secretary of State will reappraise in the light of any progress towards adoption of a standard methodology. [42, 103]

#### *Conclusions on Housing Need*

167. The SHMA is a comprehensive document which seeks to explain and justify the basis on which the OAN is calculated. It was prepared in conjunction with the constituent local authorities and the Local Enterprise Partnership, and, whilst the

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<sup>88</sup> See Table 5.8 of Mr Veasey's evidence, **CD1/B/11**

<sup>89</sup> Kings Lynn and West Norfolk v SSCLG and Elm Park Holdings Ltd [2015] EWHC 2464 (Admin), **CD7/CAB/5**, para 32

<sup>90</sup> Mr Ireland's supplementary proof, 12.6 refers

appellants' claimed shortcomings in the consultation process are noted, there were opportunities for the involvement of interested third parties. It has not been tested at a Local Plan Examination, and its conclusions are susceptible to critical examination, but it is, nonetheless, entitled to substantial weight. [43]

168. Whilst the guidance gives considerable scope for reaching the alternative conclusions put forward by the appellants, those conclusions fall short of proving that the SHMA is fundamentally flawed in its methodology or results. It is true that its length of preparation has meant that parts of the data are now of some age, but any variation from up-to-date figures is not of such significance as to invalidate the results. There are grounds to consider that 665 dpa is an adequately realistic measure of OAN in West Berkshire for the purpose of the present appeals.

## ***Land Supply***

### *The Buffer*

169. NPPF para 47 sets out the need to increase the supply over the OAN by 5% or, where there is a record of persistent under delivery, 20%, in order to ensure choice and competition in the land market, and to provide a realistic prospect of achieving the planned supply. At the time of considering the Core Strategy, in 2012, the Inspector noted that there had been an under supply against the targets in 7 of the preceding 12 years. However, he recognised the effect of the recession from 2008 and that there had been a strong level of delivery in the earlier part of the period, and decided that there was not evidence of persistent under supply, so that a 5% buffer should apply. The appeal at Mans Hill<sup>91</sup> reached a similar conclusion in February 2015, noting that, whilst the Council's record did not paint a glowing picture of housing delivery, the circumstances had not changed so substantially in the intervening period as to justify a different outcome. The Inspector at Firlands Farm<sup>92</sup> in July 2015 also took account of strong delivery in 2004/5 and 2005/6, and favoured a 5% buffer. [44-47, 104, 105]
170. Since these decisions, the SHMA has been issued indicating an OAN of 665 dpa, and it is the appellants' contention that the recent past record should be looked at in the light of this figure, rather than 525 dpa shown in the Core Strategy. The Council note that the Uttlesfield appeal<sup>93</sup>, and references quoted within it, rejected this approach, and that it would not be reasonable to expect the planning authority to meet a level of which they were unaware until the issue of the SHMA. However, the guidance does not set a particular rule on this point, and a decision is subject to the circumstances applying. In this case, it was clear that the Core Strategy figure did not represent an assessment of need measured in accordance with the NPPF; the Core Strategy Inspector anticipated that the real figure would be higher<sup>94</sup>, and that it would be necessary for an early reappraisal. It is also the case that much of the base data which informed the SHMA came from 2012 and 2013, rather than representing a recent change of circumstances at its issue in 2016. It is reasonable to assess performance

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<sup>91</sup> **CD7/CAB/8**

<sup>92</sup> **CD7/AB/1**

<sup>93</sup> APP/C1570/A/14/2213025, para 15.16, Appendix 7 of Ms Peddie's proof

<sup>94</sup> **CD6/B/1** para 30

against the requirement of 525 dpa up to 2012/13 but 665 dpa thereafter. [44-47, 104, 105]

171. The parties also differ in the length of time over which the assessment is made. Whilst the PPG recommends the use of a longer time scale to even out the effect of the economic cycle, the very strong performance in the period up to 2005/6 is of diminished relevance now, and its inclusion has a disproportionate effect on the overall result. A 10 year period provides a reasonably balanced assessment. [44-47, 104, 105]
172. On this basis<sup>95</sup>, the figures show a deficit in 6 out of the 10 years, all of which have occurred within the last 7 years, and a cumulative under-supply over this period of 658 units (which would rise to 1197 if 2006/7 were removed from the equation). It is certainly true, as noted by the Core Strategy Inspector, that the 2008 recession had a significant influence over part of this period, but there has been a reducing effect since the adoption of the plan in 2012. There are grounds to consider that there is a record of persistent under delivery and that a buffer of 20% is now justified. [44-47, 104, 105]

### *Deliverable Housing Land*

173. The Council's evidence<sup>96</sup> indicates deliverable sites for 4,902 dwellings, whereas the appellants estimate 3,420 and 3,520 in Appeals A and B respectively. Document **CAB3** records the common ground between the parties, and identifies in Table 2 the list of sites which are in dispute. A large portion of the difference arises out of disagreements about the likely delivery rates from the two major strategic sites identified in the Core Strategy: Sandleford Park and Newbury Racecourse [108].
174. The Inspector for the Housing Site Allocations DPD questioned<sup>97</sup> the likely output from Sandleford Park, noting that the project is relatively complex and the trajectory may be overly ambitious. Current information reinforces this concern. There is no indication that the intention to decide the planning applications on this site by the end of 2016 has been achieved, and there appear to be difficulties in ensuring a comprehensive form of development. The associated supplementary planning document<sup>98</sup> makes clear that the planning for the whole of the site should be dealt with in a single application to ensure a coordinated approach and the timely provision of infrastructure, but there are indications of a lack of agreement between the owners of the site, and a likelihood that Section 106 obligations will not be easily or quickly put in place. The appellants also point to a number of access concerns identified by the Council's Highways department<sup>99</sup>. There is limited information about the detailed progress towards development of the site but, on the basis of the submitted evidence, there appear to be a number of potential impediments to early development which raise significant doubts about whether the Council's trajectory is deliverable. Whilst the forecast put forward by the appellants in Appeal B is the more

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<sup>95</sup> See, for instance, Table 1, page 71, of Ms Cohen's proof **CD1/A/15**

<sup>96</sup> Table at 6.24 of Ms Peddie's proof

<sup>97</sup> **CD8/A/7**

<sup>98</sup> Sandleford Park SPD, 2015, Policy S1, **CAB8**

<sup>99</sup> **CD8/A/9-11**



cautious, that proposed in Appeal A appears realistic and is adopted in this report. This would diminish the Council's estimate by 240 homes. [49, 109]

175. The second strategic site, Newbury Racecourse, is in the course of development, being about halfway through a 10 year build programme, with the first phase complete, the second under construction, and proposals to start the third sector imminently. The point of dispute is whether the anticipated rate of future delivery is achievable. Figures supplied by the developer<sup>100</sup> point to an average rate of 125 dwellings completed per annum in each full year up to 2016/17, whereas the programme requires a step change to an average rate of 233 dpa for the 4 full years following. Whilst this level was achieved in 2014/15, it was surrounded by years of much lower delivery. There is reason to share the doubt about maintaining this rate over a more extended period, which would exceed the current rate of sales<sup>101</sup>, and would be substantially larger than the company's reported average rate of site delivery<sup>102</sup>. Whilst it is part of the appellants' case that there is an unmet housing need, there is likely to be a limit to the rate of demand within a single location, and there will be competition from Sandleford Park and the sites identified in the Housing Site Allocations DPD during this time. Even if the developer is under an obligation to the landowners to meet this timetable, the details of any agreement are not known, and it seems probable that it would be in neither of the contracting parties' interests to spoil their market by enforcing such an arrangement. The appellants estimate a reduction of 314 units during the course of the 5 year period, which is accepted as a much more likely outcome than the assessment relied on by the Council. [50, 110]
176. Whilst there are existing commercial uses of the J&P Motors site, there is no indication of any legal impediment to the use of the land for housing, it has an implemented planning permission, and there is recent evidence of the involvement of a developer. The Lakeside site in Theale received planning permission in 2007, later implemented, but without development proceeding, and a replacement application is currently at appeal. Nonetheless, the appellants' evidence falls short of proving that the existing permission does not represent a viable fall-back position, and a significant sum has already been paid to meet Section 106 obligations. On balance, there seems to be a reasonable prospect that both of these sites will deliver housing within the five years. [51, 52, 111]
177. The Council include sites identified in the emerging Housing Site Allocations DPD, which, although not adopted, is some way through the Examination process and there is no indication that the identified land will not be allocated. Attention has been drawn to the Wainhomes<sup>103</sup> judgement, which cautioned against the assumption that such land would be deliverable without specific evidence, but submissions from the Council<sup>104</sup> indicate that each of the owners of the disputed sites has been contacted and expects housing development to be carried out within five years. In the circumstances, there are not substantial grounds for reducing the expected delivery from this source. [53, 113]

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<sup>100</sup> Ms Peddie's proof Appendix 3

<sup>101</sup> Indicated in document **CAB7** as "1 house and 1-2 flats per week"

<sup>102</sup> Document **B7**

<sup>103</sup> Wainhomes Holdings Ltd v SSCLG [2013] EWHC 597 Admin, **CD7/B/4**

<sup>104</sup> **CAB6**

178. Market Street Newbury is a complex, town centre scheme involving a high density of development on a confined site with level differences. However, it is mainly owned by the Council, with a developer in train, and there is progress towards resolving planning and obligations issues, and to relocate the present bus station. Part of the land is in third party ownership, but there is no evidence that any failure to secure this property would prevent a scheme from proceeding. Delivery of 232 units from this site within 5 years does not seem to be an unreasonable expectation. The Pound Lane Depot site is also owned by the Council. It was rejected for inclusion in the 5 year supply at the Mans Hill appeal, on the grounds of uncertainty about the proposed use, and costs of ground remediation. However, a planning permission for 47 units has now been granted subject to a Section 106 agreement and, whilst there has been some delay in this respect, there is not a substantial reason to exclude the site. There is limited information about two small sites in dispute, but the total difference, 4 dwellings, would not have a material effect on the overall calculation. [54, 55, 112]
179. In summary, there is sufficient doubt about the likelihood that all the anticipated units will be delivered at Sandleford Park and Newbury Racecourse to indicate that they cannot be considered to be fully deliverable in terms of the definition in footnote 11 of the NPPF. For the purposes of these appeals, the Council's five year housing supply estimate is reduced by 554 dwellings, from 4,902 to 4,348.

#### Conclusion on Housing Land Supply

180. The parties agree<sup>105</sup> that an OAN of 665 dpa, along with the accumulated deficit, would produce a 5 year requirement for 3,742 dwellings. With a 20% buffer, the figure would rise to 4,490, or 898 per annum. A delivery of 4,348 would therefore equate to 4.84 years supply.

### **Development Plan Policy**

#### *Whether the proposal complies with the development plan*

181. With respect to the principle of the development of this site, being green-field land outside the settlement boundary, the Council's reason for refusal refers to Core Strategy policies CS1 and ADPP3, and saved Local Plan policy HSG1. Core Strategy policy ADPP1 is not referred to in the notice, although Mr Dray's proof<sup>106</sup> indicates conflict with its terms. There is no clear difference of principle between this appeal and Appeal A, where ADPP1 is cited, and the policy appears relevant to the issues involved. [75]
182. The proposal does not comply with any of the 4 categories of land which CS1 identifies for future housing development. In particular, it is not one of the sites which have been chosen in the Site Allocations DPD referred to in this policy. However, the wording is not wholly prohibitive of development outside these categories. [60, 74]
183. The location would meet a number of the locational criteria in ADPP1, including that it is adjacent to one of the main urban areas in the settlement hierarchy and the Council do not specifically claim that there is a lack of supporting

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<sup>105</sup> See Mr Tustain's proof, Table 15 (**CD1/B/10**) and Ms Peddie's proof, tables at paras 6.15 and 6.21

<sup>106</sup> Mr Dray's proof paras 5.4-5.7

infrastructure, facilities or services, nor that it is inaccessible by walking, cycling and public transport. However, the final part of this policy creates restrictions on development in areas below the settlement hierarchy, including open countryside. It is the appellants' view that, in being adjacent to an urban area, the site falls within the settlement hierarchy and is therefore excluded from this aspect of the policy. [61, 75, 118]

184. However, although the policy refers to the potential for development adjacent to a settlement, this is in the context of CS1, where such land would be allocated in a development plan document. It distinguishes land adjoining a settlement from the settlement itself, and the District Settlement Hierarchy table refers only to the settlement. Therefore, the land falls below the settlement hierarchy. Despite its proximity to the town, it is composed of agricultural fields with the characteristics of open countryside, and is subject to the final bullet point of policy ADPP1, which allows only limited development which addresses identified needs and maintains a strong rural economy. The proposal would not comply with this aspect of the development plan. This conclusion is different from that reached by the Inspector at Firlands Farm<sup>107</sup>, but is arrived at in relation to the particular points raised in the present appeal. [62, 75]
185. Policy ADPP3 indicates that approximately 900 homes are to be provided in Thatcham during the plan period, two thirds of which had already been committed or completed at the time of publication. The remainder would be allocated through the Site Allocations DPD. It is clear<sup>108</sup> that the relatively limited growth of Thatcham arises out of a local desire for retrenchment after a period of rapid development, to allow the infrastructure to catch up. However, the Inspector's Examination report notes that higher growth may become necessary if additional housing is required, and the Core Strategy sets the delivery target as a minimum figure. 900 homes should not be viewed as a ceiling, and the wording of ADPP3 does not directly restrict development to this level. [61, 74, 119]
186. Local Plan policy HSG1 is a permissive policy which identifies the settlements within which new housing will be allowed, including Thatcham. It does not specifically exclude housing in other areas, but the accompanying text notes that development outside settlement boundaries would only be permitted in exceptional circumstances, which is taken to exclude the appeal proposal. However, some caution must be used in this interpretation, because, to the extent that the supporting text is creating policy, it is entitled to lesser weight than the policy itself. The replacement policy C1 in the emerging Site Allocations DPD resolves this issue by including a presumption against new residential development outside settlement boundaries. [64, 73, 77]

#### *The emerging Site Allocations DPD*

187. The DPD has passed a considerable way through the Examination process, with amendments in respect of the Inspector's initial report being subject to a further round of public consultation. Whilst objections remain, the principles of those matters pertinent to this appeal have largely been established and there is reason to consider that the policies will be adopted as part of the development

<sup>107</sup> **CD7/AB/1**

<sup>108</sup> See Inspector's Examination report paras 64-67 **CD8/CAB/2**

plan in the first half of 2017. The emerging plan is entitled to considerable weight in accordance with NPPF para 216, although subject to the limitations discussed below. [64, 77, 122]

#### *The weight to be attributed to policies*

188. Material considerations may lead to a lesser weight being allocated to development plan policies, including when they are deemed out of date, or inconsistent with the policies of the NPPF. An intention to protect the rural areas by restricting development outside defined settlement boundaries is not inconsistent with the NPPF, which recognises the inherent character and beauty of the countryside. However, those boundaries should reflect the need for land to allow necessary growth, including the provision of a wide choice of homes.
189. The housing requirement which informed policy HSG1 was implementing a Structure Plan which is no longer in force, and the policies of the Core Strategy are not based on an objective assessment of need which accords with the NPPF. As such, those aspects of the identified policies which seek to restrict development to the present settlement boundaries are not up to date, and their weight is diminished accordingly. The emerging Site Allocations DPD will amend the settlement boundaries to provide more housing land but, as a daughter document of the Core Strategy, not in relation to a current assessment of housing need. [58, 64, 65, 78, 79, 116, 122]
190. Para 49 of the NPPF indicates that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. There is no dispute between the parties that policies CS1, ADPP1, ADPP3 and HSG1 are relevant policies in this context and, in the absence of a five year supply, the policies are not up to date for this reason also. [57, 81]

#### **Conclusions on the Main Considerations**

191. The process set out in the Core Strategy, where future development land will be identified through the Site Allocations DPD, reflects the need for a plan led system supported by the NPPF. The appeal proposal would be outside this mechanism and also contrary to the specific restrictions on development in the countryside imposed by ADPP1, and, with the reservation noted above, HSG1, reinforced by the weight given to emerging policy C1.
192. However, the policies do not reflect current housing need, and the Planning Authority is not able to demonstrate a five year supply of deliverable housing land. The NPPF seeks to boost significantly the supply of housing and the policies are not up to date in achieving this objective. Whilst there remains a need to secure a sustainable form of development, the weight attributed to the policies is reduced to the extent that a location outside the settlement boundary is not, of itself, an overriding reason to dismiss the appeal.

#### **Other Matters**

193. The flooding of the area in 2007, and incidents since, have raised local awareness of the risks associated with the development of the slopes above the town. In particular, there is a concern that the hard surfacing of the land would diminish its storage capacity and create excessive flows in the existing outfalls, as well as the hydrological implications of carrying out excavations which are likely to



breach the water table. To address these matters, the appellants have prepared surface water proposals, in consultation with the relevant authorities, which would fit within the context of the Council's Surface Water Management Plan for the town. The Statement of Common Ground<sup>109</sup> confirms that the Council raises no objection to the proposal on drainage grounds, and that the current maximum green-field run off rate would be reduced by the scheme. [134, 135]

194. There is no clear reason to conclude that the land cannot be satisfactorily drained, and a planning condition would enable scrutiny of the details of the scheme, and measures for its long term maintenance. The Council do not routinely consult with other parties when considering such submissions, but agreed that there was no reason that they should not do so, and, as there are local groups with an interest in this issue, it is recommended they should be given the opportunity to comment on the detailed design. Such groups would not be taking liability for the final design, and their advice should be treated in that light, but they do have extensive local knowledge which would help to inform the solution.
195. The Council withdrew its objection to the visual impact of the scheme, and its effect on landscape character and the setting of the AONB, following the reduction in the scale of the proposal. Nonetheless, these are matters which continue to concern interested parties, especially in respect of the impact on the village of Cold Ash, and its separate identity from Thatcham. Reference was made to the dismissal of an appeal<sup>110</sup> for 6 bungalows on land south of Pound Cottage, Cold Ash, which identified harm to the rural setting of the village. [127, 136]
196. These concerns are recognised, and it is certainly the case that the proposal would lead to urban development extending northwards alongside Cold Ash Hill, towards the village. However, it would retain an area of open space between the settlements, and there would be limited inter-visibility because of the retention and reinforcement of vegetation. It would extend no further northwards on the western side of Cold Ash Hill than the existing housing on the eastern side, appearing as a consolidation of the urban area, and would be perceived as an extension of Thatcham rather than of Cold Ash. In these respects, the circumstances are different from those applying to the land south of Pound Cottage. Nor is there an indication that the development would have a harmful effect on the setting of the AONB. Overall, there is reason to agree the Council's assessment that the present scheme would avoid an unduly harmful visual impact.
197. Similarly, there are not substantial grounds to challenge the conclusions of the Transport Statement of Common Ground<sup>111</sup>, which set out the agreement of the main parties to the measures necessary to mitigate the impact on traffic, and that the site occupies a reasonably accessible location. Whilst Thatcham is a smaller settlement than Newbury, it is identified in Core Strategy policy ADPP1 as one of the main urban areas with a wide range of services which will be the focus of the majority of development. The evidence does not prove that the new

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<sup>109</sup> **CD1/B/8**

<sup>110</sup> APP/W0340/W/16/3143521

<sup>111</sup> **CD1/B/7**

housing could not be adequately served by local facilities and infrastructure. The scheme would lead to some disturbance of wildlife, but the retention of open space, and measures to protect and enhance habitats, would help to minimise any harm. [137]

198. These, and the other matters raised, do not amount to reasons to recommend dismissal of the appeal.

## Obligations

199. The Unilateral Undertaking at B5 makes provision for a range of obligations, including: affordable housing at a minimum of 40% of dwellings; the planning, management and maintenance of open space and drainage measures on the site; travel plans to contribute to a sustainable form of development; and a GP surgery. In the latter case there is no indication that a surgery is essential to make the development acceptable, but, in other respects the obligations would meet the tests in Community Infrastructure Levy (CIL) Regulation 122.
200. The Undertaking makes provision for the payment of £60,000 per annum for five years to establish the extension of a bus service into the site. Whilst the Council are not able to confirm that the service operator would be willing to adjust the existing route<sup>112</sup>, there is the alternative option of diverting a minibus service operated by the Council. The outer reaches of the new estate would be some distance from existing bus stops, and the proposal to contribute to the cost of amending routes formed part of the appellants' proposals to secure the sustainability of the development. Whilst there is limited support for the specific sum offered, it does not seem out of keeping with the likely costs of setting up a service. There is also a contribution made to the Thatcham Nature Discovery Centre, to offset the additional pressure which the recreational needs of the development would place on the conservation of the nearby Thatcham Reed Beds SSSI, justification for which is included in Appendix B of Mr Dray's proof. Whilst the initial sum requested appeared excessive in relation to the assessed need for mitigation, the reduced figure in the undertaking reasonably reflects the likely expenditure. The Council confirm that these contributions would not conflict with CIL Regulation 123 and, on balance, it is suggested that they meet the tests in Regulation 122.

## Overall Conclusions

201. The Council's outstanding objection relates to the principle of development in open countryside outside the settlement boundary, contrary to a range of adopted and emerging development plan policies. However, the settlement boundaries on which those policies are based do not reflect the current objectively assessed need for housing, and the Council is not able to demonstrate a five year supply of deliverable sites. Nor is there any dispute that the policies are relevant to the supply of housing. In these circumstances, the policies are not up to date, and the assessment falls to be made in relation to the final bullet point of NPPF para 14, which indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or because specific NPPF policies indicate development should be restricted. [68, 69, 128-131]

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<sup>112</sup> See contribution justification at **CB5**

202. It is recognised that the assessed level of housing land supply, at 4.84 years, is not substantially below the 5 year level set in NPPF para 47, and that permission for Appeal A, for instance, could increase the level above this threshold. However, it would be a marginal compliance, vulnerable to any shortfall in the anticipated rate of land delivery, and the Council's policies concerning settlement boundaries would remain out of date by not reflecting a current OAN. Having regard to the need to boost significantly the supply of housing, and the lack of robustness in the Council's position, this aspect does not alter the overall assessment.
203. Whilst the Council do not identify any specific harm arising out of the development, interested parties draw attention to a number of issues, including the impact on local landscape and the relationship with the village of Cold Ash. It is appreciated that the replacement of agricultural land with suburban development would, inevitably, lead to a change of character of the land. However, the impact of this change would be limited; not out of keeping with the present character of the area, and without having an unduly damaging effect on the setting or either Thatcham or Cold Ash. Similarly, there is no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing. Indeed, as identified by the Core Strategy Examining Inspector, the additional development would provide the opportunity for greater investment in local infrastructure. [133-137]
204. The provision of up to 225 houses in an accessible location would contribute to the Council's housing supply, and meet some of the objectives identified in the SHMA, including increased affordability, and accommodation for a workforce to support economic growth. The development would contribute local investment during the construction phase, and a market for local goods and services thereafter. Up to 90 affordable homes would meet a need for lower cost housing in the area, and there would be the wider benefits of additional investment in flood control within the context of the town's surface water scheme, and the provision of public open space. [69, 124-126]
205. Overall, the scheme would bring economic and social benefits, and, in the absence of any substantial environmental harm, there is reason to conclude that it would be a sustainable form of development. Contravention of policies intended to prevent development outside settlement boundaries is not of sufficient substance to amount to the significant and demonstrable harm necessary to outweigh the benefits of the proposal, and there is no indication of conflict with specific policies of the NPPF. This finding, subject to consideration of the matter referred to in paragraph 202 above (concerning the implications for the current appeal in the event of Appeal A being allowed), represents a material consideration which, in my judgment, would warrant the granting of planning permission notwithstanding the failure of the proposal to comply with the development plan in the respects referred to above.

## **RECOMMENDATION**

206. For the above reasons, it is recommended that the appeal be allowed, subject to the conditions in Annex 3.

*John Chase*

INSPECTOR

## **ANNEX 1**

### **APPEARANCES**

#### **FOR THE LOCAL PLANNING AUTHORITY:**

Ms E Lambert	of Counsel
She called	
Mr N Ireland BA, MTPI, MRTPI	GL Hearn
Ms C Peddie BSc, MSc, MRTPI	Planning Department West Berkshire District Council (WBC)
Mr R Dray BSc, MSc	Planning Department, WBC

#### **FOR THE APPELLANTS:**

Mr C Boyle QC	
He called	
Mr D Veasey BA, DipTP, MRTPI	Nexus Planning
Mr R Tustain BA, DipTP, DMS, MRTPI	Nexus Planning
Mr R Hewitt BSc, CEng, MICE, MCIHT	Stuart Michael Associates Ltd

#### **FOR THE APPELLANTS OF APPEAL A (SIEGE CROSS):**

Ms M Cook	of Counsel
She called	
Mr D Usher BA, MA, MRTPI, MIED	Barton Willmore
Ms K Cohen BSc, MCD, MRTPI	Barton Willmore

#### **INTERESTED PERSONS:**

Mr R Crumly	Thatcham Town Council
Mr Pieri	On behalf of Mr I Dunn, Thatcham Flood Forum
Mr B Woodham	Thatcham Flood Forum
Mr I Goodwin	Cold Ash Parish Council Flood and Water Course Warden
Ms V Conyers	Local Resident
Mr M Munro	Cold Ash Parish Council
Mr G Simpson	District Councillor, Cold Ash Ward



## **ANNEX 2**

### **DOCUMENTS**

#### **A – DOCUMENTS SPECIFIC TO ‘APPEAL A’ (SIEGE CROSS)**

##### **CD1/A – Appeal Documents**

CD1/A/1	Appeal Covering Letter
CD1/A/2	Appeal Form
CD1/A/3	Appellant’s Statement of Case, prepared by Barton Willmore LLP
CD1/A/4	West Berkshire District Council’s Statement of Case
CD1/A/5	Agreed Education Statement of Common Ground
CD1/A/6	Agreed Objectively Assessed Housing Need Statement of Common Ground
CD1/A/7	Agreed Heritage Statement of Common Ground
CD1/A/8	Agreed Landscape Statement of Common Ground
CD1/A/9	Agreed Planning Statement of Common Ground
CD1/A/10	Agreed Transport Statement of Common Ground
CD1/A/11	Mr. Jan Kinsman, Proof of Evidence – Education
CD1/A/12	Mr. Dan Usher, Proof of Evidence – Objectively Assessed Housing Need
CD1/A/13	Mr. Jonathan Smith, Proof of Evidence – Heritage
CD1/A/14	Ms. Lisa Toyne, Proof of Evidence – Landscape
CD1/A/15	Mrs. Kim Cohen, Proof of Evidence – Planning
CD1/A/16	Mr. James Bevis, Proof of Evidence – Transport

##### **CD2/A – Planning Application Documents – Original submission**

CD2/A/1	Planning Application Form
CD2/A/2	Site Boundary Plan (Dwg No. 1001 Rev D), prepared by Barton Willmore LLP
CD2/A/3	Parameters Plan - Maximum Heights (Dwg No. A123 Rev D), prepared by Barton Willmore LLP
CD2/A/4	Application Master Plan (Dwg No. A126 Rev F), prepared by Barton Willmore LLP
CD2/A/5	Potential Site Access Arrangements from Floral Way (Dwg No. ITB7223-GA-005 Rev C), prepared by i-Transport
CD2/A/6	Gables Way Widening (Dwg No. ITB7223-GA-007 Rev A), prepared by i-Transport
CD2/A/7	Potential Site Access Arrangements from Bath Road (Dwg No. ITB7223-GA-008 Rev I), prepared by i-Transport
CD2/A/8	Proposed Floral Way Signalised Junction (Dwg No. ITB7223-GA-009 Rev C), prepared by i-Transport
CD2/A/9	Proposed Site Access Arrangements HGV U-Turn Swept Path Analysis (Dwg No. ITB7223-GA-012 Rev A), prepared by i-Transport
CD2/A/10	Illustrative Site Layout (Dwg No. 1032 Rev F), prepared by Barton Willmore LLP
CD2/A/11	Planning Statement, prepared by Barton Willmore LLP
CD2/A/12	Design and Access Statement – Revision J, prepared by Barton Willmore LLP
CD2/A/13	West Berkshire District & Thatcham Housing Requirements Assessment, prepared by Barton Willmore LLP
CD2/A/14	Economic Benefits Assessment, prepared by Barton Willmore LLP
CD2/A/15	Transport Assessment, prepared by i-Transport
CD2/A/16	Framework Travel Plan, prepared by i-Transport
CD2/A/17	Framework School Travel Plan, prepared by i-Transport
CD2/A/18	Education Strategy, prepared by EFM
CD2/A/19	Landscape and Visual Appraisal, prepared by Barton Willmore LLP
CD2/A/20	Ecological Impact Assessment, prepared by AMEC
CD2/A/21	Habitats Regulations Assessment, prepared by AMEC
CD2/A/22	Flood Risk Assessment, prepared by WSP

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CD2/A/23	Services Appraisal Report, prepared by WSP
CD2/A/24	Air Quality Assessment, prepared by WSP
CD2/A/25	Noise Impact Assessment, prepared by WSP
CD2/A/26	Mineral Sterilisation Report, prepared by WSP
CD2/A/27	Phase 1 Ground Investigation Report, prepared by WSP
CD2/A/28	Heritage Statement, prepared by CgMs
CD2/A/29	Energy Statement (including Code for Sustainable Homes and BREEAM Pre-Assessments), prepared by Silver
CD2/A/30	Agricultural Land Assessment, prepared by Reading Agricultural Consultants
CD2/A/31	Tree Survey & Tree Retention/Removal Outcomes, prepared by Forbes-Laird Arboricultural Consultancy Ltd
CD2/A/32	Statement of Community Involvement, prepared by Remarkable
CD2/A/33	Siege Cross Air Quality Report – Revision 2 – 13th Jan 2015
CD2/A/34	Flood Risk Assessment – Revision 3 – 16th Jan 2015
CD2/A/35	Mineral Sterilisation Report – Revision 1 – 14th Jan 2015
CD2/A/36	Siege Cross Phase 1 Ground Investigation Report – First Issue – 23th July 2014
CD2/A/37	Noise Impact Assessment – Revision 4 – 6th Jan 2015
CD2/A/38	West Berkshire District Council – Screening Opinion

### **CD2.1/A – Planning Application Documents**

#### **Further documentation submitted during application**

CD2.1/A/1	Supplementary Statement – Scale (March 2015), prepared by Barton Willmore LLP
CD2.1/A/2	Site Cross Section No. 20590-1039-1, prepared by Barton Willmore LLP
CD2.1/A/3	Site Cross Section No. 20590-1039-2, prepared by Barton Willmore LLP
CD2.1/A/4	Landscape and Visual Appraisal – Response to WBC’s Preliminary Report (May 2015), prepared by Barton Willmore LLP
CD2.1/A/5	Design and Access Statement – Revision L (August 2015), prepared by Barton Willmore LLP
CD2.1/A/6	Application Masterplan – Revision J (August 2015), prepared by Barton Willmore LLP
CD2.1/A/7	Illustrative Site Layout Plan – Revision H (August 2015), prepared by Barton Willmore LLP
CD2.1/A/8	Potential Site Access Arrangements from Floral Way (Dwg No. ITB7223-GA-005 Rev D), prepared by i-Transport
CD2.1/A/9	Gables Way Widening (Dwg No. ITB7223-GA-007 Rev B), prepared by i-Transport
CD2.1/A/10	(Dwg No. ITB7223-GA-013 Rev F), prepared by i-Transport
CD2.1/A/11	(Dwg No. ITB7223-GA-014 Rev E), prepared by i-Transport
CD2.1/A/12	Transport Assessment Addendum, prepared by i-Transport
CD2.1/A/13	Flood Risk Assessment Addendum – Revision 1 (August 2015), prepared by WSP
CD2.1/A/14	Revised Arboriculture Report (August 2015), prepared by Forbes-Laird Arboricultural Consultancy Ltd
CD2.1/A/15	Heritage Statement (August 2015), prepared by CgMs Consulting
CD2.1/A/16	Ecological Memo (August 2015), prepared by Amec Foster Wheeler
CD2.1/A/17	Response to North Wessex Downs AONB (August 2015), prepared by Barton Willmore LLP
CD2.1/A/18	Response to Kirkham Landscape Planning Ltd on behalf of West Berkshire Council, prepared by Barton Willmore LLP
CD2.1/A/19	Landscape and Visual note (August 2015), prepared by Barton Willmore LLP
CD2.1/A/20	Conservation Officer Response – Denis Greenway (05/03/2015)
CD2.1/A/21	Third Party responses received by the Planning Inspectorate
CD2.1/A/22	Barton Willmore Response to Thatcham Town Council

**CD3/A – Local Planning Authority Committee Documents and Decision Notice**

- CD3/A/1 Case Officer's Report, dated 14th October 2015
- CD3/A/2 Decision Notice, dated 14th October 2015

**CD4/A – National Planning Policy**

- CD4/A/1 Planning (Listed Buildings and Conservation Areas) Act 1990

**CD5/A – Other National Planning Policy and Guidance (Extracts where appropriate)**

- CD5/A/1 National Character Area profile 129: Thames Basin Heaths, Natural England (2014)
- CD5/A/2 BS5837: 2012 - Trees in relation to design, demolition and construction – Recommendations
- CD5/A/3 Historic England Conservation Principles 2008
- CD5/A/4 Historic England Good Practice Advice No.3: The Setting of Heritage Assets
- CD5/A/5 'Planning for Growth' – Ministerial Statement (March 2011)
- CD5/A/6 Governments letter to Chief Planning Officers (March 2011)

**CD6/A – Local Planning Policy and Guidance (Extracts where appropriate)**

- CD6/A/1 The Countryside Agency and Scottish Natural Heritage (2002) Landscape Character Assessment- Guidance for England and Scotland
- CD6/A/2 West Berkshire Core Strategy 2012 – Inspectors Report
- CD6/A/3 West Berkshire Core Strategy – Appendix D 'Critical Infrastructure Schedule of the Infrastructure Delivery Plan'
- CD6/A/4 North East Thatcham Strategic Flood Risk Assessment (Jacobs – February 2009)
- CD6/A/5 Surface Water Management Plan for Thatcham (WSP – 2010)

**CD7/A – Appeals and Judgements**

- CD7/A/1 Appeal Decision: Offenham, Wychavon, 07 February 2014 (APP/H1840/A/13/2203924)
- CD7/A/2 Appeal Decision: Fairford, Cotswold District Council, 22 September 2014, (APP/F1610/A/14/2213318)
- CD7/A/3 Appeal Decision: Saltburn, Redcar & Cleveland, 16 December 2015 (APP/V0728/W/15/3006780)
- CD7/A/4 Appeal Decision: Ormesby, Middlesbrough, 09 March 2016 (APP/V0728/W/15/3018546)
- CD7/A/5 Appeal Decision: Land north of Haygate Road, Wellington, Telford & Wrekin, 15 April 2016 (APP/C3240/W/15/3025042)
- CD7/A/6 Appeal Decision: Land north of Ross Road, Newent, 25 August 2015 (App/P1615/A/14/2228822)
- CD7/A/7 Appeal Decision: Stowupland, Suffolk, 25 May 2016 (APP/W3520/W/15/3139543)
- CD7/A/8 Appeal Decision: Gallagher Estates Lowbrook farm, Lowbrook lane, Tidbury green, (APP/Q4625/13/2192128)
- CD7/A/9 High Court Judgement: Stratford on Avon DC vs Secretary of State [2013] EWHC 2074 (July 2013)
- CD7/A/10 High Court Judgement: Blackpool Borough Council vs Secretary of State and Thompson Property Investments Ltd. [2016] EWHC 1059 (May 2016)
- CD7/A/11 High Court Judgement: Forest of Dean District Council vs Secretary of State and Gladman Developments Ltd. [2016] EWHC 421 (March 2016)
- CD7/A/12 High Court Judgement: Bedford Borough Council v R. and NUON UK Ltd [2013] EWHC 2847 (Admin)
- CD7/A/13 Court of Appeal: Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137
- CD7/A/14 Court of Appeal: R. (on the application of the Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin)

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CD7/A/15	Court of Appeal: Suffolk Coastal District Council v Hopkins Homes Limited [2016] EWCA Civ 168
CD7/A/16	Appeal Decision: Land north of Upper Chapel, Launceston (APP/D0840/A/13/2209757)
CD7/A/17	Appeal Decision: Warwick Road & Cambridge Road, Whetstone (APP/T2405/A/14/2227076)
CD7/A/18	Appeal Decision: Land off Crewe Road, Haslington (APP/R0660/A/14/2213304)
CD7/A/19	Crane v SSCLG [2015] EWHC 425 (Admin)
CD7/A/20	Phides v SSCLG [2015] EWHC 827 (Admin)
CD7/A/21	William Davis Ltd v SSCLG [2013] EWHC (Admin)
CD7/A/22	Dartford BC v SSCLG [2014] EWHC 2636 (Admin)

#### **CD8/A – Miscellaneous**

CD8/A/1	Local Plans Expert group (LPEG), Appendix 6, March 2016
CD8/A/2	West Oxfordshire Local Plan Examination: Inspector's Preliminary Findings – Part 1, 15 December 2015
CD8/A/3	Planning Advisory Service: Objectively Assessed Need and Housing Targets Technical Advice Note – Second Edition (Peter Brett Associates, July 2015, 'PAS Guidance')
CD8/A/4	Decision Notice for Application: 07/00565/OUTMAJ
CD8/A/5	Decision Notice for Application: 10/00975/XOUTMAJ
CD8/A/6	Sandleford Park Planning Statement, prepared by Boyer
CD8/A/7	Note from the HSA DPD Inspector in relation to the delivery of Sandleford Park (October 2016)
CD8/A/8	Council's Homework in relation to the current status of HSA DPD Sites
CD8/A/9	Comments by Paul Goddard (WBC Transport Officer) in relation to 15/02300/OUTMAJ, Sandleford Park, January 2016
CD8/A/10	Comments by Paul Goddard (WBC Transport Officer) in relation to 16/00106/OUTMAJ, Sandleford Park, May 2016
CD8/A/11	Further comments by Paul Goddard (WBC Transport Officer) in relation to 15/02300/OUTMAJ, Sandleford Park
CD8/A/12	Extension of time email from the Case Officer in relation to Sandleford Park (September 2016)
CD8/A/13	Representations to WBC HSA DPD Preferred Options
CD8/A/14	SA / SEA assessment for Siege Cross Farm

#### **AB – DOCUMENTS RELEVANT TO BOTH 'APPEAL A' AND 'APPEAL B'**

##### **CD4/AB – National Planning Policy**

CD4/AB/1	National Planning Policy Framework (NPPF) 2012
CD4/AB/2	Planning Practice Guidance (PPG) 2014

##### **CD6/AB – Local Planning Policy and Guidance (Extracts where appropriate)**

CD6/AB/1	West Berkshire Core Strategy 2006-2026 (adopted July 2012)
CD6/AB/2	'Saved' policies from the West Berkshire Local Plan 2002
CD6/AB/3	West Berkshire District Council – Emerging Housing Site Allocations Development Plan Document
CD6/AB/4	Local Development Framework: "An Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire. Summary Report: Thatcham", West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/5	West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites, West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/6	North Wessex Downs AONB Management Plan 2014-2019 North Wessex Downs Council of Partners (2014)
CD6/AB/7	North Wessex Downs AONB Landscape Character Assessment 2002 Land Use Consultants



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CD6/AB/8	North Wessex Downs AONB Position Statement on Setting (Development Affecting the Setting of the North Wessex Downs AONB) 2012
CD6/AB/9	Berkshire Landscape Character Assessment (2003) Land Use Consultants
CD6/AB/10	Newbury District Wide Landscape Assessment (1993) Landscape Design Associates
CD6/AB/11	The Landscape Institute and the Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment (Third Edition), Routledge
CD6/AB/12	Local Development Framework: "An Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire. Summary Report: Thatcham", West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/13	West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites, West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/14	North Wessex Downs AONB Management Plan 2014-2019 North Wessex Downs Council of Partners (2014)
CD6/AB/15	North Wessex Downs AONB Landscape Character Assessment 2002 Land Use Consultants
CD6/AB/16	West Berkshire District Local Plan 2002 – Proposals Map <a href="http://ww2.westberks.gov.uk/localplan/index.htm">http://ww2.westberks.gov.uk/localplan/index.htm</a>
CD6/AB/17	West Berkshire District Local Plan (1991-2006) – Inspectors Report
CD6/AB/18	'Options for the Future: West Berkshire Core Strategy' (April 2009)
CD6/AB/19	West Berkshire District Council – Sustainability Appraisal Policy Paper (October 2011)
CD6/AB/20	West Berkshire District Council – Community Infrastructure Levy Charging Schedule (April 2015)
CD6/AB/22	West Berkshire District Council – Quality Design SPD
CD6/AB/23	West Berkshire District Council – Planning Obligations SPD (December 2014)
CD6/AB/24	West Berkshire District Council – Local Development Scheme (October 2015)
CD6/AB/25	West Berkshire District Council – Regulation 123 List
CD6/AB/26	West Berkshire District Council – Infrastructure Delivery Plan 2016
CD6/AB/27	West Berkshire District Council – CIL Examiners Report

#### **CD7/AB – Appeals and Judgements**

CD7/AB/1	Appeal Decision: Firlands Farm, West Berkshire (APP/W0340/A/14/2228089)
CD7/AB/2	High Court Judgement: Gallagher Homes Limited & Lioncourt Homes Limited vs Solihull Metropolitan Borough Council [2014] EWHC 1283 (April 2014)
CD7/AB/3	High Court Judgement: West Berkshire DC vs Secretary of State and HDD Burghfield Common Limited [2016] EWHC 267 (February 2016)
CD7/AB/4	Court of Appeal: Hunston Properties vs St Albans City & District Council & Secretary of State [2013] EWCA Civ 1610 (December 2013)
CD7/AB/5	Court of Appeal: Oxted Residential Limited vs Tandridge District Council [2016] EWCA Civ 414 (February 2016)
CD7/AB/6	Appeal Decision: Coalville, 05 January 2016, (APP/G2435/W/15/3005052)
CD7/AB/7	Appeal Decision: Stanbury House, Reading, 20 June 2016 (APP/X0360/W/15/3097721)
CD7/AB/8	Secretary of State decision and Appeal Decision: Droitwich, Wychavon, 02 July 2014 (APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426)
CD7/AB/9	High Court Judgement: Hopkins Homes Ltd v Secretary of State for Communities and Local Government and Suffolk Coastal District [2015] EWHC 132 (Admin) (17 March 2016)
CD7/AB/10	High Court Judgement: Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government & Wiltshire Council [2013] EWHC 597 (Admin) (25 March 2013)

## **CD8/AB – Miscellaneous**

CD8/AB/1	Berkshire Strategic Housing Market Assessment, GL Hearn, February 2016
CD8/AB/2	West Berkshire Council Five Year Housing Land Supply Statement, December 2015
CD8/AB/3	West Berkshire Council Five Year Housing Land Supply Statement, September 2016
CD8/AB/4	Report on the Examination into Eastleigh Borough Council's Eastleigh Borough Local Plan, 11 February 2015
CD8/AB/5	Arun Local Plan Inspector's OAN Conclusions, 02 February 2016
CD8/AB/6	Cornwall Local Plan Strategic Policies: Preliminary Findings Following the Hearings in May 2015, 05 June 2015
CD8/AB/7	Stage 1 of the Examination of the South Worcestershire Development Plan: Inspector's Further Interim Conclusions on the Outstanding Stage 1 Matters, 31 March 2014

## **B – DOCUMENTS SPECIFIC TO 'APPEAL B' (HENWICK PARK)**

### **CD1/B – Appeal Documents**

CD1/B/1	Appeal Covering Letter
CD1/B/2	Appeal Form
CD1/B/3	Appellants Statement of Case, prepared by Nexus Planning
CD1/B/4	West Berkshire District Council's Statement of Case
CD1/B/5	Agreed Planning Statement of Common Ground
CD1/B/6	Agreed Landscape Statement of Common Ground
CD1/B/7	Agreed Transport Statement of Common Ground
CD1/B/8	Agreed Drainage Statement of Common Ground
CD1/B/9	Mr. Roger Tustain, Proof of Evidence – Planning
CD1/B/10	Mr. Roger Tustain, Proof of Evidence – Housing Land Supply
CD1/B/11	Mr. Dominick Veasey, Proof of Evidence – Objectively Assessed Need
CD1/B/12	Mr. Clive Self, Proof of Evidence - Landscape
CD1/B/13	Amended Parameters Plan 22289A/03B
CD1/B/14	Storey Heights Plan 22289A/04S
CD1/B/15	Revised Illustrative Layout 22289A/04R
CD1/B/16	Tree Constraints Overlay 22289A/04S
CD1/B/17	Density Plan 22289A/04S
CD1/B/18	Alternative Scheme Covering Letter to Council dated 16th September
CD1/B/19	Alternative Scheme Covering Letter to PINS dated 20th September
CD1/B/20	Revised Scheme Covering Letter to PINS dated 18th October 2016

### **CD2/B – Planning Application Documents – Original Submission**

CD2/B/1	Cover letter dated 9th July 2015
CD2/B/2	Planning Application Form
CD2/B/3	Planning Statement prepared by Nexus Planning
CD2/B/4	Statement of Community Involvement prepared by Nexus Planning
CD2/B/5	Statement on Affordable Housing prepared by Nexus Planning
CD2/B/6	West Berkshire Five Year Land Supply Position Statement dated June 2015 prepared by Nexus Planning
CD2/B/7	Design and Access Statement prepared by Clague Architects
CD2/B/8	Archaeological Desk Based Assessment prepared by CGMS
CD2/B/9	Ecological Designations
CD2/B/10	Ecological Appraisal Prepared by Aspect Ecology
CD2/B/11	Letter from Simon Jones Associates Ltd dated 4th March 2015
CD2/B/12	Arboricultural Implications
CD2/B/13	Landscape and Visual Appraisal prepared by CSa Environment Planning
CD2/B/14	Framework Residential Travel Plan prepared by Gateway TSP
CD2/B/15	Transport Assessment prepared by Gateway TSP
CD2/B/16	Transport Assessment Figures prepared by Gateway TSP

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CD2/B/17	Archaeological Geophysical Survey prepared by Bartlett-Clark Consultancy for CGMS
CD2/B/18	Section 106 Heads of Terms Agreement prepared by Croudace
CD2/B/19	Tree Constraints Plan prepared by Simon Jones Associates
CD2/B/20	Aerial Photograph by CSa Environmental No. CSA/2406/101 Rev A
CD2/B/21	Topographical Photograph by CSa Environmental Planning No. CSa/2406/100 Rev A
CD2/B/22	Photosheets by CSa Environmental Planning No. CSa/2406/108
CD2/B/23	Landscape Principles Plan by CSa Environmental Planning No. CSa/2406/108
CD2/B/24	Cross Section prepared by CSa Environmental Planning No. CSa/2406/103
CD2/B/25	Existing Site Plan prepared by Clague Architects 22289A/01
CD2/B/26	As Existing Site Sections prepared by Clague Architects Drawing Number 22289A/02
CD2/B/27	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/03
CD2/B/28	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/04
CD2/B/29	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/05
CD2/B/30	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/06
CD2/B/31	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/07

## **CD2.1/B – Planning Application Documents**

### **Further documentation submitted during application**

CD2.1/B/1	Proposed Masterplan prepared by Clague Architects drawing reference 22289A/04A
CD2.1/B/2	Cold Ash escarpment Flow Routes
CD2.1/B/3	Surface Water Drainage Strategy prepared by Stuart Michael Associates drawing number 5126.402 Rev A
CD2.1/B/4	Letter to the attention of Mr M Butler (ref 5126(1)/TSW/amp) from Stuart Michael Associates dated 9th September 2015
CD2.1/B/5	Letter to the attention of Mr M Butler (ref: 5126(2)/TSW/amp) from Stuart Michael Associates dated 9th September 2015
CD2.1/B/6	Floral Way Junction Measurements prepared by Gateway TSP drawing number: 14/1208/PHOTO 1 & A4 Bath Road (East- towards Reading) Junction measurements prepared by Gateway TSP drawing number: 14/1208/PHOTO 2
CD2.1/B/7	Falmouth way Junction Measurements prepared by Gateway TSP drawing number 14/1208/PHOTO 3
CD2.1/B/8	A4 Bath Road (West- towards Thatcham) Junction measurements prepared by Gateway TSP drawing number 14/1208/PHOTO 4
CD2.1/B/9	Framework Residential and GP Surgery Travel Plan prepared by Gateway TSP dated September 2015
CD2.1/B/10	Response to Highway Officer Comments prepared by Gateway TSP dated September 2015
CD2.1/B/11	Response to Highway Officer Comments: Appendices A-G prepared by Gateway TSP dated September 2015
CD2.1/B/12	Response to Highway Officer Comments: Appendices H-L prepared by Gateway TSP dated September 2015
CD2.1/B/13	Proposed Masterplan prepared by Clague Architects drawing number 22289A/04B
CD2.1/B/14	Surface Water Drainage Strategy prepared by Stuart Michael Associates drawing number 5126.402 Rev B
CD2.1/B/15	Letter for the attention of Mr M Butler/Mrs Clark from Stuart Michael Associates limited dated 24th November 2015
CD2.1/B/16	Letter for the attention of Mr M Butler from Stuart Michael Associates limited dated 24th November 2015
CD2.1/B/17	Section 106 Heads of Terms Agreement prepared by Croudace
CD2.1/B/18	Proposed Masterplan prepared by Clague Architects drawing number 22289A/04D

**CD3/B – Local Planning Authority Committee Documents and Decision Notice**

- CD3/B/1 Case Officer's Report, dated 16th December 2015
- CD3/B/2 Decision Notice, dated 17th December 2015
- CD3/B/3 Committee Minutes in respect of planning application ref. 15/01949/OUTMAJ

**CD6/B – Local Planning Policy and Guidance (Extracts where appropriate)**

- CD6/B/1 Report on the Examination into the West Berkshire Core Strategy

**CD7/B – Appeals and Judgements**

- CD7/B/1 Appeal Decision: Droitwich, Wychavon District (APP/H1840/A/13/2199426 & APP/H1840/A/13/2199085) July 2014.
- CD7/B/2 Land at Stanbury House, Basingstoke Road, Spencers Wood, Reading, (Reference: APP/X0360/W/15/3097721)
- CD7/B/3 Appeal Decision: Land South of Greenhill Road, Coalville, Leicestershire (Appeal Reference: APP/G2435/W/15/3005052)
- CD7/B/4 Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government & Wiltshire Council [2013] EWHC 597 (Admin) (25 March 2013)
- CD7/B/5 High Court Judgement: Cheshire East BC v SSCLG & Renew [2016] EWHC 571 (Admin) (16 March 2016)
- CD7/B/6 High Court Judgement: Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370 (Admin) (19 February 2015)
- CD7/B/7 High Court Judgement: Zurich Assurance Limited and Winchester City Council and South Downs National Park Authority [2014] EWHC 758 (Admin) (18 March 2014)
- CD7/B/8 High Court Judgement: Hopkins Homes Ltd v Secretary of State for Communities and Local Government and Suffolk Coastal District [2015] EWHC 132 (Admin) (17 March 2016)
- CD7/B/9 Appeal Decision: Land off Botley Road, West End Hampshire APP/W1715/W/15/3139371

**CD8/B – Miscellaneous**

- CD8/B/1 West Berkshire Annual Monitoring Report 2015
- CD8/B/2 HSA DPD Background Paper
- CD8/B/3 The Approach and Delivery Topic Paper Supporting the HSA DPD
- CD8/B/4 "Laying the Foundations: A Housing Strategy for England"
- CD8/B/5 The Planning Advisory Service "Ten Key Principles for owning your Housing Number – Finding Your Objectively Assessed Needs".
- CD8/B/6 The Council's Homework Response to Issue 1 "OAN"
- CD8/B/7 The Council's Homework Response to Issue 3 "Sandleford Park"
- CD8/B/8 The "Thatcham Vision" – Part 2, Population, Development and Infrastructure
- CD8/B/9 Consultation on Proposed Changes to the National Planning Policy document 2015
- CD8/B/10 Local Plan Expert Group Local Plans Report to Government, Appendix 6
- CD8/B/11 South East Plan Panel Report (Volume 1) August 2007
- CD8/B/12 South East Plan 2009
- CD8/B/13 Airports Commission Local Economic Impacts Assessment, November 2014
- CD8/B/14 West Berkshire Housing Need Assessment 2007
- CD8/B/15 Berks, Bucks & Oxon Wildlife Trust – Consultation Response dated 25th Aug 2015
- CD8/B/16 West Berkshire Council Ecologist – Consultation Response dated 14th September 2015
- CD8/B/17 Appellants Representations to the Proposed Submission Version of the HSA DPD December 2015
- CD8/B/18 Council's note on progress within the HSA DPD Sites
- CD8/B/19 Appellant Response to Homework Questions
- CD8/B/20 "The Labour Needs of Extra Housing Capacity – Can the House Building Industry



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CD8/B/21	Cope" (2005) NHS Healthy Urban Development Unit (HUDU) Planning Contribution Model Guidance Notes
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#### **CA – COUNCIL DOCUMENTS SPECIFIC TO 'APPEAL A' (SIEGE CROSS)**

CD5/CA/1	DCLG Policy paper '2010 to 2015 government policy – <a href="https://www.gov.uk/government/publications/2010-to-2015-government-policy-planning-reform/2010-to-2015-government-policy-planning-reform">https://www.gov.uk/government/publications/2010-to-2015-government-policy-planning-reform/2010-to-2015-government-policy-planning-reform</a>
CD8/CA/1	Primary Admission Arrangements 17/18
CD8/CA/2	Secondary Admission Arrangements 17/18

#### **CAB – COUNCIL DOCUMENTS RELEVANT TO BOTH 'APPEAL A' AND 'APPEAL B'**

##### **CD6/CAB – Local Planning Policy and Guidance (Extracts where appropriate)**

CD6/CAB/1	West Berkshire Local Development Scheme (extract)
CD6/CAB/2	Housing Site allocations DPD Examination Webpage at <a href="http://info.westberks.gov.uk/index.aspx?articleid=32493">http://info.westberks.gov.uk/index.aspx?articleid=32493</a>

##### **CD7/CAB – Appeals and Judgements**

CD7/CAB/1	Hunston High Court Judgement and Court of Appeal Judgements (Hunston Properties v SSCLG and St Albans City & District Council (2013) EWHC 2678 and R vs City and District of St Albans, EWCA Civ. 1610 )
CD7/CAB/2	Satnam Millenium v Warrington Borough Council (2015) EWHC
CD7/CAB/3	St Modwen Developments Ltd v SSCLG and East Riding of Yorkshire Council [2016] EWHC 968 (Admin)
CD7/CAB/4	Recovered appeal on Land North East of Elsenham, Essex APP/C1570/A/14/2219018
CD7/CAB/5	Kings Lynn & West Norfolk vs. SSCLG & Elm Park Holdings Ltd [2015] EWHC 2464 (Admin)
CD7/CAB/6	Zurich Assurance Ltd v Winchester City Council & South Downs NPA [2014] EWHC 758 (Admin)
CD7/CAB/7	SSCLG v West Berkshire DC and Reading BC [2016] EWCA Civ 441
CD7/CAB/8	Appeal Decision Land north and south of Mans Hill, Burghfield Common Appeal Ref APP/W0340/A/14/2226342, Inspector David Wildsmith, 17 March 2015
CD7/CAB/9	High Court challenge case number CO/1455/2014 (Gladman Development Ltd and Wokingham Borough Council [2014] EWHC 2320 (Admin))
CD7/CAB/10	Oadby and Wigston Borough Council v Secretary of State & Bloor Homes Ltd [2015] EWHC 1879

##### **CD8/CAB – Miscellaneous**

CD8/CAB/1	PAS Technical Advice Note on OAN
CD8/CAB/2	Report on the Examination into the West Berkshire Core Strategy, July 2012
CD8/CAB/3	Brandon Lewis Letter to PINS re SHMA dated 19th December 2014
CD8/CAB/4	Council's Homework 4 consistency between C1 of the DPD and the Core Strategy
CD8/CAB/5	HSA DPD Statement of Consultation main Report
CD8/CAB/6	HSA DPD SA/SEA for Thatcham
CD8/CAB/7	Council's Homework on Issue 9. Overview of Thatcham Infrastructure Constraints
CD8/CAB/8	Annual Monitoring Report Housing 2015

## DOCUMENTS SUBMITTED DURING THE INQUIRY

### A – Appellants’ Documents, Appeal A

A1	Opening submissions on behalf of A2Dominion
A2	Wokingham Borough Council v SSCLG and Cooper Estates, notification on application for permission to proceed
A3	Oadby and Wigston Borough Council v SSCLG and Bloor Homes [2016] EWHC 1879 (Admin), Court of Appeal decision
A4	Office for National Statistics, Economic Review: November 2016
A5	Erratum to Ms Cohen’s proof of evidence
A6	Rebuttal proof of Ms Cohen
A7	Rebuttal proof of Mr Kinsman
A8	Rebuttal proof of Ms Toyne
A9	Table summarising parties’ OAN calculation
A10	Extract from ‘Delivering National Growth, Locally’ by Thames Valley Berkshire Local Enterprise Partnership
A11	Barton Willmore’s revised OAN Table based on post-Brexit assumptions
A12	Extract from Experian jobs forecast
A13	Planning history and layout plans for Lakeside site in Theale
A14	Market Street site, illustration and accommodation table
A15	Housing Site Allocations DPD – Inspector’s ‘homework’
A16	Cotswold District Council v SSCLG and others, [2013] EWHC 3719 (Admin)
A17	Unilateral Undertaking, A2Dominion Developments and Linda and Angus Janaway to West Berkshire Council
A18	Schedule of Unilateral Undertaking provisions
A19	Housing Land Supply Scenarios, Barton Willmore Table 18a
A20	Annotated landscape map
A21	Appendix LT1 to accompany Ms Toyne’s LVIA
A22	Report into objections to the Newbury District Local Plan, 1991-2006
A23	West Berkshire Council Community Infrastructure Levy Reg. 123 List November 2016 consultation version
A24	West Berkshire Planning Area 12 - secondary education pupil numbers
A25	West Berkshire Infrastructure Delivery Plan 2013, extract
A26	Plan showing viewpoints and route for site visit
A27	Five year land supply – Barton Willmore revised table 18
A28	Appeal decision: land at Fawler Rd, Uffington, Ref APP/V3120/W/15/3139377
A29	Local Plan programme for Berkshire planning authorities
A30	Mr Usher’s revised OAN to reflect Cambridge Econometrics report Nov 2016
A31	Revised Barton Willmore table 18
A32	Closing submissions on behalf of A2Dominion Developments

### CA - Council’s Documents, Appeal A

CA1	Ms Ball’s rebuttal proof
CA2	Proposed Planning Conditions
CA3	Historic Landscape Context, Figure BK3 by Ms Kirkham
CA4	Heights of key buildings on the Colthrop Industrial Estate
CA5	Guide for Landscape and Visual Impact Assessment, 3 <sup>rd</sup> Edition, extract
CA6	Appeal decision: Land at Blacks Lake, Aldermaston, APP/W0340/C/15/3139572
CA7	WBC Review of Community Infrastructure Levy, Reg 123 List
CA8	Kennet School, capacity and demand table
CA9	Bellway Homes response to Core Strategy Preferred Options consultation
CA10	Proposed travel plan conditions
CA11	Justification for contribution to travel plan monitoring

### TA - Third Party Documents, Appeal A

TA1	Submission by Mr Goodwin, Flood and Water Course Warden
TA2	Submission by Mr Crumly on behalf of Thatcham Town Council

TA3	Letter from North Wessex Downs AONB dated 23/11/2016
TA4	Submission by Cllr Cole

### **B – Appellant’s Documents, Appeal B**

B1	Schedule of appearances
B2	Mr Veasey’s rebuttal proof
B3	Alternative OAN scenarios based on A9 table
B4	Summary of 5 year supply sites in dispute
B5	Unilateral Undertaking by Timothy and Evelyn Billington and Croudace Ltd to West Berkshire District Council
B6	Housing land supply estimates based on 665 and 771 dpa OAN
B7	Barratt Annual Report and Accounts 2016, extract
B8	Details of Mr R Hewitt, appellants’ drainage witness
B9	Route for site visit
B10	Appeal decision: Land north of Birchen Lane, Haywards Heath APP/D3830/W/15/3137838
B11	Opening comments on behalf of the appellants
B12	Closing submissions on behalf of the appellants
B13	Abbreviated closing submissions

### **CB – Council’s Documents, Appeal B**

CB1	Proposed Planning Conditions
CB2	Letter from The Wildlife Trusts dated 25/8/2015
CB3	Letter from The Wildlife Trusts dated 20/10/2016
CB4	Memo from Mr J Davy concerning ecological matters
CB5	Note concerning the need for a contribution to bus services

### **TB – Third Party Documents, Appeal B**

TB1	Submission of Mr Crumly on behalf of Thatcham Town Council
TB2	Submission of Mr Pieri on behalf of Mr Dunn, Thatcham Flood Forum
TB3	Submission of Mr Woodham on behalf of Thatcham Flood Forum
TB4	Submission of Goodwin, Cold Ash Flood and Water Course Warden
TB5	Submission of Ms Conyers, Local Resident
TB6	Submission of Mr Munro on behalf of Cold Ash Parish Council
TB7	Submission of Mr Simpson, District Councillor, Cold Ash Ward

### **CAB – Council Documents relevant to both Appeals A and B**

CAB1	Opening submissions on behalf of the Council
CAB2	Mr Ireland’s rebuttal proof
CAB3	Housing supply update note agreed by all parties
CAB4	Home Choice User Guide, extract
CAB5	Private rental market statistics
CAB6	Housing Site Allocation DPD land within 5 year supply
CAB7	Additional information on delivery of 5 year supply sites
CAB8	Sandleford Park Supplementary Planning Document, 2015
CAB9	Proposed revision to HSA DPD Policy C1
CAB10	Cambridge Econometrics November 2016 employment forecast
CAB11	Closing submissions on behalf of the Council

## **ANNEX 3**

### **PLANNING CONDITIONS**

1. Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: 14/1208/SK07 Rev E - Proposed South-western Priority Junction dated July 2015; 14/1208/SK03 Rev D - Proposed Roundabout Access Junction dated July 2015.
5. The reserved matters details shall generally accord with the following list of drawings and documents: 22289A/04R – Illustrative Site Layout dated July 2016; 22289A/03B – Development Parameter Plan dated May 2016; 22289A/04S - Storey Heights dated July 2016; 22289A/04S - Density Overlay dated July 2016.
6. The reserved matters applications shall be prepared in general accordance with a comprehensive landscape strategy plan which has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details about the retention of existing boundary vegetation, proposed structural planting to the northern boundary of the site and the northern boundary of the developed area, and provide details about ecological, hydrological and recreational considerations.
7. No more than 225 dwellings shall be developed on the site.
8. No development shall take place until details of accessibility within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include means of access for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. Thereafter the development shall be carried out in accordance with the approved details.
9. No demolition or construction works shall take place outside the hours of 07.30-18.00 Mondays to Fridays, 08.30-13.00 Saturdays. No work shall be carried out at any time on Sundays or Bank Holidays.
10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The



development shall be carried out in accordance with the approved details. The statement shall provide for i) the parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) the erection and maintenance of any security fencing or hoardings; v) wheel washing facilities; vi) measures to control the emission of dust and dirt during construction; vii) a scheme for recycling/disposing of waste resulting from construction works; and, viii) agreed routes and timing restrictions for construction vehicles, deliveries and staff.

11. Prior to the occupation of the first dwelling a full Residential Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the GP Surgery a full Travel Plan for the GP Surgery shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plans shall be implemented from first occupation of the first dwelling (Residential Travel Plan) and first occupation of the GP Surgery (GP Travel Plan). A Travel Plan Coordinator shall be in place no later than 3 months prior to first occupation of the first dwelling on the development. The Travel Plan shall be monitored with the initial survey taking place once 50% of the development is occupied or after 6 months from first occupation, whichever occurs sooner. The Travel Plan targets shall be agreed within 6 months of the initial survey taking place along with any necessary updating of the Travel Plan. After that the Travel Plans shall be annually monitored, reviewed and updated for a period of five years from first implementation of the development or two years after completion of the development, whichever is later.
12. No dwelling shall be occupied until pedestrian and cycle centre island crossing points along Cold Ash Hill (drawing 14/1208/SK12), Heath Lane (drawing 14/1208/SK11) and Bowling Green Road (drawing 14/1208/SK13) have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
13. No dwelling shall be occupied until the following works have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority: i) Dropped kerbs and tactile paving across Westfield Road (at the junction with Northfield Road) as shown on Drawing 16/0515/SK02; ii) dropped kerbs and tactile paving across Sagecroft Road (at the junction with Northfield Road) also shown on Drawing 16/0515/SK02; iii) widening of the section of Bowling Green Road between the junction of Northfield Road and the proposed Site Access priority junction to accommodate a 2.5 metre shared foot and cycleway.
14. No development shall take place until details of the proposed access into the site from Bowling Green Road, in accordance with drawing 14-1208-SK07/E, have been submitted to and approved in writing by the Local Planning Authority. No other development shall take place (except construction of a site compound and associated site clearance works) until this access, and any associated engineering operations, have been completed in accordance with the approved details.
15. No dwelling shall be occupied until details of the proposed junction improvement scheme at the Heath Lane / Cold Ash Hill Roundabout in accordance with drawing 4-1208-SK03/D have been submitted to and approved in writing by the Local

Planning Authority. No more than 50 dwellings shall be occupied before the improvement scheme has been constructed in accordance with the approved details.

16. No dwelling hereby permitted shall exceed 2.5 storeys in height (to mean no higher than 10.5m to ridge height) in any part of the scheme.
17. No development shall take place until details of the finished floor levels of the buildings hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
18. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall be in general accordance with the terms agreed in the Statement of Common Ground (Flood Risk and Drainage) dated October 2016 and shall:
  - Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
  - Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
  - Provide details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development.
  - Include a drainage strategy for surface water run-off from the site;
  - Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at run off rates to be agreed with the Local Planning Authority;
  - Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
  - Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
  - Include flood water exceedance routes, both on and off site; include flow routes such as low flow, overflow and exceedance routes; provide details of how the exceedance routes will be safeguarded for the lifetime of the development;
  - Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
  - Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines and are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;

- Include in any design calculations an allowance for a 10% increase of paved areas over the lifetime of the development;
- Provide attenuation storage measures which have a 300mm freeboard above maximum design water level, and surface conveyance features with a 150mm freeboard above maximum design water level;
- Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- Include a Flood Risk Assessment (FRA);
- Include measures which protect or enhance the ground water quality and provide new habitats where possible.

The above sustainable drainage measures shall be implemented in accordance with the approved details and in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

19. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.
20. In the event that any previously unidentified land contamination is found at any time during development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken, and where remediation is necessary a remediation scheme shall be prepared. The investigation and risk assessment, and any remediation scheme, shall be submitted to and approved in writing by the Local Planning Authority. No further dwellings shall be occupied until any necessary remediation has been completed in accordance with an approved scheme and a verification report to this effect has been submitted to and approved in writing by the Local Planning Authority. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.
21. No piling shall take place during construction, except auger piling, unless otherwise agreed in writing by the Local Planning Authority.
22. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include i) details of the temporary protection of all retained trees and details of any special construction methods within tree protection zones; ii) measures for the protection of roots in the vicinity of hard surfacing, drainage and other underground services; iii) a full

schedule of works to retained trees including the timing and phasing of operations ; and iv) proposals for the supervision and monitoring of all tree works and protection measures. Development shall proceed in accordance with the approved arboricultural method statement, with tree protection measures retained throughout the period of construction, or in accordance with a timetable approved in writing by the Local Planning Authority.

23. No development shall take place (including, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following i) a risk assessment of potentially damaging construction activities; ii) identification of biodiversity protection zones; iii) the location and timing of sensitive works to avoid harm to biodiversity features; iv) the times during construction when specialist ecologists need to be present on site to oversee works; v) the role and responsibilities of an ecological clerk of works or similarly competent person and lines of communication; and vi) the use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
24. Prior to occupation of any dwelling, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall: i) identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging; and ii) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking, re-enacting or modifying that Order with or without modification), no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.
25. No development shall take place on site until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include (but not be limited to): i) detailed creation and management prescriptions for the Meadows, Wetlands/Swales, Flood Meadows/Ponds, Parkland, and any Orchard Areas for 10 years; ii) maintenance of a secure boundary to Cleardene Farm Wood to minimise recreational disturbance; iii) safeguards in respect of bats, badgers, hedgehogs, reptiles and nesting birds during habitat clearance works; iv) details of a reptile mitigation strategy and enhancement plan; v) habitat creation and management to provide new and enhanced habitat areas including wildflower grassland, orchard, ponds and tree and shrub planting; vi) provision of bat boxes and bird nesting opportunities; and vii) provision of habitat piles and butterfly banks. The contents of the Plan shall be based on Section 6 of the Ecological Appraisal by Aspect Ecology and dated July 2015. The approved Plan shall be implemented in full in accordance with an approved timetable. Monitoring of the plan shall be conducted by qualified ecologists who shall provide a report to the Local Planning



Authority annually on the anniversary of the commencement of development and for the first five years following completion of the development that the approved mitigation measures have been implemented in full. A Review of the plan shall be submitted for the approval of the Local Planning Authority on the 10<sup>th</sup> anniversary of the commencement of development.

26. No dwelling hereby permitted shall be occupied until cycle storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
27. No dwelling hereby permitted shall be occupied until an area for refuse/recycling storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.



## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### **SECTION 2: ENFORCEMENT APPEALS**

#### **Challenges under Section 289 of the TCP Act**

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### **SECTION 3: AWARDS OF COSTS**

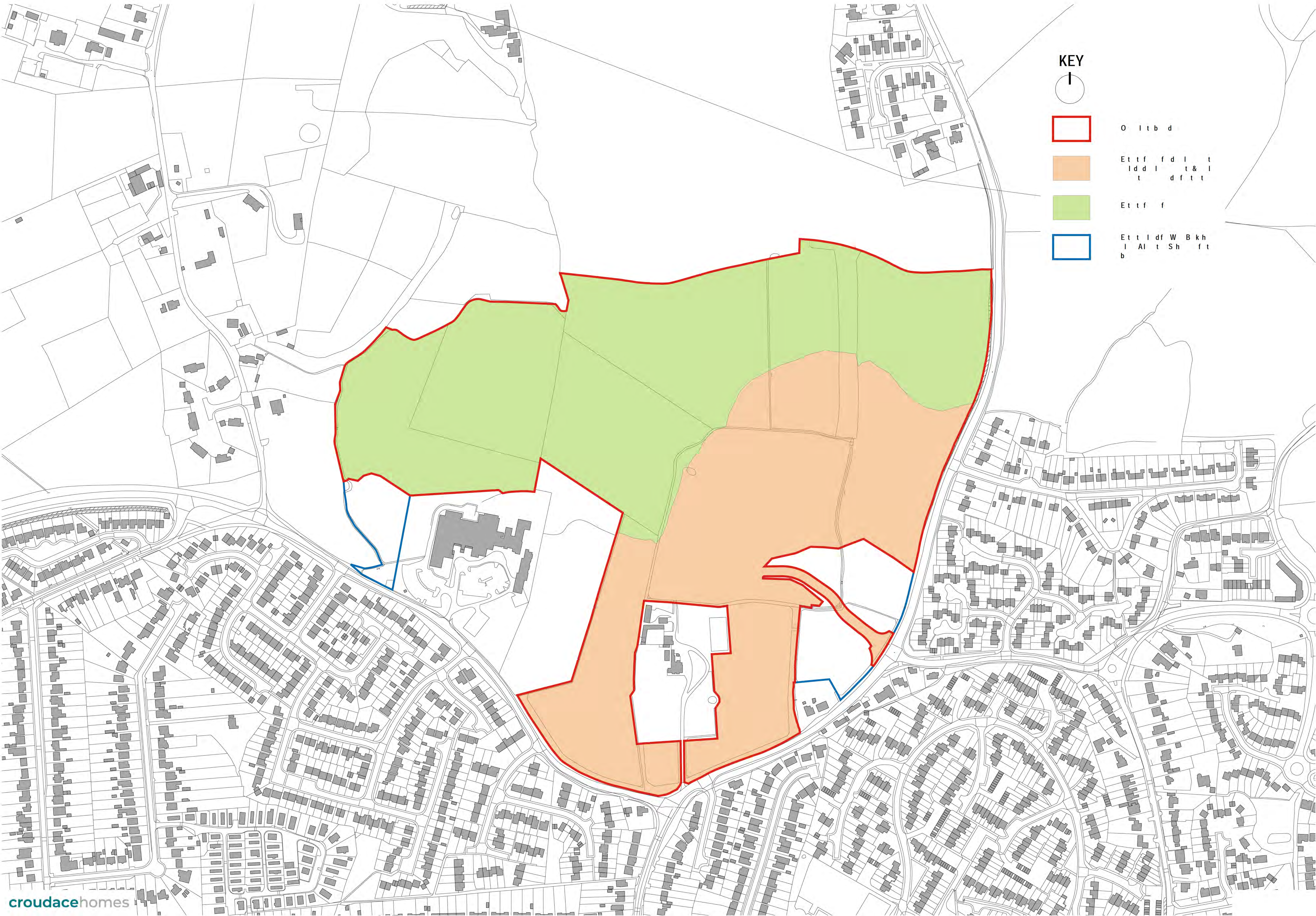
A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### **SECTION 4: INSPECTION OF DOCUMENTS**

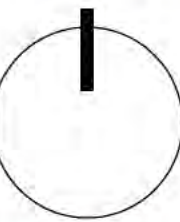
Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

## **Appendix D – Illustrative Land Use Parameter Plan**





KEY



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## **Appendix E – Croudace Homes Representations to Local Plan Review Scoping Consultation (March 2018)**

# Henwick Park, Thatcham

## Representations to the Review of the West Berkshire Local Plan 2036

**on behalf of Croudace Homes**

March 2018



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## 1.0 Introduction

- 1.1 Nexus Planning, on behalf of Croudace Homes Ltd, is submitting representations to the West Berkshire Local Plan to 2036 Scoping Report ('the Scoping Report'). Croudace Homes Ltd is actively promoting land at Henwick Park, Thatcham, also known as 'Land North of Bowling Green Road' for inclusion in the emerging Local Plan as a strategic housing allocation. The Henwick Park site comprises 24.5ha of agricultural land and is situated approximately 1.6km to the north of Thatcham Town Centre.
- 1.2 The Council will be aware that in July 2015 Nexus Planning, on behalf of Croudace Homes, submitted an Outline Planning application (ref. 15/01949/OUTMAJ) for up to 265 homes on the Henwick Park site (later amended to 225 homes). West Berkshire Council, contending that it has an up-to-date Core Strategy and that it is able to demonstrate a five year supply of deliverable housing sites, refused the application.
- 1.3 The application was duly heard by public inquiry (conjoined with the scheme east of Thatcham at 'Siege Cross'). Following the Inquiry which concluded in December 2016, inspector John Chase recommended that both appeals be allowed. However, the applications were called in for decision by the Secretary of State (Sajid Javid) and in a decision letter dated 27<sup>th</sup> July 2017, the secretary of State disagreed with the inspector's recommendation and refused permission for both schemes.
- 1.4 In his decision letters the Secretary of State outlined that following the close of the original inquiry he had received representations from the Council, including information on an updated five-year housing land supply. The Housing Site Allocations DPD (HSA DPD) had also been formally adopted by the council in May 2017 following the close of the Inquiry.
- 1.5 In dismissing the appeals he found that the Council could demonstrate a five-year supply of deliverable housing sites at that time. As such, there were no material considerations sufficient to indicate that the proposals should be determined other than in accordance with the development plan. Significantly however, he found no technical matters that would preclude development at the site including matters such as landscape, transport, ecology or flood risk.
- 1.6 We respond to the questions within the Scoping Report in order below.

## 2.0 Do you agree with the proposed scope of the review of the Local Plan?

- 2.1 The Scoping Report sets out the scope of the review at Chapter 3 but suggests that the purpose of the Local Plan Review will be to:

*“assess the future levels of need for new homes (including market, affordable and specialist housing and Gypsy and Traveller Accommodation) and employment land and other land uses up to 2036 and to provide an appropriate basis for housing employment land and infrastructure provision over that period”.*

- 2.2 The West Berkshire District Local Plan was adopted in 2002 and was intended to cover the period 1991 - 2006. A number of policies were duly saved, but were intended to be in place only until 2012. The adopted Local Plan is therefore substantially out-of-date.

- 2.3 The West Berkshire Core Strategy was adopted in July 2012, following a protracted examination in public. It covers the period 2006 – 2026. It allocates strategic sites and contains, at Policy CS1, a housing requirement of *at least* 10,500 new homes between the period 2006 and 2026, equivalent to some 525 dwellings per annum. This figure was derived from the housing requirement for the District contained within the now revoked South East Plan Regional Spatial Strategy.

- 2.4 The National Planning Policy Framework (the Framework) sets out at paragraph 47 that it is a Government objective:

*‘To boost significantly the supply of housing...’*

- 2.5 In doing so, local planning authorities (‘LPA’s) are required to use their evidence base to meet the full, objectively assessed need (‘OAN’) for market and affordable housing in the housing market area, as far as it is consistent with the policies set out in the Framework.

- 2.6 It was acknowledged by the Council during the course of the examination that the proposed housing requirement did not represent the full objectively assessed need for housing as required by the Framework at Paragraph 47. Nonetheless, the Inspector recommended adoption of the Plan subject to main modifications which make it clear that:

- i. The 10,500 housing figure is expressed as a minimum and not a ceiling;
  - ii. An early review of housing provision on the basis of a new SHMA, produced within three years in cooperation with the other authorities in the HMA (i.e by July 2015).
- 2.7 The Council has since chosen to prepare and adopt the Housing Site Allocation DPD (HSA DPD). However, the HSA DPD has a limited scope in identifying sites to meet the remaining part of the 'at least' 10,500 housing requirement from the Core Strategy, as well as additional sites to meet the first part of its OAN. As a consequence, the Council does not have a Framework compliant housing target embedded within a Development Plan, and based on the latest version of the Council's Local Development Scheme, it will be more than 8 years following adoption of the Core Strategy before it does so.
- 2.8 Against that background, it is imperative that a comprehensive review of the Local Plan is carried out, to include a Framework compliant housing requirement and allocations to meet that need over the Plan period. We therefore broadly support the scope of the review as set out at Section 3 of the Scoping Report.
- 2.9 The Council will however be aware that the Government recently consulted on potential changes to the NPPF including amendments in terms of plan making. This incorporates proposed changes to the tests of soundness, including amendments to the 'positively prepared' test to emphasise the role of Plans in meeting objectively assessed needs for housing.
- 2.10 Paragraph 29 also states that in order to demonstrate effective and on-going joint working, strategic plan-making authorities should prepare and maintain one or more statements of common ground, documenting the cross boundary matters being addressed and progress in cooperating to address these. Paragraph 36 goes on to set out the soundness tests and proposes a strengthening of both the 'positively prepared' and 'effective' soundness tests in particular so that local plans are (a) informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated; and (b) based on effective joint working on cross-boundary strategic matters, as evidenced by a statement of common ground.
- 2.11 The scope of the review should be amended to make it clear that the Council will have regard to the emerging changes to the NPPF where applicable.

### 3.0 Do you agree with the draft strategic objectives we have identified in Appendix 1?

- 3.1 The draft strategic objectives at Appendix 1 cover a range of issues, but we note that the second of those deals with Housing and outlines that:

*“Together with the other Berkshire authorities within the Western Berkshire Housing Market Area, to ensure that the assessed need for market and affordable housing up to 2036 will be met across the District. To provide a mix of house sizes, types and tenures, through a variety of delivery methods and respond to the changing demographic and health profile of the District”.*

- 3.2 Croudace Homes has no objection to the Strategic Policies as set out.



## 4.0 Do you think our existing spatial strategy (as set out in the Core Strategy) is the most appropriate for development to 2036?

- 4.1 The Scoping Report notes that Core Strategy Policy ADPP1 sets out the current spatial strategy for delivery of growth within West Berkshire, seeking to strike a balance between:

*“protection of the District’s environmental assets and improving the quality of life for all, ensuring that necessary change and development is sustainable in the interests of future generations”.*

- 4.2 As part of that strategy a hierarchy of settlements has been outlined which includes Thatcham as one of three ‘Urban Areas’ in the top tier of the hierarchy, along with Newbury, and the Eastern Urban Area (Tilehurst, Calcot & Purley on Thames). This, the Council suggests, allows urban development to be maximised and a combination of strategic urban extensions and smaller sites for housing to be identified.
- 4.3 It is the opinion of Croudace Homes that ADPP1, in so far as it relates to the broad distribution and location of new housing, shows a high degree of consistency with the relevant policies of the Framework. In particular, Croudace Homes fully supports the identification of Thatcham as an ‘Urban Area’ in the top tier of the settlement hierarchy reflecting its status as one of the most sustainable settlements in the District to accommodate strategic levels of housing growth.
- 4.4 The Council suggests in the Scoping Report that the emerging Local Plan would continue to build on the existing settlement pattern, using the hierarchy of settlements as the focus for development. Croudace Homes therefore supports this approach. It goes on to suggest that the current role and function of all individual settlements would be re-examined to ensure the settlements identified in each category remain the most appropriate.

- 4.5 In that context, the Council will be aware that Thatcham is allocated for growth of around 900 dwellings under Policy ADPP3 of the Core Strategy, compared to approximately 1,400 dwellings in the Eastern Urban Area (ADPP4) and 5,400 dwellings at Newbury (ADPP2). The Core Strategy Inspector provides useful guidance in terms of the growth potential at Thatcham when he states that:

*"65. The Council's focus on Newbury and the modest level of provision made at Thatcham is not the only approach that could have been pursued. Additional development at Thatcham might be able to contribute to some of the infrastructure improvements and other changes the Council seeks. In the light of the planned review of housing provision, the approach to Thatcham may need to be reviewed if additional housing has to be accommodated in the District".*

*66. The Council accepts that the policy for Thatcham should acknowledge that the delivery of planned provision will include greenfield sites adjoining the settlement. This is necessary for effectiveness in subsequent delivery. The Council also accepted that one consequence of the policy for Thatcham is that, compared with Newbury, local needs will be addressed far less effectively..."*

- 4.6 In formulating the Core Strategy spatial policies, the level of growth at Thatcham was debated. The Council's policy for relatively modest growth, despite its Main Urban Area status, was influenced by the fact that Thatcham had seen considerable growth in recent years, with the focus being on regeneration and renewal. The Core Strategy Inspector concluded that:

*"65.... For the present, the approach in the Plan is a justified local choice made by the Council.*

*67. In any overall review to accommodate more housing, Thatcham would be a location to be considered again for additional housing, consistent with its position at the top tier of the settlement hierarchy".*

- 4.7 The policy position at Thatcham at that time was not based upon a definitive infrastructure constraint; it was based upon a 'local choice' with the Inspector acknowledging that another strategy for higher growth at Thatcham would have, and indeed may be equally appropriate.

- 4.8 It should also be noted that this policy position was established when preparing the Core Strategy in 2009/2010. Nearly a decade has elapsed since the decision was made to give Thatcham a period of consolidation. In that time, Thatcham has seen very modest levels of housing growth, indeed the HSA DPD includes only a single allocation at Thatcham - land at Lower Way, allocated for approximately 85 dwellings.
- 4.9 The level of growth at Thatcham is in stark contrast to the other settlements within the top tier of the settlement hierarchy where growth has been substantial. A contrast which is even more stark when the approved development for up to 400 dwellings on Land adjacent to Hilltop, Oxford Road, Donnington, Newbury (APP/W0340/W/16/3143214) is taken into account.
- 4.10 Given its position in the settlement hierarchy, its high level of sustainability, the lack of growth over the life of the Core Strategy and comments made by the Appeal Inspector, it is clear that that Thatcham should be expected to accommodate a substantial level of growth within the emerging local Plan. With limited capacity within settlement boundaries (as evidenced through the HSA DPD), this must include sustainable greenfield sites on the edge of the settlement. In that regard, it should be noted that there are no technical issues that would preclude growth at Henwick Park and Croudace Homes consider that it should be allocated for development comprising at least 225 dwellings in the emerging Plan to help meet development needs.

## **5.0 Do you agree that dividing the District into different geographical areas is still the most appropriate way to deliver the spatial strategy?**

5.1 The District is currently divided into four main geographical areas as follows:

- Newbury and Thatcham;
- The Eastern Area – including the Eastern Urban Area;
- North Wessex Downs AONB;
- The East Kennet Valley.

5.2 Given their geographical proximity and functional relationship as the largest and most sustainable settlements within the District, Croudace Homes considers that combining Thatcham and Newbury into a single distinct area remains an appropriate strategy for delivering growth.

5.3 There is a rationale for retaining the remaining areas in their current form as reflection of the different geographical areas of the District. Croudace Homes would therefore have no objection to retaining these areas as set out.



## 6.0 Do you think there is a realistic opportunity for a large scale development to the south of Reading which could have the potential to be incorporated into the overall spatial strategy for the District?

- 6.1 The Council suggests that land to the south of Grazeley, south of Reading is being considered as a potential housing and mixed use development comprised of approximately 10,000 homes in Wokingham and 5,000 in West Berkshire.
- 6.2 Croudace Homes does not object, as a matter of principle, to the allocation of what amounts to a new settlement to the south of Reading as a way of helping to meet development needs in the District. However, this stance is predicated upon the Council, prior to making such an allocation, and prior to determining the scale of any such new allocation, ensuring that it has first maximised all sustainable options to deliver housing at the existing three strategic settlements and particularly at Thatcham.
- 6.3 Whilst new settlements can of course deliver a range of benefits, urban extensions to existing settlements are generally preferable as they have much greater potential to ensure that the benefits, in terms of new infrastructure provision, accrue to both existing residents as well as new residents. New settlements, by their very nature, are self-contained and, therefore, generally provide infrastructure benefits to new residents only.
- 6.4 We would also raise concerns regarding the potential delivery rates from a development of this scale. The emerging Local Plan is due for adoption at the end of 2020 but the Grazeley site crosses local authority boundaries would therefore require extensive cross boundary joint working. It is also likely that an Area Action Plan would be needed for development of this scale. Assuming this site is allocated, it would likely be followed by several outline planning applications with appropriate legal agreements which would be significant and complex for a development of this scale and nature.
- 6.5 Further to this, conditions would need to be discharged and reserved matters submissions produced, submitted and determined. All of this would be required before enabling works on site can commence, let alone the construction and completion of houses. Given this lengthy lead in time, it is reasonable to assume that there would be no material start on site until the back end of the current Plan period at best, and possibility into the next Plan. In any event, the scope for delays aside, it would be a mistake

to rely too heavily on delivery of housing from a single site because it is highly questionable whether the market would be sufficiently strong to support the purchase of this many homes per annum, over a lengthy period of time, in a single location.

- 6.6 To ensure a mixed portfolio of sites which will ensure delivery at the front end of the Plan period and throughout, as well as minimising risk associated with a new settlement, it is essential that the Council first ensures that all development opportunities at the three existing strategic settlements are maximised before determining the need for, and scale of, any new settlement proposal.
- 6.7 In that regard, it has been demonstrated that the land at Henwick Park, Thatcham is suitable for development comprising at least 225 dwellings. Development at this site would make a meaningful contribution during the first five years of the Plan period.

## 7.0 Do you agree with our assessment of existing planning policies? What do you think works well at the moment and what do you think we could do better?

- 7.1 Appendix 2 of the Scoping Report sets out an assessment of the relevance and effectiveness of the adopted policies from the West Berkshire District Local Plan 1991-2006, the West Berkshire Core Strategy 2006-2026 and the Housing Allocations DPD 2006-2026. We respond in connection with a number of specific policies below:

### Core Strategy Policy CS1

- 7.2 Core Strategy Policy CS1 makes provision for the delivery of the overall housing requirement of at least 10,500 net additional dwellings over the period 2006 to 2026. It outlines four categories of land where it expects new homes will be 'primarily' developed. The Council sets out in the Topic Paper that the policy approach to the delivery of housing will be updated in light of evidence from the Berkshire SHMA and any amendment to national policy regarding the assessment of housing need.
- 7.3 Croudace Homes welcome the principle that a fully Framework compliant housing target will be embedded within the emerging Local Plan. However, any replacement for adopted Policy CS1 should also have regard to the fact that new homes will be provided on greenfield sites adjoining settlement boundaries.

### Core Strategy Policy ADPP1

- 7.4 Core Strategy Policy ADPP1 sets out the Spatial Strategy for the district, including a district settlement hierarchy. The Council, at Appendix 2 of the Scoping Report, suggests that in connection with policies ADPP1 - 6 that it will consider whether the current spatial strategy for the District is the most appropriate up to 2036. It goes on to suggest that policies for the delivery of the Spatial Strategy will be developed once the principles have been established.

- 7.5 Croudace Homes does not object to this approach in principle, however adopted Policy ADPP1 also suggests that below the settlement hierarchy, only appropriate limited development will be allowed in the countryside. By contrast, the policy text is clear that *'most development will be within or adjacent to the settlements included in the settlement hierarchy'*. Nonetheless, conflict with Policy ADPP1 was a point levelled against the Henwick Park appeal scheme. In common with Policy CS1 above, the replacement policy for ADPP1 should clarify beyond any doubt that in addition to the urban area, development will need to come forwards on greenfield sites adjoining settlements in the hierarchy, i.e in the 'countryside'.

#### HSA DPD Policy C1

- 7.6 Policy C1 of the HSA DPD seeks to restrict housing supply through the identification of settlement boundaries, outside of which there is a presumption against development. However, it should be noted that the HSA DPD is limited to delivering the out-of-date Core Strategy housing requirement.
- 7.7 Delivery of a Framework compliant housing target will require settlement boundaries to be redrawn again, to include current greenfield sites on the edge of settlements. Croudace Homes therefore does not object to the principle of the policy being carried forward into the emerging Local Plan to 2036 provided a fully Framework complaint is embedded in the Plan, including greenfield sites on the edge of sustainable settlements. As noted elsewhere, this should include the land at Henwick, Park, which is a sustainable location for growth.



## 8.0 Conclusion

- 8.1 As set out above, Croudace Homes considers that a full and comprehensive review of the Local Plan is required in order to ensure that full objectively assessed development needs are planned for within the District as required by the Framework at Paragraph 47. In that regard, we welcome the proposed scope of the review as set out, but consider that regard should be had to emerging changes to the Framework.
- 8.2 In seeking to allocate housing we consider that the existing spatial strategy, which places Thatcham in the top tier of the Settlement Hierarchy, remains robust. However, Thatcham was deemed to require a period of consultation under the adopted Core Strategy and was duly allocated for modest levels of growth. That decision was taken nearly 10 years ago and since that time, Newbury and the Eastern Urban Area have seen much greater levels of growth. In accordance with the comments of the Core Strategy Inspector, Thatcham must be considered again for growth this time around.
- 8.3 Croudace Homes does not object to the principle of a new settlement at Grazely, but notes that the land would cross Local Authority boundaries and would require extensive cross boundary working in order to be developed. A scheme of this size could only deliver towards the back end of the plan period at best. As such, sustainable options to deliver housing at the existing strategic settlements must first be explored.
- 8.4 Against that background, it has been demonstrated through the decision by the Secretary of State that there are technical matters precluding development of at least 225 dwellings on land at Henwick Park, Thatcham. The land is available now, offers a suitable location for development now, and is achievable with development coming forwards within the first five years of the plan period. Thus the site is therefore deliverable within the meaning set out at Footnote 11 of the Framework.

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## **Appendix F – Croudace Homes Representations to Regulation 18 Local Plan Review Consultation (December 2018)**



# Henwick Park, Thatcham

Representations to the West Berkshire Local  
Plan Review to 2036 – Regulation 18  
Consultation November 2018

**on behalf of Croudace Homes**

December 2018



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## 1.0 Introduction

- 1.1 Nexus Planning, on behalf of Croudace Homes Ltd, is submitting representations to the West Berkshire Local Plan Review to 2036 – Regulation 18 Consultation ('LPR'). These representations follow comments made by Nexus Planning on behalf of Croudace Homes in March 2018 in connection with the Local Plan Review Scoping Report.
- 1.2 For clarity, Croudace Homes Ltd is actively promoting land at Henwick Park, Thatcham, also known as 'Land North of Bowling Green Road' for inclusion in the emerging Local Plan as a strategic housing allocation. The Henwick Park site comprises 24.5ha of agricultural land and is situated approximately 1.6km to the north of Thatcham Town Centre.
- 1.3 The Council will be aware that in July 2015 Nexus Planning, on behalf of Croudace Homes, submitted an Outline Planning application (ref. 15/01949/OUTMAJ) for up to 265 homes on the Henwick Park site (later amended to 225 homes). West Berkshire Council, contending that it has an up-to-date Core Strategy and that it is able to demonstrate a five year supply of deliverable housing sites, refused the application.
- 1.4 The application was duly heard by Public Inquiry (conjoined with the scheme east of Thatcham at 'Siege Cross'). Following the Inquiry which concluded in December 2016, inspector John Chase recommended that both appeals be allowed (**Appendix 1**). However, the applications were called in for decision by the Secretary of State (Sajid Javid) and in a decision letter dated 27th July 2017 (**Appendix 2**), the secretary of State disagreed with the inspector's recommendation and refused permission for both schemes.
- 1.5 In his decision letter, the Secretary of State outlined that following the close of the original inquiry he had received representations from the Council, including information on an updated five-year housing land supply. The Housing Site Allocations DPD (HSA DPD) had also been formally adopted by the Council in May 2017 following the close of the Inquiry.
- 1.6 In dismissing the appeals he found that the Council could demonstrate a five-year supply of deliverable housing sites at that time. As such, there were no material considerations sufficient to indicate that the proposals should be determined other than in accordance with the development plan. Significantly



however, he found no technical matters that would preclude development at the site including matters such as landscape, transport, ecology or flood risk.

## 2.0 Do you agree with our proposed vision?

- 2.1 The Council sets out within the LPR both a 'Vision Statement' and a 'Vision' for West Berkshire to 2036. The Vision Statement outlines that:

*"West Berkshire will be a place where by 2036, everybody in the District will have the opportunity to access what they need to fulfill their potential in a high quality and safe environment where they live, work and play. There will be an expectation of good health and a sense of wellbeing regardless of background and stage of life".*

- 2.2 The Vision goes on to outline a wide variety of aspirations for the District, with measures covering provision of infrastructure, housing and business premises. It deals with design and sustainability issues as well as heritage and biodiversity. In terms of housing, it suggests that:

*"Sufficient housing of different types, sizes and tenures will provide West Berkshire residents with homes to meet their needs, whatever their income, stages of life and ability".*

- 2.3 Croudace Homes supports these laudable aims, and notes that the site at Henwick Park would provide a range of housing types, sizes and tenures within a high quality environment that would have no adverse impact in terms of landscape, heritage assets or biodiversity.

## 3.0 Do you agree with our proposed revision of the existing spatial areas?

3.1 It is understood that as part of the LPR, the Council intends to divide the District into three spatial areas:

- Newbury and Thatcham;
- North Wessex Downs Area of Outstanding Natural Beauty (AONB);
- Eastern Area.

3.2 As such the LPR would differ from the adopted Core Strategy where the Eastern Area and the East Kennet Valley are identified as distinct spatial areas. They would be combined through the LPR.

### *Eastern Area*

3.3 The Council notes that the continued capacity of the Eastern Urban Area (as defined in the Core Strategy) *'requires further consideration'*. In particular, it notes *'tension'* between the need for further growth and the conservation and enhancement of the AONB given that the boundary of the North Wessex Downs AONB lies to the west of the Eastern Urban Area.

3.4 By the same token, the Council notes that the capacity of the East Kennet Valley *'has to be carefully monitored'* because of the safety requirements of the Atomic Weapons Establishments at Aldermaston and Burghfield. These considerations and the need for flexibility in the LPR underpin the Council's decision to combine these areas.

3.5 Croudace Homes agrees that development to the eastern side of the district is highly constrained for the reasons set out by the Council at Paragraph 4.27 of the LPR. As such, Croudace Homes raises no objection to the LPR adopting a single spatial area for this region, *'the Eastern Area'* but considers that options for growth in this area are extremely limited.

3.6 The prospect of a new settlement at Grazely is noted but as set out in our previous response to Scoping, concerns are raised regarding the potential delivery rates from a development of this scale with little or no housing delivered during the plan period of the LPR.

*Newbury and Thatcham*

- 3.7 In connection with Newbury and Thatcham, the LPR notes at Paragraph 4.30 that they, *'are distinct towns with their own character and identities but are geographically close and functionally related'*. It notes that there are two strategic urban extensions at Newbury identified within the Core Strategy, one at Newbury Racecourse (which has been largely built out) and one to the south of the town at Sandleford. Croudace Homes would also point out that a substantial scheme for 401 dwellings, a local centre and primary school was approved on appeal (re. APP/W0340/W/16/3143214) in March 2017 on land to the north of Newbury at Oxford Road, Donnington. The LPR notes that Newbury is the main focus for development up to 2036 and is expected to remain as such for growth up to 2036.
- 3.8 By contrast, the LPR points out that the focus for Thatcham up to 2026 has been on regeneration following earlier periods of growth. It is worth reiterating that Thatcham is one of the most sustainable settlements in the district and is situated in the top tier of the settlement hierarchy. However, it was allocated for only very modest levels of growth in the adopted Core Strategy. Indeed, Policy ADPP3 of the adopted Core Strategy allocates the town for around 900 dwellings, compared to approximately 1,400 dwellings in the Eastern Urban Area (ADPP4) and 5,400 dwellings at Newbury (ADPP2). The Council justified this modest level of growth on the basis that Thatcham had seen significant growth in recent years and was deemed to require a period of consolidation.
- 3.9 The subsequent Housing Site Allocations Development Plan Document (HSA DPD) was adopted in 2017 but contained only a single allocation at Thatcham - land at Lower Way, allocated for approximately 85 dwellings.
- 3.10 The decision to give Thatcham a period of consolidation was made when the Core Strategy was prepared in 2009/2010. As such, over a decade would have elapsed by the time the LPR is eventually adopted (currently estimated as November 2020), with Thatcham experiencing only very modest levels of housing growth during that period.
- 3.11 Whilst the decision to give Thatcham a period of consolidation was accepted by the Core Strategy Inspector at that time, he went on to clarify that Thatcham should be considered again as an area for housing growth in any future review, when he states at Paragraph 67 of his report that:



*“In any overall review to accommodate more housing, Thatcham would be a location to be considered again for additional housing, consistent with its position at the top tier of the settlement hierarchy”.*

- 3.12 Against that background, the LPR sets out the intended approach to future growth at Thatcham up to 2036 at paragraph 4.32, where it states that:

*“As envisaged by the existing Core Strategy though, the LPR now gives us the opportunity to plan holistically for the town with the necessary infrastructure to support it. As part of this process we will commission consultants to undertake masterplanning work in order to provide a more detailed assessment of the potential opportunities available”.*

- 3.13 Clearly as part of a plan led system, the Council is able to plan holistically for the town through the LPR, picking from a basket of sites and selecting the most appropriate locations for growth. Fundamentally though, Croudace Homes welcomes the acknowledgement that Thatcham is a location to be looked at again for strategic levels of growth in the LPR. Croudace Homes also welcomes the Council’s suggestion that a masterplanning exercise will be carried out as a way of providing a more detailed assessment of the opportunities available. That said, in order for this process to be carried out robustly and effectively, we consider that local landowners and developers should be fully engaged in this process from the outset and throughout. More specifically, the process should involve meetings in due course between landowners / developers, representatives of the Council, other relevant stakeholders and the appointed masterplanners. In order to achieve maximum value from this process, Croudace Homes also considers that the appointed masterplanners must look at greenfield land adjoining the edge of the settlement and should consider a variety of growth scenarios for the town.
- 3.14 Given its position in the top tier of the settlement hierarchy, its corresponding high level of sustainability, the lack of growth over the life of the Core Strategy and the HSA DPD, the relatively high levels of growth at Newbury in recent years and the constrained nature of other settlements in the district, Croudace Homes considers that Thatcham should now be expected to accommodate a substantial level of housing growth within the LPR.

3.15 In terms of identifying sites for development, the LPR now outlines at Paragraph 4.29 that:

*“Urban development will continue to be maximised and a combination of strategic urban extensions and other small and medium sites will continue to be identified and delivered. Within each spatial area, development will continue to come forward through existing commitments, infill development and sites allocated through the LPR, but each area will also have its own unique challenges and opportunities”.*

3.16 It is clear that Thatcham has limited capacity within settlement boundaries (as evidenced through the HSA DPD), and as such development at Thatcham must include sustainable greenfield sites on the edge of the settlement. It should also be noted that brownfield sites within the urban area have a greater likelihood of delivering commercial development or higher density, flatted, schemes. The Berkshire (including South Bucks) Strategic Housing Market Assessment (SHMA) (Feb 2016) outlines the following need for market housing across the Western Berkshire HMA over the period 2013-2036.

Size	% of additional households
1 bedroom	9.1%
2 bedrooms	28.9%
3 bedrooms	42.3%
4+ bedrooms	19.7%

3.17 It is therefore clear that the greatest need for housing over that period will come from 3 bedroom dwellings, with 3 and 4+ bedroom dwellings accounting for fully 62% of all demand over the period up to 2036. That form of large family housing is highly unlikely to be delivered on brownfield sites in the urban area and as such, sustainable green field sites which are well related to the existing urban area will be needed to meet that demand. Croudace Homes therefore welcomes acknowledgement in the LPR that a combination of strategic urban extensions, and other small and medium sites will be identified for growth.

3.18 However, Croudace Homes is aware that substantial areas across the district and around Thatcham are subject to a range of constraints that would severely limit development. The accompanying plan at **Appendix 3** shows the location of national level constraints around Thatcham and Newbury along with relevant committed developments. It demonstrates that development to the south of Thatcham is particularly constrained by areas of flood risk and ecological designations. Development to the west

would infill the relatively narrow gap between Newbury and Thatcham, with resultant concerns regarding coalescence.

3.19 Croudace Homes is aware that development to the east of Thatcham at 'Siege Cross' was also deemed by the Secretary of State to be acceptable with regard to technical matters. However, Croudace Homes is also aware that a revised, and substantially greater, quantum of development is now promoted for the Siege Cross site and adjoining land. A substantially enlarged scheme would of course mean that previous conclusions on technical matters are no longer valid. Of note, a revised scheme that takes development closer to the boundary of the nearby Area of Outstanding Natural Beauty will need to be carefully considered for its impact on the setting of this important national level designation.

3.20 By contrast, the submitted plans show that development at Henwick Park is completely unchanged from that previously considered by the Secretary of State. The site is not constrained by any national or local level designations and the proposed development in this location would effectively 'round off' the existing settlement. There has been no material change in circumstances at the site, or the surrounding area, since the decision by the Secretary of State in July 2017. In accordance with the comments made at that time, it can therefore be concluded that there are no technical issues that would preclude development at Henwick Park.

3.21 Specifically in connection with infrastructure, comments made by the Secretary of State in connection with the previous appeal are of relevance when he states that:

*"The Secretary of State considers that there is no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing. He also finds that the additional development would provide the opportunity for greater investment in local infrastructure, and he affords this benefit moderate weight".*

3.22 As noted above the Secretary of State was also clear that there would be no undue harm in other areas including landscape, transport, ecology or flood risk. Against that background, and given the requirement for substantial growth at Thatcham to include greenfield sites on the edge of the settlement, we consider that Henwick Park should be duly allocated for development in the LPR.

## 4.0 Do you agree with the methodology we propose to use for reviewing our existing settlement hierarchy?

- 4.1 In light of proposed revisions to spatial areas, the Council also intends to review the existing settlement hierarchy. The LPR rightly points out that the provision of services and facilities can change over time and with it, the most appropriate place for settlements in the hierarchy.
- 4.2 The methodology for this review (set out at Appendix B of the LPR) outlines that the settlements identified under Policy C1 of the HSA DPD will be assessed for inclusion in the settlement hierarchy, with the exception of Newbury, Thatcham and the Eastern Urban Area which will continue to act as the District's urban areas.
- 4.3 It is beyond dispute that Newbury, Thatcham and the Eastern Urban Area represent the largest and most sustainable locations for growth in the district, benefitting from a wide range of services and facilities as well as accessibility by a range of sustainable transport modes, including bus and train links. Croudace Homes therefore considers it wholly appropriate to retain these settlements as '*Urban Areas*' in the top tier of the settlement hierarchy and acting as the main focus for growth.
- 4.4 The suggested approach to smaller settlements involves auditing the existing services and facilities as well as public transport accessibility as a starting point, before undertaking a more qualitative assessment. Croudace Homes considers that the suggested approach is appropriate but would question whether the proposed scoring is entirely consistent, for example a score of 2 is proposed where a settlement has a railway station, compared to a score of 1 for a children's play area and 3 for a village or community hall. This seems to underplay somewhat the considerable benefit derived from the presence of a railway station.



## 5.0 Do you agree with the criteria we have set out for reviewing settlement boundaries?

- 5.1 Clearly the role of settlement boundaries is to define the built limits of a settlement and to differentiate between the built form of a settlement, where the principle of development is usually acceptable, and the countryside where development is more strictly controlled.
- 5.2 Appendix C to the LPR sets out the criteria for a review of settlement boundaries, outlining that the Council intends to take a landscape led approach to the drawing of settlement boundaries. In practice, this means the Council will initially consult a range of, largely landscape based documents, such as the 'Landscape Character Assessment for West Berkshire' and the 'North Wessex Downs AONB Landscape Character Assessment'.
- 5.3 In terms of principle, it also suggests at Paragraph C.5 of the LPR that where practicable, and with a number of exceptions, boundaries will usually follow clearly defined, features such as walls, hedgerows, watercourses and roads.
- 5.4 It is assumed that the exceptions in this case are listed under the sub-heading '*boundaries will include*' although this would benefit from greater clarity under subsequent versions of the LPR. In any event, the LPR makes it clear that in addition to the main settlement area, boundaries will include sites allocated through the local plan process.
- 5.5 Croudace Homes does not therefore object to the redrawing of settlement boundaries to include physical features, but only where it is appropriate to do so and subject to clarity that this principle does not apply to sites which are allocated for development.
- 5.6 Furthermore, Croudace Homes does not object to a landscape led approach in principle. In that regard, it should be noted that the appeal scheme at Henwick Park was subject to a Landscape Statement of Common Ground (**Appendix 4**) between Croudace Homes and West Berkshire Council. It was agreed at paragraph 4.1 of that document that:

*"Development for 225 dwellings and a doctor's surgery, in accordance with parameters plan 22289A/03B, and controlled by suitable conditions, will not give rise to any*

*unacceptable landscape or visual effects. The third reason for refusal is therefore overcome”.*

- 5.7 The conclusions of the Secretary of State are also noted at Paragraph 47 of his letter when it states that:

*“For the reasons given at IR195-196, the Secretary of State agrees with the Inspector that there is no indication that the development would have a harmful effect on the setting of the Area of Outstanding Natural Beauty. He further agrees with the Inspector that the scheme would avoid an unduly harmful visual impact”.*

- 5.8 It is therefore clear that development on the land at Henwick Park can be accommodated without undue harm in landscape terms and redrawing the settlement boundary to include the proposed development would not conflict with the Council’s desire for a landscape led approach.

## 6.0 Do you agree with our updated assessment of policies?

- 6.1 Nexus Planning, on behalf of Croudace Homes, responded to the assessment of existing planning policies under the previous Scoping consultation. A number of relatively minor changes have been made to that assessment following publication of the updated NPPF in July 2018. The principle change is in connection with Core Strategy Policy CS1 and we discuss that policy below.

### Core Strategy Policy CS1

- 6.2 In connection with Policy CS1, the updated assessment outlines that the policy approach to the delivery of housing will be updated in light of the amendment to national policy regarding the assessment of local housing need.
- 6.3 in light of amendments to the NPPF (2018), Croudace Homes supports the proposed change, particularly at Paragraph 60 where it states that:

*“to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals”.*

- 6.4 The Government published its standard methodology for calculating housing requirement figures alongside the revised NPPF in July 2018. The standard methodology takes the official household projections over a 10-year period and before applying an affordability uplift (based on the ratio of West Berkshire median quartile house prices to household income). The affordability uplift is capped at 40% from the household projection figure.
- 6.5 The indicative figure for West Berkshire derived using the standard methodology and based on 2014 based household projections, is 545dpa. However, it is important to note that Planning Practice Guidance (PPG) under the heading *“When might a higher figure than the standard method need to be considered?”* (Paragraph: 010 Reference ID: 2a-010-20180913) outlines that the standard method for calculating housing need should be regarded as a minimum, providing the starting point in determining the number of homes needed in an area.

- 6.6 PPG goes on to make it clear that there may be circumstances where actual housing need may be higher than the figure identified by the standard method. In particular, authorities should consider:

*“recent assessments of need, such as Strategic Housing Market Assessments (SHMA). Where these assessments suggest higher levels of need than those proposed by a strategic policy-making authority, an assessment of lower need should be justified”.*

- 6.7 The Strategic Housing Market Assessment (SHMA) from 2016 suggests a housing need for West Berkshire of 665 dwellings per annum (dpa). Given that the standard methodology figure (using 2014 based household projections) suggests a figure some 120dpa lower, it is clear that this lower assessment of housing need will have to be justified by the local authority should it be pursued.



## 7.0 Conclusion

- 7.1 Croudace Homes supports the Council's broad vision for West Berkshire to 2034, particularly in so far as it relates to the provision of sufficient housing of different types, sizes and tenures. Croudace Homes notes that the site at Henwick Park would provide a mix of unit types and would make a valuable contribution in that regard.
- 7.2 Croudace Homes also notes, and broadly supports, the intended review of existing spatial areas but also points out that Thatcham has now undergone the period of consolidation desired by the Council at the time of the Core Strategy examination. It has accordingly seen very little housing growth over the last decade (in stark contrast to Newbury) and consistent with the Core Strategy Inspector's comments, must now be looked at again for growth. Given the relative sustainability of the settlement, the high levels of housing growth experienced elsewhere and the constrained nature of much of the district, Croudace Homes considers that Thatcham should now be considered for significant levels of housing growth.
- 7.3 In that regard, it was established through the recent appeal and more specifically in comments from the Secretary of State, that the site at Henwick Park is able to deliver 225 dwellings without undue harm in all technical respects, including in terms of landscape, transport, ecology or flood risk. It was also accepted that local services and infrastructure could accommodate the proposed development and in fact, were likely to benefit from increased investment.
- 7.4 The Council suggests that a masterplanning exercise will be instigated to better understand the capacity for growth at Thatcham. Croudace Homes supports this approach but considered that local land owners and agents should be engaged in this process throughout.
- 7.5 Finally Croudace Homes notes that in this case, overall housing numbers in the Plan will be informed by the standard methodology set out in national planning guidance. At present, the standard methodology results in a housing figure for West Berkshire which is markedly lower than the most recent SHMA figure. Accordingly, in accordance with PPG, the use of a lower figure will need to be justified.

## Appendix 1: Henwick Park Appeal Inspectors Report

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# **Report to the Secretary of State for Communities and Local Government**

**by John Chase MCD, Dip Arch, RIBA, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 4 April 2017**

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**TOWN AND COUNTRY PLANNING ACT 1990**

**WEST BERKSHIRE DISTRICT COUNCIL**

**APPEAL BY**

**CROUDACE HOMES LIMITED**

Inquiry held on 15 November to 7 December 2016

Land at Henwick Park, West of Heath Lane and North of Bowling Green Road, Thatcham, Berkshire

File Ref: APP/W0340/W/16/3144193

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## **ABBREVIATIONS USED IN REPORT**

AONB	Area of Outstanding Natural Beauty
CIL	Community Infrastructure Levy Regulations 2010
DCLG	Department for Communities and Local Government
dpa	Dwellings per annum
DPD	Development Plan Document
HLS	Housing Land Supply
HMA	Housing Market Area
LEP	Local Enterprise Partnership
LPEG	Local Plans Expert Group
LVIA	Landscape and Visual Impact Assessment
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
OBR	Office for Budget Responsibility
para	Paragraph
PPG	Planning Practice Guidance
SA/SEA	Sustainability Appraisal/Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
WBC	West Berkshire District Council

**File Ref: APP/W0340/W/16/3144193**

**Land at Henwick Park, West of Heath Lane and North of Bowling Green Road, Thatcham, Berkshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Croudace Homes Ltd against the decision of West Berkshire Council.
- The application Ref 15/01949/OUTMAJ, dated 9 July 2015, was refused by notice dated 17 December 2015.
- The development proposed is up to 265 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan.

**Summary of Recommendation: That the Appeal be Allowed.**

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**Procedural Matters**

1. At the Inquiry this appeal was conjoined with an appeal by A2Dominion Developments Ltd for 495 houses and associated works at Siege Cross, Land North of Bath Road, Thatcham, Berkshire (APP/W0340/W/15/3141449). Housing land supply and policy matters common to both appeals were dealt with in joint sessions. For ease of reference, the present appeal is entitled Appeal B, and Siege Cross is Appeal A.
2. Document references (in bold italic) relate to the schedule at Annex 2. This contains the full schedule for both appeals, as there was sharing of some documents.
3. The planning application was made in outline, with all matters reserved except access. It was accompanied by a range of reports and illustrative plans, identified at Sections **CD2/B** and **CD2.1/B** in Annex 2.
4. The Council refused the planning application on the grounds that 1) there was a failure to enter planning obligations to mitigate the effect of the development on public open space and local ecology, and to provide affordable housing; 2) the site is green-field land outside the settlement boundary, where there is a presumption against new housing, and its development would be contrary to the strategic aims for Thatcham and premature to the emerging Housing Site Allocations DPD; 3) the proposal would be harmful to the landscape character of the area and the setting of the Area of Outstanding Natural Beauty, and erode the separation of Thatcham and Cold Ash; 4) there would be a need for the mitigation of the impact on local highways infrastructure, and 5) the development would have an unacceptable effect on mature trees. The decision notice is at **CD3/B/2**.
5. Following submission of the appeal, the appellants prepared revised proposals for a reduced scheme of 225 houses, in order to address some of the grounds of refusal. Illustrative plans of the new arrangement are shown at documents **CD1/B/13-17**. Whilst the alterations amount to a significant reduction in the number of houses, they affect a limited part of the site, with proposals for the remainder of the land being largely unchanged. The Council do not resist the substitution, and have notified local residents of the new scheme, giving time for

responses. The amendments are not such a departure from the original application as to amount to a substantially different arrangement, and there are no grounds to consider that any third party would be unduly prejudiced by the change. For these reasons, it is recommended that the revised scheme be accepted for consideration in the appeal, and this report has been prepared on that basis.

6. The description shown in the title box is therefore amended to that given in the appellants' planning proof of evidence, being: *"The development proposed is up to 225 residential dwellings (Class C3) with associated vehicular, pedestrian, and cycle accesses, public open space, provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan"*.
7. The Council accept that the amended scheme overcomes concerns about landscape and trees (reasons for refusal 3 and 5), whilst reasons 1 (obligations) and 4 (highways) are resolved by the submission of a Unilateral Undertaking, the details of which are discussed below. Reason 2, concerning the principle of development of the land, remains as a ground of refusal.
8. Screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been carried out, determining that, whilst there may be some impact on the surrounding area as a result of the development, the proposal is not of a scale and nature likely to result in significant environmental effect, and an Environmental Impact Assessment is not required.
9. The appeal has been recovered by the Secretary of State because it involves proposals for residential development of over 150 units or on a site of over 5 ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and to create high quality, sustainable, mixed and inclusive communities.
10. The Inquiry took place on 15-18, 22-25, 29-30 November, 1 & 2 December, and 7 December 2016. The accompanied site visit took place on 6 December, but longer views from outside the site were obscured by fog, and it was agreed that a further, unaccompanied visit would be carried out at a later date. This occurred on 13 February 2017.

## **The Site and Surroundings**

11. Section 3 of the Planning Statement of Common Ground (**CD1/B/5**) contains a description of the site and its surroundings, whilst the Parameters Plan (**CD1/B/13**) indicates the extent of the application site, and Appendix A of the appellants' landscape proof of evidence (**CD1/B/12**) shows its position in the wider area.
12. The site amounts to 24.5ha open land, approximately 1.6km north of Thatcham town centre, adjoining the built up area. Bowling Green Road and Heath Lane/Cold Ash Hill local distributor roads run around the south western and south eastern sides of the site respectively, beyond which is medium density residential development, mainly dating from the post-war period. The northern half of the site abuts open countryside, being part of the north slope of the Kennet Valley as it rises out of Thatcham. Further north is the village of Cold Ash, which extends southwards down Cold Ash Hill towards the site.

13. The red line site boundary is drawn to exclude the Regency Park Hotel, on the western side, and the curtilages of individual houses to the south. The land is divided into irregularly shaped fields, separated by fences, hedges and trees, and, apart from an open boundary on part of the eastern side, views from adjoining roads are largely screened by vegetation. The property is in agricultural use, indicated as both arable and pastoral.

### **Planning Policy**

14. Section 5.0 of the Planning Statement of Common Ground (**CD1/B/5**) sets out the agreed relevant planning policy. Saved policies from the West Berkshire District Local Plan adopted 2002 (**CD6/AB/2**) remain part of the development plan, including HSG1, which seeks to deliver new development within defined settlement boundaries. It is agreed that the appeal site lies outside the settlement boundary.
15. The Core Strategy was adopted in 2012 (**CD6/AB/1**). CS1 makes provision for at least 10,500 dwellings during the plan period, at the rate of 525 per annum. A Strategic Housing Market Assessment (SHMA) will be undertaken within 3 years, with a review of the Core Strategy allocation if a need for more houses emerges. New housing will be directed to sites within settlements, to identified strategic sites, and to those allocated in subsequent DPDs. Green-field sites will be needed adjoining existing settlements, selected to achieve the most sustainable form of development.
16. The spatial strategy to meet this housing provision is set out in Area Delivery Plan policies. ADPP3 indicates that about 900 homes will be provided in Thatcham, two thirds of which has already been committed, and the remainder will be delivered through the Site Allocations and Delivery DPD, including green-field land adjoining the settlement. ADPP1 indicates that most new development will be within or adjacent to identified settlements, with the focus on the main urban areas and on previously developed land, taking account of the degree of accessibility and availability of services. The settlement hierarchy identifies Thatcham as an urban area, in the same category as Newbury and the outskirts of Reading.
17. The parties agree that Local Plan policy HSG1 and Core Strategy policies ADPP1, ADPP3 and CS1 are policies relevant to the supply of housing in terms of para 49 of the NPPF.
18. Other policies referred to include: CS5 (infrastructure delivery), CS6 (affordable housing), CS17 (bio-diversity); CS18 (green infrastructure); CS19 (landscape character); and ADPP5 (AONB).
19. The emerging Housing Site Allocations Development Plan Document (DPD) was subject to Examination in June and July 2016, with public consultation on proposed modifications taking place by early 2017, and the Inspector's final report expected in the spring. Policy HSA5 allocates one site in Thatcham, for about 85 houses at Lower Way. Policy C1, the successor to Local Plan Policy HSG1, includes a presumption against new residential development outside settlement boundaries.
20. Relevant Supplementary Planning Documents (SPD) include Planning Obligations (**CD6/AB/23**) and Quality Design (**CD6/AB/22**). The Council implemented its



Community Infrastructure (CIL) Charging Schedule (**CD6/AB/20**) in April 2015, with a residential rate of £75/sqm. The CIL 'Regulation 123 List' is contained at **CD6/AB/25**. The Berkshire Strategic Housing Market Assessment (SHMA) has been carried out with other Berkshire authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP), with a final report issued in February 2016. It estimates the objectively assessed housing need (OAN) for West Berkshire as 665 dwellings per annum (dpa). Other planning documents are listed at section **CD6/AB** in Annex 2.

21. In addition, attention has been drawn to a range of policies in the National Planning Policy Framework (NPPF), and advice in the Planning Practice Guidance (PPG), which will be discussed further below.

## **The Proposals**

22. The Parameter Plan (**CD1/B/13**) indicates the proposed distribution of uses on the site, whilst the Masterplan (**CD1/B/15**) provides an illustrative layout of a possible form of development. It is proposed to distribute up to 225 dwellings in the south eastern quadrant of the site, along with a doctors' surgery, with open parkland to the north and west. There would be flood alleviation ponds and basins adjoining the perimeter roads to the south and east, and within the parkland area. A new access would be formed at the existing roundabout at the junction of Cold Ash Hill and Heath Lane, along with a further new road access on the southern edge of the site. An illustrative storey heights plan (**CD1/B/14**) indicates that the general scale would be two storey development, but with a small number of 2.5 storey buildings. 40% of the houses would be designated affordable.
23. Whilst the description of the original planning application indicated a range of uses for the retained open space, including allotments and sports facilities, it is the intention to establish the layout of this space as part of the reserved matters applications. The Section 106 undertaking would secure the public use of this land and make provisions for its future maintenance.

## **Other Agreed Facts**

24. Following submission of the amended scheme, the Council accepted that the development would occupy the lower and less visible portion of the site, and withdrew their concerns about the effect on the landscape character of the area, the setting of the AONB, and the separation of Thatcham and Cold Ash. It was also agreed that the impact on trees could be adequately mitigated through the submission of reserved matters applications.
25. The scheme would be able to secure suitable highway standards, and be sufficiently accessible to local facilities, including public transport. Whilst local residents have a particular concern about the effect on flooding, which will be discussed further below, the Council are satisfied that any risk could be adequately overcome. There are no fundamental objections on ecological grounds.

## THE CASE FOR THE COUNCIL

26. The summary below is a précis of the Council's closing statement at the appeal. The full text may be found at document **CAB11**.

### ***The Five Year Housing Land Supply***

#### *The Derivation of the 5 Year Housing Land Supply*

27. The Council's Core Strategy was prepared during a period of transition, with the introduction of the NPPF, and uncertainty surrounding the abolition of the South East Plan Regional Strategy. The Inspector had regard to these exceptional circumstances, and took a reasonable approach to the application of legislation and Government policy in finding the Core Strategy to be sound. It was subsequently adopted, without challenge, and now forms an integral part of the plan led system. Its legitimacy cannot be questioned in any legal proceedings except under the terms of S113 of the Planning and Compensation Act 2004.
28. The Core Strategy housing requirement was preceded by the words "at least", being a flexible means of ensuring that it did not represent a target or a ceiling, but a minimum figure; an approach that is endorsed by the Council in the preparation of its Strategic Housing Market Assessment (SHMA). Regard is had to the Ministerial Letter of 19 December 2014 (**CD8/CAB/3**), which notes:  
*"Many councils have now completed Strategic Housing Market assessments either for their own area or jointly with their neighbours. The publication of a locally agreed assessment provides important new evidence and where appropriate will prompt councils to consider revising their housing requirements in their Local Plans. We would expect councils to actively consider this new evidence over time and, **where over a reasonable period they do not, Inspectors could justifiably question the approach to housing land supply.** However, the outcome of a Strategic Housing Market Assessment is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans."*
29. The Council have actively considered this advice, and accept that the Core Strategy housing figure is out of date for the purpose of establishing the five year housing land supply, the Objectively Assessed Need (OAN) in the SHMA being the current requirement. However, this does not mean that the whole of the Core Strategy is out of date.
30. As envisaged by the Core Strategy Inspector, the Council are in the course of producing a Housing Land Supply DPD, which does not change the housing requirement in the Core Strategy, but demonstrates compliance with the "at least" qualification by significantly boosting short term supply to meet the current OAN. The Council have actively pursued the plan making process, and have commenced the preparation of evidence towards a new Local Plan, which is programmed for adoption in 2019. In the meantime, the SHMA OAN represents the best current evidence of housing need, being a significant (27%) increase in the housing requirement over the Core Strategy figure. It has been prepared with the involvement of stakeholders and should be given substantial weight in this appeal.

#### *The Objectively Assessed Need*

31. The SHMA was published in February 2016 and represents a valid, robust and up to date assessment of the needs of the Housing Market Area (HMA) that complies

with the requirements of the NPPF and Planning Practice Guidance (PPG). It was made on an evidence based assessment, including regard for economic growth and its drivers, consistent with the London SHMA.

32. It is recognised that the Firlands Farm appeal decision (**CD7/AB/1**) of July 2015 favoured an OAN of 833 dpa put forward by the appellants in that case, but this preceded publication of the SHMA and was in the absence of any alternative OAN from the Council. It is irrelevant for the purposes of determining this appeal.

#### *The approach to the SHMA*

33. Preparation of the SHMA took a reasonable approach by: i) adopting a Housing Market Area (HMA) which also included Reading, Wokingham and Bracknell Forest, being a practical and manageable area; ii) using household projections from the Department of Communities and Local Government (DCLG) as the starting point of the assessment, acknowledging that new projections would not, of themselves, render the SHMA out of date; iii) adjusting the OAN to respond to adverse market conditions, based on professional judgement; iv) engagement with housebuilders, registered providers, the Local Enterprise Partnership (as recommended by the PPG) and surrounding local authorities; v) carrying out a "thorough" assessment in terms of the advice in the PPG<sup>1</sup>; vi) having regard to the forecasts of well respected forecasting houses (Cambridge Econometrics and Oxford Economics); and vii) adjusting the results of economic models to take account of local conditions.

#### *The Demographic Led OAN*

34. Document **A9** illustrates little difference between the parties in assessing demographic led OAN. The appellants provided no evidence of increases in lone parent and single households to justify a return to 2001 household formation rates. Cultural changes and tuition fees are examples of factors which may have influenced falling household formation rates amongst certain age groups. It was accepted that the use of the patient data register could over-estimate the population and, in any event, there was little difference in migration assumptions between the parties<sup>2</sup>. Both sides' evidence included upward adjustments to migration and household formation, albeit from different starting points. The similarity of housing needs enables issues associated with the 2014 demographic projections, 10 year migration trends and adjustments for younger households to be set aside.

#### *Economic Led OAN*

35. The PPG<sup>3</sup> recognises the need for early involvement with the Local Enterprise Partnership (LEP), a matter overlooked by the appellants. The use of the Cambridge Econometrics 2013 baseline assumptions was consistent with the LEP evidence base. Nor did the Council rely entirely on the 2013 figures, the forecasts going well beyond in gathering local intelligence to establish the economic growth potential, including an assessment of commercial dynamics, local infrastructure investment, and consultation with stakeholders.

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<sup>1</sup> 2a-005-2014036

<sup>2</sup> see Mr Ireland's supplementary proof (**CAB2**) Table 1 on page 4

<sup>3</sup> 2a-007-20150320

36. The Council were criticised for not updating the SHMA to reflect the 2015 Cambridge Econometrics data, which showed a rise from 522 to 790 jobs per annum. However, the SHMA had been circulated by the date of this forecast, and there was, in any event, no credible explanation of why such a substantial rise had occurred between the two forecasts, nor what effect "Brexit" might have on these figures. In fact, more recent data from both Oxford Economics and Cambridge Econometrics show a fall in employment forecasts since the referendum, to 513 and 527 jobs per annum respectively, close to the figures on which the SHMA is based. National jobs forecasts (such as those of the Office for National Statistics) rely on surveys by businesses, but only show where a job is registered, rather than where it actually takes place. It is necessary to interrogate the data and undertake wider research to understand the local economy, as the Council have done.
37. The Confederation of British Industry anticipate slower growth next year, downgrading their forecast from 2% to 1.3%, and 1.1% in 2018, expecting a fall in the level of employment and more challenging economic conditions. There is no reason to upgrade the job estimates on which the SHMA is based.

#### *The Housing Market Area (HMA)*

38. In establishing the OAN, the appellants preferred to look at the individual local authority rather than the full HMA. This approach is not consistent with the conclusions of the Court in *St Modwen*<sup>4</sup> nor the PPG<sup>5</sup>, which makes no reference to balancing homes and jobs within an individual local authority. The Council distinguishes their position from the recent case of *Oadby and Wigston*<sup>6</sup>, considering that *St Modwen* remains good law. The Council are in the same position as East Riding Council (see para 52 of *Oadby*) as they can demonstrate a strong track of working together with their neighbouring authorities over an extended period. Ousley J said in *St Modwen* (para 74) that "*the NPPF does not require housing needs to be assessed always and only by reference to the area of the development control authority*". In this case, any apportionment of job growth between the constituent councils of the HMA reflects their collective view and, like *St Modwen*, it should be possible to rely on their long standing and continuing cooperation in plan preparation.

#### *Economic Participation*

39. The only data used by the appellants for economic activity rates specific to West Berkshire is from the 2011 Census, despite the availability of later evidence, and from a time when the economy was in recession. The Council's current evidence is that the employment rate for men between 20 and 54 and women over 34 is increasing<sup>7</sup>. This is stronger than the forecasts of the Office for Budget Responsibility, on whom the appellants rely, whose purpose is to look at the long term sustainability of public finances, and which is unduly pessimistic about the labour market, as confirmed by data from Oxford Economics and Experian. There

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<sup>4</sup> *St Modwen Developments Ltd v SSCLG and East Riding of Yorkshire Council* [2016] EWHC 968 (Admin) **CD7/CAB/3**.

<sup>5</sup> 2a-018

<sup>6</sup> *Oadby and Wigston Borough Council v SSCLG and Bloor Homes Ltd* [2016] EWCA Civ 1040 document **A3**.

<sup>7</sup> Mr Ireland's proof, Figures 8 and 9 on page 50



is no reason to consider that these latter bodies are any less impartial or independent in their approach. Nor is there evidence to support the appellants' assumption that no person would hold more than one job.

### *Market Signals and Affordable Housing*

40. The appellants sought to argue for a 20% uplift on the demographic starting point to address the need for affordability, as indicated by market signals. However, this was founded on the additional consideration of just two indicators, with analysis of past housing delivery performance based on comparison of short-term trends and in a period of over-delivery against the housing targets of the time. The SHMA followed the PPG approach<sup>8</sup> by relying on secondary data, including national surveys, to derive estimates of affordable housing need. Whilst the appellants suggested that more existing home owner occupiers might fall into affordable housing need, it was accepted that the Guidance requires application of an affordability test, that primary survey evidence is not required, and that applying the Council's Home Choice Criteria<sup>9</sup>, homeowners would not generally qualify for affordable housing. It was also accepted that the housing register for 2015 showed a similar level of need to that in the SHMA.
41. The choice of income threshold for assessing affordability is influenced by the cost of housing, not income levels<sup>10</sup>. The income threshold was based on a lower quartile rent across all property sizes of £650/month which, at a 35% proportion of income, would require earnings of £23,300 per year. The lower quartile rent is identical to that in West Oxfordshire<sup>11</sup>, so that a consistent income threshold would be appropriate. In addition, it was accepted that historical rates of affordable housing delivery, with which the appellants had sought to criticise the Council's estimate of 30%, were influenced by demolitions and assessments against the lower requirements of the Local Plan which preceded the Core Strategy.
42. The appellants' contention that adjustments to improve affordability need to be treated entirely independently from adjustments to household formation rates is not consistent with the logic of their own evidence, which recognises that affordability influences household formation. The Local Plans Expert Group (LPEG) methodology favoured by the appellants has been criticised as introducing double counting by applying separate adjustments to household formation, for market signals and for affordable housing, when there are clear overlaps between these issues. The LPEG proposals are not Government policy or guidance.

### *Conclusions on OAN*

43. The Council's witness, Mr Ireland, has been personally involved in producing SHMA for 9 local authorities, which have been accepted by Inspectors for adoption in Local Plans without uplift of the OAN. The current West Berkshire SHMA establishes an OAN which has been subject to extensive research and should carry substantial weight. It is a robust assessment against which to measure the five year housing supply.

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<sup>8</sup> 2a-014-20140306

<sup>9</sup> **CAB4**

<sup>10</sup> SHMA para 6.27 **CD8/AB/1**

<sup>11</sup> **CAB5**

### *The Buffer*

44. The Core Strategy Inspector (2012), the Mans Hill appeal Inspector<sup>12</sup> (2015) and, most recently, the Firlands Farm appeal Inspector<sup>13</sup> (2015) all found that the Council had not persistently undersupplied housing and applied a 5% buffer. The purpose of the buffer is so that performance in the past can provide a realistic prospect of achieving the planned supply in the future; it ensures that the circumstances of the past are not repeated.
45. The assessment of the buffer to be applied is a matter for the decision maker. In measuring past performance, the Cotswold cases<sup>14</sup> note that it is necessary to establish the standard which applied and the degree to which that standard had been met. The decision maker would be entitled to consider the figures in a previous development plan for this purpose. In the present case the appellants have applied the SHMA OAN figure (665 dpa) for the last three years, even though the document was not published until February 2016. The Council could not have achieved a supply against a figure of which they were unaware.
46. In any event there has been no persistent under-delivery. In the Uttlesford appeal decision<sup>15</sup>, the assessment was based upon whether there had been under delivery for several years in a row. In the present case, whilst the Council did not meet the Core Strategy figure of 525 dpa during 5 of the preceding 10 years, these were interspersed with years when the figure was met. There were not several years of under delivery in a row, but, rather, the supply fluctuated above and below the requirement. It is also clear that performance between 2009 and 2012 was affected by the economic recession, a matter which the Core Strategy Inspector took into account<sup>16</sup>. In addition, the 2010-2012 figures were influenced by regeneration schemes, involving loss of housing before making a gain, whereas there are no similar schemes in the Council's future supply.
47. It is apparent<sup>17</sup> that the Council's average supply over the last 12 years, at 587 dpa, exceeds the Core Strategy "at least" requirement of 525 dpa, with housing delivery in West Berkshire increasing in recent years, and the Housing Site Allocations DPD will ensure further improvement. There is no need to deviate from the views of previous Inspectors who have considered the performance of West Berkshire, and a 20% buffer is not justified.

### *Deliverability*

48. The PPG indicates<sup>18</sup> that deliverable sites include those allocated in a development plan and those with planning permission, unless there is clear evidence that a scheme will not be implemented within 5 years. The exercise should be approached on the basis of the rebuttable presumption; footnote 11 of the NPPF does not require certainty that a site will deliver.

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<sup>12</sup> **CD7/CAB/8**

<sup>13</sup> **CD7/AB/1**

<sup>14</sup> Cotswold District Council v SSCLG [2013] EWHC 3719 document **A16**

<sup>15</sup> Appendix 7 of Ms Peddie's proof para 15.15 of the Inspector's report

<sup>16</sup> **CD6/A/2** para 45

<sup>17</sup> see page 36 of Ms Peddie's proof

<sup>18</sup> 3-031-20140306

49. The disputed sites include Sandleford in Newbury, which does not have planning permission but is allocated in the Core Strategy. It should be considered deliverable within 5 years unless there is clear evidence to the contrary. The difference between the parties is not whether the site will be developed, but the rate at which development will occur. It is accepted that an extension for issuing planning permission beyond the deadline of 31 December 2016 may be necessary, that it is a complex site, and that there may be disagreements between the owners of the land. Nonetheless, a package of amendments to the scheme is out to consultation, and highways modelling has been carried out. Regular meetings of a steering group monitor progress, and a dedicated Council officer is assigned to the scheme. There is no reason to doubt the developer's trajectory for delivery from the site.
50. The second major site is Newbury Racecourse, which has planning permission, so that the rebuttable presumption in NPPF footnote 11 applies. Building is underway, with an average completion of 136 units per annum since 2013, and a forecast rate of 180 dwellings per annum for the next 6 years. There will be a 50/50 mix of houses and apartments, similar to the 40/60 mix which has already been achieved, and the developer has an incentive to keep to the programme, with financial penalties if this is not achieved, as well as the need to recoup the cost of infrastructure already provided. There is no evidence to support assertions that the market cannot support the programme of completions, nor that national statistics of building rates are to be preferred to the actual levels achieved on this site.
51. The J&P Motors site has an implemented planning permission, so that the rebuttable presumption applies. Whilst part of the site is currently retail, and there is planning permission for another use, there is now a housing developer involved, and there are no grounds to contradict the conclusion of the Mans Hill Inspector<sup>19</sup>, who found no good reason to exclude the site.
52. The Lakeside site in Theale also has an implemented planning permission, and the developer has already paid more than £500,000 in planning obligations, indicating a firm intention to proceed. It is true that a further planning application has been taken to appeal on the grounds of non-determination, but this does not indicate that the site will not be developed within the timescale, nor that the existing permission does not represent a realistic fallback position.
53. Whilst awaiting adoption of the Housing Site Allocations DPD, proposed housing sites have been considered at the Examination and the Inspector has not recommended deletions. The Council have included only 70% of the allocated units in the five year supply, and there is a firm likelihood that they will be delivered. In each disputed case the owners have indicated an intention to proceed with planning applications.
54. Market Street, Newbury is a Council owned site, with a resolution for planning permission to be granted, subject to completion of a planning agreement. There is already permission for the relocation of the bus station away from the site, and any third party ownerships would not impede development. There is no reason

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<sup>19</sup> CD7/CAB/8 para 24

for it to be excluded from the five year housing supply, as confirmed by the Mans Hill Inspector<sup>20</sup>.

55. Pound Lane, Thatcham is also a Council owned site, which is previously developed land, and where planning permission will be confirmed by submission of a Section 106 agreement, expected during December 2016. A national house builder is in the process of purchasing the site.
56. Overall, the housing sites in the Council's 5 year supply satisfy the tests in the NPPF footnote 11 and the advice in the PPG and there is no reason to consider that they will not be deliverable.

### ***Policy Implications***

57. For these reasons, the Council are able to demonstrate a 5 year housing land supply, so that NPPF para 49 does not apply and housing policies should be considered up to date. The process in the second part of NPPF para 14 is not triggered; the appeals should be determined in accordance with the development plan.
58. The appellants also allege that relevant policies are out of date because the housing requirement in the Core Strategy was based on the withdrawn South East Plan. To follow this logic, the policies would have been deemed out of date the moment the Core Strategy was adopted. However, the figure in this plan was never a ceiling, and the Council have used their evidence base to establish an OAN in accordance with NPPF para 47, whether or not it is part of their Local Plan. Again, the process in NPPF para 14 is not triggered.
59. In any event, the NPPF allows weight to be allocated to policies even if they are out of date, a point endorsed by the Suffolk Coastal judgement<sup>21</sup>. The degree of weight is a matter for the decision taker. In this respect, the most relevant part of the nominated policies is the spatial distribution of development, which should reflect the existing and future role of the settlements, to ensure sustainability.

### ***The Interpretation of development plan policies relevant to the supply of housing***

60. The site is green-field land in open countryside outside the defined settlement of Thatcham. The proposal does not comply with development plan policies when read together and with the supporting text. The spatial strategy of the Council is the strict control of development outside settlement boundaries, to ensure the most sustainable locations; any settlement extensions are allocated through the plan led process.
61. The District Settlement Hierarchy in Core Strategy policy ADPP1 refers only to sites within settlement boundaries, and not other land, even if it is adjacent to the boundary. The "open countryside" bullet point of ADPP1 applies. Unlike Thatcham, Newbury is the main focus of housing growth<sup>22</sup>. Policy ADPP3 limits planned growth in Thatcham, two thirds of which has already been committed, and the rest will be delivered through the Housing Site Allocations DPD. There

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<sup>20</sup> CD7/CAB/8

<sup>21</sup> CD7/A/15

<sup>22</sup> CD6/AB/1 para 4.21



are five paragraphs<sup>23</sup> of explanatory text in the Core Strategy to indicate how this allocation will take place.

62. Whilst policy ADPP1 refers to sites adjacent to the settlement boundary, the only logical interpretation of this paragraph, and the Core Strategy Inspector's comments about green-field land in Thatcham<sup>24</sup>, is that such land will only come forward as part of a planned provision. When read in conjunction with policy CS1, it is clear that the Core Strategy is precluding development outside the settlement boundary on green-field sites, except where they have been specifically allocated.

63. The conflict with the development plan weighs heavily against the proposal.

*The weight to be attached to the emerging DPD*

64. In accordance with NPPF para 216 the Housing Site Allocations DPD can be accorded substantial weight. The Inspector has had regard to objections, and, in particular, has hardly altered the wording of policy C1. It is only the modifications that will now be consulted on, and the appellants cannot repeat the objections previously made. Nor is there a case that the DPD is inconsistent with the NPPF by being based on the Core Strategy OAN, rather than more up to date figures. This point was established in *Gladman v Wokingham BC*<sup>25</sup>, which noted that the delay incurred would not match the need for the preparation of planning documents to guide development decisions. There is no support for the view that policy C1 will be out of date immediately on adoption.

65. Local Plan policy HSG1 was saved in 2007 and remains part of the development plan until its replacement with policy C1. The new policy does not represent a shift towards some general expansion of settlements, and, whilst the settlement boundary has been altered, that alteration does not affect the appeal site. Policy C1 continues the objective of protecting the countryside, and can be accorded substantial weight.

*Conclusions on Policy*

66. Core Strategy policy CS1 establishes the need to review settlement boundaries through the Housing Site Allocations DPD, to meet the broad accommodation of housing set out in the ADPP policies, and, as noted by the Mans Hill Inspector<sup>26</sup>, development on a green-field site adjacent to the settlement boundary is contrary to these policies. Overall, the Council have taken a positive approach to the preparation of plans to actively increase the supply of housing, and the policies for this purpose should be accorded substantial weight. This scheme does not accord with the development plan, and there is no justification for allowing this appeal.

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<sup>23</sup> CD6/AB/1 paras 4.9, 4.10, 4.11, 4.13, and 4.15

<sup>24</sup> CD8/CAB/2 para 66

<sup>25</sup> *Gladman Developments Ltd v Wokingham Borough Council* [2014] EWHC 2320 (Admin)

**CD7/CAB/9**

<sup>26</sup> **CD7/CAB/8**

### ***Planning Balance and Conclusions***

67. The Council have a five housing year land supply, and a Core Strategy adopted after the introduction of the NPPF, with an overarching strategy for growth distributed across 4 specified spatial areas. Only the housing requirement is out of date, being an "at least" figure, and the Council is working towards delivering housing to meet the objectively assessed need set out in the SHMA.
68. Nonetheless, if the tilted balance set out in the latter part of para 14 of the NPPF is triggered then the Council accept that the level of harm arising out of the scheme would not significantly and demonstrably outweigh the benefits.
69. If, on the other hand, the simple planning balance set out in s.38(6) of the Planning and Compulsory Purchase Act is applied then the conflict with the development plan, and the emerging Housing Site Allocation DPD, would not be outweighed by the provision of market and affordable housing. Other potential benefits are minor and not unique to this site, particularly given the level of planned provision which will be delivered through the DPD. The Council have invested significant resources in this plan led approach to ensure the most sustainable sites have been selected to boost housing development in the area. In these circumstances the Secretary of State is respectfully invited to dismiss the appeal.

### **THE CASE FOR THE APPELLANTS**

70. The summary below is a précis of the closing address to the Inquiry, prepared by the appellants for use in this report. The full text of the address may be found at document **B12**.

#### ***Introduction***

71. Of the 5 Reasons for Refusal, only Reason 2 remained by the start of the inquiry. During the course of the inquiry the 'prematurity' objection that had formed part of Reason for Refusal 2 was abandoned also, leaving a pure policy objection by reference to policies HSG1, CS1, ADPP3 and emerging C1.
72. Further, during evidence, the Council accepted that if para. 14(2) of the NPPF applies, such planning harm as they identifies through their Reason for Refusal 2 would not significantly and demonstrably outweigh the benefits they acknowledge stem from the scheme. As such, the Council accept that on the basis that the development plan policies are found out of date (by reference to para. 215 consistency with the NPPF) or para. 49 (no 5 year housing land supply), or both, permission should be granted.

#### ***The development plan and the NPPF***

73. The only Local Plan policy cited against the proposal is HSG1. The Council acknowledge that the 2002 settlement boundaries are not able to accommodate today's development needs. As the Inspector found at Firlands Farm<sup>27</sup>, the adopted settlement boundaries in the 2002 plan are not up to date.

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<sup>27</sup> **CD7/AB/1**

74. The Core Strategy policies cited against the proposal in Reason for Refusal 2 are CS1 and ADPP3. CS1 sets an overall housing requirement of 10,500 for the period 2006-2026. ADPP3 distributes 900 of those 10,500 to Thatcham, as an 'urban area' within the settlement hierarchy set out in ADPP1 ('Spatial Strategy'). The Council acknowledge that the 10,500 figure and the 900 figure derived from it are (a) not caps or ceilings, and there would be no planning harm arising from exceeding them; and (b) do not amount to up-to-date housing requirement figures<sup>28</sup>.
75. Importantly, the Reason for Refusal does not allege that the proposal is contrary to ADPP1. This is the correct approach. Although orally, Mr Dray sought to allege conflict with the very last bullet of ADPP1, it is clear that it refers to categories of land not listed in the settlement hierarchy above; it simply does not apply to this site.
76. All three policies, CS1, ADPP3 and ADPP1 recognise the need to use green-field land adjacent to (and hence outside of) the adopted HSG1 settlement boundary in order to deliver even the non-NPPF complaint 10,500 units. The Council further acknowledge that to deliver the OAN requirement (whatever it is) beyond the 10,500 figure, additional green-field land will be required<sup>29</sup>.
77. The emerging Site Allocations DPD is a 'daughter document' to the Core Strategy. While this is perfectly lawful as an approach<sup>30</sup>, it does affect its weight. The DPD limits itself to delivering the balance of the 10,500 units in the Core Strategy<sup>31</sup>. In so doing it necessarily allocates land on green-field sites outside the HSG1 settlement boundaries. They will be replaced, once the DPD is adopted, by new settlement boundaries and Local Plan policy HSG1 will be replaced by DPD policy C1. But as the DPD is limited to delivering the Core Strategy requirement, the 'daughter' is similarly infected with the failure of the 'parent' – i.e. that the 10,500 is not an up-to-date, NPPF compliance OAN-based housing figure.
78. NPPF Paragraphs 14 (first part), 17(1), 17(3), 47(2), 156, 159 and 187(2) all require that the development plans should seek to identify *and meet* housing need assessed in accordance with the NPPF. A development plan which does not do this (as here) is in conflict with the NPPF and out of date by reference to paras 215/216.
79. As such, the Council recognise that the 2002 settlement boundaries to which HSG1 is directed are out of date by reference to the requirements of the NPPF. Similarly, the Council recognise that the 10,500 unit CS housing figure is out of date as being in conflict with the NPPF. The daughter document, the Site Allocations DPD, while not yet adopted, is similarly affected and Mrs Peddie accepted that, by seeking to restrict development, emerging policy C1 is, as the CS policies were, equally in conflict with the NPPF.
80. The consequence is that para. 14(2) of the NPPF is engaged; as noted above, Mr Dray volunteered that judged against that test, the Henwick Park appeal should be allowed and permission should be granted.

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<sup>28</sup> Gladman v Wokingham BC **CD7/CAB/9**

<sup>29</sup> **CD8/AB/4** foot of second page

<sup>30</sup> Oxted Residential v Tandridge DC **CD7/AB/5**

<sup>31</sup> The trajectory shows 10,700 being delivered by 2026

81. In addition, the Council are unable to demonstrate a 5 housing land supply and NPPF para. 49 is engaged. For this reason also, paragraph 14(2) applies. The policies HSG1, CS1, and ADPP3 are all housing land supply policies, caught by the deeming provision, as is emerging policy C1 similarly caught<sup>32</sup>. Following *Hopkins Homes*<sup>33</sup>, the same approach is urged here as adopted by the Secretary of State in *Birchen Lane*<sup>34</sup>, namely that this means that the weight to be given to those policies is 'greatly reduced'. The Council appear to argue that weight can still be given to these policies on the basis that they are taking action to address it, through the adoption of their Site Allocations DPD. However, as set out above the DPD does not, and does not purport to, meet the Council's OAN for housing. Further, the Council will not have an adopted NPPF-compliant Local Plan until 2019 at the very earliest. There can be no basis for attaching weight to restrictive, out of date, policies on the basis that the Council have just started to prepare an NPPF compliant plan.

### ***Housing land supply***

#### ***Requirement***

82. The Council acknowledge that they cannot use the adopted Core Strategy housing figure of 10,500 (525 dpa) which was not derived from an assessment of OAN and would not comply with the NPPF or PPG. It was adopted at a time when the South East Plan was still in force and before any NPPF-compliant assessment of housing need had been undertaken for the District or Housing Market Area (HMA)<sup>35</sup>.
83. Since then, a SHMA has been produced, but this has not been tested in any development plan process. Following *Hunston*<sup>36</sup> and *Gallagher*<sup>37</sup>, the decision-maker must undertake the best exercise he can to assess a 'policy off' OAN figure.
84. The untested SHMA figure is relevant, but by no means definitive. Mr Usher for Appeal A provides evidence for an OAN in the range of 820-950; Mr Veasey for Appeal B provides evidence for an OAN within that range of 'a minimum' of 840<sup>38</sup>. By the time of the forthcoming new Local Plan being adopted in 2019, the current untested SHMA is unlikely to be the one relied upon even by the Council.
85. For the demographic 'starting point' Mr Usher and Mr Veasey use the more up to date projections, which result in a lower figure. It is misleading, then, to point to Document **A9** and say 'all the demographic figures are much the same'. Mr Usher and Mr Veasey undertake the proper exercise of adjusting the starting point for suppression of household formation rates and migration trends, as demographic adjustments. This is what gives them the demographic 570-610 and 584

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<sup>32</sup> Woodcock Holdings v SSCLG [2015] EWHC 1173 (Admin)

<sup>33</sup> Hopkins Homes Ltd v SSCLG [2015] EWHC 132 (Admin) **CD7/AB/9**

<sup>34</sup> Appeal Ref APP/D3830/W/15/3137838 **B10**

<sup>35</sup> **CD6/B/1** para 33

<sup>36</sup> Hunston Properties v St Albans City & DC **CD7/AB/4**

<sup>37</sup> Gallagher Homes v Solihull MBC **CD7/AB/2**

<sup>38</sup> See **A9**



respectively<sup>39</sup>. To these correctly arrived at demographics, they then apply economic-led and market signals adjustments<sup>40</sup>.

86. Mr Ireland's SHMA did neither: it had migration adjustment in as an economic factor and an adjustment for housing formation rates as a market signal<sup>41</sup>. Had he (correctly) put those factors in at the demographic stage, he would have had a demographic figure of 630. He should, however, have first got the demographic figure correct and *then* applied economic and market signals uplift. Having put what is a demographic adjustment in the wrong place, the effect is that he has disguised the fact that he has not actually done a proper economic or market signals adjustment at all.
87. Mr Ireland's migration adjustment (of 14 dpa) is related only to London migration. Mr Veasey points out that migration factors should cover all migration and that 10 year trends show a 123 dpa adjustment<sup>42</sup>. On headship rates, Mr Veasey and Mr Usher both point to the decline in household formation rates in both the cohorts 25-34 and 35-44 and adjust accordingly. Mr Ireland limited his adjustment to the 25-34 age group which, while being the most dramatic, is not the only group affected. The effect is that Mr Veasey adds 75 dpa compared to Mr Ireland's 32.
88. The PPG then asks that an economic-led adjustment be made if the demographic figure would not provide sufficient workers for projected employment growth. In all three assessments before the inquiry, the demographic figures are, indeed, too low to meet job growth and an economic adjustment is required<sup>43</sup>.
89. For the job numbers, the SHMA used Cambridge Econometrics 2013 and arrived at 522 jobs per annum. Both Mr Usher and Mr Veasey used an average of the three leading forecast houses (Cambridge Econometrics Nov 2015; Oxford Economics April 2016; Experian Economics June 2016) and arrive at 720 jobs per annum. In his Supplementary Proof, Mr Ireland sought to rely on Oxford Economics October 2016 and came to a jobs figure of 513 pa<sup>44</sup>.
90. Cambridge Econometrics 2013 was criticised in the Stanbury House appeal<sup>45</sup> for being too pessimistic. It was criticised by the appellants in this case for being out of date. Mr Ireland's response was not to update his use of Cambridge Econometrics to the current Nov 2015, but to shift forecasting houses altogether - to one that gave him an even more pessimistic figure.
91. Had the SHMA used, as would have been logical, the most up to date Cambridge Econometrics projection (Nov 2015) the jobs figure would have been 790 pa. For reasons never satisfactorily explained, the SHMA, published in February 2016 continued, however, to use figures three years old, rather than any of the six-monthly Cambridge Econometrics updates, ending with the most recent of November 2015. On the SHMA's method, it *should* have recorded 790 jobs, not

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<sup>39</sup> **A9** bottom row of Stage B

<sup>40</sup> **A9** Stages B and C

<sup>41</sup> SHMA page 282

<sup>42</sup> **A9** Stage A, third row

<sup>43</sup> **A9** Stage B

<sup>44</sup> **A9** State B, rows 2 and 4

<sup>45</sup> **CD7/AB/7**

522, and the SHMA OAN would have been 804 not 665<sup>46</sup>. It is noteworthy in this regard that the input and output of the SHMA has to be agreed by the commissioning steering group. The objectivity of the outcome of such a document is, consequently, open to serious doubt. This inquiry is the first time it has been tested, and the continued use of a superseded Cambridge Econometrics 2013 figure is not justified.

92. Had the SHMA followed its own analysis but used the most up-to-date figure, the OAN would have been 804. Had Mr Ireland followed the 'blended' approach of Mr Usher and Mr Veasey, his OAN would have been 726<sup>47</sup>. He objected to using anything other than an Oxford Economics figure from October 2016 as that was the only 'post-Brexit' projection available to him. But in so doing, he neglected to observe that the Oxford numbers before and after Brexit showed only a 6.7% reduction<sup>48</sup>. This happens to be the same for Experian pre and post Brexit, now available<sup>49</sup>.
93. After evidence but immediately prior to Closing, Cambridge Econometrics published a November 2016 set of predictions. In common with the pessimistic tendency of that forecasting house criticised in the Stanbury House appeal, this shows a greater reduction for Brexit than do Oxford Economics and Experian. Nonetheless, for completeness, Mr Veasey ran the figures again, blending the very latest Cambridge Econometrics, Oxford Economics and Experian post-Brexit predictions<sup>50</sup>. It gives an economic-led OAN of 772. Consequently, while Mr Veasey and Mr Usher do not consider that it is safe to alter a 20 year projection by reference to the immediate effects of the Brexit vote, even were one to do that, it could not possibly justify the SHMA 665<sup>51</sup>.
94. On the economic activity rates, ironically, the SHMA did use a blend of the three forecasting houses<sup>52</sup>. The appellants preferred the finer grain of the OBR. As noted above, even with a complete suite of post-Brexit forecasts, the result is 772 dpa<sup>53</sup>, still well above the SHMA's economic-led 618<sup>54</sup> or even the SHMA overall 665. To this, Mr Veasey would then add an adjustment to assist affordable housing delivery and bring the OAN up to 840 dpa.
95. Market signals are the next stage in the process: to be applied *to the correct* demographic figure. Although all three experts agreed that a market signals uplift was required, the resultant figure (701 in Mr Veasey's case<sup>55</sup>) was lower than the appropriate OAN having already adjusted for economic-led factors (840) so the

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<sup>46</sup> **B3**, third entry

<sup>47</sup> **B3**, second entry

<sup>48</sup> OE April 2016 550 jobs; OE Oct 2016 513 jobs (**A9** Stage B, second row)

<sup>49</sup> **A12**

<sup>50</sup> **A9**, 'A'

<sup>51</sup> If a 6.7% reduction had been applied to the 720 calculation the result would have been 670 jobs which translates to 811 dwellings as a job led OAN

<sup>52</sup> **A9**, Stage B, row 5

<sup>53</sup> **A9**, 'A'

<sup>54</sup> Orally corrected from 665 but table **A9** not amended

<sup>55</sup> Doc A9, stage C, row 2

two are not additive<sup>56</sup>. Prior to considering affordable housing, Mr Veasey places the OAN, therefore, at an economic-led 840 dpa.

96. Affordable housing need is made up of three elements<sup>57</sup>, all dependent (or 'heavily predicated') on the assumption of the affordability threshold – i.e. the level of income below which it is considered that one cannot provide one's own accommodation without subsidy. The SHMA sets this at 35% of gross household income, which results in a net affordable housing need of 189 dpa. As Table 82 of the SHMA shows, that result is highly sensitive to the assumption used: 30% gross income gives 297 dpa; 25% gross income gives 427 dpa – the figure at which Mr Veasey arrives<sup>58</sup>.
97. The use of 35% gross household income is at odds both with the old SHMA Guidance of 25% gross and WBC's own definition of affordable housing need as 30% net (equivalent to 25% gross)<sup>59</sup>. To depart from these, the SHMA uses a methodology which has no origin or support in policy or guidance and is described in the SHMA itself as 'somewhat convoluted' and 'not definitive'<sup>60</sup>.
98. Given how highly sensitive the results are to small variations in the percentage<sup>61</sup>, some quite weighty support would be needed in order to move from the 25% gross threshold. Mr Ireland points to the acceptance of 35% threshold in West Oxfordshire<sup>62</sup>. But in so doing, he neglected to inform the Inquiry that the method used there was not the 'Thanet' benchmark used here. Mr Veasey showed that the West Oxfordshire methodology applied here provides a 30% threshold and an affordable housing need of 297<sup>63</sup>. In fact, Mr Veasey prefers to stick to the Government's only published figure of 25%, which matches WBC's own affordability threshold, which gives a dpa affordable housing need of 427<sup>64</sup>.
99. Secondly, using the 35% threshold, the SHMA has assumed that a household which has a gross income in excess of £22,300 is able to afford its own accommodation. But as SHMA Fig 67 and Mr Veasey's Table 5.7 make clear, at this threshold point, all that could be afforded would be a one bedroom flat to rent. Thus a household whose needs were greater than a one bedroom flat to rent would still be in affordable housing need. Table 108 of the SHMA shows that even among those acknowledged to be in affordable housing need, more than half require accommodation larger than a one bedroom flat. SHMA Table 81 is, therefore, woefully under-representing the true extent of affordable housing need.
100. These two errors make unreliable all three of the elements in Table 81. In addition, for 'current unmet need', Table 75 is based on an unevidenced and unjustified assumption that 90% of owner occupiers would sell their house and

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<sup>56</sup> Had economic matters led to a figure below, 701, there would, naturally, have been an adjustment at Stage C to the 701; the OAN cannot be less than 701.

<sup>57</sup> SHMA Table 81

<sup>58</sup> **A9**, Stage D, first row.

<sup>59</sup> Mr Veasey's proof 5.93

<sup>60</sup> SHMA 6.32

<sup>61</sup> As shown in Table 82 of the SHMA, noted above

<sup>62</sup> Mr Ireland's proof 6.39

<sup>63</sup> SHMA Table 82

<sup>64</sup> SHMA Table 82

spend the equity on rent; and for 'newly arising need', Table 76, a percentage is applied to a demographic which is itself (as set out above) incorrect.

101. The SHMA justifies not applying an affordable housing uplift by saying that the affordable housing need sits at only 189 dpa. However, the above matters indicate that affordable housing need is (even based on the SHMA) not less than 427 dpa. At Mr Ireland's preferred delivery rate of 30%, that would give an overall affordable housing OAN of 1423<sup>65</sup>. Plainly, 665 barely scratches the surface. Mr Veasey has calculated an OAN of 840, which will go some way towards it. If, for whatever reason, the OAN arrived at is less than 840 by reference to stages A-C of the PPG methodology, given the high affordable housing need, an uplift to 840 would be appropriate in any event.
102. On the evidence before the inquiry, the OAN is not 665; it is a *minimum* of 840.
103. In addition, the LPEG recommendations would, if adopted, lead to an OAN of 771 dpa. If the Secretary of State decides to accept the LPEG recommendations, that figure is not one that is mathematically in dispute. It is materially above the 665, with the consequence, as we will see below, that the Council cannot realistically hope to demonstrate a 5YHLS.
104. On the buffer, the Council contend for 5%, but in error. In terms, Mrs Peddie asserts that the delivery must be measured against the known development plan targets (i.e. 525 dpa in the Core Strategy). That approach is contrary to the judgment of Lewis J in *Cotswold DC*<sup>66</sup>. The exercise is not one of assessing against policy targets, it is of assessing against housing needs.
105. The CS figure of 525 dpa is known to have under-represented need. Even the 665 SHMA figure from 2013 is – the appellants say – also significantly under-representing need. But for the period 2013 onwards there can be no case for continuing to measure delivery against the 525. Complaining that it is 'unfair' to have expected a delivery of over 665 when the requirement was known only to be 525 entirely misses the point of the exercise in para. 47(2). It is not about blame or opprobrium, fairness or excuses; it is about seeing whether, over a suitably long period of time, there has been delivery of the houses the district needed. That measurement of need is made on today's knowledge; for 2013 onwards it was not less than 665; for 2006-2013 it was (more than) 525. Measured against those figures, delivery has failed in six of the last 10 years and succeeded only once (by 27 dwellings) in the last 7 years. The net effect is a running and continuing shortfall and very clear evidence of persistent under delivery. A 20% buffer is required.

### *Supply*

106. Document B6 shows that if the Secretary of State accepts, as he is urged to, the Appellant's assessment of OAN, the Council cannot demonstrate a 5YHLS, regardless of whether the correct buffer is 5 or 20%. Further, it shows that, if the Secretary of State has decided to adopt the LPEG recommendations, the Council would not be able to demonstrate a 5YHLS with the (correct) 20% buffer, and could only claim one on the (incorrect) 5% approach with a margin of 80 units. A

<sup>65</sup> **B3**, Table on page 2

<sup>66</sup> *Cotswold DC v SSCLG* **A16**



putative margin of 80 units out of a claimed supply of 4,900 requires such a spurious accuracy in forecasting that it is effectively the same as not being able to demonstrate a 5YHLS.

107. Thus, it is only if the 665 is a reliable figure that any serious consideration needs to be given to the supply side. Doc B6 shows: at 5% the Council claim a 971 unit surplus; at 20% that falls to a 410 surplus. On this point Doc **B4** and Table 2 is a useful summary.
108. Two strategic sites from the Core Strategy together would delete 604 from the Council's supply. That alone is enough to remove the 5YHLS if the correct 20% buffer is utilised (on the incorrect 665).
109. 290 is removed at Sandleford Park, which has yet to receive planning permission, is required by the SPD to have a comprehensive application, but is in split ownership (who appear to have fallen out) who cannot agree a s. 106 obligation, and has serious outstanding highways and education objections still unresolved despite fortnightly meetings. Furthermore, the submitted application has been subject to significant amendments. The inquiry has been given no information or minutes from these meetings and only silence from the case officer and developers on the likely timetable. Mrs Peddie was reduced (in November 2016) to utilise a trajectory drawn up for the purpose of highways testing in July 2015; it has no validity as an actual build programme, and assumed a permission by Christmas this year. The applications are not even scheduled to go to committee this December, let alone be permitted, and in the absence of co-operation on the s. 106 obligation, there will not be an implementable planning permission in the foreseeable future.
110. 314 are removed from Newbury Racecourse. This site has a permission which is being built out, but it is already five years into a supposed 10 year build-programme. So far it has been running at about 2 units a week. The Council's trajectory assumes more than double: 4-5 a week, every week for the next 5 years - well in excess of either its past record or the company average<sup>67</sup>. If units do not 'shift', there is no practical likelihood that the developer will build more and flood their own market; it is not credible to suggest that either the landowner or developer would reduce their overall return.
111. J&P Motors and Lakeside, Theale, lose 37 units and 150 units respectively. At J&P Motors, the site is occupied by existing commercial uses and, by reference to the PPG, is not to be considered 'available'<sup>68</sup>. At Lakeside, a very old planning permission has never been developed out; the landowner has been waiting 11 months for a revised scheme; the Council have been unable to give the landowner comfort of a positive outcome and cannot even say that the non-determination appeal will not be resisted.
112. Two identified sites without planning permission, Market Street, Newbury and Pound Lane depot, have 190 and 47 units deducted. Market Street is a complex development with certain land ownerships yet to be secured. Even looking at it favourably, if it were to slip by only one year, 190 units disappear. At Pound Lane

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<sup>67</sup> 48 a year, see **B7**

<sup>68</sup> PPG 3-020 **CD4/AB/2**

although a resolution to grant planning permission has been made, the applicant has failed to meet the deadline for the s. 106.

113. Together, the above sites come to 1028 units to be deducted from the Council's 'best case' surplus of 971 (assuming 665 OAN and 5%). In addition, a further 219 units are deducted from five sites within the Housing Site Allocations DPD draft allocations.

114. The Council accept that they cannot use their 525 dpa Core Strategy. Only by asserting (and winning) a 665 dpa OAN can the Council even claim a 5YHLS, but their vaunted supply of 4,900 is not a reliable one. 3,649 units is much nearer the mark.

115. A 5 year housing land supply cannot be shown.

### ***Compliance with the spatial policies of the development plan***

#### *Local Plan, HSG1*

116. The supporting text to HSG1 notes that development will be restricted outside the adopted settlement boundaries. However, the Council acknowledge that those boundaries are out of date in that they do not purport to provide for today's development needs. Indeed, they cannot even provide for the non-NPPF 10,500 housing requirement post-2006 and are in the course of being replaced by the boundaries being drawn up for the DPD policy C1 (which will, themselves, be amended further to accommodate any OAN-based requirement)<sup>69</sup>.

#### *Core Strategy*

117. CS1 expressly recognises the need for green-field development (i.e. outside HSG1 boundaries) to deliver the 10,500 units. These are to be delivered through the spatial hierarchy, which itself is set out in ADPP1. The 10,500 figure is not a cap or ceiling and the Council acknowledge that to exceed it is not to cause planning harm. It is equally acknowledged that 10,500 is an out-of-date, non-NPPF compliant figure, the exceeding of which would be justified even had the policy been drawn to prevent that.

118. ADPP1 directs 'the majority of development' to the three 'Urban Areas'<sup>70</sup>. In so doing, it recognises that 'most development will be within or adjacent to [ie outside] the settlements included in the settlement hierarchy'<sup>71</sup>. The proposals entirely accord with that approach. ADPP1 establishes that locations adjacent to Thatcham are suitable locations, in principle, and no site-specific objections are raised.

119. While ADPP3 is cited against the proposals, it is actually a policy which supports the principle of green-field housing development adjacent to Thatcham. Further, it was confirmed by the Council that the 900 unit figure is not to be seen as a cap or ceiling and no planning harm would arise by exceeding that number. In any event, the 900 is a function of the 10,500 figure, which is recognised to be out of date and would not justify a refusal.

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<sup>69</sup> **CD8/AB/4**

<sup>70</sup> ADPP1, Box **CD6/AB/1**

<sup>71</sup> ADPP1, second paragraph **CD6/AB/1**

120. As to the objection that the site is not identified through the allocations DPD, the answer is simple: the DPD is only doing part of the necessary job; it provides only for the out of date 10,500 dwellings and there is no doubt that more is needed; there is no site specific objection mounted; and no prematurity objection is pursued. No harm arises, therefore, in bringing forward additional development now in a location supported in principle by the policy.
121. Paragraph 14(2) of the NPPF requires that permission should be granted unless the harms significantly and demonstrably outweigh the benefits. Mr Tustain gives no more than very limited weight to the breach of the 2002 settlement boundaries. It is respectfully suggested that he is right to do so. Mr Dray accepts that, on the para. 14(2) test, permission should be granted.

*Weight to be given to the emerging Site Allocations DPD:*

122. The Site Allocations DPD is, as noted above, no more than a daughter document to its parent, the Core Strategy. As the DPD does no more than seek to deliver the CS figure of 10,500 and the CS figure is acknowledged to be neither OAN-derived nor up to date, any purported restriction to within settlement boundaries would be in conflict with the NPPF and, under para. 216 only accorded limited weight. The context of the DPD's production means that it cannot be used to prevent development outside but adjacent to settlement boundary of Thatcham, that being a location identified by ADPP1 as being appropriate for additional housing.
123. While it is true, therefore, that the DPD does not allocate the appeal site, this is no bar to permission being granted. It is not even surprising, given that the DPD was only looking for the balance of 900 at Thatcham. None of the site specific issues raised in the DPD SA/SEA are maintained by the Council as objections to this scheme.

***Benefits of the scheme***

124. In economic terms, the contribution<sup>72</sup> of the scheme by £33m construction value, 261 construction jobs and £6m gross annual residential expenditure is now recognised to be worthy of *significant* weight by reference to para. 19 of the NPPF.
125. In social terms, the contribution of the scheme in terms of housing and affordable housing is now recognised by the Council to be worthy of *significant* weight. The site is obviously anticipated to be a high quality residential environment and is accessible to the necessary services and facilities.
126. In environmental terms, the scheme brings improvement to the current flooding situation<sup>73</sup>, which is a particular concern to local residents; it provides bio-diversity gains<sup>74</sup>; and a 14 ha country park, with public access. Its location adjacent to the sustainable settlement of Thatcham, in the top rung of the settlement hierarchy in ADPP1, means that it contributes positively to the sustainability aims of the third dimension in terms of pollution, natural resources, climate change and low carbon economy.

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<sup>72</sup> Mr Tustain's planning proof, Section 5

<sup>73</sup> Flooding Statement of Common Ground, para 8.4 **CD1/B/8**

<sup>74</sup> Mr Tustain's planning proof, para 5.37

127. The Council raise loss of green-field land as a disbenefit, but this does not extend to any landscape or visual impact objection. Indeed, the site is undesignated in landscape terms and its development for 225 units is considered acceptable by the Council's landscape advisor. Green-field land is necessary if the Council are to meet their 10,500 CS requirement and ADPP1 and ADPP3 both direct development to sites adjacent to the settlement boundary of Thatcham (i.e. in the 'countryside'). In addition, green-field land is necessary if the Council are to meet any assessment of OAN<sup>75</sup>. As such, it is axiomatic that if housing is to be provided in accordance with the NPPF, green-field land will be developed. Its use is not, therefore, objectionable; it is necessary<sup>76</sup>.

### ***Striking the planning balance***

128. It is not surprising, therefore, that Mr Dray volunteered that if the scheme is judged against the balance in para. 14(2) of the NPPF, the harms do not significantly and demonstrably outweigh the benefits of the proposal.
129. We ask ourselves what are the 'harms' alleged? Other than the loss of green-field, which is axiomatic if housing is to be provided adjacent to the sustainable settlement of Thatcham, the only objection is, in effect: 'you are not allocated in our DPD'<sup>77</sup>.
130. That is a process point, in respect of which no prematurity point is being alleged any longer and on a site where no site-specific objection is raised – i.e. there is no planning harm identified by virtue of bringing forward development which locationally (i.e. in *spatial* terms) accords with both ADPP1 and ADPP3. There is no way, rationally, that that 'harm' could be said to 'significantly and demonstrably' outweigh the sum of the significant benefits listed above.
131. Para. 14(2) is engaged by virtue of the relevant development plan policies conflicting with the NPPFs, as accepted by Mrs Peddie. It is also, the Appellants say on the evidence, engaged by the inability of the Council to demonstrate a 5 year housing land supply. On that basis, now, the Council and the Appellants are in agreement that Appeal B should be allowed.
132. But even were it conceivably possible to say that the relevant policies were 'up to date', and the decision fell simply by reference to the 'material consideration' test in s.38(6), permission should be granted. To refuse the scheme would be to forego the many and significant benefits of bringing forward housing on this sustainably located site at the top of the settlement hierarchy, and would be to fail to deliver sustainable development.

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<sup>75</sup> **CD8/AB/4**

<sup>76</sup> And hence para. 8.20 of Mr Dray's proof proceeds on a mistaken premise

<sup>77</sup> That was, in essence, the beginning and end of Ms Peddie's objection

## THE CASES FOR THIRD PARTIES GIVING EVIDENCE AT THE INQUIRY

### *Those giving evidence at the Inquiry*

133. The Inquiry was addressed by 7 interested parties. Notes of these addresses, and supplementary documents, are included at **TB1 to TB7**.
134. A major concern was the impact of the proposal on the risk of flooding in Thatcham. It was noted that a major flood had occurred in 2007, affecting 1100 houses, and there had been regular incidents since. A flood alleviation scheme had been established, and was in the course of construction, with support from the Environment Agency, and the local Parish and Town Councils had set up a flood forum and appointed a flood warden.
135. The appeal site is directly north of, and on higher ground than, the developed part of Thatcham, and discharge from it would be a major component of any future flooding in the town. There were doubts about the effectiveness of the technical solution proposed by the appellants, including concerns about the limited capacity of the watercourses into which the land would drain, and the difficulty of ensuring adequate attenuation on the site. It was questioned whether the site could be developed at all, noting, amongst other matters, the nature of the underlying clay geology, the loss of absorbent ground which would result from site clearance, and the likelihood of breaching the water table with the building works. There were also concerns about whether it would be possible to secure the maintenance of any system in perpetuity.
136. Other matters raised included the principle of developing outside the settlement boundary, and the resulting harm to the quality of the landscape, drawing attention to the recent appeal decision<sup>78</sup> at Pound Cottage, Cold Ash, which found that the construction of 6 bungalows on Cold Ash Hill would intrude into the countryside and erode the rural setting of the village. The current proposal would be a disproportionately large increase in the population of Cold Ash Parish, and lead to the coalescence of the village with Thatcham.
137. There were concerns about existing traffic problems in the area, particularly on Cold Ash Hill, and doubts about the appellants' conclusion that development of the site would not exacerbate these issues. The site is not in an accessible location, whether in relation to Thatcham or Cold Ash, being remote from services and facilities, and there were uncertainties about the capacity of local infrastructure to cope with the increased demand, especially schools.

### *Written Representations*

138. The planning application was opposed by the Cold Ash Parish Council and Thatcham Town Council, and 62 letters of objection were received by the Planning Authority. 66 letters against the proposals were sent to the Planning Inspectorate in response to the appeal application.
139. In addition to the points raised at the Inquiry, concerns included the impact on wildlife; the setting of listed buildings; sewage disposal and water supply capacity; the loss of green fields, trees and hedgerows; pollution; noise and

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<sup>78</sup> APP/W0340/W/16/3143521



disturbance during construction; inadequate health facilities; road safety; and, a lack of public transport to serve the site.

## **PLANNING CONDITIONS (IN THE EVENT THAT THE APPEAL IS ALLOWED)**

140. In recommending the schedule of conditions shown at Annex 3, regard is had to the Council's draft list<sup>79</sup>, the discussions at the Inquiry, and the advice in Planning Practice Guidance. The numbers in brackets below refer to the condition numbers in Annex 3.
141. Conditions are applied to require general accordance with the submitted illustrative plans (5) and control the scale of development (16, 17), to obtain a comprehensive landscape strategy plan (6), and to limit the size of the scheme to the specified 225 dwellings (7), for the benefit of the appearance of the development, and its impact on the wider area. The approved access details are listed (4) for the avoidance of doubt, and there is also a need for the submission of internal access arrangements (8). The hours of building work (9), and a construction method statement (10) and restriction on piling methods (21), are required to protect the amenity of adjoining residents, and travel plans (11) are necessary to secure a sustainable form of development.
142. Highway works (12-15) will help to secure road safety and the free flow of traffic, and to facilitate pedestrian and cycle use. In view of the sensitive nature of flood control in this area, the Council's SUDS condition is adopted (18) but with amendments to remove reference to the requirements for of other approvals by third parties. There is a need to secure archaeological interests (19), and to ensure that any unforeseen ground pollution is adequately addressed (20). Protection of existing trees (22) helps to secure the appearance of the development, as do conditions to require details of cycle and refuse/recycling storage (26, 27). Ecological interests are served by control over external lighting (24), and the submission of environmental management plans (23, 25).
143. The possibility of a shortage of water supply, and potential harm to nature interests by water extraction, have been raised by Thames Water and Natural England, with a request for a condition preventing development until feasibility studies have been carried out. Any remedy would be outside the control of the developer and, whilst a Grampian style condition could be applied, the submitted evidence falls short of a strong case that significant harm would arise, or that any outstanding issues could not be resolved by other statutory powers. Having reviewed the situation the Council, at the Inquiry, agreed to withdraw their request for such a condition, and it is recommended in this report that the need for it has not been proved. Correspondence surrounding this matter is appended to the draft conditions for Appeal A in **CA2**.
144. In addition to the identified reserved matters, a number of conditions require action prior to the commencement of development. Those relating to the overall planning and operation of the site, including flood control, are necessary to ensure a coordinated form of development, whilst protection of trees, archaeology, and ecological interests should occur before potential harm could

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<sup>79</sup> **CB1**

arise through building works. A safe form of road access, and protection of the amenity of adjoining residents, should be secured before construction works commence.

## **INSPECTOR'S CONCLUSIONS**

145. Numbers in square brackets refer to previous paragraphs in this report.

### **The Main Considerations**

146. The following main considerations were suggested to the parties at the beginning of the Inquiry: i) whether the proposal complies with spatial policies in the development plan and, if not, whether the application of those policies is outweighed by other considerations, including the need to demonstrate a five year supply of deliverable housing land, ii) the weight to be allocated to the emerging Site Allocations DPD, and whether permission for the proposal would undermine its preparation.
147. No objection to the choice of these considerations was raised, but the Council subsequently withdrew their concern about prematurity to the Site Allocations DPD on the ground that the plan had proceeded a considerable way towards adoption, to diminish its vulnerability to change. There is no reason to disagree with the Council on this point and the second consideration is therefore amended as follows: ii) the weight to be allocated to the emerging Site Allocations DPD.
148. A substantial portion of the Inquiry time was spent on the assessment of housing land supply in West Berkshire. As this aspect informs the evaluation of development plan policy, it is dealt with first.

### **Housing Land Supply**

149. The Inquiry dealt with housing land supply in a combined session of Appeals A and B. Each of the appellants produced their own proofs and gave evidence separately, but took a broadly similar approach to the matters raised, confirmed in a statement of common ground at **CD1/A/5**. They are referred to jointly as "the appellants" in this part of the report.

### **Assessment of Need**

150. The objective to provide for at least 10,500 houses (525 dwellings per annum), in Core Strategy policy CS1 was based on the South East Plan, and was recognised by the Examining Inspector as not representing the objectively assessed need (OAN) set out in para 47 of the NPPF. The policy envisaged that this figure would be updated once a Strategic Housing Market Assessment (SHMA) had been undertaken, and this was issued in February 2016. It was prepared for the wider Housing Market Area (HMA) in conjunction with surrounding Authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP). The SHMA assessed a need for 665 dwellings per annum (dpa) in West Berkshire, and, despite earlier indications of preferring a lower figure to take account of development constraints, this was the level supported by the Council at the Inquiry. The appellants dispute the findings of the SHMA, assessing an OAN ranging between 750 and 950 dpa<sup>80</sup>. A useful summary of the respective positions of the parties is contained in the table at document **A9**, the

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<sup>80</sup> See document **A9**. Mr Veasey indicates OAN would rise to 1708 dpa if all affordable housing needs were taken into account.

final version of which reflects a number of agreed adjustments made during the course of the Inquiry. [27-31,82, 84]

### *Demographic Assessment*

151. Dealing first with the demographic assessment (stage A of table **A9**), the starting point for the SHMA was 537 dpa derived from the 2012 projections published by the Department of Communities and Local Government (DCLG). Whilst the 2014 figures are now available, showing a reduction to 391 dpa, the Planning Practice Guidance (PPG) recognises that housing assessments are not automatically rendered out of date every time a new projection is issued, and the Council assert that the updated estimates have a limited impact on the overall result<sup>81</sup>. The appellants use the updated figures, which are then adjusted to take account of evidence of household suppression and migration trends, to produce an overall demographic led total of 570-610 dpa (Appeal A) and 584 dpa (Appeal B). These levels are not substantially different from a comparably adjusted figure in the SHMA of 583 dpa. Whilst there is fundamental disagreement about the methodology used to reach these results, discussed further below, the similarity of outcome diminishes the extent to which the alterations sought by the appellants would have a material effect on the assessment of demographic led OAN. [33, 34, 85]
152. The projections demonstrate a declining rate of household formation in the 25-34 age group when compared with earlier data and, to a much lesser extent, in the 35-44 band. The SHMA indicates that there may be a range of socio-economic reasons for this trend but acknowledges that a lack of availability of suitable accommodation is a factor that should be addressed. It is the appellants' view that the PPG intends that this should be dealt with as an adjustment to the initial demographic demand, rather than as a response to market signals, which appears later in the calculation. Reference is made to a number of previous appeals and local plan examinations which have adopted this approach, as well as the Local Plans Expert Group (LPEG) in their report to Government of 2016. [34, 42, 86, 87]
153. These points are noted, but even if it is the intention of the PPG to separate these elements of the calculation, the guidance also makes clear that there is no definitive approach to calculating OAN, and there is some strength to the Council's concern about the likelihood of double counting, because the various influences on housing demand are interlinked. It is not accepted that the SHMA has failed to take account of relevant factors, nor that its methodology is fundamentally flawed in these respects. [86]
154. The population and household projections which form the basis of the OAN take account of recent trends in migration patterns, but there is the contention that those used in the SHMA were heavily influenced by the 2008 recession, and that a longer timescale would give a more reliable indication. However, it is also the case that the projections used in the SHMA were sensitivity tested against 10 and 12 year timescales and the outcome did not prove that the 2012 figures unduly suppressed migration trends, although an additional allowance was made for London migration. The evidence falls short of proving that the SHMA has significantly underestimated the level of in-migration. [34, 87]

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<sup>81</sup> Mr Ireland's proof of evidence, paras 6.1-6.12

## *Economic Growth*

155. Turning to the second component of the calculation (stage B in the table at **A9**), the disagreement about the anticipated level of economic growth in West Berkshire forms a significant part of the difference between the parties' OAN estimates. The SHMA used data from Cambridge Econometrics September 2013 forecasts, indicating an average rise of 522 jobs per annum (0.5% increase) in West Berkshire. However, prior to the issue of the SHMA, the November 2015 forecasts had become available, showing an average rise of 790 jobs per annum, but this was not reflected in the SHMA analysis. The appellants also criticise the use of only one source of data, whereas their estimates are based on an average of the three main forecasting houses. [36,88-93]
156. There is validity in these concerns. The Inspector at the Stanbury House appeal<sup>82</sup>, dealing with the same SHMA, questioned the use of only one source, noting that the Cambridge Econometrics forecasts appeared relatively conservative by comparison with those issued by Oxford Economics and Experion, a point echoed in the SHMA itself<sup>83</sup>. It is also the case that the estimate on which economic projections were based was already two and a half years out of date by the time the SHMA was issued, and the latest figures should be used where possible. Late adjustment for the 2015 forecast could have had a significant effect on the OAN. [35, 36, 88-93]
157. However, there are extenuating circumstances. The Cambridge Econometrics forecast was chosen to align the SHMA with the Strategic Economic Plan, prepared by the Thames Valley Berkshire Local Enterprise Partnership. Whilst, as noted by the Stanbury House Inspector, such an alignment should not be at the expense of the accuracy of the OAN, the PPG recognises the value of such an arrangement. Similarly, the SHMA took account of local economic circumstances in assessing the level of growth. The Inquiry also heard that the latest Cambridge Econometrics forecast, of November 2016, reversed the increase shown in 2015, by estimating an average jobs growth of 527. An Oxford Economics forecast of October 2016 showed a similar level (513), although an Experion forecast from the same month estimated the level at 765. [35, 36, 88-93]
158. Taken together, there is clearly a wide variation of results, whether between forecasting houses or over time, and reliance on one forecast could give a misleading impression. However, having regard to the breadth of the Council's local research and consultation, and because the Cambridge Econometrics forecast of 2013 does not appear substantially different from two out of the three current forecasts, the evidence falls short of proving that the basis of the SHMA employment estimate is unduly pessimistic in its approach. Similarly, whilst there is dispute about the source of and quality of data to set activity rates, commuting ratios and whether double jobbing should be taken into account, the alternative evidence does not prove that the SHMA is wrong on these points. [33, 35-39, 88-93, 94]
159. Attention is drawn to the balancing of jobs within the HMA, resulting in a reduced housing requirement in West Berkshire, on the ground that this is an application

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<sup>82</sup> APP/X0360/W/3097721, issued 20 June 2016, **CD7/AB/7**

<sup>83</sup> **CD8/AB/1**, para 5.48



of policy rather than reflecting the unadulterated assessment of need. However, the SHMA assesses need throughout the HMA and it does not seem to run counter to the advice in the PPG if appropriate adjustments are made between authorities provided they are agreed in the duty to cooperate. The SHMA was jointly commissioned and regularly consulted on by the constituent authorities and there is no reason to suppose that this was not an agreed position. The Council draw attention to the outcome of the St Modwen case<sup>84</sup> in support of their position. [38]

### *Market Signals*

160. Section C of the table at **A9** refers to the response to market signals, and the PPG sets out the criteria for assessing whether an adjustment is necessary. Mr Ireland's evidence<sup>85</sup> summarises the measures taken in the SHMA to assess each criterion, leading to the conclusion that there were affordability pressures in West Berkshire, but not unduly pronounced by comparison with other parts of the region. The SHMA increased the initial DCLG figure (537 dpa) by 13.5% to improve affordability, addressing the suppression of household formation observed in the younger age groups. A further 9.1% upward adjustment was made to accommodate future migration. [33, 40, 42, 95]
161. The appellants dispute the principle behind this methodology, noting that the PPG deals with affordability as a separate element after demographic trends have been considered. However, for the reasons previously given, it is not accepted that the SHMA is necessarily wrong in this respect. Any adjustment to address affordability is, by its nature, approximate, and it is necessary to monitor the effect in later iterations of the OAN calculation. However, on the basis of the present information, the proposed uplift does not seem unreasonably low, and would not be out of keeping with the conclusions of the Inspector at the Stanbury House appeal<sup>86</sup> when dealing with the same issue, albeit in a different Authority. [86, 95]

### *Affordable Housing*

162. With respect to the level of affordable housing (section D of the table at **A9**), the SHMA assesses a need for 189 affordable dwellings per annum in West Berkshire which, at a delivery rate of 30%, would generate an overall need for 630 dpa. This is based on a threshold of 35% of gross income being spent on housing costs, which the Council point out<sup>87</sup> is very similar to the 34% of income spent on rent nationally identified by the Survey of English Housing, and the threshold advised to registered providers by the Homes and Communities Agency. Although the 30% rate of delivery would be higher than is presently achieved, a larger proportion of future sites will be on green-field land, where there is more likelihood of reaching the target of 40% affordable housing in policy CS6. [40, 41, 96-101]

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<sup>84</sup> St Modwen Developments Ltd v SSCLG and East Riding of Yourshire Council [2016] EWHC 968 (Admin) **CD7/CAB/3**

<sup>85</sup> Mr Ireland's proof of evidence para 5.73

<sup>86</sup> APP/X0360/W/3097721, issued 20 June 2016, **CD7/AB/7**, para 42

<sup>87</sup> See Mr Ireland's proof para 6.39

163. The appellants note that the 35% threshold of gross income threshold is significantly higher than the 30% net income referred to in the definition of affordable rents in the Core Strategy. In West Berkshire it would secure only a one bedroom dwelling on the private rental market, leaving little disposable income, and there is limited evidence to support the assumption that 90% of owner occupiers would be able to finance any shortfall in their accommodation costs out of their own resources. A safer set of assumptions<sup>88</sup>, indicate, for instance, that a 25% gross income threshold would generate a need for 427 affordable dwellings, which, at a more realistic 25% rate of delivery, would require a total of 1708 market and affordable homes per annum. [41, 96-101]
164. However, whilst a case may be made for a higher level of provision than that shown in the SHMA, it is also true, as pointed out in the Kings Lynn judgement<sup>89</sup>, that the calculation of unmet affordable housing need will often produce a figure with little prospect of being delivered in practice. The NPPF distinguishes between the obligation to meet general housing demand and the requirement to address affordable housing need, and the PPG advises only that an increase in the total housing should be considered where it would help to deliver the required affordable homes. In the present case, the Council have addressed the need for affordable housing, and the evidence does not show that the criteria used are either so adrift of normal practice, or that the expectations of the level of delivery are so unrealistic, as to justify rejecting the SHMA figure on these grounds. [40, 41, 96-101]

#### *Local Plans Expert Group*

165. Reference is made to the report to Government of the Local Plans Expert Group (LPEG) of March 2016 which, amongst other matters, recommended codifying the calculation of OAN for the benefit of consistency and to streamline plan preparation. The appellants draw support from a number of the conclusions reached by this group, and have prepared an OAN based on its recommendations, in parallel with their own calculations, indicating an OAN of 771 dpa. [42,103]
166. The LPEG report is under consideration by DCLG, and at the time of writing there is no indication whether its recommendations are to be adopted, in whole or in part. It is also recognised that some aspects of the proposed methodology have been the subject of criticism, particularly in respect of possible double counting<sup>90</sup>. At this stage it is not possible to give substantial weight to the relevant LPEG proposals, but it may be, during the course of these appeals, that this is a matter which the Secretary of State will reappraise in the light of any progress towards adoption of a standard methodology. [42, 103]

#### *Conclusions on Housing Need*

167. The SHMA is a comprehensive document which seeks to explain and justify the basis on which the OAN is calculated. It was prepared in conjunction with the constituent local authorities and the Local Enterprise Partnership, and, whilst the

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<sup>88</sup> See Table 5.8 of Mr Veasey's evidence, **CD1/B/11**

<sup>89</sup> Kings Lynn and West Norfolk v SSCLG and Elm Park Holdings Ltd [2015] EWHC 2464 (Admin), **CD7/CAB/5**, para 32

<sup>90</sup> Mr Ireland's supplementary proof, 12.6 refers

appellants' claimed shortcomings in the consultation process are noted, there were opportunities for the involvement of interested third parties. It has not been tested at a Local Plan Examination, and its conclusions are susceptible to critical examination, but it is, nonetheless, entitled to substantial weight. [43]

168. Whilst the guidance gives considerable scope for reaching the alternative conclusions put forward by the appellants, those conclusions fall short of proving that the SHMA is fundamentally flawed in its methodology or results. It is true that its length of preparation has meant that parts of the data are now of some age, but any variation from up-to-date figures is not of such significance as to invalidate the results. There are grounds to consider that 665 dpa is an adequately realistic measure of OAN in West Berkshire for the purpose of the present appeals.

## ***Land Supply***

### *The Buffer*

169. NPPF para 47 sets out the need to increase the supply over the OAN by 5% or, where there is a record of persistent under delivery, 20%, in order to ensure choice and competition in the land market, and to provide a realistic prospect of achieving the planned supply. At the time of considering the Core Strategy, in 2012, the Inspector noted that there had been an under supply against the targets in 7 of the preceding 12 years. However, he recognised the effect of the recession from 2008 and that there had been a strong level of delivery in the earlier part of the period, and decided that there was not evidence of persistent under supply, so that a 5% buffer should apply. The appeal at Mans Hill<sup>91</sup> reached a similar conclusion in February 2015, noting that, whilst the Council's record did not paint a glowing picture of housing delivery, the circumstances had not changed so substantially in the intervening period as to justify a different outcome. The Inspector at Firlands Farm<sup>92</sup> in July 2015 also took account of strong delivery in 2004/5 and 2005/6, and favoured a 5% buffer. [44-47, 104, 105]
170. Since these decisions, the SHMA has been issued indicating an OAN of 665 dpa, and it is the appellants' contention that the recent past record should be looked at in the light of this figure, rather than 525 dpa shown in the Core Strategy. The Council note that the Uttlesfield appeal<sup>93</sup>, and references quoted within it, rejected this approach, and that it would not be reasonable to expect the planning authority to meet a level of which they were unaware until the issue of the SHMA. However, the guidance does not set a particular rule on this point, and a decision is subject to the circumstances applying. In this case, it was clear that the Core Strategy figure did not represent an assessment of need measured in accordance with the NPPF; the Core Strategy Inspector anticipated that the real figure would be higher<sup>94</sup>, and that it would be necessary for an early reappraisal. It is also the case that much of the base data which informed the SHMA came from 2012 and 2013, rather than representing a recent change of circumstances at its issue in 2016. It is reasonable to assess performance

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<sup>91</sup> **CD7/CAB/8**

<sup>92</sup> **CD7/AB/1**

<sup>93</sup> APP/C1570/A/14/2213025, para 15.16, Appendix 7 of Ms Peddie's proof

<sup>94</sup> **CD6/B/1** para 30

against the requirement of 525 dpa up to 2012/13 but 665 dpa thereafter. [44-47, 104, 105]

171. The parties also differ in the length of time over which the assessment is made. Whilst the PPG recommends the use of a longer time scale to even out the effect of the economic cycle, the very strong performance in the period up to 2005/6 is of diminished relevance now, and its inclusion has a disproportionate effect on the overall result. A 10 year period provides a reasonably balanced assessment. [44-47, 104, 105]
172. On this basis<sup>95</sup>, the figures show a deficit in 6 out of the 10 years, all of which have occurred within the last 7 years, and a cumulative under-supply over this period of 658 units (which would rise to 1197 if 2006/7 were removed from the equation). It is certainly true, as noted by the Core Strategy Inspector, that the 2008 recession had a significant influence over part of this period, but there has been a reducing effect since the adoption of the plan in 2012. There are grounds to consider that there is a record of persistent under delivery and that a buffer of 20% is now justified. [44-47, 104, 105]

### *Deliverable Housing Land*

173. The Council's evidence<sup>96</sup> indicates deliverable sites for 4,902 dwellings, whereas the appellants estimate 3,420 and 3,520 in Appeals A and B respectively. Document **CAB3** records the common ground between the parties, and identifies in Table 2 the list of sites which are in dispute. A large portion of the difference arises out of disagreements about the likely delivery rates from the two major strategic sites identified in the Core Strategy: Sandleford Park and Newbury Racecourse [108].
174. The Inspector for the Housing Site Allocations DPD questioned<sup>97</sup> the likely output from Sandleford Park, noting that the project is relatively complex and the trajectory may be overly ambitious. Current information reinforces this concern. There is no indication that the intention to decide the planning applications on this site by the end of 2016 has been achieved, and there appear to be difficulties in ensuring a comprehensive form of development. The associated supplementary planning document<sup>98</sup> makes clear that the planning for the whole of the site should be dealt with in a single application to ensure a coordinated approach and the timely provision of infrastructure, but there are indications of a lack of agreement between the owners of the site, and a likelihood that Section 106 obligations will not be easily or quickly put in place. The appellants also point to a number of access concerns identified by the Council's Highways department<sup>99</sup>. There is limited information about the detailed progress towards development of the site but, on the basis of the submitted evidence, there appear to be a number of potential impediments to early development which raise significant doubts about whether the Council's trajectory is deliverable. Whilst the forecast put forward by the appellants in Appeal B is the more

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<sup>95</sup> See, for instance, Table 1, page 71, of Ms Cohen's proof **CD1/A/15**

<sup>96</sup> Table at 6.24 of Ms Peddie's proof

<sup>97</sup> **CD8/A/7**

<sup>98</sup> Sandleford Park SPD, 2015, Policy S1, **CAB8**

<sup>99</sup> **CD8/A/9-11**

cautious, that proposed in Appeal A appears realistic and is adopted in this report. This would diminish the Council's estimate by 240 homes. [49, 109]

175. The second strategic site, Newbury Racecourse, is in the course of development, being about halfway through a 10 year build programme, with the first phase complete, the second under construction, and proposals to start the third sector imminently. The point of dispute is whether the anticipated rate of future delivery is achievable. Figures supplied by the developer<sup>100</sup> point to an average rate of 125 dwellings completed per annum in each full year up to 2016/17, whereas the programme requires a step change to an average rate of 233 dpa for the 4 full years following. Whilst this level was achieved in 2014/15, it was surrounded by years of much lower delivery. There is reason to share the doubt about maintaining this rate over a more extended period, which would exceed the current rate of sales<sup>101</sup>, and would be substantially larger than the company's reported average rate of site delivery<sup>102</sup>. Whilst it is part of the appellants' case that there is an unmet housing need, there is likely to be a limit to the rate of demand within a single location, and there will be competition from Sandleford Park and the sites identified in the Housing Site Allocations DPD during this time. Even if the developer is under an obligation to the landowners to meet this timetable, the details of any agreement are not known, and it seems probable that it would be in neither of the contracting parties' interests to spoil their market by enforcing such an arrangement. The appellants estimate a reduction of 314 units during the course of the 5 year period, which is accepted as a much more likely outcome than the assessment relied on by the Council. [50, 110]
176. Whilst there are existing commercial uses of the J&P Motors site, there is no indication of any legal impediment to the use of the land for housing, it has an implemented planning permission, and there is recent evidence of the involvement of a developer. The Lakeside site in Theale received planning permission in 2007, later implemented, but without development proceeding, and a replacement application is currently at appeal. Nonetheless, the appellants' evidence falls short of proving that the existing permission does not represent a viable fall-back position, and a significant sum has already been paid to meet Section 106 obligations. On balance, there seems to be a reasonable prospect that both of these sites will deliver housing within the five years. [51, 52, 111]
177. The Council include sites identified in the emerging Housing Site Allocations DPD, which, although not adopted, is some way through the Examination process and there is no indication that the identified land will not be allocated. Attention has been drawn to the Wainhomes<sup>103</sup> judgement, which cautioned against the assumption that such land would be deliverable without specific evidence, but submissions from the Council<sup>104</sup> indicate that each of the owners of the disputed sites has been contacted and expects housing development to be carried out within five years. In the circumstances, there are not substantial grounds for reducing the expected delivery from this source. [53, 113]

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<sup>100</sup> Ms Peddie's proof Appendix 3

<sup>101</sup> Indicated in document **CAB7** as "1 house and 1-2 flats per week"

<sup>102</sup> Document **B7**

<sup>103</sup> Wainhomes Holdings Ltd v SSCLG [2013] EWHC 597 Admin, **CD7/B/4**

<sup>104</sup> **CAB6**



178. Market Street Newbury is a complex, town centre scheme involving a high density of development on a confined site with level differences. However, it is mainly owned by the Council, with a developer in train, and there is progress towards resolving planning and obligations issues, and to relocate the present bus station. Part of the land is in third party ownership, but there is no evidence that any failure to secure this property would prevent a scheme from proceeding. Delivery of 232 units from this site within 5 years does not seem to be an unreasonable expectation. The Pound Lane Depot site is also owned by the Council. It was rejected for inclusion in the 5 year supply at the Mans Hill appeal, on the grounds of uncertainty about the proposed use, and costs of ground remediation. However, a planning permission for 47 units has now been granted subject to a Section 106 agreement and, whilst there has been some delay in this respect, there is not a substantial reason to exclude the site. There is limited information about two small sites in dispute, but the total difference, 4 dwellings, would not have a material effect on the overall calculation. [54, 55, 112]
179. In summary, there is sufficient doubt about the likelihood that all the anticipated units will be delivered at Sandleford Park and Newbury Racecourse to indicate that they cannot be considered to be fully deliverable in terms of the definition in footnote 11 of the NPPF. For the purposes of these appeals, the Council's five year housing supply estimate is reduced by 554 dwellings, from 4,902 to 4,348.

#### Conclusion on Housing Land Supply

180. The parties agree<sup>105</sup> that an OAN of 665 dpa, along with the accumulated deficit, would produce a 5 year requirement for 3,742 dwellings. With a 20% buffer, the figure would rise to 4,490, or 898 per annum. A delivery of 4,348 would therefore equate to 4.84 years supply.

### **Development Plan Policy**

#### *Whether the proposal complies with the development plan*

181. With respect to the principle of the development of this site, being green-field land outside the settlement boundary, the Council's reason for refusal refers to Core Strategy policies CS1 and ADPP3, and saved Local Plan policy HSG1. Core Strategy policy ADPP1 is not referred to in the notice, although Mr Dray's proof<sup>106</sup> indicates conflict with its terms. There is no clear difference of principle between this appeal and Appeal A, where ADPP1 is cited, and the policy appears relevant to the issues involved. [75]
182. The proposal does not comply with any of the 4 categories of land which CS1 identifies for future housing development. In particular, it is not one of the sites which have been chosen in the Site Allocations DPD referred to in this policy. However, the wording is not wholly prohibitive of development outside these categories. [60, 74]
183. The location would meet a number of the locational criteria in ADPP1, including that it is adjacent to one of the main urban areas in the settlement hierarchy and the Council do not specifically claim that there is a lack of supporting

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<sup>105</sup> See Mr Tustain's proof, Table 15 (**CD1/B/10**) and Ms Peddie's proof, tables at paras 6.15 and 6.21

<sup>106</sup> Mr Dray's proof paras 5.4-5.7

infrastructure, facilities or services, nor that it is inaccessible by walking, cycling and public transport. However, the final part of this policy creates restrictions on development in areas below the settlement hierarchy, including open countryside. It is the appellants' view that, in being adjacent to an urban area, the site falls within the settlement hierarchy and is therefore excluded from this aspect of the policy. [61, 75, 118]

184. However, although the policy refers to the potential for development adjacent to a settlement, this is in the context of CS1, where such land would be allocated in a development plan document. It distinguishes land adjoining a settlement from the settlement itself, and the District Settlement Hierarchy table refers only to the settlement. Therefore, the land falls below the settlement hierarchy. Despite its proximity to the town, it is composed of agricultural fields with the characteristics of open countryside, and is subject to the final bullet point of policy ADPP1, which allows only limited development which addresses identified needs and maintains a strong rural economy. The proposal would not comply with this aspect of the development plan. This conclusion is different from that reached by the Inspector at Firlands Farm<sup>107</sup>, but is arrived at in relation to the particular points raised in the present appeal. [62, 75]
185. Policy ADPP3 indicates that approximately 900 homes are to be provided in Thatcham during the plan period, two thirds of which had already been committed or completed at the time of publication. The remainder would be allocated through the Site Allocations DPD. It is clear<sup>108</sup> that the relatively limited growth of Thatcham arises out of a local desire for retrenchment after a period of rapid development, to allow the infrastructure to catch up. However, the Inspector's Examination report notes that higher growth may become necessary if additional housing is required, and the Core Strategy sets the delivery target as a minimum figure. 900 homes should not be viewed as a ceiling, and the wording of ADPP3 does not directly restrict development to this level. [61, 74, 119]
186. Local Plan policy HSG1 is a permissive policy which identifies the settlements within which new housing will be allowed, including Thatcham. It does not specifically exclude housing in other areas, but the accompanying text notes that development outside settlement boundaries would only be permitted in exceptional circumstances, which is taken to exclude the appeal proposal. However, some caution must be used in this interpretation, because, to the extent that the supporting text is creating policy, it is entitled to lesser weight than the policy itself. The replacement policy C1 in the emerging Site Allocations DPD resolves this issue by including a presumption against new residential development outside settlement boundaries. [64, 73, 77]

#### *The emerging Site Allocations DPD*

187. The DPD has passed a considerable way through the Examination process, with amendments in respect of the Inspector's initial report being subject to a further round of public consultation. Whilst objections remain, the principles of those matters pertinent to this appeal have largely been established and there is reason to consider that the policies will be adopted as part of the development

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<sup>107</sup> **CD7/AB/1**

<sup>108</sup> See Inspector's Examination report paras 64-67 **CD8/CAB/2**

plan in the first half of 2017. The emerging plan is entitled to considerable weight in accordance with NPPF para 216, although subject to the limitations discussed below. [64, 77, 122]

#### *The weight to be attributed to policies*

188. Material considerations may lead to a lesser weight being allocated to development plan policies, including when they are deemed out of date, or inconsistent with the policies of the NPPF. An intention to protect the rural areas by restricting development outside defined settlement boundaries is not inconsistent with the NPPF, which recognises the inherent character and beauty of the countryside. However, those boundaries should reflect the need for land to allow necessary growth, including the provision of a wide choice of homes.
189. The housing requirement which informed policy HSG1 was implementing a Structure Plan which is no longer in force, and the policies of the Core Strategy are not based on an objective assessment of need which accords with the NPPF. As such, those aspects of the identified policies which seek to restrict development to the present settlement boundaries are not up to date, and their weight is diminished accordingly. The emerging Site Allocations DPD will amend the settlement boundaries to provide more housing land but, as a daughter document of the Core Strategy, not in relation to a current assessment of housing need. [58, 64, 65, 78, 79, 116, 122]
190. Para 49 of the NPPF indicates that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. There is no dispute between the parties that policies CS1, ADPP1, ADPP3 and HSG1 are relevant policies in this context and, in the absence of a five year supply, the policies are not up to date for this reason also. [57, 81]

#### **Conclusions on the Main Considerations**

191. The process set out in the Core Strategy, where future development land will be identified through the Site Allocations DPD, reflects the need for a plan led system supported by the NPPF. The appeal proposal would be outside this mechanism and also contrary to the specific restrictions on development in the countryside imposed by ADPP1, and, with the reservation noted above, HSG1, reinforced by the weight given to emerging policy C1.
192. However, the policies do not reflect current housing need, and the Planning Authority is not able to demonstrate a five year supply of deliverable housing land. The NPPF seeks to boost significantly the supply of housing and the policies are not up to date in achieving this objective. Whilst there remains a need to secure a sustainable form of development, the weight attributed to the policies is reduced to the extent that a location outside the settlement boundary is not, of itself, an overriding reason to dismiss the appeal.

#### **Other Matters**

193. The flooding of the area in 2007, and incidents since, have raised local awareness of the risks associated with the development of the slopes above the town. In particular, there is a concern that the hard surfacing of the land would diminish its storage capacity and create excessive flows in the existing outfalls, as well as the hydrological implications of carrying out excavations which are likely to

breach the water table. To address these matters, the appellants have prepared surface water proposals, in consultation with the relevant authorities, which would fit within the context of the Council's Surface Water Management Plan for the town. The Statement of Common Ground<sup>109</sup> confirms that the Council raises no objection to the proposal on drainage grounds, and that the current maximum green-field run off rate would be reduced by the scheme. [134, 135]

194. There is no clear reason to conclude that the land cannot be satisfactorily drained, and a planning condition would enable scrutiny of the details of the scheme, and measures for its long term maintenance. The Council do not routinely consult with other parties when considering such submissions, but agreed that there was no reason that they should not do so, and, as there are local groups with an interest in this issue, it is recommended they should be given the opportunity to comment on the detailed design. Such groups would not be taking liability for the final design, and their advice should be treated in that light, but they do have extensive local knowledge which would help to inform the solution.
195. The Council withdrew its objection to the visual impact of the scheme, and its effect on landscape character and the setting of the AONB, following the reduction in the scale of the proposal. Nonetheless, these are matters which continue to concern interested parties, especially in respect of the impact on the village of Cold Ash, and its separate identity from Thatcham. Reference was made to the dismissal of an appeal<sup>110</sup> for 6 bungalows on land south of Pound Cottage, Cold Ash, which identified harm to the rural setting of the village. [127, 136]
196. These concerns are recognised, and it is certainly the case that the proposal would lead to urban development extending northwards alongside Cold Ash Hill, towards the village. However, it would retain an area of open space between the settlements, and there would be limited inter-visibility because of the retention and reinforcement of vegetation. It would extend no further northwards on the western side of Cold Ash Hill than the existing housing on the eastern side, appearing as a consolidation of the urban area, and would be perceived as an extension of Thatcham rather than of Cold Ash. In these respects, the circumstances are different from those applying to the land south of Pound Cottage. Nor is there an indication that the development would have a harmful effect on the setting of the AONB. Overall, there is reason to agree the Council's assessment that the present scheme would avoid an unduly harmful visual impact.
197. Similarly, there are not substantial grounds to challenge the conclusions of the Transport Statement of Common Ground<sup>111</sup>, which set out the agreement of the main parties to the measures necessary to mitigate the impact on traffic, and that the site occupies a reasonably accessible location. Whilst Thatcham is a smaller settlement than Newbury, it is identified in Core Strategy policy ADPP1 as one of the main urban areas with a wide range of services which will be the focus of the majority of development. The evidence does not prove that the new

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<sup>109</sup> **CD1/B/8**

<sup>110</sup> APP/W0340/W/16/3143521

<sup>111</sup> **CD1/B/7**

housing could not be adequately served by local facilities and infrastructure. The scheme would lead to some disturbance of wildlife, but the retention of open space, and measures to protect and enhance habitats, would help to minimise any harm. [137]

198. These, and the other matters raised, do not amount to reasons to recommend dismissal of the appeal.

### **Obligations**

199. The Unilateral Undertaking at B5 makes provision for a range of obligations, including: affordable housing at a minimum of 40% of dwellings; the planning, management and maintenance of open space and drainage measures on the site; travel plans to contribute to a sustainable form of development; and a GP surgery. In the latter case there is no indication that a surgery is essential to make the development acceptable, but, in other respects the obligations would meet the tests in Community Infrastructure Levy (CIL) Regulation 122.
200. The Undertaking makes provision for the payment of £60,000 per annum for five years to establish the extension of a bus service into the site. Whilst the Council are not able to confirm that the service operator would be willing to adjust the existing route<sup>112</sup>, there is the alternative option of diverting a minibus service operated by the Council. The outer reaches of the new estate would be some distance from existing bus stops, and the proposal to contribute to the cost of amending routes formed part of the appellants' proposals to secure the sustainability of the development. Whilst there is limited support for the specific sum offered, it does not seem out of keeping with the likely costs of setting up a service. There is also a contribution made to the Thatcham Nature Discovery Centre, to offset the additional pressure which the recreational needs of the development would place on the conservation of the nearby Thatcham Reed Beds SSSI, justification for which is included in Appendix B of Mr Dray's proof. Whilst the initial sum requested appeared excessive in relation to the assessed need for mitigation, the reduced figure in the undertaking reasonably reflects the likely expenditure. The Council confirm that these contributions would not conflict with CIL Regulation 123 and, on balance, it is suggested that they meet the tests in Regulation 122.

### **Overall Conclusions**

201. The Council's outstanding objection relates to the principle of development in open countryside outside the settlement boundary, contrary to a range of adopted and emerging development plan policies. However, the settlement boundaries on which those policies are based do not reflect the current objectively assessed need for housing, and the Council is not able to demonstrate a five year supply of deliverable sites. Nor is there any dispute that the policies are relevant to the supply of housing. In these circumstances, the policies are not up to date, and the assessment falls to be made in relation to the final bullet point of NPPF para 14, which indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or because specific NPPF policies indicate development should be restricted. [68, 69, 128-131]

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<sup>112</sup> See contribution justification at **CB5**



202. It is recognised that the assessed level of housing land supply, at 4.84 years, is not substantially below the 5 year level set in NPPF para 47, and that permission for Appeal A, for instance, could increase the level above this threshold. However, it would be a marginal compliance, vulnerable to any shortfall in the anticipated rate of land delivery, and the Council's policies concerning settlement boundaries would remain out of date by not reflecting a current OAN. Having regard to the need to boost significantly the supply of housing, and the lack of robustness in the Council's position, this aspect does not alter the overall assessment.
203. Whilst the Council do not identify any specific harm arising out of the development, interested parties draw attention to a number of issues, including the impact on local landscape and the relationship with the village of Cold Ash. It is appreciated that the replacement of agricultural land with suburban development would, inevitably, lead to a change of character of the land. However, the impact of this change would be limited; not out of keeping with the present character of the area, and without having an unduly damaging effect on the setting or either Thatcham or Cold Ash. Similarly, there is no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing. Indeed, as identified by the Core Strategy Examining Inspector, the additional development would provide the opportunity for greater investment in local infrastructure. [133-137]
204. The provision of up to 225 houses in an accessible location would contribute to the Council's housing supply, and meet some of the objectives identified in the SHMA, including increased affordability, and accommodation for a workforce to support economic growth. The development would contribute local investment during the construction phase, and a market for local goods and services thereafter. Up to 90 affordable homes would meet a need for lower cost housing in the area, and there would be the wider benefits of additional investment in flood control within the context of the town's surface water scheme, and the provision of public open space. [69, 124-126]
205. Overall, the scheme would bring economic and social benefits, and, in the absence of any substantial environmental harm, there is reason to conclude that it would be a sustainable form of development. Contravention of policies intended to prevent development outside settlement boundaries is not of sufficient substance to amount to the significant and demonstrable harm necessary to outweigh the benefits of the proposal, and there is no indication of conflict with specific policies of the NPPF. This finding, subject to consideration of the matter referred to in paragraph 202 above (concerning the implications for the current appeal in the event of Appeal A being allowed), represents a material consideration which, in my judgment, would warrant the granting of planning permission notwithstanding the failure of the proposal to comply with the development plan in the respects referred to above.

## **RECOMMENDATION**

206. For the above reasons, it is recommended that the appeal be allowed, subject to the conditions in Annex 3.

*John Chase*

INSPECTOR

## **ANNEX 1**

### **APPEARANCES**

#### **FOR THE LOCAL PLANNING AUTHORITY:**

Ms E Lambert	of Counsel
She called	
Mr N Ireland BA, MTPI, MRTPI	GL Hearn
Ms C Peddie BSc, MSc, MRTPI	Planning Department West Berkshire District Council (WBC)
Mr R Dray BSc, MSc	Planning Department, WBC

#### **FOR THE APPELLANTS:**

Mr C Boyle QC	
He called	
Mr D Veasey BA, DipTP, MRTPI	Nexus Planning
Mr R Tustain BA, DipTP, DMS, MRTPI	Nexus Planning
Mr R Hewitt BSc, CEng, MICE, MCIHT	Stuart Michael Associates Ltd

#### **FOR THE APPELLANTS OF APPEAL A (SIEGE CROSS):**

Ms M Cook	of Counsel
She called	
Mr D Usher BA, MA, MRTPI, MIED	Barton Willmore
Ms K Cohen BSc, MCD, MRTPI	Barton Willmore

#### **INTERESTED PERSONS:**

Mr R Crumly	Thatcham Town Council
Mr Pieri	On behalf of Mr I Dunn, Thatcham Flood Forum
Mr B Woodham	Thatcham Flood Forum
Mr I Goodwin	Cold Ash Parish Council Flood and Water Course Warden
Ms V Conyers	Local Resident
Mr M Munro	Cold Ash Parish Council
Mr G Simpson	District Councillor, Cold Ash Ward

## **ANNEX 2**

### **DOCUMENTS**

#### **A – DOCUMENTS SPECIFIC TO ‘APPEAL A’ (SIEGE CROSS)**

##### **CD1/A – Appeal Documents**

CD1/A/1	Appeal Covering Letter
CD1/A/2	Appeal Form
CD1/A/3	Appellant’s Statement of Case, prepared by Barton Willmore LLP
CD1/A/4	West Berkshire District Council’s Statement of Case
CD1/A/5	Agreed Education Statement of Common Ground
CD1/A/6	Agreed Objectively Assessed Housing Need Statement of Common Ground
CD1/A/7	Agreed Heritage Statement of Common Ground
CD1/A/8	Agreed Landscape Statement of Common Ground
CD1/A/9	Agreed Planning Statement of Common Ground
CD1/A/10	Agreed Transport Statement of Common Ground
CD1/A/11	Mr. Jan Kinsman, Proof of Evidence – Education
CD1/A/12	Mr. Dan Usher, Proof of Evidence – Objectively Assessed Housing Need
CD1/A/13	Mr. Jonathan Smith, Proof of Evidence – Heritage
CD1/A/14	Ms. Lisa Toyne, Proof of Evidence – Landscape
CD1/A/15	Mrs. Kim Cohen, Proof of Evidence – Planning
CD1/A/16	Mr. James Bevis, Proof of Evidence – Transport

##### **CD2/A – Planning Application Documents – Original submission**

CD2/A/1	Planning Application Form
CD2/A/2	Site Boundary Plan (Dwg No. 1001 Rev D), prepared by Barton Willmore LLP
CD2/A/3	Parameters Plan - Maximum Heights (Dwg No. A123 Rev D), prepared by Barton Willmore LLP
CD2/A/4	Application Master Plan (Dwg No. A126 Rev F), prepared by Barton Willmore LLP
CD2/A/5	Potential Site Access Arrangements from Floral Way (Dwg No. ITB7223-GA-005 Rev C), prepared by i-Transport
CD2/A/6	Gables Way Widening (Dwg No. ITB7223-GA-007 Rev A), prepared by i-Transport
CD2/A/7	Potential Site Access Arrangements from Bath Road (Dwg No. ITB7223-GA-008 Rev I), prepared by i-Transport
CD2/A/8	Proposed Floral Way Signalised Junction (Dwg No. ITB7223-GA-009 Rev C), prepared by i-Transport
CD2/A/9	Proposed Site Access Arrangements HGV U-Turn Swept Path Analysis (Dwg No. ITB7223-GA-012 Rev A), prepared by i-Transport
CD2/A/10	Illustrative Site Layout (Dwg No. 1032 Rev F), prepared by Barton Willmore LLP
CD2/A/11	Planning Statement, prepared by Barton Willmore LLP
CD2/A/12	Design and Access Statement – Revision J, prepared by Barton Willmore LLP
CD2/A/13	West Berkshire District & Thatcham Housing Requirements Assessment, prepared by Barton Willmore LLP
CD2/A/14	Economic Benefits Assessment, prepared by Barton Willmore LLP
CD2/A/15	Transport Assessment, prepared by i-Transport
CD2/A/16	Framework Travel Plan, prepared by i-Transport
CD2/A/17	Framework School Travel Plan, prepared by i-Transport
CD2/A/18	Education Strategy, prepared by EFM
CD2/A/19	Landscape and Visual Appraisal, prepared by Barton Willmore LLP
CD2/A/20	Ecological Impact Assessment, prepared by AMEC
CD2/A/21	Habitats Regulations Assessment, prepared by AMEC
CD2/A/22	Flood Risk Assessment, prepared by WSP

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CD2/A/23	Services Appraisal Report, prepared by WSP
CD2/A/24	Air Quality Assessment, prepared by WSP
CD2/A/25	Noise Impact Assessment, prepared by WSP
CD2/A/26	Mineral Sterilisation Report, prepared by WSP
CD2/A/27	Phase 1 Ground Investigation Report, prepared by WSP
CD2/A/28	Heritage Statement, prepared by CgMs
CD2/A/29	Energy Statement (including Code for Sustainable Homes and BREEAM Pre-Assessments), prepared by Silver
CD2/A/30	Agricultural Land Assessment, prepared by Reading Agricultural Consultants
CD2/A/31	Tree Survey & Tree Retention/Removal Outcomes, prepared by Forbes-Laird Arboricultural Consultancy Ltd
CD2/A/32	Statement of Community Involvement, prepared by Remarkable
CD2/A/33	Siege Cross Air Quality Report – Revision 2 – 13th Jan 2015
CD2/A/34	Flood Risk Assessment – Revision 3 – 16th Jan 2015
CD2/A/35	Mineral Sterilisation Report – Revision 1 – 14th Jan 2015
CD2/A/36	Siege Cross Phase 1 Ground Investigation Report – First Issue – 23th July 2014
CD2/A/37	Noise Impact Assessment – Revision 4 – 6th Jan 2015
CD2/A/38	West Berkshire District Council – Screening Opinion

### **CD2.1/A – Planning Application Documents**

#### **Further documentation submitted during application**

CD2.1/A/1	Supplementary Statement – Scale (March 2015), prepared by Barton Willmore LLP
CD2.1/A/2	Site Cross Section No. 20590-1039-1, prepared by Barton Willmore LLP
CD2.1/A/3	Site Cross Section No. 20590-1039-2, prepared by Barton Willmore LLP
CD2.1/A/4	Landscape and Visual Appraisal – Response to WBC’s Preliminary Report (May 2015), prepared by Barton Willmore LLP
CD2.1/A/5	Design and Access Statement – Revision L (August 2015), prepared by Barton Willmore LLP
CD2.1/A/6	Application Masterplan – Revision J (August 2015), prepared by Barton Willmore LLP
CD2.1/A/7	Illustrative Site Layout Plan – Revision H (August 2015), prepared by Barton Willmore LLP
CD2.1/A/8	Potential Site Access Arrangements from Floral Way (Dwg No. ITB7223-GA-005 Rev D), prepared by i-Transport
CD2.1/A/9	Gables Way Widening (Dwg No. ITB7223-GA-007 Rev B), prepared by i-Transport
CD2.1/A/10	(Dwg No. ITB7223-GA-013 Rev F), prepared by i-Transport
CD2.1/A/11	(Dwg No. ITB7223-GA-014 Rev E), prepared by i-Transport
CD2.1/A/12	Transport Assessment Addendum, prepared by i-Transport
CD2.1/A/13	Flood Risk Assessment Addendum – Revision 1 (August 2015), prepared by WSP
CD2.1/A/14	Revised Arboriculture Report (August 2015), prepared by Forbes-Laird Arboricultural Consultancy Ltd
CD2.1/A/15	Heritage Statement (August 2015), prepared by CgMs Consulting
CD2.1/A/16	Ecological Memo (August 2015), prepared by Amec Foster Wheeler
CD2.1/A/17	Response to North Wessex Downs AONB (August 2015), prepared by Barton Willmore LLP
CD2.1/A/18	Response to Kirkham Landscape Planning Ltd on behalf of West Berkshire Council, prepared by Barton Willmore LLP
CD2.1/A/19	Landscape and Visual note (August 2015), prepared by Barton Willmore LLP
CD2.1/A/20	Conservation Officer Response – Denis Greenway (05/03/2015)
CD2.1/A/21	Third Party responses received by the Planning Inspectorate
CD2.1/A/22	Barton Willmore Response to Thatcham Town Council

**CD3/A – Local Planning Authority Committee Documents and Decision Notice**

- CD3/A/1 Case Officer's Report, dated 14th October 2015
- CD3/A/2 Decision Notice, dated 14th October 2015

**CD4/A – National Planning Policy**

- CD4/A/1 Planning (Listed Buildings and Conservation Areas) Act 1990

**CD5/A – Other National Planning Policy and Guidance (Extracts where appropriate)**

- CD5/A/1 National Character Area profile 129: Thames Basin Heaths, Natural England (2014)
- CD5/A/2 BS5837: 2012 - Trees in relation to design, demolition and construction – Recommendations
- CD5/A/3 Historic England Conservation Principles 2008
- CD5/A/4 Historic England Good Practice Advice No.3: The Setting of Heritage Assets
- CD5/A/5 'Planning for Growth' – Ministerial Statement (March 2011)
- CD5/A/6 Governments letter to Chief Planning Officers (March 2011)

**CD6/A – Local Planning Policy and Guidance (Extracts where appropriate)**

- CD6/A/1 The Countryside Agency and Scottish Natural Heritage (2002) Landscape Character Assessment- Guidance for England and Scotland
- CD6/A/2 West Berkshire Core Strategy 2012 – Inspectors Report
- CD6/A/3 West Berkshire Core Strategy – Appendix D 'Critical Infrastructure Schedule of the Infrastructure Delivery Plan'
- CD6/A/4 North East Thatcham Strategic Flood Risk Assessment (Jacobs – February 2009)
- CD6/A/5 Surface Water Management Plan for Thatcham (WSP – 2010)

**CD7/A – Appeals and Judgements**

- CD7/A/1 Appeal Decision: Offenham, Wychavon, 07 February 2014 (APP/H1840/A/13/2203924)
- CD7/A/2 Appeal Decision: Fairford, Cotswold District Council, 22 September 2014, (APP/F1610/A/14/2213318)
- CD7/A/3 Appeal Decision: Saltburn, Redcar & Cleveland, 16 December 2015 (APP/V0728/W/15/3006780)
- CD7/A/4 Appeal Decision: Ormesby, Middlesbrough, 09 March 2016 (APP/V0728/W/15/3018546)
- CD7/A/5 Appeal Decision: Land north of Haygate Road, Wellington, Telford & Wrekin, 15 April 2016 (APP/C3240/W/15/3025042)
- CD7/A/6 Appeal Decision: Land north of Ross Road, Newent, 25 August 2015 (App/P1615/A/14/2228822)
- CD7/A/7 Appeal Decision: Stowupland, Suffolk, 25 May 2016 (APP/W3520/W/15/3139543)
- CD7/A/8 Appeal Decision: Gallagher Estates Lowbrook farm, Lowbrook lane, Tidbury green, (APP/Q4625/13/2192128)
- CD7/A/9 High Court Judgement: Stratford on Avon DC vs Secretary of State [2013] EWHC 2074 (July 2013)
- CD7/A/10 High Court Judgement: Blackpool Borough Council vs Secretary of State and Thompson Property Investments Ltd. [2016] EWHC 1059 (May 2016)
- CD7/A/11 High Court Judgement: Forest of Dean District Council vs Secretary of State and Gladman Developments Ltd. [2016] EWHC 421 (March 2016)
- CD7/A/12 High Court Judgement: Bedford Borough Council v R. and NUON UK Ltd [2013] EWHC 2847 (Admin)
- CD7/A/13 Court of Appeal: Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137
- CD7/A/14 Court of Appeal: R. (on the application of the Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin)



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CD7/A/15	Court of Appeal: Suffolk Coastal District Council v Hopkins Homes Limited [2016] EWCA Civ 168
CD7/A/16	Appeal Decision: Land north of Upper Chapel, Launceston (APP/D0840/A/13/2209757)
CD7/A/17	Appeal Decision: Warwick Road & Cambridge Road, Whetstone (APP/T2405/A/14/2227076)
CD7/A/18	Appeal Decision: Land off Crewe Road, Haslington (APP/R0660/A/14/2213304)
CD7/A/19	Crane v SSCLG [2015] EWHC 425 (Admin)
CD7/A/20	Phides v SSCLG [2015] EWHC 827 (Admin)
CD7/A/21	William Davis Ltd v SSCLG [2013] EWHC (Admin)
CD7/A/22	Dartford BC v SSCLG [2014] EWHC 2636 (Admin)

#### **CD8/A – Miscellaneous**

CD8/A/1	Local Plans Expert group (LPEG), Appendix 6, March 2016
CD8/A/2	West Oxfordshire Local Plan Examination: Inspector's Preliminary Findings – Part 1, 15 December 2015
CD8/A/3	Planning Advisory Service: Objectively Assessed Need and Housing Targets Technical Advice Note – Second Edition (Peter Brett Associates, July 2015, 'PAS Guidance')
CD8/A/4	Decision Notice for Application: 07/00565/OUTMAJ
CD8/A/5	Decision Notice for Application: 10/00975/XOUTMAJ
CD8/A/6	Sandleford Park Planning Statement, prepared by Boyer
CD8/A/7	Note from the HSA DPD Inspector in relation to the delivery of Sandleford Park (October 2016)
CD8/A/8	Council's Homework in relation to the current status of HSA DPD Sites
CD8/A/9	Comments by Paul Goddard (WBC Transport Officer) in relation to 15/02300/OUTMAJ, Sandleford Park, January 2016
CD8/A/10	Comments by Paul Goddard (WBC Transport Officer) in relation to 16/00106/OUTMAJ, Sandleford Park, May 2016
CD8/A/11	Further comments by Paul Goddard (WBC Transport Officer) in relation to 15/02300/OUTMAJ, Sandleford Park
CD8/A/12	Extension of time email from the Case Officer in relation to Sandleford Park (September 2016)
CD8/A/13	Representations to WBC HSA DPD Preferred Options
CD8/A/14	SA / SEA assessment for Siege Cross Farm

#### **AB – DOCUMENTS RELEVANT TO BOTH 'APPEAL A' AND 'APPEAL B'**

##### **CD4/AB – National Planning Policy**

CD4/AB/1	National Planning Policy Framework (NPPF) 2012
CD4/AB/2	Planning Practice Guidance (PPG) 2014

##### **CD6/AB – Local Planning Policy and Guidance (Extracts where appropriate)**

CD6/AB/1	West Berkshire Core Strategy 2006-2026 (adopted July 2012)
CD6/AB/2	'Saved' policies from the West Berkshire Local Plan 2002
CD6/AB/3	West Berkshire District Council – Emerging Housing Site Allocations Development Plan Document
CD6/AB/4	Local Development Framework: "An Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire. Summary Report: Thatcham", West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/5	West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites, West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/6	North Wessex Downs AONB Management Plan 2014-2019 North Wessex Downs Council of Partners (2014)
CD6/AB/7	North Wessex Downs AONB Landscape Character Assessment 2002 Land Use Consultants

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CD6/AB/8	North Wessex Downs AONB Position Statement on Setting (Development Affecting the Setting of the North Wessex Downs AONB) 2012
CD6/AB/9	Berkshire Landscape Character Assessment (2003) Land Use Consultants
CD6/AB/10	Newbury District Wide Landscape Assessment (1993) Landscape Design Associates
CD6/AB/11	The Landscape Institute and the Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment (Third Edition), Routledge
CD6/AB/12	Local Development Framework: "An Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire. Summary Report: Thatcham", West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/13	West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites, West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/14	North Wessex Downs AONB Management Plan 2014-2019 North Wessex Downs Council of Partners (2014)
CD6/AB/15	North Wessex Downs AONB Landscape Character Assessment 2002 Land Use Consultants
CD6/AB/16	West Berkshire District Local Plan 2002 – Proposals Map <a href="http://ww2.westberks.gov.uk/localplan/index.htm">http://ww2.westberks.gov.uk/localplan/index.htm</a>
CD6/AB/17	West Berkshire District Local Plan (1991-2006) – Inspectors Report
CD6/AB/18	'Options for the Future: West Berkshire Core Strategy' (April 2009)
CD6/AB/19	West Berkshire District Council – Sustainability Appraisal Policy Paper (October 2011)
CD6/AB/20	West Berkshire District Council – Community Infrastructure Levy Charging Schedule (April 2015)
CD6/AB/22	West Berkshire District Council – Quality Design SPD
CD6/AB/23	West Berkshire District Council – Planning Obligations SPD (December 2014)
CD6/AB/24	West Berkshire District Council – Local Development Scheme (October 2015)
CD6/AB/25	West Berkshire District Council – Regulation 123 List
CD6/AB/26	West Berkshire District Council – Infrastructure Delivery Plan 2016
CD6/AB/27	West Berkshire District Council – CIL Examiners Report

#### **CD7/AB – Appeals and Judgements**

CD7/AB/1	Appeal Decision: Firlands Farm, West Berkshire (APP/W0340/A/14/2228089)
CD7/AB/2	High Court Judgement: Gallagher Homes Limited & Lioncourt Homes Limited vs Solihull Metropolitan Borough Council [2014] EWHC 1283 (April 2014)
CD7/AB/3	High Court Judgement: West Berkshire DC vs Secretary of State and HDD Burghfield Common Limited [2016] EWHC 267 (February 2016)
CD7/AB/4	Court of Appeal: Hunston Properties vs St Albans City & District Council & Secretary of State [2013] EWCA Civ 1610 (December 2013)
CD7/AB/5	Court of Appeal: Oxted Residential Limited vs Tandridge District Council [2016] EWCA Civ 414 (February 2016)
CD7/AB/6	Appeal Decision: Coalville, 05 January 2016, (APP/G2435/W/15/3005052)
CD7/AB/7	Appeal Decision: Stanbury House, Reading, 20 June 2016 (APP/X0360/W/15/3097721)
CD7/AB/8	Secretary of State decision and Appeal Decision: Droitwich, Wychavon, 02 July 2014 (APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426)
CD7/AB/9	High Court Judgement: Hopkins Homes Ltd v Secretary of State for Communities and Local Government and Suffolk Coastal District [2015] EWHC 132 (Admin) (17 March 2016)
CD7/AB/10	High Court Judgement: Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government & Wiltshire Council [2013] EWHC 597 (Admin) (25 March 2013)

## **CD8/AB – Miscellaneous**

CD8/AB/1	Berkshire Strategic Housing Market Assessment, GL Hearn, February 2016
CD8/AB/2	West Berkshire Council Five Year Housing Land Supply Statement, December 2015
CD8/AB/3	West Berkshire Council Five Year Housing Land Supply Statement, September 2016
CD8/AB/4	Report on the Examination into Eastleigh Borough Council's Eastleigh Borough Local Plan, 11 February 2015
CD8/AB/5	Arun Local Plan Inspector's OAN Conclusions, 02 February 2016
CD8/AB/6	Cornwall Local Plan Strategic Policies: Preliminary Findings Following the Hearings in May 2015, 05 June 2015
CD8/AB/7	Stage 1 of the Examination of the South Worcestershire Development Plan: Inspector's Further Interim Conclusions on the Outstanding Stage 1 Matters, 31 March 2014

## **B – DOCUMENTS SPECIFIC TO 'APPEAL B' (HENWICK PARK)**

### **CD1/B – Appeal Documents**

CD1/B/1	Appeal Covering Letter
CD1/B/2	Appeal Form
CD1/B/3	Appellants Statement of Case, prepared by Nexus Planning
CD1/B/4	West Berkshire District Council's Statement of Case
CD1/B/5	Agreed Planning Statement of Common Ground
CD1/B/6	Agreed Landscape Statement of Common Ground
CD1/B/7	Agreed Transport Statement of Common Ground
CD1/B/8	Agreed Drainage Statement of Common Ground
CD1/B/9	Mr. Roger Tustain, Proof of Evidence – Planning
CD1/B/10	Mr. Roger Tustain, Proof of Evidence – Housing Land Supply
CD1/B/11	Mr. Dominick Veasey, Proof of Evidence – Objectively Assessed Need
CD1/B/12	Mr. Clive Self, Proof of Evidence - Landscape
CD1/B/13	Amended Parameters Plan 22289A/03B
CD1/B/14	Storey Heights Plan 22289A/04S
CD1/B/15	Revised Illustrative Layout 22289A/04R
CD1/B/16	Tree Constraints Overlay 22289A/04S
CD1/B/17	Density Plan 22289A/04S
CD1/B/18	Alternative Scheme Covering Letter to Council dated 16th September
CD1/B/19	Alternative Scheme Covering Letter to PINS dated 20th September
CD1/B/20	Revised Scheme Covering Letter to PINS dated 18th October 2016

### **CD2/B – Planning Application Documents – Original Submission**

CD2/B/1	Cover letter dated 9th July 2015
CD2/B/2	Planning Application Form
CD2/B/3	Planning Statement prepared by Nexus Planning
CD2/B/4	Statement of Community Involvement prepared by Nexus Planning
CD2/B/5	Statement on Affordable Housing prepared by Nexus Planning
CD2/B/6	West Berkshire Five Year Land Supply Position Statement dated June 2015 prepared by Nexus Planning
CD2/B/7	Design and Access Statement prepared by Clague Architects
CD2/B/8	Archaeological Desk Based Assessment prepared by CGMS
CD2/B/9	Ecological Designations
CD2/B/10	Ecological Appraisal Prepared by Aspect Ecology
CD2/B/11	Letter from Simon Jones Associates Ltd dated 4th March 2015
CD2/B/12	Arboricultural Implications
CD2/B/13	Landscape and Visual Appraisal prepared by CSa Environment Planning
CD2/B/14	Framework Residential Travel Plan prepared by Gateway TSP
CD2/B/15	Transport Assessment prepared by Gateway TSP
CD2/B/16	Transport Assessment Figures prepared by Gateway TSP

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CD2/B/17	Archaeological Geophysical Survey prepared by Bartlett-Clark Consultancy for CGMS
CD2/B/18	Section 106 Heads of Terms Agreement prepared by Croudace
CD2/B/19	Tree Constraints Plan prepared by Simon Jones Associates
CD2/B/20	Aerial Photograph by CSa Environmental No. CSA/2406/101 Rev A
CD2/B/21	Topographical Photograph by CSa Environmental Planning No. CSa/2406/100 Rev A
CD2/B/22	Photosheets by CSa Environmental Planning No. CSa/2406/108
CD2/B/23	Landscape Principles Plan by CSa Environmental Planning No. CSa/2406/108
CD2/B/24	Cross Section prepared by CSa Environmental Planning No. CSa/2406/103
CD2/B/25	Existing Site Plan prepared by Clague Architects 22289A/01
CD2/B/26	As Existing Site Sections prepared by Clague Architects Drawing Number 22289A/02
CD2/B/27	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/03
CD2/B/28	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/04
CD2/B/29	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/05
CD2/B/30	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/06
CD2/B/31	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/07

## **CD2.1/B – Planning Application Documents**

### **Further documentation submitted during application**

CD2.1/B/1	Proposed Masterplan prepared by Clague Architects drawing reference 22289A/04A
CD2.1/B/2	Cold Ash escarpment Flow Routes
CD2.1/B/3	Surface Water Drainage Strategy prepared by Stuart Michael Associates drawing number 5126.402 Rev A
CD2.1/B/4	Letter to the attention of Mr M Butler (ref 5126(1)/TSW/amp) from Stuart Michael Associates dated 9th September 2015
CD2.1/B/5	Letter to the attention of Mr M Butler (ref: 5126(2)/TSW/amp) from Stuart Michael Associates dated 9th September 2015
CD2.1/B/6	Floral Way Junction Measurements prepared by Gateway TSP drawing number: 14/1208/PHOTO 1 & A4 Bath Road (East- towards Reading) Junction measurements prepared by Gateway TSP drawing number: 14/1208/PHOTO 2
CD2.1/B/7	Falmouth way Junction Measurements prepared by Gateway TSP drawing number 14/1208/PHOTO 3
CD2.1/B/8	A4 Bath Road (West- towards Thatcham) Junction measurements prepared by Gateway TSP drawing number 14/1208/PHOTO 4
CD2.1/B/9	Framework Residential and GP Surgery Travel Plan prepared by Gateway TSP dated September 2015
CD2.1/B/10	Response to Highway Officer Comments prepared by Gateway TSP dated September 2015
CD2.1/B/11	Response to Highway Officer Comments: Appendices A-G prepared by Gateway TSP dated September 2015
CD2.1/B/12	Response to Highway Officer Comments: Appendices H-L prepared by Gateway TSP dated September 2015
CD2.1/B/13	Proposed Masterplan prepared by Clague Architects drawing number 22289A/04B
CD2.1/B/14	Surface Water Drainage Strategy prepared by Stuart Michael Associates drawing number 5126.402 Rev B
CD2.1/B/15	Letter for the attention of Mr M Butler/Mrs Clark from Stuart Michael Associates limited dated 24th November 2015
CD2.1/B/16	Letter for the attention of Mr M Butler from Stuart Michael Associates limited dated 24th November 2015
CD2.1/B/17	Section 106 Heads of Terms Agreement prepared by Croudace
CD2.1/B/18	Proposed Masterplan prepared by Clague Architects drawing number 22289A/04D

**CD3/B – Local Planning Authority Committee Documents and Decision Notice**

- CD3/B/1 Case Officer's Report, dated 16th December 2015
- CD3/B/2 Decision Notice, dated 17th December 2015
- CD3/B/3 Committee Minutes in respect of planning application ref. 15/01949/OUTMAJ

**CD6/B – Local Planning Policy and Guidance (Extracts where appropriate)**

- CD6/B/1 Report on the Examination into the West Berkshire Core Strategy

**CD7/B – Appeals and Judgements**

- CD7/B/1 Appeal Decision: Droitwich, Wychavon District (APP/H1840/A/13/2199426 & APP/H1840/A/13/2199085) July 2014.
- CD7/B/2 Land at Stanbury House, Basingstoke Road, Spencers Wood, Reading, (Reference: APP/X0360/W/15/3097721)
- CD7/B/3 Appeal Decision: Land South of Greenhill Road, Coalville, Leicestershire (Appeal Reference: APP/G2435/W/15/3005052)
- CD7/B/4 Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government & Wiltshire Council [2013] EWHC 597 (Admin) (25 March 2013)
- CD7/B/5 High Court Judgement: Cheshire East BC v SSCLG & Renew [2016] EWHC 571 (Admin) (16 March 2016)
- CD7/B/6 High Court Judgement: Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370 (Admin) (19 February 2015)
- CD7/B/7 High Court Judgement: Zurich Assurance Limited and Winchester City Council and South Downs National Park Authority [2014] EWHC 758 (Admin) (18 March 2014)
- CD7/B/8 High Court Judgement: Hopkins Homes Ltd v Secretary of State for Communities and Local Government and Suffolk Coastal District [2015] EWHC 132 (Admin) (17 March 2016)
- CD7/B/9 Appeal Decision: Land off Botley Road, West End Hampshire APP/W1715/W/15/3139371

**CD8/B – Miscellaneous**

- CD8/B/1 West Berkshire Annual Monitoring Report 2015
- CD8/B/2 HSA DPD Background Paper
- CD8/B/3 The Approach and Delivery Topic Paper Supporting the HSA DPD
- CD8/B/4 "Laying the Foundations: A Housing Strategy for England"
- CD8/B/5 The Planning Advisory Service "Ten Key Principles for owning your Housing Number – Finding Your Objectively Assessed Needs".
- CD8/B/6 The Council's Homework Response to Issue 1 "OAN"
- CD8/B/7 The Council's Homework Response to Issue 3 "Sandleford Park"
- CD8/B/8 The "Thatcham Vision" – Part 2, Population, Development and Infrastructure
- CD8/B/9 Consultation on Proposed Changes to the National Planning Policy document 2015
- CD8/B/10 Local Plan Expert Group Local Plans Report to Government, Appendix 6
- CD8/B/11 South East Plan Panel Report (Volume 1) August 2007
- CD8/B/12 South East Plan 2009
- CD8/B/13 Airports Commission Local Economic Impacts Assessment, November 2014
- CD8/B/14 West Berkshire Housing Need Assessment 2007
- CD8/B/15 Berks, Bucks & Oxon Wildlife Trust – Consultation Response dated 25th Aug 2015
- CD8/B/16 West Berkshire Council Ecologist – Consultation Response dated 14th September 2015
- CD8/B/17 Appellants Representations to the Proposed Submission Version of the HSA DPD December 2015
- CD8/B/18 Council's note on progress within the HSA DPD Sites
- CD8/B/19 Appellant Response to Homework Questions
- CD8/B/20 "The Labour Needs of Extra Housing Capacity – Can the House Building Industry



- CD8/B/21 Cope" (2005)  
NHS Healthy Urban Development Unit (HUDU) Planning Contribution Model  
Guidance Notes

#### **CA – COUNCIL DOCUMENTS SPECIFIC TO 'APPEAL A' (SIEGE CROSS)**

- CD5/CA/1 DCLG Policy paper '2010 to 2015 government policy –  
<https://www.gov.uk/government/publications/2010-to-2015-government-policy-planning-reform/2010-to-2015-government-policy-planning-reform>  
CD8/CA/1 Primary Admission Arrangements 17/18  
CD8/CA/2 Secondary Admission Arrangements 17/18

#### **CAB – COUNCIL DOCUMENTS RELEVANT TO BOTH 'APPEAL A' AND 'APPEAL B'**

##### **CD6/CAB – Local Planning Policy and Guidance (Extracts where appropriate)**

- CD6/CAB/1 West Berkshire Local Development Scheme (extract)  
CD6/CAB/2 Housing Site allocations DPD Examination Webpage at  
<http://info.westberks.gov.uk/index.aspx?articleid=32493>

##### **CD7/CAB – Appeals and Judgements**

- CD7/CAB/1 Hunston High Court Judgement and Court of Appeal Judgements (Hunston Properties v SSCLG and St Albans City & District Council (2013) EWHC 2678 and R vs City and District of St Albans, EWCA Civ. 1610 )  
CD7/CAB/2 Satnam Millenium v Warrington Borough Council (2015) EWHC  
CD7/CAB/3 St Modwen Developments Ltd v SSCLG and East Riding of Yorkshire Council [2016] EWHC 968 (Admin)  
CD7/CAB/4 Recovered appeal on Land North East of Elsenham, Essex APP/C1570/A/14/2219018  
CD7/CAB/5 Kings Lynn & West Norfolk vs. SSCLG & Elm Park Holdings Ltd [2015] EWHC 2464 (Admin)  
CD7/CAB/6 Zurich Assurance Ltd v Winchester City Council & South Downs NPA [2014] EWHC 758 (Admin)  
CD7/CAB/7 SSCLG v West Berkshire DC and Reading BC [2016] EWCA Civ 441  
CD7/CAB/8 Appeal Decision Land north and south of Mans Hill, Burghfield Common Appeal Ref APP/W0340/A/14/2226342, Inspector David Wildsmith, 17 March 2015  
CD7/CAB/9 High Court challenge case number CO/1455/2014 (Gladman Development Ltd and Wokingham Borough Council [2014] EWHC 2320 (Admin))  
CD7/CAB/10 Oadby and Wigston Borough Council v Secretary of State & Bloor Homes Ltd [2015] EWHC 1879

##### **CD8/CAB – Miscellaneous**

- CD8/CAB/1 PAS Technical Advice Note on OAN  
CD8/CAB/2 Report on the Examination into the West Berkshire Core Strategy, July 2012  
CD8/CAB/3 Brandon Lewis Letter to PINS re SHMA dated 19th December 2014  
CD8/CAB/4 Council's Homework 4 consistency between C1 of the DPD and the Core Strategy  
CD8/CAB/5 HSA DPD Statement of Consultation main Report  
CD8/CAB/6 HSA DPD SA/SEA for Thatcham  
CD8/CAB/7 Council's Homework on Issue 9. Overview of Thatcham Infrastructure Constraints  
CD8/CAB/8 Annual Monitoring Report Housing 2015

## DOCUMENTS SUBMITTED DURING THE INQUIRY

### A – Appellants’ Documents, Appeal A

A1	Opening submissions on behalf of A2Dominion
A2	Wokingham Borough Council v SSCLG and Cooper Estates, notification on application for permission to proceed
A3	Oadby and Wigston Borough Council v SSCLG and Bloor Homes [2016] EWHC 1879 (Admin), Court of Appeal decision
A4	Office for National Statistics, Economic Review: November 2016
A5	Erratum to Ms Cohen’s proof of evidence
A6	Rebuttal proof of Ms Cohen
A7	Rebuttal proof of Mr Kinsman
A8	Rebuttal proof of Ms Toyne
A9	Table summarising parties’ OAN calculation
A10	Extract from ‘Delivering National Growth, Locally’ by Thames Valley Berkshire Local Enterprise Partnership
A11	Barton Willmore’s revised OAN Table based on post-Brexit assumptions
A12	Extract from Experian jobs forecast
A13	Planning history and layout plans for Lakeside site in Theale
A14	Market Street site, illustration and accommodation table
A15	Housing Site Allocations DPD – Inspector’s ‘homework’
A16	Cotswold District Council v SSCLG and others, [2013] EWHC 3719 (Admin)
A17	Unilateral Undertaking, A2Dominion Developments and Linda and Angus Janaway to West Berkshire Council
A18	Schedule of Unilateral Undertaking provisions
A19	Housing Land Supply Scenarios, Barton Willmore Table 18a
A20	Annotated landscape map
A21	Appendix LT1 to accompany Ms Toyne’s LVIA
A22	Report into objections to the Newbury District Local Plan, 1991-2006
A23	West Berkshire Council Community Infrastructure Levy Reg. 123 List November 2016 consultation version
A24	West Berkshire Planning Area 12 - secondary education pupil numbers
A25	West Berkshire Infrastructure Delivery Plan 2013, extract
A26	Plan showing viewpoints and route for site visit
A27	Five year land supply – Barton Willmore revised table 18
A28	Appeal decision: land at Fawler Rd, Uffington, Ref APP/V3120/W/15/3139377
A29	Local Plan programme for Berkshire planning authorities
A30	Mr Usher’s revised OAN to reflect Cambridge Econometrics report Nov 2016
A31	Revised Barton Willmore table 18
A32	Closing submissions on behalf of A2Dominion Developments

### CA - Council’s Documents, Appeal A

CA1	Ms Ball’s rebuttal proof
CA2	Proposed Planning Conditions
CA3	Historic Landscape Context, Figure BK3 by Ms Kirkham
CA4	Heights of key buildings on the Colthrop Industrial Estate
CA5	Guide for Landscape and Visual Impact Assessment, 3 <sup>rd</sup> Edition, extract
CA6	Appeal decision: Land at Blacks Lake, Aldermaston, APP/W0340/C/15/3139572
CA7	WBC Review of Community Infrastructure Levy, Reg 123 List
CA8	Kennet School, capacity and demand table
CA9	Bellway Homes response to Core Strategy Preferred Options consultation
CA10	Proposed travel plan conditions
CA11	Justification for contribution to travel plan monitoring

### TA - Third Party Documents, Appeal A

TA1	Submission by Mr Goodwin, Flood and Water Course Warden
TA2	Submission by Mr Crumly on behalf of Thatcham Town Council

TA3	Letter from North Wessex Downs AONB dated 23/11/2016
TA4	Submission by Cllr Cole

### **B – Appellant’s Documents, Appeal B**

B1	Schedule of appearances
B2	Mr Veasey’s rebuttal proof
B3	Alternative OAN scenarios based on A9 table
B4	Summary of 5 year supply sites in dispute
B5	Unilateral Undertaking by Timothy and Evelyn Billington and Croudace Ltd to West Berkshire District Council
B6	Housing land supply estimates based on 665 and 771 dpa OAN
B7	Barratt Annual Report and Accounts 2016, extract
B8	Details of Mr R Hewitt, appellants’ drainage witness
B9	Route for site visit
B10	Appeal decision: Land north of Birchen Lane, Haywards Heath APP/D3830/W/15/3137838
B11	Opening comments on behalf of the appellants
B12	Closing submissions on behalf of the appellants
B13	Abbreviated closing submissions

### **CB – Council’s Documents, Appeal B**

CB1	Proposed Planning Conditions
CB2	Letter from The Wildlife Trusts dated 25/8/2015
CB3	Letter from The Wildlife Trusts dated 20/10/2016
CB4	Memo from Mr J Davy concerning ecological matters
CB5	Note concerning the need for a contribution to bus services

### **TB – Third Party Documents, Appeal B**

TB1	Submission of Mr Crumly on behalf of Thatcham Town Council
TB2	Submission of Mr Pieri on behalf of Mr Dunn, Thatcham Flood Forum
TB3	Submission of Mr Woodham on behalf of Thatcham Flood Forum
TB4	Submission of Goodwin, Cold Ash Flood and Water Course Warden
TB5	Submission of Ms Conyers, Local Resident
TB6	Submission of Mr Munro on behalf of Cold Ash Parish Council
TB7	Submission of Mr Simpson, District Councillor, Cold Ash Ward

### **CAB – Council Documents relevant to both Appeals A and B**

CAB1	Opening submissions on behalf of the Council
CAB2	Mr Ireland’s rebuttal proof
CAB3	Housing supply update note agreed by all parties
CAB4	Home Choice User Guide, extract
CAB5	Private rental market statistics
CAB6	Housing Site Allocation DPD land within 5 year supply
CAB7	Additional information on delivery of 5 year supply sites
CAB8	Sandleford Park Supplementary Planning Document, 2015
CAB9	Proposed revision to HSA DPD Policy C1
CAB10	Cambridge Econometrics November 2016 employment forecast
CAB11	Closing submissions on behalf of the Council

## **ANNEX 3**

### **PLANNING CONDITIONS**

1. Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: 14/1208/SK07 Rev E - Proposed South-western Priority Junction dated July 2015; 14/1208/SK03 Rev D - Proposed Roundabout Access Junction dated July 2015.
5. The reserved matters details shall generally accord with the following list of drawings and documents: 22289A/04R – Illustrative Site Layout dated July 2016; 22289A/03B – Development Parameter Plan dated May 2016; 22289A/04S - Storey Heights dated July 2016; 22289A/04S - Density Overlay dated July 2016.
6. The reserved matters applications shall be prepared in general accordance with a comprehensive landscape strategy plan which has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details about the retention of existing boundary vegetation, proposed structural planting to the northern boundary of the site and the northern boundary of the developed area, and provide details about ecological, hydrological and recreational considerations.
7. No more than 225 dwellings shall be developed on the site.
8. No development shall take place until details of accessibility within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include means of access for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. Thereafter the development shall be carried out in accordance with the approved details.
9. No demolition or construction works shall take place outside the hours of 07.30-18.00 Mondays to Fridays, 08.30-13.00 Saturdays. No work shall be carried out at any time on Sundays or Bank Holidays.
10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details. The statement shall provide for i) the parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) the erection and maintenance of any security fencing or hoardings; v) wheel washing facilities; vi) measures to control the emission of dust and dirt during construction; vii) a scheme for recycling/disposing of waste resulting from construction works; and, viii) agreed routes and timing restrictions for construction vehicles, deliveries and staff.

11. Prior to the occupation of the first dwelling a full Residential Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the GP Surgery a full Travel Plan for the GP Surgery shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plans shall be implemented from first occupation of the first dwelling (Residential Travel Plan) and first occupation of the GP Surgery (GP Travel Plan). A Travel Plan Coordinator shall be in place no later than 3 months prior to first occupation of the first dwelling on the development. The Travel Plan shall be monitored with the initial survey taking place once 50% of the development is occupied or after 6 months from first occupation, whichever occurs sooner. The Travel Plan targets shall be agreed within 6 months of the initial survey taking place along with any necessary updating of the Travel Plan. After that the Travel Plans shall be annually monitored, reviewed and updated for a period of five years from first implementation of the development or two years after completion of the development, whichever is later.
12. No dwelling shall be occupied until pedestrian and cycle centre island crossing points along Cold Ash Hill (drawing 14/1208/SK12), Heath Lane (drawing 14/1208/SK11) and Bowling Green Road (drawing 14/1208/SK13) have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
13. No dwelling shall be occupied until the following works have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority: i) Dropped kerbs and tactile paving across Westfield Road (at the junction with Northfield Road) as shown on Drawing 16/0515/SK02; ii) dropped kerbs and tactile paving across Sagecroft Road (at the junction with Northfield Road) also shown on Drawing 16/0515/SK02; iii) widening of the section of Bowling Green Road between the junction of Northfield Road and the proposed Site Access priority junction to accommodate a 2.5 metre shared foot and cycleway.
14. No development shall take place until details of the proposed access into the site from Bowling Green Road, in accordance with drawing 14-1208-SK07/E, have been submitted to and approved in writing by the Local Planning Authority. No other development shall take place (except construction of a site compound and associated site clearance works) until this access, and any associated engineering operations, have been completed in accordance with the approved details.
15. No dwelling shall be occupied until details of the proposed junction improvement scheme at the Heath Lane / Cold Ash Hill Roundabout in accordance with drawing 4-1208-SK03/D have been submitted to and approved in writing by the Local



Planning Authority. No more than 50 dwellings shall be occupied before the improvement scheme has been constructed in accordance with the approved details.

16. No dwelling hereby permitted shall exceed 2.5 storeys in height (to mean no higher than 10.5m to ridge height) in any part of the scheme.
17. No development shall take place until details of the finished floor levels of the buildings hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
18. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall be in general accordance with the terms agreed in the Statement of Common Ground (Flood Risk and Drainage) dated October 2016 and shall:
  - Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
  - Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
  - Provide details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development.
  - Include a drainage strategy for surface water run-off from the site;
  - Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at run off rates to be agreed with the Local Planning Authority;
  - Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
  - Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
  - Include flood water exceedance routes, both on and off site; include flow routes such as low flow, overflow and exceedance routes; provide details of how the exceedance routes will be safeguarded for the lifetime of the development;
  - Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
  - Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines and are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;

- Include in any design calculations an allowance for a 10% increase of paved areas over the lifetime of the development;
- Provide attenuation storage measures which have a 300mm freeboard above maximum design water level, and surface conveyance features with a 150mm freeboard above maximum design water level;
- Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- Include a Flood Risk Assessment (FRA);
- Include measures which protect or enhance the ground water quality and provide new habitats where possible.

The above sustainable drainage measures shall be implemented in accordance with the approved details and in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

19. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.
20. In the event that any previously unidentified land contamination is found at any time during development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken, and where remediation is necessary a remediation scheme shall be prepared. The investigation and risk assessment, and any remediation scheme, shall be submitted to and approved in writing by the Local Planning Authority. No further dwellings shall be occupied until any necessary remediation has been completed in accordance with an approved scheme and a verification report to this effect has been submitted to and approved in writing by the Local Planning Authority. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.
21. No piling shall take place during construction, except auger piling, unless otherwise agreed in writing by the Local Planning Authority.
22. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include i) details of the temporary protection of all retained trees and details of any special construction methods within tree protection zones; ii) measures for the protection of roots in the vicinity of hard surfacing, drainage and other underground services; iii) a full

schedule of works to retained trees including the timing and phasing of operations ; and iv) proposals for the supervision and monitoring of all tree works and protection measures. Development shall proceed in accordance with the approved arboricultural method statement, with tree protection measures retained throughout the period of construction, or in accordance with a timetable approved in writing by the Local Planning Authority.

23. No development shall take place (including, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following i) a risk assessment of potentially damaging construction activities; ii) identification of biodiversity protection zones; iii) the location and timing of sensitive works to avoid harm to biodiversity features; iv) the times during construction when specialist ecologists need to be present on site to oversee works; v) the role and responsibilities of an ecological clerk of works or similarly competent person and lines of communication; and vi) the use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
24. Prior to occupation of any dwelling, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall: i) identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging; and ii) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking, re-enacting or modifying that Order with or without modification), no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.
25. No development shall take place on site until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include (but not be limited to): i) detailed creation and management prescriptions for the Meadows, Wetlands/Swales, Flood Meadows/Ponds, Parkland, and any Orchard Areas for 10 years; ii) maintenance of a secure boundary to Cleardene Farm Wood to minimise recreational disturbance; iii) safeguards in respect of bats, badgers, hedgehogs, reptiles and nesting birds during habitat clearance works; iv) details of a reptile mitigation strategy and enhancement plan; v) habitat creation and management to provide new and enhanced habitat areas including wildflower grassland, orchard, ponds and tree and shrub planting; vi) provision of bat boxes and bird nesting opportunities; and vii) provision of habitat piles and butterfly banks. The contents of the Plan shall be based on Section 6 of the Ecological Appraisal by Aspect Ecology and dated July 2015. The approved Plan shall be implemented in full in accordance with an approved timetable. Monitoring of the plan shall be conducted by qualified ecologists who shall provide a report to the Local Planning

Authority annually on the anniversary of the commencement of development and for the first five years following completion of the development that the approved mitigation measures have been implemented in full. A Review of the plan shall be submitted for the approval of the Local Planning Authority on the 10<sup>th</sup> anniversary of the commencement of development.

26. No dwelling hereby permitted shall be occupied until cycle storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
27. No dwelling hereby permitted shall be occupied until an area for refuse/recycling storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.



## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### **SECTION 2: ENFORCEMENT APPEALS**

#### **Challenges under Section 289 of the TCP Act**

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### **SECTION 3: AWARDS OF COSTS**

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### **SECTION 4: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.



## Appendix 2: Henwick Park Secretary of State Letter



Department for  
Communities and  
Local Government

Steven Doel  
Nexus Planning  
Suite A  
3 Weybridge Business Park  
Addlestone Road  
Weybridge  
Surrey  
KT15 2BW

Our ref: APP/WO340/W/16/3144193  
Your ref: 15/01949/OUTMAJ

27 July 2017

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY CROUDACE HOMES LTD  
LAND AT HENWICK PARK, WEST OF HEATH LANE AND NORTH OF BOWLING  
GREEN ROAD, THATCHAM, BERKSHIRE  
APPLICATION REF: 15/01949/OUTMAJ**

1. I am directed by the Secretary of State to say that consideration has been given to the report of John Chase MDC, Dip Arch, RIBA, MRTPI, who held a public local inquiry between 15 November and 7 December 2016 into your client's appeal against the decision of West Berkshire Council ("the Council") to refuse your client's application for planning permission for up to 265 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas; provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan in accordance with application ref: 15/00296/OUTMAJ, dated 17 December 2015.
2. On 1 April 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed and outline planning permission be granted subject to the conditions set out in Annex 3 of the Inspector's Report (IR).
4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation, dismisses the appeal and refuses planning permission. A copy of the IR is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Department for Communities and Local Government  
Phil Barber, Decision Officer  
Planning Casework  
3rd Floor Fry Building  
2 Marsham Street  
London SW1P 4DF

Tel: 0303 44 42853  
Email: [PCC@communities.gsi.gov.uk](mailto:PCC@communities.gsi.gov.uk)

## **Procedural matters**

5. Following submission of the appeal, the appellants prepared revised proposals for a reduced scheme of 225 houses, in order to address some of the grounds of refusal. The Council do not resist the substitution and have notified local residents of the new scheme, giving them time for responses.
6. The Secretary of State does not consider that the reduced scheme of 225 houses raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal. He is satisfied that no interests have thereby been prejudiced and has determined the appeal on that basis.

## **Matters arising since the close of the inquiry**

7. Following the close of the original inquiry, the Secretary of State received representations from the Council which were sent to the Planning Inspectorate on 10 April 2017. These included information on an updated five year housing land supply (HLS) and the Inspector's Report for the Housing Site Allocations Development Plan Document (DPD) dated 6 April 2017 which was due to be adopted on 9 May 2017. The Secretary of State also received representations from your company on behalf of your clients on 23 March 2017 and Barton Willmore on 29 March 2017.
8. On 3 May 2017 the Secretary of State wrote to the parties to afford them the opportunity to comment on the additional information referred to in paragraph 7 above. The Secretary of State has taken the representations received into account in reaching his decision. A list of representations received is at Annex A.
9. On 9 May 2017 the Housing Site Allocations DPD was formally adopted by West Berkshire Council.
10. On 17 May 2017, the Secretary of State wrote to the parties to afford them the opportunity to comment on the implications, if any, of the Supreme Court judgment on the cases of Cheshire East BC v SSCLG and Suffolk DC v SSCLG which was handed down on 10 May 2017. These representations were recirculated to the main parties who were invited to comment on the representations of other parties. These additional representations were recirculated. A list of representations received is at Annex A.
11. Copies of all the correspondence referred to above can be obtained upon request to the address at the bottom of the first page of this letter.

## **Policy and statutory considerations**

12. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
13. In this case the development plan consists of saved policies from the West Berkshire District Local Plan (2002); the Core Strategy (2012); and the Housing Site Allocations DPD which was adopted on 9 May 2017. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR175. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the

Guidance'), as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

### **Main issues**

14. The Secretary of State agrees with the Inspector that the main issues are those set out at IR 146-147, taking account of the subsequent adoption of the Site Allocations DPD.

#### *Housing Land Supply*

#### *Assessment of Need*

15. The Secretary of State has carefully considered the Inspector's analysis of assessment of need at IR150, including the finding that the Strategic Housing Market Assessment (SHMA) assessed a need of 665 dwellings per annum (dpa) in West Berkshire.
16. With regard to the demographic assessment, for the reasons given at IR151, the Secretary of State agrees that the similarity of outcome between different methodologies diminishes the extent to which the alterations sought by the appellants would have a material effect on the assessment of demographic need. For the reasons given at IR152-153, the Secretary of State agrees that it has not been shown that the SHMA has failed to take account of relevant factors, nor that its methodology is fundamentally flawed in respect of demographic assessment.
17. He further agrees, for the reasons set out by the Inspector, that the evidence falls short of proving that the SHMA has significantly underestimated the level of in-migration (IR154).
18. The Secretary of State, for the reasons given at IR155-158, agrees that the evidence falls short of proving that the basis of the SHMA employment estimate is unduly pessimistic in its approach. Similarly, he agrees that the alternative evidence does not prove that the SHMA is wrong on the source and quality of data to set activity rates, commuting ratios and whether double jobbing should be taken into account.
19. For the reasons set out by the Inspector at IR159, the Secretary of State agrees the SHMA assesses need throughout the Housing Market Area, and it is not counter to the Guidance if appropriate adjustments are made between authorities.
20. The Secretary of State agrees, for the reasons given at IR160-161, that the proposed uplift in response to market signals does not seem unreasonably low.
21. With regard to affordable housing, the Secretary of State, for the reasons set out by the Inspector at IR162-164, agrees that the Council has addressed the need for affordable housing, and the evidence does not show that the criteria used are either so adrift of normal practice, or that the expectations of the level of delivery are so unrealistic, as to justify rejecting the SHMA figure on those grounds.
22. For the reasons given at IR165-166, the Secretary of State agrees with the Inspector that with regard to the report to Government of the Local Plans Expert Group (LPEG), it is not possible to give substantial weight to the relevant LPEG proposals.

#### *Conclusions on Housing Need*

23. The Secretary of State agrees that while the SHMA has not been tested at a Local Plan Examination, there were opportunities for third party involvement while it was being drawn

up. He further concludes that the representations of the appellant fall short of proving that the SHMA is fundamentally flawed in its methodology or results. While some of the data is now of some age, he conclude, in agreement with the Inspector, that any variation is not of such significance as to invalidate the results. The Secretary of State thus agrees with Inspector's conclusions at IR167-168 that there are grounds to consider that 665 dpa is an adequately realistic measure of the objectively assessed need in West Berkshire, and he has used this as his starting figure.

### *Land Supply*

#### *The Buffer*

24. The Secretary of State has carefully considered the Inspector's analysis of the buffer at IR169-172 and carefully considered the Inspector's conclusion that there are grounds to consider that there is a record of persistent under delivery and that a buffer of 20% is now justified. However, the Secretary of State disagrees with the Inspector's conclusions. In coming to this conclusion, the Secretary of State has had regard to report into the West Berkshire Housing Site allocations DPD and the DPD Inspector's conclusions (DPD IR134) that the housing supply situation is satisfactorily monitored with no reasons to conclude that there is any significant threat to the delivery of housing in West Berkshire. The Secretary of State also concludes that while there has been an undersupply in 6 of the past ten years, this has been in part due to the influence of the recession. As such he finds that a 5% buffer is appropriate.
25. It is common ground between the parties that there is a shortfall of 417 dwellings. As such the Secretary of State concludes that net housing need is 3,742  $[(665 \times 5) + 417]$ , to which he adds a 5% buffer, to give an overall housing need of 3,929 units.

#### *Deliverable Housing Land*

26. The Secretary of State has carefully considered the Inspector's analysis of deliverable housing land at IR 173-179. With regard to Sandleford Park, the Secretary of State has considered the Inspector's conclusions, and had regard to the representations of the parties, and agrees with the Inspector that it should be removed from the figures for deliverable sites given doubts as to whether it will deliver within the 5 year period.
27. The Secretary of State has gone on to consider the Core Strategy site at Newbury Racecourse (IR175). Given the revised trajectory of February 2017 from the developer, and noting that units on the site are selling well and that development is now under way on the third phase of the site, the Secretary of State concludes that it is realistic to deduct only 102 sites from the delivery figures, to give a total of 873 dwellings at the site.
28. With regard to the J&P Motors site, the Secretary of State notes that there is no indication of any legal impediment to the use of the land for housing, there is an implemented planning permission, and there is recent evidence of the involvement of the developer (IR176). As such he agrees with the Inspector that this site will deliver housing within the five year period. With regard to the Lakeside site in Theale, the Secretary of State disagrees with the Inspector, given the uncertainty as to whether the site will begin to deliver within the five year period, he has excluded the site from his calculations, disagreeing with the Inspector.



29. The Secretary of State has also excluded 160 units on land off Faraday and Kelvin Road from his calculations, given that the lease situation means that it is not certain that the site will deliver within the five year period.
30. The Secretary of State has had regard to the Inspector's analysis at IR178 on the Market Street site, and notes that the s106 Agreement has now been signed and planning permission granted. For that reason, and for the reasons set out by the Inspector, that delivery of 232 units from this site within 5 years is not an unreasonable expectation. He further agrees, for the reasons set out by the Inspector, that there is not a substantial reason to exclude the Pound Lane Depot site from his calculations.
31. The Secretary of State has had regard to representations concerning the Land adjacent to Hilltop site. However, given that planning permission has now been granted following appeal, he concludes that it is reasonable that 200 units will be delivered within the five year period.
32. With regard to Land adjacent Pondhouse Farm; Land at Poplar Farm; 72 Purley Rise; and Field between A340 and The Green; and Land adjacent to Lynch Lane, the Secretary of State has taken into account representations on reducing the figure of deliverable dwellings, and those representations of the Council (Annex 2) stating that the sites are available, and early delivery is expected.
33. With regard to South East Newbury (2); and South East Newbury (3), the Secretary of State has had regard to the representations on reducing the figure of deliverable dwellings, and the representations of the Council stating that the sites are available, and delivery is expected in the later phase of NEW047.
34. The Secretary of State has also had regard to the Inspector's analysis of DPD allocations at IR177. In addition he has had regard to the fact that the DPD has now been adopted. The Secretary of State has taken into account the DPD Inspector's conclusions that that the housing supply situation is satisfactorily monitored and that there are no reasons...to conclude that there is any significant threat to the delivery of housing in West Berkshire. For those reasons, and those given by the Inspector, he concludes that there is insufficient evidence to conclude that these sites will not deliver within the five year period.
35. As such the Secretary of State concludes that 873 dwellings can be taken into account at Core strategy sites (Newbury Racecourse), and 1,076 from DPD allocated sites. He includes 443 dwellings at permitted sites under 10 units, and 1,175 dwellings at larger permitted sites. He includes 279 sites without planning permission, and 261 units on sites allocated through the prior approval process. To this figure he adds a windfall allowance of 192 dwellings.

#### *Conclusion on housing land supply*

36. The Secretary of State thus concludes that the Council can deliver a total of 4,299 dwellings within the five year period. Setting this against a 5 year requirement of 3,929 dwellings, as set out above, the Secretary of State concludes that there is a surplus of 370 dwellings, or a 5 year supply of 5.47 years.
37. As such, for the reasons set out above the Secretary of State disagrees with the Inspector and concludes that in his judgement the local planning authority can now demonstrate a 5 year supply of deliverable housing sites.

## *Development Plan Policy*

### *Whether the proposal complies with the development plan*

38. The Secretary of State has gone on to consider the Inspector's discussion regarding the development plan (IR181-186) in the context of the Council now being able to demonstrate a 5 year HLS.
39. The Secretary of State has had regard to Core Strategy Policy CS1 and considers that the proposal does not comply with any of the identified 4 categories of land. The appeal site is not one of the sites which has been chosen in the Site Allocations DPD. However, the Secretary of State considers that the wording is not wholly prohibitive of development outside these categories (IR182).
40. The Secretary of State agrees with the Inspector at IR183 that the location of the appeal site would meet a number of the criteria in Core Strategy Policy ADPP1. For the reasons given at IR178, the Secretary of State agrees with the Inspector that the land falls below the settlement hierarchy. As the appeal site lies within land composed of agricultural fields with the characteristics of open countryside, the proposal is subject to the final bullet point of Core Strategy Policy ADPP1, which allows only limited development which addresses identified needs and maintains a strong rural economy. The Secretary of State therefore agrees with the Inspector that the proposal would not comply with this aspect of the development plan (IR184).
41. The Secretary of State has given careful consideration to the Inspector's discussion regarding Core Strategy Policy ADPP3 at IR185. Policy ADPP3 indicates that approximately 900 homes are to be provided in Thatcham during the plan period. For the reasons given at IR185, the Secretary of State agrees with the Inspector's conclusion that 900 homes should not be viewed as a ceiling, and the wording of ADPP3 does not directly restrict development to this level.
42. The Secretary of State agrees with the Inspector at IR186 that Policy C1 in the Site Allocations DPD includes a presumption against new residential development outside settlement boundaries.

### *The weight to be attributed to policies*

#### *The Site Allocations DPD*

43. The Secretary of State has carefully considered the Inspector's comments at IR190, and agrees that the relevant policies for the supply of housing are CS1, ADPP1, ADPP3 and C1.
44. The Secretary of State has given careful consideration to the Inspector's analysis at IR188-190, but disagrees with his conclusions. He agrees that the intention to protect rural areas by restricting development outside settlement boundaries is not inconsistent with the Framework. He further agrees that the site allocations DPD amends the settlement boundaries to allow more land for housing. While he agrees that the DPD is based on the Core Strategy, which was not based on an objective assessment of need, he notes that Policy CS1 treats housing numbers as a minimum, allowing for their review and update over time to reflect housing need. He thus concludes, in the context of the Council demonstrating a 5 year housing land supply, that the housing policies of the Local Plan are

consistent with the Framework and that the application of paragraph 14 of the Framework is not triggered.

45. For the reasons given at IR191, the Secretary of State agrees that the proposal would be in conflict with policies ADPP1 and C1.

#### *Other Matters*

46. For the reasons given at IR193-194, the Secretary of State agrees with the Inspector that there is no reason to conclude that the land cannot be satisfactorily drained, and that a planning condition would enable scrutiny of the details of the scheme.
47. For the reasons given at IR195-196, the Secretary of State agrees with the Inspector that there is no indication that the development would have a harmful effect on the setting of the Area of Outstanding Natural Beauty. He further agrees with the Inspector that the scheme would avoid an unduly harmful visual impact.
48. For the reasons given at IR197, the Secretary of State agrees with the Inspector that there are not substantial grounds to challenge the conclusions of the Transport Statement of Common Ground. He further agrees that the evidence does not prove that the housing could not be adequately served by local facilities and infrastructure. He further agrees that the scheme would lead to some disturbance of wildlife, but the retention of open space, and measures to protect and enhance habitats, would help to minimise any harm.
49. The Secretary of State agrees with the Inspector's conclusion at IR198 that these matters raised at IR193-197, and the other matters raised.

#### **Planning conditions**

50. The Secretary of State has given consideration to the Inspector's analysis at IR140-144, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

#### **Planning obligations**

51. Having had regard to the Inspector's analysis at IR199-200, the planning obligation dated 2 December 2016, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR 199-200 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

## **Planning balance and overall conclusion**

52. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Core Strategy policies CS1, CS 14, CS19, ADPP1, ADPP3 and DPD Policy C1, and is therefore not in accordance with the development plan overall. The Secretary of State concludes that, as the Council can demonstrate a 5 year housing land supply, the application of paragraph 14 of the NPPF is not triggered, and as such the proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.
53. The Secretary of State considers that the addition of up to 225 homes in an accessible location would contribute to the Council's housing supply, and meet some of the objectives identified in the SHMA, including increased affordability, and accommodation for a workforce to support economic growth, and he affords this benefit moderate weight. He also finds that the development would contribute to local investment during the construction phase, and a market for local goods and services thereafter, to which he affords moderate weight. Up to 90 affordable homes would meet a need for lower cost housing in the area, which attracts significant weight. The Secretary of State also considers that there would be the wider benefits of additional investment in flood control within the context of the town's surface water scheme, and the provision of public open space, to which he grants moderate weight.
54. The Secretary of State considers that there is no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing. He also finds that the additional development would provide the opportunity for greater investment in local infrastructure, and he affords this benefit moderate weight.
55. Against this the Secretary of state weighs the conflict with policies CS1, ADPP1, ADPP3 and DPD Policy C1, and he affords this conflict substantial weight in the context of a 5 year housing land supply and a now made DPD.
56. The Secretary of State also weighs against the proposal the replacement of agricultural land with suburban development which would lead to a change in character of the land. However, the Secretary of State considers that the impact of this change would be limited, not out of keeping with the present character of the area, and without having an unduly damaging effect on the setting of either Thatcham or Cold Ash. As such he gives this conflict moderate weight.
57. Having regard to the conflict with the development plan as a whole and taking account of the policy set out in paragraph 196 of the Framework, and the other harms, the Secretary of State therefore concludes that there are no material considerations sufficient to indicate that the proposal should be determined other than in accordance with the development plan. He concludes that the appeal should be dismissed and planning permission refused.

## **Formal decision**

58. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for up to 225 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham

Surface Water Management Plan in accordance with application ref: 15/00296/OUTMAJ, dated 17 December 2015.

**Right to challenge the decision**

59. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
60. A copy of this letter has been sent to West Berkshire Council and notification has been sent to others who asked to be informed of the decision.
- Yours faithfully

*Philip Barber*

Authorised by Secretary of State to sign in that behalf



## **Annex A – Schedule of representations**

### **SCHEDULE OF REPRESENTATIONS**

#### **General representations**

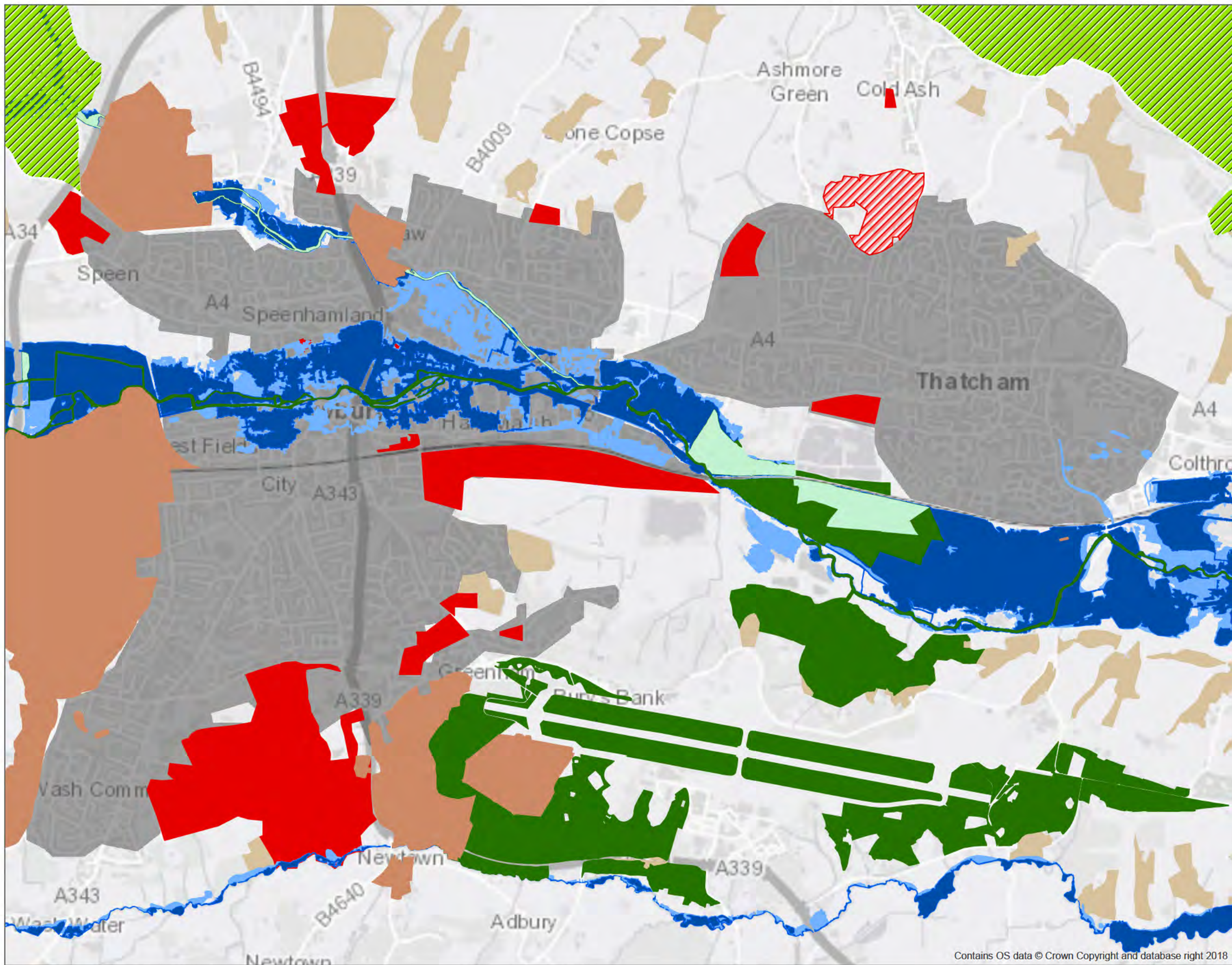
<b>Party</b>	<b>Date</b>
Steven Doel Nexus Planning	23 March 2017
Mark Owen Barton Willmore	29 March 2017
Bob Dray West Berkshire Council	10 April 2017, 12 April 2017

#### **Representations received in response to the Secretary of State's letters of 3 May 2017 and 17 May 2017**

Steven Doel Nexus Planning	17 May 2017, 31 May 2017
Kim Cohen Barton Willmore	17 May 2017, 15 June 2017
Sinéad O Donoghue West Berkshire Council	17 May 2017
Bob Dray West Berkshire Council	1 June 2017
Clare Jenner West Berkshire Council	15 June 2017

## Appendix 3: Thatcham and Newbury Commitments and Constraints Plan





- Henwick Park Site
- 50+ Dwelling Commitments
- Thatcham Settlement Boundary
- Newbury Settlement Boundary
- AONB
- SSSI
- Ancient Woodland
- SAC / SPA / RAMSAR
- Heritage Assets
- Flood Zone 2
- Flood Zone 3



**Title:** Thatcham and Newbury Commitments and Constraints

**Scale:** 1:40,000

**Draw by:** DJV

**Date:** December 2018



## Appendix 4: Landscape Statement of Common Ground



Henwick Park, Thatcham

## **Landscape Statement of Common Ground**

Report No: CSA/2406/03

September 2016



Report Reference	Revision	Date	Prepared by	Approved by	Comments
CSA/2406/3	-	26.9.16	CS	SG	First Issue
CSA/2406/3	a	28.9.16	CS	SG	Second issue
CSA/2406/3	b	7.10.16	CS	CA	Third issue



## 1.0 BACKGROUND

- 1.1 This Statement of Common Ground ('SOCG') sets out the landscape matters that are agreed between the Appellant (Croudace Homes) and the LPA (West Berkshire Council).
- 1.2 The original outline Planning Application for 265 dwellings, with all matters reserved saved for access, was refused on 17<sup>th</sup> December 2015. Five reasons for refusal were given, of which the third reason relates to landscape matters and states:

*The development of housing as identified on the submitted and "agreed" development parameters plan, will entail a level of visual harm arising from the new building, which is considered to be unacceptable, having regard to the advice in policy CS19 in the Council Core Strategy of 2006 to 2026. In addition, the development would be harmful to the local landscape character, as identified in the numerous studies as identified in para 6.3.4 of this agenda report, and would be harmful to the wider setting of the North Wessex Downs AONB. It would also reduce the perceived and actual visual distinctive clarity between Cold Ash and Thatcham. Accordingly the application is considered to be contrary to policy ADPP5 in the West Berkshire Core Strategy of 2006 to 2026, and the advice in para 115 of the NPPF. The application is thus unacceptable.*

- 1.3 The original application was accompanied by, amongst other things, a LVIA, a parameters plan and an illustrative masterplan.
- 1.4 Following refusal of the application and lodging of the appeal, the Appellant entered into dialogue with the LPA with the objective of seeking to agree an Alternative Scheme that would be acceptable to all parties. Accordingly, the Appellant prepared a scheme for 225 dwellings (16/01508/OUTMAJ validated on 9<sup>th</sup> June 2016) and a pre application meeting was held with LPA to discuss the revised scheme.
- 1.5 On the 23<sup>rd</sup> August, and in response to the pre application meeting, comments were received on the Alternative Scheme for 225 dwellings from the Council's Landscape Consultant, Kirkham Landscape Planning. The conclusion of that response was that development on the site was not ruled out in landscape and visual terms and that a revised scheme might overcome the objections. A series of recommendations were made on both the extent of development and landscape treatment of the development.
- 1.6 A further iteration of the masterplan ( Drawing 22289A/04) was sent to the Council on the 15<sup>th</sup> September and on the 19<sup>th</sup> September Kirkham provide a brief response to the scheme which concluded that:

*In conclusion I am satisfied that the revised limit of development would overcome my original landscape and visual objections to both the appeal scheme 15/01949/OUTMAJ and the revised application 16/01508/OUTMAJ. However in order to ensure that the treatment of*

*the open land to the north and west does not urbanise the character of the landscape between Cold Ash and Thatcham, I recommend that a revised parameters plan limits the development area to that shown on 22289A/04S, with the land beyond within the red line divided into 1) public open space for the development and 2) open land proposed to remain in agricultural or set aside for ecological habitat creation. Public access to the latter would depend on the final balance of land uses. The flood alleviation basins should be designed to meet these objectives.*

- 1.7 Subject to the LPA agreeing that the Alternative Scheme for 225 dwellings does not give rise to any unacceptable landscape or visual harm, the Appellant has agreed to withdraw the Original Scheme for 265 dwellings and to ask the Inspector to determine the appeal solely on the basis of the Alternative Scheme.
- 1.8 This SOCG therefore relates to the Alternative Scheme. It provides a brief description of the site and its landscape context and sets out those matters that are agreed between the parties.

## **2.0 SITE DESCRIPTION AND CONTEXT**

- 2.1 A detailed description of the Appeal Site and the surrounding area is set out in the LVIA that accompanied the application and as such the following text provides a brief summary only.

### **An Integrated Landscape Sensitivity Approach to Settlement Expansion (Kirkham Landscape Planning Ltd April 2009)**

- 2.2 As part of the preparation of WBC's Local Development Framework ('LDF'), Kirkham Landscape Planning Ltd. undertook an Integrated Landscape Sensitivity Study of West Berkshire.
- 2.3 The Sensitivity Study notes that 'the sensitivity to change of the landscape character around the main towns of West Berkshire is a key issue in determining future settlement expansion and it is very important that the LDF is informed by accurate landscape character studies which meet current national guidance'(para 2.1, page 2).
- 2.4 Paragraph 5.2 on page 5 notes that the study identifies 'relative sensitivities of each LLCA to others in the study area, to help guide the Council in planning settlement expansion..'.
- 2.5 The Study categorises the Appeal Site as lying within LLCA 14A Ashmore Green and Lower Cold Ash Plateau Edge. This area covers the Appeal Site as well as a much larger area of the land to the north and west, incorporating Ashmore Green and the high ground between it and Cold Ash.
- 2.6 LLCA14A abuts Thatcham and is separated from it by the perimeter road and tree planting along the edge of the carriageway. The plan shows the area as being of low to medium sensitivity, with the remainder of the study areas to the north of the town assessed as having a medium sensitivity. There is however a discrepancy between the sensitivity rating shown on the settlement plan and that given in the text although Kirkham Landscape Planning have confirmed that the correct sensitivity rating is medium/low.

### **West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites (Kirkham Landscape Planning Ltd May 2009)**

- 2.7 In addition to the Integrated Landscape Sensitivity Study, landscape sensitivity studies have been undertaken for potential strategic development sites as part of the West Berkshire Planning Strategy. In that assessment the Appeal Site falls within Area 8: North Thatcham. The key points made in the assessment include:

- Comprises a number of small square fields, close to two older farmsteads of historic interest;
- The site extends across the grain of the land, no longer respecting the flow of the 90m AOD contour;
- Site located on the headland of a shallow ridge which rises to the north;
- Site boundaries are well defined by hedgerows, trees and woodland;
- The Site is not the most visually prominent within the wider Area 14A; and
- The area is of medium to low sensitivity and less sensitive than others, due to its low-lying nature within the landscape.

2.8 The recommendations include:

- Avoid extension onto the more prominent higher ground of the shallow ridgeline;
- Retain existing vegetation and setting of historic farmhouses;
- Lower fields in the south east of the site may be suitable for urban expansion; and
- Built development on the steeply sided valley near Henwick Old Farm should be avoided.

**Landscape Capacity Assessment of Potential Housing Sites within and adjacent to the North Wessex Downs Area of Outstanding Natural Beauty, West Berkshire (Kirkham Landscape Planning Ltd / Terra Firma Consultancy August 2015)**

- 2.9 The 2015 Landscape Capacity Assessment contains a summary of the various landscape character assessments that have been undertaken for the Appeal Site and surrounding area. It then assesses the landscape capacity of the Appeal Site, which is identified as site THA011.
- 2.10 In terms of the relationship to the adjacent settlement, the 2015 report states that the Appeal Site adjoins modern housing to the south and south east, with the south eastern part of the site located on the lower slopes below the 95m AOD contour, and the remainder of the site lying on the rising middle slopes. It also describes the open fields as an important part of the open landscape above Thatcham, as well as an important open space between Thatcham and Cold Ash.
- 2.11 The report notes that there are no views from the AONB (page 12), although it states that the site has visual links to the wider landscape from the footpath at Cold Ash Hill.



- 2.12 The key landscape characteristics which may be affected by development are set out in the report, and include the loss of the open fields and the potential loss of tree cover, as well as urbanisation of the upper slopes of the site. In terms of the impact on the key settlement characteristics, the report states that Thatcham will expand above its valley floor location, and potentially extend above the current development limit of 95m AOD in this area. It also states that there may be a potential erosion of the separate identities of Thatcham and Cold Ash, and that the setting of the Henwick Old Farm may become urbanised.
- 2.13 The report concludes that development on the whole of the site would result in harm to the natural beauty of the AONB, and would lead to the perception of merging of Thatcham and Cold Ash, which would result in an adverse impact on the settlement pattern of the AONB. It recommends that only part of the site be pursued as a potential housing site, with development contained below the 95m AOD contour, as well as outside the central 'square' field and south of Southend.
- 2.14 The specific recommendations of the report were that:
- The potential development area is in two main areas, wrapping around THA027 to the west, south and east, and limited to land on the lower slopes lying below the 95m AOD contour
  - Development should not extend into the central 'square' field or north of the road named Southend off Cold Ash Hill in order to maintain the separate identities of Cold Ash and Thatcham
  - This limitation of the potential development area would also soften the Cold Ash Hill approach into Thatcham; and provide an opportunity to retain the agricultural fields whilst providing a good sized area of Green Infrastructure to the north of the potential development area
  - The extent of the potential development area is also limited by the need to protect the rural setting of Henwick Old Farm and the small scale distinctive landscape north-east of the listed building
  - Retention of the agricultural fields on the middle slopes above 95m AOD as shown in Figure THA011.2
  - Creation of a generous area of Green Infrastructure to the north of the potential development area as shown in Figure THA011.2 to act as a transition between the built up area and retained

open countryside; to screen views from the north; and to contribute to the environmental assets of the area

- Existing tree belts to be retained and supplemented with new tree belts along Cold Ash Hill and along the boundaries with the adjacent open countryside, THA027 and THA014
- Green Infrastructure to break up the built form
- Preferred access is from the more urban sections of the road network as shown on figure THA011.2

### **Statutory and Non-Statutory Designations**

- 2.15 The Appeal Site is not covered by any statutory or non-statutory designations for landscape character or quality. It is located approximately 1km from the North Wessex Downs AONB.

### **Conservation Area and Listed Buildings**

- 2.16 There are no Listed Buildings within the Appeal Site, however, three Listed Buildings occur within approximately 0.5km of the site; the Barn at Hatch Gate; Old Henwick Cottage; and Coopers Farmhouse, which are all Grade II Listed. There is no intervisibility between the proposed housing development and these Listed Buildings and their setting will not be affected.

### **Public Rights of Way**

- 2.17 No Public Rights of Way cross the Appeal Site. A public footpath runs east-west between Cold Ash and Cleardene Farm to the north, before turning south to lead to Henwick Old Farm.
- 2.18 A further public footpath is located around 1km to the north and links Cold Ash to Ashmore Green.

### **Tree Preservation Orders**

- 2.19 None of the trees within the Site are covered by Tree Preservation Orders ('TPO').

### **Site Description**

- 2.20 The Appeal Site comprises a number of fields divided by hedgerows and tree belts which form an irregular shaped parcel of land at the northern edge of Thatcham. The Regency Park Hotel and adjacent field to the east is indented into the south western edge of the Appeal Site, and a dwelling named The Creek is indented into the southern boundary. Creek Cottages are also indented into the south eastern

Appeal Site boundary by Heath Lane. Cold Ash Hill borders the Appeal Site to the east, Heath Lane and Bowling Green Road to the south and a short section of public footpath and a ditch bound the Appeal Site to the west.

- 2.21 Most of the fields that make up the Appeal Site are bound by mature hedgerows and trees. A small band of woodland separates the easternmost field from the northernmost field. A copse is located adjacent to the north western corner of the Appeal Site, along with a further copse located at the north eastern edge of the hotel. Both these areas of woodland are beyond the site boundary.
- 2.22 A ditch runs from approximately mid-way along the northern boundary southwards. A further ditch is located adjacent to the western boundary, running south from the public footpath leading to Bowling Green Road.
- 2.23 A combined footway/cycleway is located along the south side of Bowling Green Road and beyond that is an area of suburban housing which mostly backs on to the main road.
- 2.24 At Cold Ash Hill, the site boundary is relatively open in places, with a post and wire fence or brambles marking the boundary. To the east of Cold Ash Hill is a further area of suburban housing, with a flood storage area located to the north of these houses, to the east of Cold Ash Hill.
- 2.25 To the west of the Appeal Site, the dwellings at Ashmore Green Road are set within well vegetated, medium to large plots. The combination of the vegetation and local topography prevents views of the Appeal Site from this location.
- 2.26 Housing within the neighbouring area is predominantly 2 storey.

### **Topography**

- 2.27 The Appeal Site rises in a roughly south east to north west direction, rising from Heath Lane towards the copse at the north western boundary. The north western corner of the Appeal Site is the highest point at 110 metres Above Ordnance Datum ('AOD'). The lowest part of the Appeal Site is at the south eastern edge where the land lies at approximately 89 metres AOD. A ridge occurs within the westernmost part of the Appeal Site, with the land further west falling steeply to Henwick Old Farm.
- 2.28 The land east of the Appeal Site, within the built-up area of Thatcham, follows the 95m contour except for a small part of the settlement

between Dunstan Park and Little Copse where the settlement rises above 100mAOD to a maximum of 110mAOD.

**Area proposed for development: Alternative Scheme 225 dwellings**

- 2.29 In the Alternative Scheme development is contained below the 95m contour. The 'square field' to the north east of the Regency Park Hotel is kept free of development.
- 2.30 The balance of the land to the north and west of the proposed housing area is to be retained as open land. The precise mix of uses and the design of this area will be determined at the reserved matters stage but the rural character of this area will be retained.

**Visibility**

- 2.31 A detailed assessment of views of the Appeal Site is set out in the LVIA and it is agreed that these represent the main views of the Appeal Site.
- 2.32 The majority of views of the Appeal Site are limited to near distance views from the adjoining roads and housing. There are a number of views of the northern parts of the site from the public footpath to the north which links Cold Ash to Ashmore Green. Views from the AONB are prevented by the intervening topography and vegetation.

### **3.0 LANDSCAPE IMPACTS**

#### **Coalescence of Thatcham and Cold Ash**

- 3.1 The proposed development extends no further north than the existing housing in Thatcham, which lies immediately to the east of Cold Ash Hill and will be contained by a linear wooded landscape buffer to its northern edge. As such it will not give rise to any greater actual or perceived coalescence between the two settlements.
- 3.2 Similarly there will be no actual or perceived impact on the coalescence of Thatcham and Ashmore Green.

#### **Impact on the AONB**

- 3.3 At its closest point the AONB is approximately 1 km from the Appeal Site and as such there will be no direct impact upon it.
- 3.4 Subject to the Appeal Scheme adopting the principles established by the parameters plan and an appropriate landscape scheme coming forward at the reserved matters stage there will be no harm to the setting of the AONB.

#### **Vegetation**

- 3.5 The Appeal Scheme will give rise to some localised loss of vegetation, principally to achieve access into the site. This loss is not considered significant and can be compensated by new planting within the development.
- 3.6 The parameters plan shows that the existing trees and hedgerows within the Appeal Site will be retained. Whilst the layout is a reserved matter, it is agreed that the proposed density of the scheme will allow a development to come forward that will permit retention of the majority of existing hedgerows and trees. Any minor losses of vegetation can be compensated through new planting within the development.
- 3.7 The northern boundary of the development area will be defined by retention and enhancement an existing tree and hedge line linking into the retained woodland north-east of the Regency Park Hotel to a retained woodland belt west of Cold Ash Hill and by a new linear woodland/treebelt from the latter to Cold Ash Hill as shown on the Illustrative Site Layout Plan 222289A/04S.

#### **Landscape Character**

- 3.8 The character of the developed part of the site will change from that of arable/pastoral farmland to suburban development. As noted above, the tree, woodland and hedgerow structure of the existing field pattern will however remain.



- 3.9 The detailed design and management of the residual area of open land to the north and northwest of the developed part of the site will be addressed at the reserved matters stage. The objective will be to maintain the existing field pattern and hedgerow structure; to allow public access; to be agricultural in character and appearance and complement the agricultural character of the countryside further north.
- 3.10 Subject to an appropriate landscape scheme coming forward at the reserved matters stage the development will not give rise to any unacceptable impacts on landscape character.

#### **Visual Effects**

- 3.11 With the development in place there will be localised views of the housing but these will largely be screened by existing vegetation. Additional planting on the periphery of the development and within the body of the development will be necessary to further soften views.
- 3.12 Given the scale of the development and the opportunity to retain and enhance existing vegetation, the Appeal Scheme will not give rise to any unacceptable visual harm.

## 4.0 CONCLUSION

- 4.1 Development for 225 dwellings and a doctor's surgery, in accordance parameters plan 22289A/03B, and controlled by suitable conditions, will not give rise to any unacceptable landscape or visual effects. The third reason for refusal is therefore overcome.

Clive Self, CSA Environmental, on behalf of the Appellant

Signature



Date *17<sup>th</sup> October 2016*

Bettina Kirkham, Kirkham Landscape Planning Ltd, on behalf of West Berkshire Council

Signature



Date 13 October 2016.

**Nexus Planning  
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## **Appendix G – Croudace Homes Representations to Regulation 18B Local Plan Review Consultation (February 2021)**

## Local Plan Review 2020 – 2037: Emerging Draft (December 2020)

Comments should be returned no later than 4:30pm on Friday 5 February 2021:

- Preferably via our consultation portal at the Council's website:  
<http://consult.westberks.gov.uk/kse>
- By e-mail to: [planningpolicy@westberks.gov.uk](mailto:planningpolicy@westberks.gov.uk)
- By post to: Planning Policy, Development and Planning, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD

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**To which part of the document does this comment relate? Please specify the section, policy or site reference on which you are commenting.**

**Section.....**

**Policy SP1 Spatial Strategy**

**Question 1:**

**Do you agree with the proposed policy/site allocation?**

No

**Question 2:**

**What are your reasons for supporting or objecting?**

Please see attached.

**Question 3:**

**What changes are you seeking / what would be your preferred approach?**

**Question 4:**

**Do you know of/are you aware of any sites within the District that are available for permanent Gypsy and Traveller pitches?**

## SP1: Spatial Strategy

1. Nexus Planning, on behalf of Croudace Homes, commented previously on proposed revisions to the Spatial Strategy that would see development based on three spatial areas with Newbury and Thatcham the main focus for growth, followed by the Eastern Area and North Wessex Downs AONB.
2. No objection was raised as a matter of principle, but we noted at that time that the eastern area is highly constrained and that options for growth in this area are extremely limited. Needless to say, development within the AONB should be extremely modest at best given the very significant national constraint that the AONB represents.
3. Thus Newbury and Thatcham must remain the focus for growth. In that regard, Thatcham was deemed to require a period of consolidation during preparation of the current Core Strategy. The Core Strategy Inspector accepted that approach but noted that, in any subsequent review to accommodate housing, Thatcham should be considered again - consistent with its position in the top tier of the Settlement Hierarchy.
4. In that regard, Croudace Homes welcomes acknowledgement via the LPR that Thatcham should now accommodate strategic levels of growth. However, draft Policy SP1 goes on to suggest that:

*"The strategy will deliver a range of site sizes for residential development. There are already significant existing commitments throughout the District. Additional development will come forward on both large strategic sites and smaller non-strategic sites allocated in the Local Plan Review and in Neighbourhood Plans, together with infill development, including that on windfall sites within*

*settlement boundaries. Allocations will be related to the role and function of settlements and the development opportunities identified through the HELAA”.*

5. The Council has chosen to allocate only a single site at Thatcham (over and above the HSA DPD allocation on Land at Lower Way) the land at North East Thatcham for up to 2,500 dwellings. As set out in more detail in response to Policy SP13: Allocations at Newbury and Thatcham, this strategy is fundamentally flawed for the following reasons:

- The Council assumes delivery from North East Thatcham of 1,250 dwellings within the Plan Period i.e. average delivery of 181 dwellings for the last 7 years of the plan period (2030-2037). Given the scale and complexity of the site, the consortium of four promoters (one of which is not a housebuilder) and the policy requirement for a comprehensive form of development, this assumption is not considered to be either realistic or credible.
- The Council's approach would mean that any delay in bringing the site forward (which is highly likely considering the Sandleford Park allocation is yet to secure planning permission nearly 9 years after it was allocated) would mean no housing is delivered at Thatcham and in particular no affordable housing. Even on a best case scenario, Thatcham wouldn't see meaningful housing delivery for circa 18 years following adoption of the Core Strategy in 2012.
- The HELAA in any event raises very significant technical concerns in connection with the North East Thatcham Site including in the following areas:
  - **Landscape** – “Yes affects the setting of the AONB. Floral Way is a strong settlement edge/boundary edge which should not be broken by development”.
  - **Transport** – “This would have a very significant impact on Thatcham, the A4 and the Northern Distributor Road”
  - **Ecology** – “High risk of adverse nature impacts”
  - **Air Quality, Pollution and Contamination** - “Significant worsening of nitrogen dioxide and particulate matter. On the area around Siege Cross Farm, high risk of noise and vibration problems to future residents from road and commercial”.

- **Heritage** – “Potential harm to the setting of Siege Cross Farm”
  - **Flooding and Drainage** - Limited potential for infiltration on parts of site due to high ground water on the northern part of site which may reduce developable area.
6. By contrast, the Site at Henwick Park was subject to an appeal and call in by the Secretary of State in 2017. Whilst the appeal was dismissed, it was established that the site could come forward with no technical issues whatsoever.
7. The Council’s over reliance on a single large strategic allocation which in any event, has a host of significant concerns from a technical perspective, is flawed. Instead, the Council should allocate Henwick Park as an additional smaller site at Thatcham to provide greater flexibility and certainty regarding housing delivery. The site at Henwick Park is promoted by a single housebuilder (Croudace Homes), and is demonstrably deliverable within the first five years of the Plan Period.



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**Section.....**

**Policy SP3 Settlement Hierarchy**

**Question 1:**

**Do you agree with the proposed policy/site allocation?**

Yes

**Question 2:**

**What are your reasons for supporting or objecting?**

Please see attached

**Question 3:**

**What changes are you seeking / what would be your preferred approach?**

**Question 4:**

**Do you know of/are you aware of any sites within the District that are available for permanent Gypsy and Traveller pitches?**

## SP3: Settlement Hierarchy

1. Croudace Homes once again welcomes acknowledgement that Thatcham as an Urban Area is one of the most sustainable locations for growth. Croudace Homes therefore also welcomes acknowledgement that the Urban Areas will be the prime focus for housing and economic development offering development potential through, amongst other things:

*“Strategic and non-strategic sites allocated for housing and economic development through other policies in this Plan or Neighbourhood Plans”*

2. Against that background, Croudace Homes welcomes acknowledgement that Thatcham is an appropriate location for strategic growth, but as referenced elsewhere, considers that the Council’s strategy of relying solely on the very large strategic site at North East Thatcham is flawed. The Council should rely upon a range of sites to deliver the housing that Thatcham needs, including Henwick Park which has been subject to consideration on appeal by the Secretary of State and is accepted as being capable of delivering approximately 225 homes.

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**Section.....**

**Policy SP12 Approach to Housing Delivery**

**Question 1:**

**Do you agree with the proposed policy/site allocation?**

No

**Question 2:**

**What are your reasons for supporting or objecting?**

Please see attached

**Question 3:**

**What changes are you seeking / what would be your preferred approach?**

**Question 4:**

**Do you know of/are you aware of any sites within the District that are available for permanent Gypsy and Traveller pitches?**

## SP12: Approach to Housing Delivery

1. Draft Policy SP12 of the LPR outlines that provision will be made for 8,840 to 9,775 net additional homes in West Berkshire for the period 1<sup>st</sup> April 2020 to 31<sup>st</sup> March 2037, equivalent to 520-575 dwellings per annum. The policy goes on to make it clear that the target figure of 575 dwellings per annum will not be seen as a ceiling or cap.
2. It is also made clear that the proposed dwellings will be located in accordance with Policies SP1, SP3 and DC1, dealing with the Spatial Strategy, Settlement Hierarchy and development in the Countryside respectively. We respond separately on those points where appropriate but note and support the principle that Thatcham, as one of the most sustainable settlements in the district, will be expected to accommodate strategic levels of growth.

### **Housing Need**

3. Fundamentally, Croudace Homes accepts that the Local Plan is being prepared in accordance with the Government Standard Methodology figure for housing need. However, it is important to note that Planning Practice Guidance (PPG) under the heading “When might it be appropriate to plan for a higher housing need figure than the standard method indicates?” (Paragraph: 010 Reference ID: 2a-010-20201216) outlines that the standard method for calculating housing need should be regarded as a minimum, providing the starting point in determining the number of homes needed in an area.
4. There will be circumstances where it is appropriate to consider when actual housing need is higher than the standard method indicates, including where an authority agrees to take unmet needs from neighbouring areas (as per the NPPF at Paragraph 60).

5. The Council will also need to demonstrate that it has fully explored the potential for accommodating any unmet needs from adjoining authorities. In that regard, the Reading Borough Local Plan adopted in November 2019 outlines at Paragraph H1 that:

*"The Council will continue to work with neighbouring authorities within the Western Berkshire Housing Market Area to ensure that the shortfall of 230 dwellings that cannot be provided within Reading will be met over the plan period".*

6. It is striking in that regard that the Council has chosen not to allocate the site at Henwick Park, which has been through a Public Inquiry and was called in for determination by the Secretary of State. His decision from 2017 makes it clear that the site could accommodate circa 225 dwellings without any technical concerns. The Council has provided no credible reason why the site should not be allocated within the LPR or its evidence base in order to accommodate unmet needs from Reading. Indeed Part 3 of the "Thatcham Strategic Growth Study" makes it clear that the site is suitable for growth, but has been discounted because it is not contiguous with the North East Thatcham proposal when it states that:

*"Sites at Henwick Park (primarily CA12) were chosen not to be included in the Stage 3 study. Although potentially suitable to support expansion, they are disconnected from the contiguous area for strategic growth identified in the Stage 2 study".*

7. Discounting sites which are suitable for development simply because they are not contiguous with the preferred allocation is fundamentally flawed as a concept.
8. PPG goes on to point out that previous assessments of housing need such as a recently produced Strategic Housing Market Assessment will need to be taken into account when determining whether it is appropriate to plan for higher housing needs. In that regard, the 2018 report 'OAN Sensitivity Testing – Western Berkshire Housing Market Area' estimated that West Berkshire would need to deliver 556 new homes to meet the expected levels of jobs growth in the Borough. Thus the lower end of the Council's estimated requirement is unlikely to be justifiable.

### Meeting Housing Needs

9. Table 2 of the LPR, "Housing Supply at March 2020" outlines an assumed supply of some 8,114 dwellings. By offsetting that total against the requirement of 9,775 the Council suggests that sites for a further 1,661 dwellings need to be found. However, in order to provide the necessary flexibility, the LPR makes allocations equivalent to 3,010 homes.
10. We raise significant concerns about the Council's assumed supply from Sites as Newbury and Thatcham in response to Policy SP13, but those concerns can be summarised as follows.

### **Sandleford Park**

11. The Council assumes within Table 2 and at paragraph 6.12 of the LPR that the draft allocation at Sandleford Park will deliver 1,000 dwellings over the plan period i.e. up to 2037, with the final 500 after that date. For the reasons set out below Croudace Homes considers that the site should be deleted entirely from the assumed supply:
  - The site was first allocated in the Core Strategy in 2012 and since that date hasn't even managed to secure planning approval.
  - The most recent planning application ref. 20/01238/OUTMAJ was refused by the Council in October 2020. There were 14 different reasons for refusal.
  - The first reason for refusal relates to the fundamental requirement that the site deliver a comprehensive form of development.
  - The site is promoted by a consortium and it is evident from piecemeal planning applications that the required comprehensive development is not likely to be forthcoming.
12. Given the considerable uncertainty surrounding delivery from this site, Croudace Homes considers that it should be deleted entirely from the assumed supply.

### **North East Thatcham**

13. The Council sets out an assumed supply of 1,250 dwellings from the strategic allocation at North East Thatcham over the plan period. For the reasons set out below, Croudace Homes does not consider this to be achievable.



- The Lichfields Document "From Start to Finish" outlines that for sites of 2,000+ dwellings, the average timeframe from validation of the first outline planning application to first completions on site is 8.4 years. After that, the average annual build out rate for a greenfield site of 2,000+ dwellings is given as 181 dwellings per annum.
- To achieve 1,250 dwellings an Outline application would need to be submitted in 2022 with 7 years of completions at an average of 181 dwellings per annum. This is unrealistic.
- However, the Council's LDS assuming submission of the LPR for examination by October 2021 is not considered to be achievable given the need to review and consider responses to the current round of consultation and stage a further Regulation 19 consultation.
- The Council has a record of delays when it comes to producing development plan documents, adoption of the HSA DPD whilst on the Council's best case it would have taken 10 years to replace the Core Strategy which was acknowledged as being out of date at the point of adoption.
- The Council also has history of delays in bringing forward large strategic allocations as per Sandleford Park, above.
- The draft allocation policy also requires a comprehensive form of development as per the Sandleford Park allocation. The site in this case is larger (2,500 dwellings compared to 1,500) and like Sandleford Park is promoted by a consortium (Donnington New Homes, the Wasing Estate, A2Dominion and Ptarmigan Land) with inherent complications associated with that.
- It is highly likely that the site at North East Thatcham would similarly require a site specific SPD to guide development. Preparation and adoption of that document would add further delay.
- The site in any event has a number of significant technical concerns flagged within the HELAA regarding landscape, transport, air quality, heritage and ecology. It is unclear whether the site is even suitable for development on that basis, but at the very least whether the assumed 2,500 homes could be accommodated.

14. Given those issues, Croudace Homes considers that assumed delivery should be pushed back by at least two years. At an average delivery rate of 181 dwellings, the supply should be reduced by 362 dwellings as a minimum.

### AONB Allocations

15. Within the LPR, the Council proposes to allocate land for some 60 dwellings (over and above the HSA DPD allocations) in the AONB across four separate sites. As set out in more detail in response to Policy SP15: Sites Allocated in the AONB, CSA Environmental has prepared a "Landscape and Visual Overview of draft allocation sites within the North Wessex AONB". Of the four draft allocations, it finds that three should be deleted entirely because of their adverse landscape impacts (RSA25, RSA26 and RSA28) removing 40 units from the Councils assumed supply. It finds that the final site (RSA31) allocated for 20 dwellings is only developable in part (on its eastern side). It is therefore considered that development of circa 10 units from this site is a more realistic proposition. Thus the AONB allocations should be reduced by **50** dwellings.

### Housing Need

16. Having regard to the above, the revised components of the Councils assumed supply are set out below:

Supply Category	Net Units
<b>Outstanding Dwellings with Permission</b>	
CS: Newbury Racecourse Strategic Site	553
HSA DPD Sites	1,036
Stratfield Mortimer NDP Site	110
Non-allocated sites including prior approvals	2,954
<b>Allocations without permission</b>	
CS: Sandleford Park (part only as delivery expected to extend beyond plan period)	<del>1,000</del> 0
HSA DPD Sites	482
Windfall allowance to 2037	1,979
Sub-Total	<del>8,114</del> 7,114
<b>Proposed Allocations by Spatial Area</b>	
Newbury & Thatcham (assuming 1,250 dwellings from NE Thatcham within Plan Period)	<del>1,510</del> 1,148
Eastern Area	190

North Wessex Downs AONB	<del>60</del> 10
Sub-Total	<del>1,760</del> 1,348
<b>TOTAL</b>	<del>9,874</del> 8,462

17. Given the above, the Council's assumed supply from allocated sites within the Plan period should be reduced by a minimum of **1,412** dwellings. The supply of homes in the LPR is therefore only 1,598 dwellings (3,010 – 1,412), less than the standard methodology requirement of 1,661 dwellings even without any form of buffer. Thus the LPR does not contain a sufficient supply to meeting the housing requirement and additional sites are required.
18. In that regard, the Council should allocate the Site at Henwick Park which is suitable, available and deliverable for approximately 225 dwellings.

## Local Plan Review 2020 – 2037: Emerging Draft (December 2020)

Comments should be returned no later than 4:30pm on Friday 5 February 2021:

- Preferably via our consultation portal at the Council's website:  
<http://consult.westberks.gov.uk/kse>
- By e-mail to: [planningpolicy@westberks.gov.uk](mailto:planningpolicy@westberks.gov.uk)
- By post to: Planning Policy, Development and Planning, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD

This form has two parts: –

Part A – Personal details

Part B – Questions on the Local Plan Review 2020 - 2037 (December 2020)

### Part A – Personal Details

#### 1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.*

#### 2. Agent's Details (if applicable)

Title	<input type="text" value="Mrs"/>	<input type="text" value="Mr"/>
First Name	<input type="text" value="Morwenna"/>	<input type="text" value="Steven"/>
Last Name	<input type="text" value="McKay"/>	<input type="text" value="Doel"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate Director"/>
Organisation (where relevant)	<input type="text" value="Croudace Homes"/>	<input type="text" value="Nexus Planning"/>
Address Line 1	<input type="text"/>	<input type="text" value="5th Floor"/>
Line 2	<input type="text"/>	<input type="text" value="Thames Tower"/>
Line 3	<input type="text"/>	<input type="text" value="Station Road"/>
Line 4	<input type="text"/>	<input type="text" value="Reading"/>
Post Code	<input type="text"/>	<input type="text" value="RG1 1LX"/>
Telephone Number	<input type="text"/>	<input type="text" value=""/>
E-mail Address	<input type="text"/>	<input type="text" value=""/>

Do you want to be kept informed of the progress of the Local Plan Review?

Yes

If so please make sure you provide an e-mail address above

You can view the Council's privacy notices at [www.westberks.gov.uk/privacynotices](http://www.westberks.gov.uk/privacynotices)

## Part B - Questions on the Local Plan Review to 2037 (December 2020)

**Please use a separate response sheet for each separate comment**

In accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) comments are invited on this stage of consultation on our Local Plan Review to 2037. The consultation period will run for an eight week period from 11 December 2020 to 4:30pm on 5 February 2021.

Please read the Local Plan Review 2020 – 2037: Emerging Draft (December 2020) and provide your comments to the proposals. Please use a separate response form for each comment.

Your comments will be published on our Local Plan Consultation Portal and will be available to the public; therefore comments cannot be treated as confidential.

The Council has a duty not to accept comments of a discriminatory nature.

**To which part of the document does this comment relate? Please specify the section, policy or site reference on which you are commenting.**

**Section.....**

**Policy SP13 Sites allocated for residential and mixed-use development in Newbury and Thatcham**

**Question 1:**

**Do you agree with the proposed policy/site allocation?**

No

**Question 2:**

**What are your reasons for supporting or objecting?**

Please see attached



**Question 3:**

**What changes are you seeking / what would be your preferred approach?**

**Question 4:**

**Do you know of/are you aware of any sites within the District that are available for permanent Gypsy and Traveller pitches?**

## SP13: Sites Allocated at Newbury and Thatcham

1. Draft Policy SP13 outlines a series of proposed allocations within the Newbury and Thatcham Spatial Area. Notably, the land at Henwick Park is not included among the draft allocations.
2. For the avoidance of doubt, we reiterate again that Croudace Homes Ltd is actively promoting land at Henwick Park, Thatcham, also known as 'Land North of Bowling Green Road' for inclusion in the emerging Local Plan as a strategic housing allocation. The Henwick Park site comprises 24.5ha of agricultural land and is situated approximately 1.6km to the north of Thatcham Town Centre.
3. The Council will be aware that in July 2015 Nexus Planning, on behalf of Croudace Homes, submitted an Outline Planning application (ref. 15/01949/OUTMAJ) for up to 265 homes on the Henwick Park site (later amended to 225 homes). West Berkshire Council, contending that it had an up-to-date Core Strategy and that it was able to demonstrate a five year supply of deliverable housing sites, refused the application.
4. The application was duly heard by Public Inquiry (conjoined with the scheme east of Thatcham at 'Siege Cross'). Following the Inquiry which concluded in December 2016, inspector John Chase recommended that both appeals be allowed. However, the applications were called in for decision by the Secretary of State (Sajid Javid) and in a decision letter dated 27th July 2017 (**Appendix 1**), the secretary of State disagreed with the inspector's recommendation and refused permission for both schemes.
5. In his decision letter, the Secretary of State outlined that additional information had been received from the Council following the close of the inquiry. That included information on an

updated five-year housing land supply.

6. In dismissing the appeals he found that the Council could demonstrate a five-year supply of deliverable housing sites at that time. As such, there were no material considerations sufficient to indicate that the proposals should be determined other than in accordance with the development plan. Significantly however, he found no technical matters that would preclude development at the site including matters such as landscape, transport, ecology or flood risk.
7. The "Landscape and Green Infrastructure Strategy" prepared by CSA Environmental (**Appendix 2**) shows how development of approximately 225 dwellings at Henwick Park could come forward. As per the appeal scheme, that plan shows development entirely below the 95m AOD contour, but with a drainage strategy which has been updated following extensive discussions with the Council. A substantial area of open space is once again retained to the north of the site (circa 12.5ha) whilst a series of potential uses are indicated, including wildflower meadows, children's play areas a community orchard and allotments. In that respect, it is noted that Sage 1 of the "Thatcham Strategic Growth Study" outlines at paragraph 3.21 that *"There are allotments in the east of the town, although they are oversubscribed with a significant waiting list"*.
8. The plan at **Appendix 3**, prepared by Nexus Analytics also quantifies the very significant benefits associated with development at Henwick Park, namely:

#### **Construction Phase**

- 214 temporary construction jobs on site across the 3 year build period
- 30 indirect temporary jobs through the supply chain (regional)
- £34m estimated build cost
- £11.5m construction economic output (GVA)

#### **Operational Phase**

- £1.7m additional resident spending in local shops and services (per year)
  - From a total of £6m of additional household spending
- 14 New Induced Service, Retail and Other Employment as a result of new resident spending, of which:
  - 7 new retail jobs; and
  - 7 new leisure service jobs.
- £3.6m operational economic output (GVA)

- £1.1m à One off spend on new home products
- £300,000 à Additional Council tax per annum

9. Whilst the Council has chosen not to allocate the site at Henwick Park within the LPR, we comment below in connection with the sites selected by the Council at Newbury and Thatcham.

### **Sandleford Park**

10. The Council, under draft Policy SP13, allocates the site at Sandleford Park for approximately 1,500 dwellings. That allocation is carried forward from the Core Strategy where it was allocated under Site ref. CS3 for up to 2,000 dwellings, as such assumed delivery from this site has already been reduced by some 500 dwellings. More specifically, the Council now assumes within Table 2 and at paragraph 6.12 of the LPR that the site will deliver some 1,000 dwellings over the plan period i.e up to 2037, with the final 500 after that date. The assumed first date for completions or a more detailed trajectory has not been provided.
11. The uncertainty around delivery at this site is long standing and well established. Indeed delivery from this site was disputed by Croudace Homes during the course of the public inquiry for residential development at the Henwick Park Site in 2016 (APP/WO340/W/16/3144193) where the Council insisted that some 460 units should form part of the Council's five year land supply, compared to 220 on the Appellant's case.
12. Somewhat surprisingly therefore just a matter of weeks later the Council, in opting not to defend an inquiry into proposed development of Land adj to Hilltop, Oxford Road, Donnington, Newbury (APP/WO340/W/16/3143214) accepted that Sandleford Park would deliver nothing at all over the same five year period. The Inspector in his report dated 20<sup>th</sup> March 2017 (**Appendix 4**) at Paragraph 23 went on to state that:

*"I heard detailed and uncontested evidence that Sandleford Park is experiencing substantial delays. No party was able to suggest how or when this major development might progress. Before the Council's withdrawal from the Inquiry, the authority had accepted that completions at this site could not be expected in the next five year period – or even longer".*

13. The Council's most recent assessment of five year land supply comes from its document "Five Year Housing Land Supply at December 2019" (published January 2020) where it purports to have a 7.67 year land supply (against a requirement of 520 dwellings per annum). That

document assumes delivery of 2,000 dwellings at Sandleford Park post March 2024 but no further breakdown is provided.

14. It is unfortunate that a more up-to-date assessment of five year land supply has not been published to coincide with consultation on the LPR. The LPR itself now assumes some 1,000 dwellings from this site within the Plan Period i.e. up to 2037 but again, there is no more specific indication regarding first completions. Given the length of time that has passed since the site was first allocated, it is surprising that timetable for delivery remains so difficult for the Council to predict and that alone indicates a lack of delivery. It is however noted that the recently published "Annual Monitoring Report 2019" (January 2021) references the potential for development from Sandleford Park as follows:

*"Sandleford Park was previously assumed to deliver 1,000 units in the plan period, as required in Policy CS2 but, with the refusal of planning permissions in November/December 2017 and determination of new applications pending determination in 2020, the timing of delivery is more uncertain and likely to be largely in the period post 2026".*

15. It is important to note that of the applications referred to as "pending determination in 2020" application 20/01238/OUTMAJ – an Outline application for, amongst other things up to 1,000 dwellings and an 80 bed care home – was refused in October 2020. The Decision Notice contains 14 separate reasons for refusal, but the first of those relates to the "lack of a holistic comprehensive development of the Sandleford Strategic Site Allocation", required by both the adopted Sandleford Park SPD and the draft policy. Other reasons relate to transport impacts, arboriculture, ecology, flooding and landscape.
16. An outline application for up to 500 homes is awaiting determination (application ref. 18/00828/OUTMAJ) but, other technical matters aside, it is evident that the scheme would also not constitute "a holistic comprehensive development of the Sandleford Strategic Site Allocation".
17. It is noted that planning application ref. 20/01238/OUTMAJ for up to 1,000 dwellings is now subject to an appeal, to be determined by way of Public Inquiry. However, that appeal is at a very early stage (it has a start date of 20<sup>th</sup> January 2021) and to date no Inspector has been appointed and no inquiry dates confirmed.



18. Adopted and emerging policy requires a comprehensive form of development which has not been forthcoming whilst the site is promoted by a consortium which has experienced known disagreements historically. The site also has a wide variety of other technical matters to overcome, all of which were identified by the appeal inspector when he recommended to the Secretary of State that the appeal for up to 225 dwellings at the Henwick Park site be approved:

*“The Inspector for the Housing Site Allocations DPD questioned the likely output from Sandleford Park, noting that the project is relatively complex and the trajectory may be overly ambitious. Current information reinforces this concern. There is no indication that the intention to decide the planning applications on this site by the end of 2016 has been achieved, and there appear to be difficulties in ensuring a comprehensive form of development. The associated supplementary planning document makes clear that the planning for the whole of the site should be dealt with in a single application to ensure a coordinated approach and the timely provision of infrastructure, but there are indications of a lack of agreement between the owners of the site, and a likelihood that Section 106 obligations will not be easily or quickly put in place. The appellants also point to a number of access concerns identified by the Council’s Highways department. There is limited information about the detailed progress towards development of the site but, on the basis of the submitted evidence, there appear to be a number of potential impediments to early development which raise significant doubts about whether the Council’s trajectory is deliverable”.*

19. Fundamentally, therefore Croudace Homes does not object to the continued allocation of the site but considers that delivery is highly questionable and the assumed 1,000 dwellings should be discounted from the Council’s supply.

#### **North East Thatcham**

20. The Council, in preparing the Core Strategy in 2009/10 were at pains to stress that Thatcham had seen a rapid period of growth in recent years and as such, required a period of consolidation. Despite its acknowledged position as one of the most sustainable settlements in the top tier of the Settlement Hierarchy, that stance resulted in a relatively modest allocation of some 900 homes in the Core Strategy (compared to 5,400 dwellings at Newbury) and only 85 dwellings (on land at Lower Way) in the subsequent HSA DPD.

21. Against that background, Croudace Homes very much welcomed acknowledgement in response to the previous LPR (in representations made in December 2018) and in accordance with comments made by the Core Strategy Inspector, that Thatcham would be considered again for strategic levels of growth.
22. Croudace Homes also welcomed the proposed masterplanning work that was intended to *"provide a more detailed assessment of the potential opportunities available"*. In that regard, the Council appointed David Locke Associates and Peter Brett Associates (now Stantec) to prepare the work now published in four parts as the "Thatcham Strategic Growth Study" (December 2020).
23. As a result of that and other relevant parts of the accompanying evidence base, the Council has now taken the decision to allocate only a single site at Thatcham (over and above the HSA DPD allocation on land at Lower Way), the land at North-East Thatcham. That site is expected to deliver a landscape-led scheme, with approximately 2,500 dwellings, two primary schools, a secondary school, local centres, a country park and supporting infrastructure.
24. The accompanying evidence base including the "Thatcham Strategic Growth Study" the "Site Selection Background Paper" (December 2020) and the "Housing and Economic Land Availability Assessment (HELAA) make it clear that the Henwick Park site is, in its own right, a suitable and deliverable site for housing. It seems that the proposed allocation of North East Thatcham as the only additional site at Thatcham is a conscious decision taken by the Council when it states within the Site Selection Background Paper in connection Henwick Park that:  
  
*"The masterplanning work recommended that if strategic development were to occur in Thatcham, the most appropriate locate (sic) would be north east Thatcham because. (sic) The promoters of THA20 are proposing new infrastructure including a secondary school"*  
  
*"It is the Council's preferred approach to allocate site THA20 as a strategic site. Due to the scale of development that could take place on THA20, it is considered that there should be no further allocations in Thatcham in the period to 2037 particularly as development of both north east and north Thatcham would result in the loss of the separate identifies of Cold Ash and Bucklebury, and would harm the setting of the AONB settlement pattern"*
25. Croudace Home raises specific concerns about that strategy as set out below.

### Deliverability

26. Notwithstanding concerns about the site from a technical perspective (which are discussed in more detail below) Croudace Homes has serious concerns about likely delivery from a site of this scale and complexity. The Council at Paragraph 6.45 of the LPR outlines that delivery of at least 1,250 dwellings is anticipated within the plan period i.e up to 2037. It is clear that the proposed allocation would not therefore deliver any housing within the first five years of the plan period although regrettably, the Council has however failed to produce any more detailed information at this time regarding delivery rates or assumed first completions.
27. However, the Lichfields document "From Start to Finish" (February 2020) (**Appendix 5**) suggests at figure 4 that for sites of 2,000+ dwellings, the average timeframe from validation of the first outline planning application to completions on site is 8.4 years. After that, the average annual build out rate for a greenfield site of 2,000+ dwellings is given as 181 dwellings per annum.
28. The most recent Local Development Scheme for West Berkshire is dated April 2020 and sets out the following timetable for adoption of the Local Plan:
- **Regulation 18** – December 2017 to September 2021;
  - **Regulation 19** – May 2021;
  - **Submit to SoS** – October 2021;
  - **Start of Independent Examination** - Feb 2022
  - **Adoption** - December 2022.
29. To achieve the Council's assumed 1,250 dwellings within the Plan period, an outline planning application would need to be submitted at the end of 2022, with first completions in 2030 and average completions of 181 dwellings per annum for the next 7 years.
30. However, given that the current round of consultation on the LPR will end in February, the timetable for adoption of the Local Plan set out within the LDS, with Regulation 19 consultation and submission within the next 8 months, is not considered to be even remotely credible. It should be noted in that regard that there has already been circa 24 months between the first round of Regulation 18 consultation and the second. The accelerated timescale now set out is not achievable.

31. In terms of Plan preparation in West Berkshire, it is also worth noting that the Core Strategy itself was adopted in 2012, subject to an early review of housing numbers which were acknowledged at the time to be out of date. The required SHMA was not published within the permitted three year window and on the Council's best case, the Local Plan designed to replace it would have taken over 10 years to adopt.
32. Preparation of the interim HSA DPD was subject to similar delays. The following table showing delays in adoption when compared to the published position within various LDS' formed part of the evidence submitted as part of the previous inquiry on the Henwick Park site in 2016.

**Table 2: Local Development Scheme HSA DPD adoption dates**

Date of Local Development Scheme	Suggested Date for Adoption of the HSA DPD
May 2012	June 2015
September 2013	September 2016
October 2015	November 2016 (actual mid 2017)

33. Even the slightest delay in preparing the Local Plan in this case (which we consider to be inevitable) would lead to significant delay in the delivery of homes from the North East Thatcham site. A delay of just a year would reduce the Council's assumed supply by circa 181 homes, two years would see it reduced by circa 362 dwellings.
34. Even if the LPR is ultimately adopted it should also be noted that the site in this case is promoted by a consortium (Donnington New Homes, the Wasing Estate, A2Dominion and Ptarmigan Land). In common with the Sandleford Park allocation (ref. SP16) the site allocation policy for North-East Thatcham (ref. SP17) also requires a "comprehensive" form of development (i.e a single planning application) to "ensure the timely and co-ordinated provision of infrastructure". Given that requirement and for a scheme of this size, the Council would almost certainly require a site specific Supplementary Planning Document to guide development. That process would add further delays to the process and ultimately to the delivery of housing from site.
35. Given the known delays in even preparing and submitting a planning application at the Sandleford Park Site and the inherent risks associated with consortia bringing forward schemes

of such magnitude, it should not be assumed that a planning application for the North East Thatcham site would be submitted, let alone approved, in a timely fashion.

36. Furthermore, the promoters of the site would not necessarily build out the scheme if approved. Clearly the Wasing Estate at the very least is not a house builder. The Site Selection Background Paper under the heading Achievability states that “Developers have option agreements on land owned by 3 of the 4 landowners”. Again, the Lichfields document “From Start to Finish” picks up this point when it says that:

*“Outline planning permissions for strategic development are not always obtained by the company that builds the houses....as such, some of these examples will include schemes where the land promoter or master developer will have to sell the site (or phases / parcels) to a housebuilder before the detailed planning application stage can commence, adding a step to the delivery period”.*

37. There is therefore inherently a very significant risk to the delivery of housing at Thatcham when relying solely on a very large strategic allocation as per the Council’s preferred approach. Assumed delivery rates within the Plan period are already not credible, whilst delivery of complicated sites promoted by a consortia where a comprehensive form of development is required is not an appropriate strategy.
38. Clearly the LPR should allocate a range of small and medium sized sites in addition to provide greater flexibility and to ensure delivery of housing within the first five years of the plan period. In that regard, the NPPF is clear at Paragraph 67 that planning policies “should identify a sufficient supply and mix of sites” and that Local Authorities should identify a supply of “specific deliverable sites for years one to five of the plan period”.
39. Paragraph 68 goes on to make the point that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out very relatively quickly”. Paragraph 72 refers to the potential benefits of larger scale development, but makes it clear that local authorities must “make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites”.
40. A trajectory for housing delivery from the site at Henwick Park was agreed during the course of the public inquiry. Assuming planning permission in March 2017, it was established at that time that the site would deliver 175 dwellings within the first five years.

Table 1 – Henwick Park Housing Trajectory

2016/17 Yr 1	2017/18 Yr 2	2018/19 Yr 3	2019/20 Yr 4	2020/21 Yr 5	1-5 yrs	6-10 yrs	Total
0	0	25	75	75	175	50	225

41. It has been established through appeal that the Henwick Park Site could deliver in the region of 225 dwellings, the bulk of which would be delivered within the first five years of the plan period, with no conflict in any technical areas. National policy requires a mix of smaller and medium sized sites and for a realistic assessment of delivery rates from larger sites. The Council's assumed delivery from North East Thatcham is not realistic whilst relying solely on a site of this scale and complexity to deliver the entirety of housing at Thatcham is inherently flawed given the significant likelihood of substantial delays as experienced at Sandleford Park.

#### Delivery of Affordable Homes

42. It is a fact that the Council allocated Thatcham for only minimal growth in the Core Strategy in 2012 in order to give it a period of consolidation. The consequence of minimal housing growth has of course been an associated lack of affordable housing.
43. The NPPF at Paragraph 20 makes it clear that strategic policies should make sufficient provision for housing including affordable housing. Under the heading "Delivering a sufficient supply of homes" it outlines that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies" to include those who require affordable housing.
44. Clearly the site at North East Thatcham would be expected to deliver affordable housing if it eventually comes forward, but as above, first completions on this site cannot reasonably be expected until 2030 at the very earliest (and we consider even that to be highly unlikely). The Council's strategy would therefore mean that no meaningful affordable housing is delivered at the second most sustainable settlement in the district for a period of at least 18 years.
45. The site at Henwick Park would deliver policy compliant affordable housing, i.e a total of 90 dwellings assuming a scheme of 225 dwellings and affordable provision at 40%. As set out above, a significant proportion of the affordable homes would be delivered within the first five years of the plan period and



### Landscape impact

46. The attached document "Landscape and Visual Overview – North East Thatcham Strategic Site Allocation (Draft Policy SP17)" prepared by CSA Environmental and attached at **Appendix 6** considers the ability of the proposed allocation to accommodate the proposed development i.e approximately 2,500 dwellings, two primary schools, a secondary school, local centres, a country park and supporting infrastructure.
47. The document provides an overview of the various Landscape Sensitivity Studies which have already considered the potential for development on the edge of Thatcham. Those studies demonstrate that significant expansion at North East Thatcham would be highly visible and would impact the rural setting of the town, the rural transition to the AONB, and the setting of a number of heritage assets. It also highlights that the land at Henwick Park is less sensitive than North East Thatcham, from a landscape and visual perspective, and is a more suitable location for housing.
48. Notably, the "Housing and Economic Land Availability Assessment" (HELAA) from 2020 which forms part of the evidence underpinning the LPR also provides the most up-to-date summary of landscape impacts in connection with North East Thatcham. Under the heading "Will Development Result in Harm to the Natural Beauty & Special Qualities of the AONB" the AONB Unit provides the following response:
- "Yes. Affects the setting of the AONB. Floral Way is a strong settlement edge/boundary which should not be broken by development as it will spill into open countryside and place further pressure for expansion into the neighbouring fields".*
49. Under the heading "Would development be appropriate in the context of the existing settlement form patten and character of the landscape" it states:

*"West Berkshire LCA (2019) - the site forms part of the Cold Ash Woodland and Heathland Mosaic LCA (WH4). The decreasing separation/coalescence between Thatcham and other settlements together with the loss of gradation between settlement and countryside have been identified as key detractors in this area. The landscape strategy is therefore to retain the individual identity of settlements such as Thatcham and to conserve elements that mark a transition between settlement and countryside.*

*Development to the north of Floral Way does not conform to the current settlement pattern of Thatcham. Land rises to the north and gets quite steep up to Harts Hill Farm.*

*Concern that development would not be appropriate in the context of the existing settlement form, pattern and character of the landscape. Further assessment required if the site were to be considered further”.*

50. The CSA document also provides its own visual appraisal of North East Thatcham and finds that development at the site would impact on a number of key landscape characteristics and sensitivities, as identified in the “West Berkshire Landscape Character Assessment” and in the Council’s landscape evidence base documents. The Thatcham Growth Study provides a masterplan concept for the site and the CSA report outlines that development at the scale shown would result in the following effects on landscape character:

- Development would extend onto the rising ground which forms part of the landscape setting to the north eastern edge of Thatcham;
- The open rising farmland also forms part of the landscape setting to the wooded escarpment which marks the edge of the AONB. Development on the middle slopes will have an adverse effect on the immediate setting of the protected landscape;
- Development would impact on the setting and views to and from the historic farmsteads at Colthrop Manor and Siege Cross Farm, which are local landmarks in views from the south;
- The higher ground and east facing slopes in the eastern part of Area C has a distinctly rural character. This part of the area is more closely related to the wider countryside to the east, than settlement in Thatcham. Development here, as shown on the masterplan concept would impact on an area of attractive, undulating countryside which continues to the east of this land parcel; and
- Development in Area A will impact on an area of historic landscape.

51. The document ultimately concludes that given the landscape and visual sensitivities identified the draft allocation would not be able to accommodate the amount of development proposed without significant adverse landscape and visual effects.

52. Set against that, the Council will be aware that during the course of the previous public inquiry, it was agreed that the Henwick Park site could accommodate up to 225 dwellings below the 95m AOD contour without any harm in landscape terms. Indeed, the Council withdrew its objection on that basis and a Landscape Statement of Common Ground was agreed (**Appendix 7**). The appeal inspector's report on this issue notes that:

*"The Council withdrew its objection to the visual impact of the scheme, and its effect on landscape character and the setting of the AONB, following the reduction in the scale of the proposal.*

*"It would extend no further northwards on the western side of Cold Ash Hill than the existing housing on the eastern side, appearing as a consolidation of the urban area, and would be perceived as an extension of Thatcham rather than of Cold Ash. In these respects, the circumstances are different from those applying to the land south of Pound Cottage. Nor is there an indication that the development would have a harmful effect on the setting of the AONB. Overall, there is reason to agree the Council's assessment that the present scheme would avoid an unduly harmful visual impact".*

53. As before, the accompanying "Landscape and Green Infrastructure Strategy" at **Appendix 2** shows that a significant amount of open space would be retained in the northern parts of the site, with the residential element contained below the 95m AOD contour. Thus the same landscape conclusions should apply.

#### *Cumulative Impacts*

54. It is also noted that the "Site Selection Background Paper" (December 2020) prepared in support of the LPR raises concerns about the cumulative impact of development at both Henwick Park and North East Thatcham when it states that:

*"The site would need to be considered as part of a wider development scheme in conjunction with CA16 and CA17. To the east of the site is THA20 North East Thatcham. Development of all of these sites would result in the perception of the merging Thatcham, Cold Ash and Bucklebury, and would have an adverse impact on the AONB settlement pattern".*

55. The attached CSA document deals with this issue at paragraphs 4.15 – 4.19, noting that in

practice, there is no intervisibility between the Henwick Park and North East Thatcham sites because of the intervening topography and tree cover. Development at Henwick Park would not extend north of the existing built development to the east along Cold Ash Hill and the existing gap to Cold Ash would not be reduced. There is no intervisibility between Cold Ash and North East Thatcham due to intervening landform.

56. Whilst development at both sites would individually extend the urban area of Thatcham, the visual and physical containment from one another would mean that development can be delivered in a way that cumulatively retains the visual and physical separation of Thatcham and its neighbouring settlements.
57. In landscape terms alone therefore, the Site at North East Thatcham is unable to accommodate the quantum of development proposed without significant adverse landscape and visual impacts. Henwick Park however, is able to accommodate in the region of 225 homes without any harm whatsoever, including in landscape terms. There is no barrier in landscape terms to both sites coming forward. The logical approach therefore is to allocate Henwick Park for development comprising circa 225 homes with the remainder at North East Thatcham.

#### Other Technical Issues

58. In addition to the landscape concerns detailed above, the HELAA prepared in connection with the North East Thatcham site (site ref. THA20) points to a number of other significant concerns from a technical perspective as follows:
- **Transport** – Under the heading “Local Highway Capacity” it states that “This includes THA6, THA8, THA10, THA14, THA16 and THA17 combined. This would have a very significant impact on Thatcham, the A4 and the Northern Distributor Road. To accommodate such volumes of traffic, significant improvements would be required along the NDR including many of the junctions and including the junctions onto the A4. The NDR especially would need to be widened and realigned at Heath Lane. This may not be enough. There are concerns regarding the A4 into Newbury and the A4 within Thatcham. New routes across the north of Newbury may be required to link the north of Thatcham to the A339 and M4, and feasibility of these would need to be investigated. THA20 would need to be modelled using the Thatcham VISSIM model.
  - **Ecology** – Under the heading “Would development have adverse nature conservation impacts” the Thames Valley Environmental Research Centre conclude “High risk of

adverse nature conservation impacts” - Priority habitats with site and within a 500m radius surround:

- Ancient woodland within 500m.
  - European protected species within 500m.
  - Priority species within 500m.
  - Site of Special Scientific Interest within 500m.
  - Site of Special Scientific Interest Impact Risk Zone within 500m.
  - Local Wildlife Sites within 500m.
- **Air Quality, Pollution & Contamination** – Site near A4 and Thatcham Air Quality Management Area. Significant worsening of nitrogen dioxide and particulate matter. On the area around Siege Cross Farm, high risk of noise and vibration problems to future residents from road and commercial. Medium risk to neighbours from commercial on central parts of site.
  - **Heritage** – Potential harm to the setting of Siege Cross Farm: Barn at Siege Cross Farm (Grade II), Cart at Siege Cross Farm (Grade II) and barn at Calthrop Manor (Grade II). Previous appeal decision SoS concluded that development would lead to a loss of elements of the historic landscape, only partially mitigated by retention of buffer zones around buildings. The Council’s Archaeology Officer has commented that care needed as parts of the site are early enclosure and post-Parliamentary enclosure”.
  - **Flooding and Drainage** – Surface water flood flow route through parts of site. Attenuation measures necessary. Limited potential for infiltration on parts of site due to high ground water on the northern part of site which may reduce developable area. Further due diligence is required to establish whether the proposed quantum of development is achievable.

59. Previous representations submitted on behalf of Croudace Homes made the point that this site is no longer comparable to the Siege Cross scheme previously considered by the Secretary of State due to its vastly enlarged scale. As such, the previous comments at appeal stage can no longer be applicable. As set out above, the HELAA in fact highlights very significant issues associated with development of the scale in this location. There is nothing to suggest at this time that conflict in terms of landscape, transport, ecology and air quality can be overcome.

60. In contrast, the previous appeal scheme and decision by the SoS made it clear that there were no technical issues whatsoever precluding development of the Henwick Park site. The accompanying "Landscape and Green Infrastructure Strategy" at Appendix 2 show how a revised scheme, slightly updated to take into account the latest drainage information following liaison with the Local Authority, would respect all of the previously agreed parameters.
61. Under the heading "Suitability Conclusions" the HELAA suggests that the entirety of the Henwick Park Site would be unacceptable due to coalescence concerns, but that development on the southern area may be suitable. As set out above, the extent of the developable area has been discussed at length and agreed as being acceptable.
62. It also references the need for attenuation measures to mitigate the impacts of a surface flood flow route. The site would in fact provide a significant component of the wider Thatcham Surface Water Management Plan. Since the previous appeal decision, the design of that element has been subject to extensive discussions with the Council's engineers to ensure that it fits with the wider masterplan for this site. This element could be fully funded and provided by the Henwick Park development potentially providing a reduced flood risk for houses south of the site at no cost to the public purse.
63. If the North-East Thatcham site is not deleted entirely, the very significant technical concerns detailed above should result in a smaller allocation than currently proposed. The site at Henwick Park has no technical constraints whatsoever and should be allocated for approximately 225 dwellings in order to make up the shortfall.

#### **Thatcham Strategic Growth Study**

64. Within previous representations made at Regulation 18 stage, Croudace Homes supported the principle of a Masterplan for Thatcham, but was clear that in order for this process to be carried out robustly and effectively, local landowners and developers should be fully engaged in the process from the outset and throughout. More specifically, the process should have involved meetings in due course between landowners / developers, representatives of the Council, other relevant stakeholders and the appointed masterplanners. In order to achieve maximum value from this process, Croudace Homes also considers that the appointed masterplanners must look at greenfield land adjoining the edge of the settlement and should consider a variety of growth scenarios for the town.



65. Clearly that exercise was eventually published alongside the current consultation as the three part Thatcham Strategic Growth Study (December 2020). Croudace Homes has significant concerns regarding the preparation and content of the document as set out below:

#### Preparation

66. Croudace Homes were first made aware of a potential masterplanning exercise for Thatcham following discussions with Bryan Lyttle on 19<sup>th</sup> December 2018. It was suggested that the Council were seeking financial contributions from developers promoting sites at Thatcham. A sum of £20,000 was requested from Croudace.
67. Croudace responded by letter dated 11<sup>th</sup> Jan 2019 confirming agreement in principle but advising that should a contributions be sought that officers should seek approval from members to ensure the process would be fair and transparent. Croudace Homes subsequently attended meetings as follows:
- 25<sup>th</sup> January 2019 - meeting with David Locke Associates.
  - 8<sup>th</sup> March 2019 – workshop session
68. No request for payment was ultimately received from the Council and Croudace Homes was not invited to any other sessions in connection with the Masterplan.
69. Croudace Homes has submitted a Freedom of Information request to the Local Authority requesting full details regarding the funding of this exercise and involvement of other site promoters.

#### Content

70. Clearly the Thatcham Strategic Growth Study is presented in three parts. Alternative possible options for growth (other than North East Thatcham) are considered but the third part of that study is devoted entirely to the proposed allocation at North East Thatcham. In connection with Henwick Park, it outlines that:

“Sites at Henwick Park (primarily CA12) were chosen not to be included in the Stage 3 study. Although potentially suitable to support expansion, they are disconnected from the contiguous area for strategic growth identified in the Stage 2 study. The Stage 3 report will concentrate on concept masterplanning for the North East (NE) Thatcham area, but the principles developed for the

expansion of Thatcham on this site should be applied should any development be proposed at Henwick Park”.

71. First and foremost, it is unclear why areas which are not contiguous with North East Thatcham should be discounted as an option for housing growth. Quite the reverse in fact. As set out at length in these representations, seeking to allocate one large strategic site to deliver all of the housing needs at Thatcham is fraught with danger. Any delays in delivery from this site (which is highly likely given the complexity and consortium issues) would mean no houses delivered at Thatcham.

72. Furthermore, the decision to select the North East Thatcham sites is in itself not transparent. Under the heading “Assessment Summary, the Stage 2 report outlines that:

“each site submitted to the HELAA by December 2018 has been scored in the categories Topography, Green and Blue, Heritage & Conservation, Environmental Health and Other”.

“Constraints that would lead to reductions in capacity were scored 1. Minor issues that could affect development were scored 3. Major issues that would be hard to work around viably were scored 10”

“The site constraint points were totalled and plotted on a map. Sites were then grouped into categories quantitatively assessed to be more or less suitable for development across the range of criteria. It should be noted that this assessment is only one of the factors that informs the overall conclusions of this report, which will also be informed by the outputs of the technical workshops”.

“This assessment was then sense-checked with a qualitative assessment of the most appropriate directions of growth based on constraints”.

73. The results of that exercise suggested that all of the North East Thatcham sites were “most suitable for development” with Henwick Park in the second (of three) tiers.

74. First and foremost, the actual scores given to the various sites is not published. Secondly, the rationale for selecting the various categories is unclear. What was assessed under the category “other” is not described, but Croudace Homes is concerned that any assessment of suitability that does not have regard to transport, ecology or contamination is not robust.

75. Furthermore, any suggestion that the assessment was based on a “qualitative assessment of the most appropriate directions of growth based on constraints” is opaque at best. The fact remains that Henwick Park has been subject to assessment by the Secretary of State who confirms that there are no constraints which would preclude development for up to 225 dwellings.
76. The only criticism of the site contained within the HELAA is that development across the entirety of the site would lead to coalescence with Cold Ash. Development of the whole of the site is not and has never been proposed. The extent of the developable area in landscape terms has already been agreed. By contrast the North East Thatcham allocation would infill entirely the gap between Thatcham and the AONB boundary.
77. Any assessment which, based on constraints, concludes that land at North East Thatcham is more suitable for development is fundamentally flawed whilst discounting sites which are not contiguous with North East Thatcham as a matter of principle is entirely contrary to the aims of good planning.
78. The only possible conclusion therefore is that the masterplanning exercise is fundamentally flawed and should not be relied upon as part of the evidence base underpinning the LPR. It has not been subject to full and comprehensive involvement from Stakeholders and has not been appropriately signed off by Members. The proposed allocation of the site at North East is not justified by the evidence available.

## **Appendix 1 – Appeal ref.**

**APP/WO340/W/16/3144193, Secretary of State  
Decision**



Department for  
Communities and  
Local Government

Steven Doel  
Nexus Planning  
Suite A  
3 Weybridge Business Park  
Addlestone Road  
Weybridge  
Surrey  
KT15 2BW

Our ref: APP/WO340/W/16/3144193  
Your ref: 15/01949/OUTMAJ

27 July 2017

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY CROUDACE HOMES LTD  
LAND AT HENWICK PARK, WEST OF HEATH LANE AND NORTH OF BOWLING  
GREEN ROAD, THATCHAM, BERKSHIRE  
APPLICATION REF: 15/01949/OUTMAJ**

1. I am directed by the Secretary of State to say that consideration has been given to the report of John Chase MDC, Dip Arch, RIBA, MRTPI, who held a public local inquiry between 15 November and 7 December 2016 into your client's appeal against the decision of West Berkshire Council ("the Council") to refuse your client's application for planning permission for up to 265 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas; provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan in accordance with application ref: 15/00296/OUTMAJ, dated 17 December 2015.
2. On 1 April 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed and outline planning permission be granted subject to the conditions set out in Annex 3 of the Inspector's Report (IR).
4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation, dismisses the appeal and refuses planning permission. A copy of the IR is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Department for Communities and Local Government  
Phil Barber, Decision Officer  
Planning Casework  
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2 Marsham Street  
London SW1P 4DF

Tel: 0303 44 42853  
Email: [PCC@communities.gsi.gov.uk](mailto:PCC@communities.gsi.gov.uk)

## **Procedural matters**

5. Following submission of the appeal, the appellants prepared revised proposals for a reduced scheme of 225 houses, in order to address some of the grounds of refusal. The Council do not resist the substitution and have notified local residents of the new scheme, giving them time for responses.
6. The Secretary of State does not consider that the reduced scheme of 225 houses raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal. He is satisfied that no interests have thereby been prejudiced and has determined the appeal on that basis.

## **Matters arising since the close of the inquiry**

7. Following the close of the original inquiry, the Secretary of State received representations from the Council which were sent to the Planning Inspectorate on 10 April 2017. These included information on an updated five year housing land supply (HLS) and the Inspector's Report for the Housing Site Allocations Development Plan Document (DPD) dated 6 April 2017 which was due to be adopted on 9 May 2017. The Secretary of State also received representations from your company on behalf of your clients on 23 March 2017 and Barton Willmore on 29 March 2017.
8. On 3 May 2017 the Secretary of State wrote to the parties to afford them the opportunity to comment on the additional information referred to in paragraph 7 above. The Secretary of State has taken the representations received into account in reaching his decision. A list of representations received is at Annex A.
9. On 9 May 2017 the Housing Site Allocations DPD was formally adopted by West Berkshire Council.
10. On 17 May 2017, the Secretary of State wrote to the parties to afford them the opportunity to comment on the implications, if any, of the Supreme Court judgment on the cases of Cheshire East BC v SSCLG and Suffolk DC v SSCLG which was handed down on 10 May 2017. These representations were recirculated to the main parties who were invited to comment on the representations of other parties. These additional representations were recirculated. A list of representations received is at Annex A.
11. Copies of all the correspondence referred to above can be obtained upon request to the address at the bottom of the first page of this letter.

## **Policy and statutory considerations**

12. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
13. In this case the development plan consists of saved policies from the West Berkshire District Local Plan (2002); the Core Strategy (2012); and the Housing Site Allocations DPD which was adopted on 9 May 2017. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR175. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the



Guidance'), as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

### **Main issues**

14. The Secretary of State agrees with the Inspector that the main issues are those set out at IR 146-147, taking account of the subsequent adoption of the Site Allocations DPD.

#### *Housing Land Supply*

#### *Assessment of Need*

15. The Secretary of State has carefully considered the Inspector's analysis of assessment of need at IR150, including the finding that the Strategic Housing Market Assessment (SHMA) assessed a need of 665 dwellings per annum (dpa) in West Berkshire.
16. With regard to the demographic assessment, for the reasons given at IR151, the Secretary of State agrees that the similarity of outcome between different methodologies diminishes the extent to which the alterations sought by the appellants would have a material effect on the assessment of demographic need. For the reasons given at IR152-153, the Secretary of State agrees that it has not been shown that the SHMA has failed to take account of relevant factors, nor that its methodology is fundamentally flawed in respect of demographic assessment.
17. He further agrees, for the reasons set out by the Inspector, that the evidence falls short of proving that the SHMA has significantly underestimated the level of in-migration (IR154).
18. The Secretary of State, for the reasons given at IR155-158, agrees that the evidence falls short of proving that the basis of the SHMA employment estimate is unduly pessimistic in its approach. Similarly, he agrees that the alternative evidence does not prove that the SHMA is wrong on the source and quality of data to set activity rates, commuting ratios and whether double jobbing should be taken into account.
19. For the reasons set out by the Inspector at IR159, the Secretary of State agrees the SHMA assesses need throughout the Housing Market Area, and it is not counter to the Guidance if appropriate adjustments are made between authorities.
20. The Secretary of State agrees, for the reasons given at IR160-161, that the proposed uplift in response to market signals does not seem unreasonably low.
21. With regard to affordable housing, the Secretary of State, for the reasons set out by the Inspector at IR162-164, agrees that the Council has addressed the need for affordable housing, and the evidence does not show that the criteria used are either so adrift of normal practice, or that the expectations of the level of delivery are so unrealistic, as to justify rejecting the SHMA figure on those grounds.
22. For the reasons given at IR165-166, the Secretary of State agrees with the Inspector that with regard to the report to Government of the Local Plans Expert Group (LPEG), it is not possible to give substantial weight to the relevant LPEG proposals.

#### *Conclusions on Housing Need*

23. The Secretary of State agrees that while the SHMA has not been tested at a Local Plan Examination, there were opportunities for third party involvement while it was being drawn

up. He further concludes that the representations of the appellant fall short of proving that the SHMA is fundamentally flawed in its methodology or results. While some of the data is now of some age, he conclude, in agreement with the Inspector, that any variation is not of such significance as to invalidate the results. The Secretary of State thus agrees with Inspector's conclusions at IR167-168 that there are grounds to consider that 665 dpa is an adequately realistic measure of the objectively assessed need in West Berkshire, and he has used this as his starting figure.

### *Land Supply*

#### *The Buffer*

24. The Secretary of State has carefully considered the Inspector's analysis of the buffer at IR169-172 and carefully considered the Inspector's conclusion that there are grounds to consider that there is a record of persistent under delivery and that a buffer of 20% is now justified. However, the Secretary of State disagrees with the Inspector's conclusions. In coming to this conclusion, the Secretary of State has had regard to report into the West Berkshire Housing Site allocations DPD and the DPD Inspector's conclusions (DPD IR134) that the housing supply situation is satisfactorily monitored with no reasons to conclude that there is any significant threat to the delivery of housing in West Berkshire. The Secretary of State also concludes that while there has been an undersupply in 6 of the past ten years, this has been in part due to the influence of the recession. As such he finds that a 5% buffer is appropriate.
25. It is common ground between the parties that there is a shortfall of 417 dwellings. As such the Secretary of State concludes that net housing need is 3,742  $[(665 \times 5) + 417]$ , to which he adds a 5% buffer, to give an overall housing need of 3,929 units.

#### *Deliverable Housing Land*

26. The Secretary of State has carefully considered the Inspector's analysis of deliverable housing land at IR 173-179. With regard to Sandleford Park, the Secretary of State has considered the Inspector's conclusions, and had regard to the representations of the parties, and agrees with the Inspector that it should be removed from the figures for deliverable sites given doubts as to whether it will deliver within the 5 year period.
27. The Secretary of State has gone on to consider the Core Strategy site at Newbury Racecourse (IR175). Given the revised trajectory of February 2017 from the developer, and noting that units on the site are selling well and that development is now under way on the third phase of the site, the Secretary of State concludes that it is realistic to deduct only 102 sites from the delivery figures, to give a total of 873 dwellings at the site.
28. With regard to the J&P Motors site, the Secretary of State notes that there is no indication of any legal impediment to the use of the land for housing, there is an implemented planning permission, and there is recent evidence of the involvement of the developer (IR176). As such he agrees with the Inspector that this site will deliver housing within the five year period. With regard to the Lakeside site in Theale, the Secretary of State disagrees with the Inspector, given the uncertainty as to whether the site will begin to deliver within the five year period, he has excluded the site from his calculations, disagreeing with the Inspector.

29. The Secretary of State has also excluded 160 units on land off Faraday and Kelvin Road from his calculations, given that the lease situation means that it is not certain that the site will deliver within the five year period.
30. The Secretary of State has had regard to the Inspector's analysis at IR178 on the Market Street site, and notes that the s106 Agreement has now been signed and planning permission granted. For that reason, and for the reasons set out by the Inspector, that delivery of 232 units from this site within 5 years is not an unreasonable expectation. He further agrees, for the reasons set out by the Inspector, that there is not a substantial reason to exclude the Pound Lane Depot site from his calculations.
31. The Secretary of State has had regard to representations concerning the Land adjacent to Hilltop site. However, given that planning permission has now been granted following appeal, he concludes that it is reasonable that 200 units will be delivered within the five year period.
32. With regard to Land adjacent Pondhouse Farm; Land at Poplar Farm; 72 Purley Rise; and Field between A340 and The Green; and Land adjacent to Lynch Lane, the Secretary of State has taken into account representations on reducing the figure of deliverable dwellings, and those representations of the Council (Annex 2) stating that the sites are available, and early delivery is expected.
33. With regard to South East Newbury (2); and South East Newbury (3), the Secretary of State has had regard to the representations on reducing the figure of deliverable dwellings, and the representations of the Council stating that the sites are available, and delivery is expected in the later phase of NEW047.
34. The Secretary of State has also had regard to the Inspector's analysis of DPD allocations at IR177. In addition he has had regard to the fact that the DPD has now been adopted. The Secretary of State has taken into account the DPD Inspector's conclusions that that the housing supply situation is satisfactorily monitored and that there are no reasons...to conclude that there is any significant threat to the delivery of housing in West Berkshire. For those reasons, and those given by the Inspector, he concludes that there is insufficient evidence to conclude that these sites will not deliver within the five year period.
35. As such the Secretary of State concludes that 873 dwellings can be taken into account at Core strategy sites (Newbury Racecourse), and 1,076 from DPD allocated sites. He includes 443 dwellings at permitted sites under 10 units, and 1,175 dwellings at larger permitted sites. He includes 279 sites without planning permission, and 261 units on sites allocated through the prior approval process. To this figure he adds a windfall allowance of 192 dwellings.

#### *Conclusion on housing land supply*

36. The Secretary of State thus concludes that the Council can deliver a total of 4,299 dwellings within the five year period. Setting this against a 5 year requirement of 3,929 dwellings, as set out above, the Secretary of State concludes that there is a surplus of 370 dwellings, or a 5 year supply of 5.47 years.
37. As such, for the reasons set out above the Secretary of State disagrees with the Inspector and concludes that in his judgement the local planning authority can now demonstrate a 5 year supply of deliverable housing sites.

## *Development Plan Policy*

### *Whether the proposal complies with the development plan*

38. The Secretary of State has gone on to consider the Inspector's discussion regarding the development plan (IR181-186) in the context of the Council now being able to demonstrate a 5 year HLS.
39. The Secretary of State has had regard to Core Strategy Policy CS1 and considers that the proposal does not comply with any of the identified 4 categories of land. The appeal site is not one of the sites which has been chosen in the Site Allocations DPD. However, the Secretary of State considers that the wording is not wholly prohibitive of development outside these categories (IR182).
40. The Secretary of State agrees with the Inspector at IR183 that the location of the appeal site would meet a number of the criteria in Core Strategy Policy ADPP1. For the reasons given at IR178, the Secretary of State agrees with the Inspector that the land falls below the settlement hierarchy. As the appeal site lies within land composed of agricultural fields with the characteristics of open countryside, the proposal is subject to the final bullet point of Core Strategy Policy ADPP1, which allows only limited development which addresses identified needs and maintains a strong rural economy. The Secretary of State therefore agrees with the Inspector that the proposal would not comply with this aspect of the development plan (IR184).
41. The Secretary of State has given careful consideration to the Inspector's discussion regarding Core Strategy Policy ADPP3 at IR185. Policy ADPP3 indicates that approximately 900 homes are to be provided in Thatcham during the plan period. For the reasons given at IR185, the Secretary of State agrees with the Inspector's conclusion that 900 homes should not be viewed as a ceiling, and the wording of ADPP3 does not directly restrict development to this level.
42. The Secretary of State agrees with the Inspector at IR186 that Policy C1 in the Site Allocations DPD includes a presumption against new residential development outside settlement boundaries.

### *The weight to be attributed to policies*

#### *The Site Allocations DPD*

43. The Secretary of State has carefully considered the Inspector's comments at IR190, and agrees that the relevant policies for the supply of housing are CS1, ADPP1, ADPP3 and C1.
44. The Secretary of State has given careful consideration to the Inspector's analysis at IR188-190, but disagrees with his conclusions. He agrees that the intention to protect rural areas by restricting development outside settlement boundaries is not inconsistent with the Framework. He further agrees that the site allocations DPD amends the settlement boundaries to allow more land for housing. While he agrees that the DPD is based on the Core Strategy, which was not based on an objective assessment of need, he notes that Policy CS1 treats housing numbers as a minimum, allowing for their review and update over time to reflect housing need. He thus concludes, in the context of the Council demonstrating a 5 year housing land supply, that the housing policies of the Local Plan are

consistent with the Framework and that the application of paragraph 14 of the Framework is not triggered.

45. For the reasons given at IR191, the Secretary of State agrees that the proposal would be in conflict with policies ADPP1 and C1.

#### *Other Matters*

46. For the reasons given at IR193-194, the Secretary of State agrees with the Inspector that there is no reason to conclude that the land cannot be satisfactorily drained, and that a planning condition would enable scrutiny of the details of the scheme.
47. For the reasons given at IR195-196, the Secretary of State agrees with the Inspector that there is no indication that the development would have a harmful effect on the setting of the Area of Outstanding Natural Beauty. He further agrees with the Inspector that the scheme would avoid an unduly harmful visual impact.
48. For the reasons given at IR197, the Secretary of State agrees with the Inspector that there are not substantial grounds to challenge the conclusions of the Transport Statement of Common Ground. He further agrees that the evidence does not prove that the housing could not be adequately served by local facilities and infrastructure. He further agrees that the scheme would lead to some disturbance of wildlife, but the retention of open space, and measures to protect and enhance habitats, would help to minimise any harm.
49. The Secretary of State agrees with the Inspector's conclusion at IR198 that these matters raised at IR193-197, and the other matters raised.

#### **Planning conditions**

50. The Secretary of State has given consideration to the Inspector's analysis at IR140-144, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

#### **Planning obligations**

51. Having had regard to the Inspector's analysis at IR199-200, the planning obligation dated 2 December 2016, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR 199-200 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

## **Planning balance and overall conclusion**

52. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Core Strategy policies CS1, CS 14, CS19, ADPP1, ADPP3 and DPD Policy C1, and is therefore not in accordance with the development plan overall. The Secretary of State concludes that, as the Council can demonstrate a 5 year housing land supply, the application of paragraph 14 of the NPPF is not triggered, and as such the proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.
53. The Secretary of State considers that the addition of up to 225 homes in an accessible location would contribute to the Council's housing supply, and meet some of the objectives identified in the SHMA, including increased affordability, and accommodation for a workforce to support economic growth, and he affords this benefit moderate weight. He also finds that the development would contribute to local investment during the construction phase, and a market for local goods and services thereafter, to which he affords moderate weight. Up to 90 affordable homes would meet a need for lower cost housing in the area, which attracts significant weight. The Secretary of State also considers that there would be the wider benefits of additional investment in flood control within the context of the town's surface water scheme, and the provision of public open space, to which he grants moderate weight.
54. The Secretary of State considers that there is no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing. He also finds that the additional development would provide the opportunity for greater investment in local infrastructure, and he affords this benefit moderate weight.
55. Against this the Secretary of state weighs the conflict with policies CS1, ADPP1, ADPP3 and DPD Policy C1, and he affords this conflict substantial weight in the context of a 5 year housing land supply and a now made DPD.
56. The Secretary of State also weighs against the proposal the replacement of agricultural land with suburban development which would lead to a change in character of the land. However, the Secretary of State considers that the impact of this change would be limited, not out of keeping with the present character of the area, and without having an unduly damaging effect on the setting of either Thatcham or Cold Ash. As such he gives this conflict moderate weight.
57. Having regard to the conflict with the development plan as a whole and taking account of the policy set out in paragraph 196 of the Framework, and the other harms, the Secretary of State therefore concludes that there are no material considerations sufficient to indicate that the proposal should be determined other than in accordance with the development plan. He concludes that the appeal should be dismissed and planning permission refused.

## **Formal decision**

58. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for up to 225 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham



Surface Water Management Plan in accordance with application ref: 15/00296/OUTMAJ, dated 17 December 2015.

**Right to challenge the decision**

59. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
60. A copy of this letter has been sent to West Berkshire Council and notification has been sent to others who asked to be informed of the decision.
- Yours faithfully

*Philip Barber*

Authorised by Secretary of State to sign in that behalf

## **Annex A – Schedule of representations**

### **SCHEDULE OF REPRESENTATIONS**

#### **General representations**

<b>Party</b>	<b>Date</b>
Steven Doel Nexus Planning	23 March 2017
Mark Owen Barton Willmore	29 March 2017
Bob Dray West Berkshire Council	10 April 2017, 12 April 2017

#### **Representations received in response to the Secretary of State's letters of 3 May 2017 and 17 May 2017**

Steven Doel Nexus Planning	17 May 2017, 31 May 2017
Kim Cohen Barton Willmore	17 May 2017, 15 June 2017
Sinéad O Donoghue West Berkshire Council	17 May 2017
Bob Dray West Berkshire Council	1 June 2017
Clare Jenner West Berkshire Council	15 June 2017

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# **Report to the Secretary of State for Communities and Local Government**

**by John Chase MCD, Dip Arch, RIBA, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 4 April 2017**

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**TOWN AND COUNTRY PLANNING ACT 1990**

**WEST BERKSHIRE DISTRICT COUNCIL**

**APPEAL BY**

**CROUDACE HOMES LIMITED**

Inquiry held on 15 November to 7 December 2016

Land at Henwick Park, West of Heath Lane and North of Bowling Green Road, Thatcham, Berkshire

File Ref: APP/W0340/W/16/3144193

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## **ABBREVIATIONS USED IN REPORT**

AONB	Area of Outstanding Natural Beauty
CIL	Community Infrastructure Levy Regulations 2010
DCLG	Department for Communities and Local Government
dpa	Dwellings per annum
DPD	Development Plan Document
HLS	Housing Land Supply
HMA	Housing Market Area
LEP	Local Enterprise Partnership
LPEG	Local Plans Expert Group
LVIA	Landscape and Visual Impact Assessment
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
OBR	Office for Budget Responsibility
para	Paragraph
PPG	Planning Practice Guidance
SA/SEA	Sustainability Appraisal/Strategic Environmental Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
WBC	West Berkshire District Council

**File Ref: APP/W0340/W/16/3144193**

**Land at Henwick Park, West of Heath Lane and North of Bowling Green Road, Thatcham, Berkshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Croudace Homes Ltd against the decision of West Berkshire Council.
- The application Ref 15/01949/OUTMAJ, dated 9 July 2015, was refused by notice dated 17 December 2015.
- The development proposed is up to 265 dwellings (class C3); with associated vehicular, pedestrian and cycle accesses; public open space including allotments, community orchard, sports pitch and pavilion, ecology meadow, parkland; trim trail and children's play areas. Provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan.

**Summary of Recommendation: That the Appeal be Allowed.**

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**Procedural Matters**

1. At the Inquiry this appeal was conjoined with an appeal by A2Dominion Developments Ltd for 495 houses and associated works at Siege Cross, Land North of Bath Road, Thatcham, Berkshire (APP/W0340/W/15/3141449). Housing land supply and policy matters common to both appeals were dealt with in joint sessions. For ease of reference, the present appeal is entitled Appeal B, and Siege Cross is Appeal A.
2. Document references (in bold italic) relate to the schedule at Annex 2. This contains the full schedule for both appeals, as there was sharing of some documents.
3. The planning application was made in outline, with all matters reserved except access. It was accompanied by a range of reports and illustrative plans, identified at Sections **CD2/B** and **CD2.1/B** in Annex 2.
4. The Council refused the planning application on the grounds that 1) there was a failure to enter planning obligations to mitigate the effect of the development on public open space and local ecology, and to provide affordable housing; 2) the site is green-field land outside the settlement boundary, where there is a presumption against new housing, and its development would be contrary to the strategic aims for Thatcham and premature to the emerging Housing Site Allocations DPD; 3) the proposal would be harmful to the landscape character of the area and the setting of the Area of Outstanding Natural Beauty, and erode the separation of Thatcham and Cold Ash; 4) there would be a need for the mitigation of the impact on local highways infrastructure, and 5) the development would have an unacceptable effect on mature trees. The decision notice is at **CD3/B/2**.
5. Following submission of the appeal, the appellants prepared revised proposals for a reduced scheme of 225 houses, in order to address some of the grounds of refusal. Illustrative plans of the new arrangement are shown at documents **CD1/B/13-17**. Whilst the alterations amount to a significant reduction in the number of houses, they affect a limited part of the site, with proposals for the remainder of the land being largely unchanged. The Council do not resist the substitution, and have notified local residents of the new scheme, giving time for



responses. The amendments are not such a departure from the original application as to amount to a substantially different arrangement, and there are no grounds to consider that any third party would be unduly prejudiced by the change. For these reasons, it is recommended that the revised scheme be accepted for consideration in the appeal, and this report has been prepared on that basis.

6. The description shown in the title box is therefore amended to that given in the appellants' planning proof of evidence, being: *"The development proposed is up to 225 residential dwellings (Class C3) with associated vehicular, pedestrian, and cycle accesses, public open space, provision of a GP surgery and flood alleviation ponds as part of the wider Thatcham Surface Water Management Plan"*.
7. The Council accept that the amended scheme overcomes concerns about landscape and trees (reasons for refusal 3 and 5), whilst reasons 1 (obligations) and 4 (highways) are resolved by the submission of a Unilateral Undertaking, the details of which are discussed below. Reason 2, concerning the principle of development of the land, remains as a ground of refusal.
8. Screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been carried out, determining that, whilst there may be some impact on the surrounding area as a result of the development, the proposal is not of a scale and nature likely to result in significant environmental effect, and an Environmental Impact Assessment is not required.
9. The appeal has been recovered by the Secretary of State because it involves proposals for residential development of over 150 units or on a site of over 5 ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and to create high quality, sustainable, mixed and inclusive communities.
10. The Inquiry took place on 15-18, 22-25, 29-30 November, 1 & 2 December, and 7 December 2016. The accompanied site visit took place on 6 December, but longer views from outside the site were obscured by fog, and it was agreed that a further, unaccompanied visit would be carried out at a later date. This occurred on 13 February 2017.

## **The Site and Surroundings**

11. Section 3 of the Planning Statement of Common Ground (**CD1/B/5**) contains a description of the site and its surroundings, whilst the Parameters Plan (**CD1/B/13**) indicates the extent of the application site, and Appendix A of the appellants' landscape proof of evidence (**CD1/B/12**) shows its position in the wider area.
12. The site amounts to 24.5ha open land, approximately 1.6km north of Thatcham town centre, adjoining the built up area. Bowling Green Road and Heath Lane/Cold Ash Hill local distributor roads run around the south western and south eastern sides of the site respectively, beyond which is medium density residential development, mainly dating from the post-war period. The northern half of the site abuts open countryside, being part of the north slope of the Kennet Valley as it rises out of Thatcham. Further north is the village of Cold Ash, which extends southwards down Cold Ash Hill towards the site.

13. The red line site boundary is drawn to exclude the Regency Park Hotel, on the western side, and the curtilages of individual houses to the south. The land is divided into irregularly shaped fields, separated by fences, hedges and trees, and, apart from an open boundary on part of the eastern side, views from adjoining roads are largely screened by vegetation. The property is in agricultural use, indicated as both arable and pastoral.

### **Planning Policy**

14. Section 5.0 of the Planning Statement of Common Ground (**CD1/B/5**) sets out the agreed relevant planning policy. Saved policies from the West Berkshire District Local Plan adopted 2002 (**CD6/AB/2**) remain part of the development plan, including HSG1, which seeks to deliver new development within defined settlement boundaries. It is agreed that the appeal site lies outside the settlement boundary.
15. The Core Strategy was adopted in 2012 (**CD6/AB/1**). CS1 makes provision for at least 10,500 dwellings during the plan period, at the rate of 525 per annum. A Strategic Housing Market Assessment (SHMA) will be undertaken within 3 years, with a review of the Core Strategy allocation if a need for more houses emerges. New housing will be directed to sites within settlements, to identified strategic sites, and to those allocated in subsequent DPDs. Green-field sites will be needed adjoining existing settlements, selected to achieve the most sustainable form of development.
16. The spatial strategy to meet this housing provision is set out in Area Delivery Plan policies. ADPP3 indicates that about 900 homes will be provided in Thatcham, two thirds of which has already been committed, and the remainder will be delivered through the Site Allocations and Delivery DPD, including green-field land adjoining the settlement. ADPP1 indicates that most new development will be within or adjacent to identified settlements, with the focus on the main urban areas and on previously developed land, taking account of the degree of accessibility and availability of services. The settlement hierarchy identifies Thatcham as an urban area, in the same category as Newbury and the outskirts of Reading.
17. The parties agree that Local Plan policy HSG1 and Core Strategy policies ADPP1, ADPP3 and CS1 are policies relevant to the supply of housing in terms of para 49 of the NPPF.
18. Other policies referred to include: CS5 (infrastructure delivery), CS6 (affordable housing), CS17 (bio-diversity); CS18 (green infrastructure); CS19 (landscape character); and ADPP5 (AONB).
19. The emerging Housing Site Allocations Development Plan Document (DPD) was subject to Examination in June and July 2016, with public consultation on proposed modifications taking place by early 2017, and the Inspector's final report expected in the spring. Policy HSA5 allocates one site in Thatcham, for about 85 houses at Lower Way. Policy C1, the successor to Local Plan Policy HSG1, includes a presumption against new residential development outside settlement boundaries.
20. Relevant Supplementary Planning Documents (SPD) include Planning Obligations (**CD6/AB/23**) and Quality Design (**CD6/AB/22**). The Council implemented its

Community Infrastructure (CIL) Charging Schedule (**CD6/AB/20**) in April 2015, with a residential rate of £75/sqm. The CIL 'Regulation 123 List' is contained at **CD6/AB/25**. The Berkshire Strategic Housing Market Assessment (SHMA) has been carried out with other Berkshire authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP), with a final report issued in February 2016. It estimates the objectively assessed housing need (OAN) for West Berkshire as 665 dwellings per annum (dpa). Other planning documents are listed at section **CD6/AB** in Annex 2.

21. In addition, attention has been drawn to a range of policies in the National Planning Policy Framework (NPPF), and advice in the Planning Practice Guidance (PPG), which will be discussed further below.

### **The Proposals**

22. The Parameter Plan (**CD1/B/13**) indicates the proposed distribution of uses on the site, whilst the Masterplan (**CD1/B/15**) provides an illustrative layout of a possible form of development. It is proposed to distribute up to 225 dwellings in the south eastern quadrant of the site, along with a doctors' surgery, with open parkland to the north and west. There would be flood alleviation ponds and basins adjoining the perimeter roads to the south and east, and within the parkland area. A new access would be formed at the existing roundabout at the junction of Cold Ash Hill and Heath Lane, along with a further new road access on the southern edge of the site. An illustrative storey heights plan (**CD1/B/14**) indicates that the general scale would be two storey development, but with a small number of 2.5 storey buildings. 40% of the houses would be designated affordable.
23. Whilst the description of the original planning application indicated a range of uses for the retained open space, including allotments and sports facilities, it is the intention to establish the layout of this space as part of the reserved matters applications. The Section 106 undertaking would secure the public use of this land and make provisions for its future maintenance.

### **Other Agreed Facts**

24. Following submission of the amended scheme, the Council accepted that the development would occupy the lower and less visible portion of the site, and withdrew their concerns about the effect on the landscape character of the area, the setting of the AONB, and the separation of Thatcham and Cold Ash. It was also agreed that the impact on trees could be adequately mitigated through the submission of reserved matters applications.
25. The scheme would be able to secure suitable highway standards, and be sufficiently accessible to local facilities, including public transport. Whilst local residents have a particular concern about the effect on flooding, which will be discussed further below, the Council are satisfied that any risk could be adequately overcome. There are no fundamental objections on ecological grounds.

## THE CASE FOR THE COUNCIL

26. The summary below is a précis of the Council's closing statement at the appeal. The full text may be found at document **CAB11**.

### ***The Five Year Housing Land Supply***

#### *The Derivation of the 5 Year Housing Land Supply*

27. The Council's Core Strategy was prepared during a period of transition, with the introduction of the NPPF, and uncertainty surrounding the abolition of the South East Plan Regional Strategy. The Inspector had regard to these exceptional circumstances, and took a reasonable approach to the application of legislation and Government policy in finding the Core Strategy to be sound. It was subsequently adopted, without challenge, and now forms an integral part of the plan led system. Its legitimacy cannot be questioned in any legal proceedings except under the terms of S113 of the Planning and Compensation Act 2004.
28. The Core Strategy housing requirement was preceded by the words "at least", being a flexible means of ensuring that it did not represent a target or a ceiling, but a minimum figure; an approach that is endorsed by the Council in the preparation of its Strategic Housing Market Assessment (SHMA). Regard is had to the Ministerial Letter of 19 December 2014 (**CD8/CAB/3**), which notes:  
*"Many councils have now completed Strategic Housing Market assessments either for their own area or jointly with their neighbours. The publication of a locally agreed assessment provides important new evidence and where appropriate will prompt councils to consider revising their housing requirements in their Local Plans. We would expect councils to actively consider this new evidence over time and, **where over a reasonable period they do not, Inspectors could justifiably question the approach to housing land supply.** However, the outcome of a Strategic Housing Market Assessment is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans."*
29. The Council have actively considered this advice, and accept that the Core Strategy housing figure is out of date for the purpose of establishing the five year housing land supply, the Objectively Assessed Need (OAN) in the SHMA being the current requirement. However, this does not mean that the whole of the Core Strategy is out of date.
30. As envisaged by the Core Strategy Inspector, the Council are in the course of producing a Housing Land Supply DPD, which does not change the housing requirement in the Core Strategy, but demonstrates compliance with the "at least" qualification by significantly boosting short term supply to meet the current OAN. The Council have actively pursued the plan making process, and have commenced the preparation of evidence towards a new Local Plan, which is programmed for adoption in 2019. In the meantime, the SHMA OAN represents the best current evidence of housing need, being a significant (27%) increase in the housing requirement over the Core Strategy figure. It has been prepared with the involvement of stakeholders and should be given substantial weight in this appeal.

#### *The Objectively Assessed Need*

31. The SHMA was published in February 2016 and represents a valid, robust and up to date assessment of the needs of the Housing Market Area (HMA) that complies

with the requirements of the NPPF and Planning Practice Guidance (PPG). It was made on an evidence based assessment, including regard for economic growth and its drivers, consistent with the London SHMA.

32. It is recognised that the Firlands Farm appeal decision (**CD7/AB/1**) of July 2015 favoured an OAN of 833 dpa put forward by the appellants in that case, but this preceded publication of the SHMA and was in the absence of any alternative OAN from the Council. It is irrelevant for the purposes of determining this appeal.

#### *The approach to the SHMA*

33. Preparation of the SHMA took a reasonable approach by: i) adopting a Housing Market Area (HMA) which also included Reading, Wokingham and Bracknell Forest, being a practical and manageable area; ii) using household projections from the Department of Communities and Local Government (DCLG) as the starting point of the assessment, acknowledging that new projections would not, of themselves, render the SHMA out of date; iii) adjusting the OAN to respond to adverse market conditions, based on professional judgement; iv) engagement with housebuilders, registered providers, the Local Enterprise Partnership (as recommended by the PPG) and surrounding local authorities; v) carrying out a "thorough" assessment in terms of the advice in the PPG<sup>1</sup>; vi) having regard to the forecasts of well respected forecasting houses (Cambridge Econometrics and Oxford Economics); and vii) adjusting the results of economic models to take account of local conditions.

#### *The Demographic Led OAN*

34. Document **A9** illustrates little difference between the parties in assessing demographic led OAN. The appellants provided no evidence of increases in lone parent and single households to justify a return to 2001 household formation rates. Cultural changes and tuition fees are examples of factors which may have influenced falling household formation rates amongst certain age groups. It was accepted that the use of the patient data register could over-estimate the population and, in any event, there was little difference in migration assumptions between the parties<sup>2</sup>. Both sides' evidence included upward adjustments to migration and household formation, albeit from different starting points. The similarity of housing needs enables issues associated with the 2014 demographic projections, 10 year migration trends and adjustments for younger households to be set aside.

#### *Economic Led OAN*

35. The PPG<sup>3</sup> recognises the need for early involvement with the Local Enterprise Partnership (LEP), a matter overlooked by the appellants. The use of the Cambridge Econometrics 2013 baseline assumptions was consistent with the LEP evidence base. Nor did the Council rely entirely on the 2013 figures, the forecasts going well beyond in gathering local intelligence to establish the economic growth potential, including an assessment of commercial dynamics, local infrastructure investment, and consultation with stakeholders.

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<sup>1</sup> 2a-005-2014036

<sup>2</sup> see Mr Ireland's supplementary proof (**CAB2**) Table 1 on page 4

<sup>3</sup> 2a-007-20150320

36. The Council were criticised for not updating the SHMA to reflect the 2015 Cambridge Econometrics data, which showed a rise from 522 to 790 jobs per annum. However, the SHMA had been circulated by the date of this forecast, and there was, in any event, no credible explanation of why such a substantial rise had occurred between the two forecasts, nor what effect "Brexit" might have on these figures. In fact, more recent data from both Oxford Economics and Cambridge Econometrics show a fall in employment forecasts since the referendum, to 513 and 527 jobs per annum respectively, close to the figures on which the SHMA is based. National jobs forecasts (such as those of the Office for National Statistics) rely on surveys by businesses, but only show where a job is registered, rather than where it actually takes place. It is necessary to interrogate the data and undertake wider research to understand the local economy, as the Council have done.
37. The Confederation of British Industry anticipate slower growth next year, downgrading their forecast from 2% to 1.3%, and 1.1% in 2018, expecting a fall in the level of employment and more challenging economic conditions. There is no reason to upgrade the job estimates on which the SHMA is based.

#### *The Housing Market Area (HMA)*

38. In establishing the OAN, the appellants preferred to look at the individual local authority rather than the full HMA. This approach is not consistent with the conclusions of the Court in *St Modwen*<sup>4</sup> nor the PPG<sup>5</sup>, which makes no reference to balancing homes and jobs within an individual local authority. The Council distinguishes their position from the recent case of *Oadby and Wigston*<sup>6</sup>, considering that *St Modwen* remains good law. The Council are in the same position as East Riding Council (see para 52 of *Oadby*) as they can demonstrate a strong track of working together with their neighbouring authorities over an extended period. Ousley J said in *St Modwen* (para 74) that "*the NPPF does not require housing needs to be assessed always and only by reference to the area of the development control authority*". In this case, any apportionment of job growth between the constituent councils of the HMA reflects their collective view and, like *St Modwen*, it should be possible to rely on their long standing and continuing cooperation in plan preparation.

#### *Economic Participation*

39. The only data used by the appellants for economic activity rates specific to West Berkshire is from the 2011 Census, despite the availability of later evidence, and from a time when the economy was in recession. The Council's current evidence is that the employment rate for men between 20 and 54 and women over 34 is increasing<sup>7</sup>. This is stronger than the forecasts of the Office for Budget Responsibility, on whom the appellants rely, whose purpose is to look at the long term sustainability of public finances, and which is unduly pessimistic about the labour market, as confirmed by data from Oxford Economics and Experian. There

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<sup>4</sup> *St Modwen Developments Ltd v SSCLG and East Riding of Yorkshire Council* [2016] EWHC 968 (Admin) **CD7/CAB/3**.

<sup>5</sup> 2a-018

<sup>6</sup> *Oadby and Wigston Borough Council v SSCLG and Bloor Homes Ltd* [2016] EWCA Civ 1040 document **A3**.

<sup>7</sup> Mr Ireland's proof, Figures 8 and 9 on page 50



is no reason to consider that these latter bodies are any less impartial or independent in their approach. Nor is there evidence to support the appellants' assumption that no person would hold more than one job.

### *Market Signals and Affordable Housing*

40. The appellants sought to argue for a 20% uplift on the demographic starting point to address the need for affordability, as indicated by market signals. However, this was founded on the additional consideration of just two indicators, with analysis of past housing delivery performance based on comparison of short-term trends and in a period of over-delivery against the housing targets of the time. The SHMA followed the PPG approach<sup>8</sup> by relying on secondary data, including national surveys, to derive estimates of affordable housing need. Whilst the appellants suggested that more existing home owner occupiers might fall into affordable housing need, it was accepted that the Guidance requires application of an affordability test, that primary survey evidence is not required, and that applying the Council's Home Choice Criteria<sup>9</sup>, homeowners would not generally qualify for affordable housing. It was also accepted that the housing register for 2015 showed a similar level of need to that in the SHMA.
41. The choice of income threshold for assessing affordability is influenced by the cost of housing, not income levels<sup>10</sup>. The income threshold was based on a lower quartile rent across all property sizes of £650/month which, at a 35% proportion of income, would require earnings of £23,300 per year. The lower quartile rent is identical to that in West Oxfordshire<sup>11</sup>, so that a consistent income threshold would be appropriate. In addition, it was accepted that historical rates of affordable housing delivery, with which the appellants had sought to criticise the Council's estimate of 30%, were influenced by demolitions and assessments against the lower requirements of the Local Plan which preceded the Core Strategy.
42. The appellants' contention that adjustments to improve affordability need to be treated entirely independently from adjustments to household formation rates is not consistent with the logic of their own evidence, which recognises that affordability influences household formation. The Local Plans Expert Group (LPEG) methodology favoured by the appellants has been criticised as introducing double counting by applying separate adjustments to household formation, for market signals and for affordable housing, when there are clear overlaps between these issues. The LPEG proposals are not Government policy or guidance.

### *Conclusions on OAN*

43. The Council's witness, Mr Ireland, has been personally involved in producing SHMA for 9 local authorities, which have been accepted by Inspectors for adoption in Local Plans without uplift of the OAN. The current West Berkshire SHMA establishes an OAN which has been subject to extensive research and should carry substantial weight. It is a robust assessment against which to measure the five year housing supply.

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<sup>8</sup> 2a-014-20140306

<sup>9</sup> **CAB4**

<sup>10</sup> SHMA para 6.27 **CD8/AB/1**

<sup>11</sup> **CAB5**

### *The Buffer*

44. The Core Strategy Inspector (2012), the Mans Hill appeal Inspector<sup>12</sup> (2015) and, most recently, the Firlands Farm appeal Inspector<sup>13</sup> (2015) all found that the Council had not persistently undersupplied housing and applied a 5% buffer. The purpose of the buffer is so that performance in the past can provide a realistic prospect of achieving the planned supply in the future; it ensures that the circumstances of the past are not repeated.
45. The assessment of the buffer to be applied is a matter for the decision maker. In measuring past performance, the Cotswold cases<sup>14</sup> note that it is necessary to establish the standard which applied and the degree to which that standard had been met. The decision maker would be entitled to consider the figures in a previous development plan for this purpose. In the present case the appellants have applied the SHMA OAN figure (665 dpa) for the last three years, even though the document was not published until February 2016. The Council could not have achieved a supply against a figure of which they were unaware.
46. In any event there has been no persistent under-delivery. In the Uttlesford appeal decision<sup>15</sup>, the assessment was based upon whether there had been under delivery for several years in a row. In the present case, whilst the Council did not meet the Core Strategy figure of 525 dpa during 5 of the preceding 10 years, these were interspersed with years when the figure was met. There were not several years of under delivery in a row, but, rather, the supply fluctuated above and below the requirement. It is also clear that performance between 2009 and 2012 was affected by the economic recession, a matter which the Core Strategy Inspector took into account<sup>16</sup>. In addition, the 2010-2012 figures were influenced by regeneration schemes, involving loss of housing before making a gain, whereas there are no similar schemes in the Council's future supply.
47. It is apparent<sup>17</sup> that the Council's average supply over the last 12 years, at 587 dpa, exceeds the Core Strategy "at least" requirement of 525 dpa, with housing delivery in West Berkshire increasing in recent years, and the Housing Site Allocations DPD will ensure further improvement. There is no need to deviate from the views of previous Inspectors who have considered the performance of West Berkshire, and a 20% buffer is not justified.

### *Deliverability*

48. The PPG indicates<sup>18</sup> that deliverable sites include those allocated in a development plan and those with planning permission, unless there is clear evidence that a scheme will not be implemented within 5 years. The exercise should be approached on the basis of the rebuttable presumption; footnote 11 of the NPPF does not require certainty that a site will deliver.

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<sup>12</sup> **CD7/CAB/8**

<sup>13</sup> **CD7/AB/1**

<sup>14</sup> Cotswold District Council v SSCLG [2013] EWHC 3719 document **A16**

<sup>15</sup> Appendix 7 of Ms Peddie's proof para 15.15 of the Inspector's report

<sup>16</sup> **CD6/A/2** para 45

<sup>17</sup> see page 36 of Ms Peddie's proof

<sup>18</sup> 3-031-20140306

49. The disputed sites include Sandleford in Newbury, which does not have planning permission but is allocated in the Core Strategy. It should be considered deliverable within 5 years unless there is clear evidence to the contrary. The difference between the parties is not whether the site will be developed, but the rate at which development will occur. It is accepted that an extension for issuing planning permission beyond the deadline of 31 December 2016 may be necessary, that it is a complex site, and that there may be disagreements between the owners of the land. Nonetheless, a package of amendments to the scheme is out to consultation, and highways modelling has been carried out. Regular meetings of a steering group monitor progress, and a dedicated Council officer is assigned to the scheme. There is no reason to doubt the developer's trajectory for delivery from the site.
50. The second major site is Newbury Racecourse, which has planning permission, so that the rebuttable presumption in NPPF footnote 11 applies. Building is underway, with an average completion of 136 units per annum since 2013, and a forecast rate of 180 dwellings per annum for the next 6 years. There will be a 50/50 mix of houses and apartments, similar to the 40/60 mix which has already been achieved, and the developer has an incentive to keep to the programme, with financial penalties if this is not achieved, as well as the need to recoup the cost of infrastructure already provided. There is no evidence to support assertions that the market cannot support the programme of completions, nor that national statistics of building rates are to be preferred to the actual levels achieved on this site.
51. The J&P Motors site has an implemented planning permission, so that the rebuttable presumption applies. Whilst part of the site is currently retail, and there is planning permission for another use, there is now a housing developer involved, and there are no grounds to contradict the conclusion of the Mans Hill Inspector<sup>19</sup>, who found no good reason to exclude the site.
52. The Lakeside site in Theale also has an implemented planning permission, and the developer has already paid more than £500,000 in planning obligations, indicating a firm intention to proceed. It is true that a further planning application has been taken to appeal on the grounds of non-determination, but this does not indicate that the site will not be developed within the timescale, nor that the existing permission does not represent a realistic fallback position.
53. Whilst awaiting adoption of the Housing Site Allocations DPD, proposed housing sites have been considered at the Examination and the Inspector has not recommended deletions. The Council have included only 70% of the allocated units in the five year supply, and there is a firm likelihood that they will be delivered. In each disputed case the owners have indicated an intention to proceed with planning applications.
54. Market Street, Newbury is a Council owned site, with a resolution for planning permission to be granted, subject to completion of a planning agreement. There is already permission for the relocation of the bus station away from the site, and any third party ownerships would not impede development. There is no reason

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<sup>19</sup> CD7/CAB/8 para 24

for it to be excluded from the five year housing supply, as confirmed by the Mans Hill Inspector<sup>20</sup>.

55. Pound Lane, Thatcham is also a Council owned site, which is previously developed land, and where planning permission will be confirmed by submission of a Section 106 agreement, expected during December 2016. A national house builder is in the process of purchasing the site.
56. Overall, the housing sites in the Council's 5 year supply satisfy the tests in the NPPF footnote 11 and the advice in the PPG and there is no reason to consider that they will not be deliverable.

### ***Policy Implications***

57. For these reasons, the Council are able to demonstrate a 5 year housing land supply, so that NPPF para 49 does not apply and housing policies should be considered up to date. The process in the second part of NPPF para 14 is not triggered; the appeals should be determined in accordance with the development plan.
58. The appellants also allege that relevant policies are out of date because the housing requirement in the Core Strategy was based on the withdrawn South East Plan. To follow this logic, the policies would have been deemed out of date the moment the Core Strategy was adopted. However, the figure in this plan was never a ceiling, and the Council have used their evidence base to establish an OAN in accordance with NPPF para 47, whether or not it is part of their Local Plan. Again, the process in NPPF para 14 is not triggered.
59. In any event, the NPPF allows weight to be allocated to policies even if they are out of date, a point endorsed by the Suffolk Coastal judgement<sup>21</sup>. The degree of weight is a matter for the decision taker. In this respect, the most relevant part of the nominated policies is the spatial distribution of development, which should reflect the existing and future role of the settlements, to ensure sustainability.

### ***The Interpretation of development plan policies relevant to the supply of housing***

60. The site is green-field land in open countryside outside the defined settlement of Thatcham. The proposal does not comply with development plan policies when read together and with the supporting text. The spatial strategy of the Council is the strict control of development outside settlement boundaries, to ensure the most sustainable locations; any settlement extensions are allocated through the plan led process.
61. The District Settlement Hierarchy in Core Strategy policy ADPP1 refers only to sites within settlement boundaries, and not other land, even if it is adjacent to the boundary. The "open countryside" bullet point of ADPP1 applies. Unlike Thatcham, Newbury is the main focus of housing growth<sup>22</sup>. Policy ADPP3 limits planned growth in Thatcham, two thirds of which has already been committed, and the rest will be delivered through the Housing Site Allocations DPD. There

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<sup>20</sup> CD7/CAB/8

<sup>21</sup> CD7/A/15

<sup>22</sup> CD6/AB/1 para 4.21

are five paragraphs<sup>23</sup> of explanatory text in the Core Strategy to indicate how this allocation will take place.

62. Whilst policy ADPP1 refers to sites adjacent to the settlement boundary, the only logical interpretation of this paragraph, and the Core Strategy Inspector's comments about green-field land in Thatcham<sup>24</sup>, is that such land will only come forward as part of a planned provision. When read in conjunction with policy CS1, it is clear that the Core Strategy is precluding development outside the settlement boundary on green-field sites, except where they have been specifically allocated.

63. The conflict with the development plan weighs heavily against the proposal.

*The weight to be attached to the emerging DPD*

64. In accordance with NPPF para 216 the Housing Site Allocations DPD can be accorded substantial weight. The Inspector has had regard to objections, and, in particular, has hardly altered the wording of policy C1. It is only the modifications that will now be consulted on, and the appellants cannot repeat the objections previously made. Nor is there a case that the DPD is inconsistent with the NPPF by being based on the Core Strategy OAN, rather than more up to date figures. This point was established in *Gladman v Wokingham BC*<sup>25</sup>, which noted that the delay incurred would not match the need for the preparation of planning documents to guide development decisions. There is no support for the view that policy C1 will be out of date immediately on adoption.

65. Local Plan policy HSG1 was saved in 2007 and remains part of the development plan until its replacement with policy C1. The new policy does not represent a shift towards some general expansion of settlements, and, whilst the settlement boundary has been altered, that alteration does not affect the appeal site. Policy C1 continues the objective of protecting the countryside, and can be accorded substantial weight.

*Conclusions on Policy*

66. Core Strategy policy CS1 establishes the need to review settlement boundaries through the Housing Site Allocations DPD, to meet the broad accommodation of housing set out in the ADPP policies, and, as noted by the Mans Hill Inspector<sup>26</sup>, development on a green-field site adjacent to the settlement boundary is contrary to these policies. Overall, the Council have taken a positive approach to the preparation of plans to actively increase the supply of housing, and the policies for this purpose should be accorded substantial weight. This scheme does not accord with the development plan, and there is no justification for allowing this appeal.

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<sup>23</sup> CD6/AB/1 paras 4.9, 4.10, 4.11, 4.13, and 4.15

<sup>24</sup> CD8/CAB/2 para 66

<sup>25</sup> *Gladman Developments Ltd v Wokingham Borough Council* [2014] EWHC 2320 (Admin)

**CD7/CAB/9**

<sup>26</sup> **CD7/CAB/8**

### ***Planning Balance and Conclusions***

67. The Council have a five housing year land supply, and a Core Strategy adopted after the introduction of the NPPF, with an overarching strategy for growth distributed across 4 specified spatial areas. Only the housing requirement is out of date, being an "at least" figure, and the Council is working towards delivering housing to meet the objectively assessed need set out in the SHMA.
68. Nonetheless, if the tilted balance set out in the latter part of para 14 of the NPPF is triggered then the Council accept that the level of harm arising out of the scheme would not significantly and demonstrably outweigh the benefits.
69. If, on the other hand, the simple planning balance set out in s.38(6) of the Planning and Compulsory Purchase Act is applied then the conflict with the development plan, and the emerging Housing Site Allocation DPD, would not be outweighed by the provision of market and affordable housing. Other potential benefits are minor and not unique to this site, particularly given the level of planned provision which will be delivered through the DPD. The Council have invested significant resources in this plan led approach to ensure the most sustainable sites have been selected to boost housing development in the area. In these circumstances the Secretary of State is respectfully invited to dismiss the appeal.

### **THE CASE FOR THE APPELLANTS**

70. The summary below is a précis of the closing address to the Inquiry, prepared by the appellants for use in this report. The full text of the address may be found at document **B12**.

#### ***Introduction***

71. Of the 5 Reasons for Refusal, only Reason 2 remained by the start of the inquiry. During the course of the inquiry the 'prematurity' objection that had formed part of Reason for Refusal 2 was abandoned also, leaving a pure policy objection by reference to policies HSG1, CS1, ADPP3 and emerging C1.
72. Further, during evidence, the Council accepted that if para. 14(2) of the NPPF applies, such planning harm as they identifies through their Reason for Refusal 2 would not significantly and demonstrably outweigh the benefits they acknowledge stem from the scheme. As such, the Council accept that on the basis that the development plan policies are found out of date (by reference to para. 215 consistency with the NPPF) or para. 49 (no 5 year housing land supply), or both, permission should be granted.

#### ***The development plan and the NPPF***

73. The only Local Plan policy cited against the proposal is HSG1. The Council acknowledge that the 2002 settlement boundaries are not able to accommodate today's development needs. As the Inspector found at Firlands Farm<sup>27</sup>, the adopted settlement boundaries in the 2002 plan are not up to date.

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<sup>27</sup> **CD7/AB/1**



74. The Core Strategy policies cited against the proposal in Reason for Refusal 2 are CS1 and ADPP3. CS1 sets an overall housing requirement of 10,500 for the period 2006-2026. ADPP3 distributes 900 of those 10,500 to Thatcham, as an 'urban area' within the settlement hierarchy set out in ADPP1 ('Spatial Strategy'). The Council acknowledge that the 10,500 figure and the 900 figure derived from it are (a) not caps or ceilings, and there would be no planning harm arising from exceeding them; and (b) do not amount to up-to-date housing requirement figures<sup>28</sup>.
75. Importantly, the Reason for Refusal does not allege that the proposal is contrary to ADPP1. This is the correct approach. Although orally, Mr Dray sought to allege conflict with the very last bullet of ADPP1, it is clear that it refers to categories of land not listed in the settlement hierarchy above; it simply does not apply to this site.
76. All three policies, CS1, ADPP3 and ADPP1 recognise the need to use green-field land adjacent to (and hence outside of) the adopted HSG1 settlement boundary in order to deliver even the non-NPPF complaint 10,500 units. The Council further acknowledge that to deliver the OAN requirement (whatever it is) beyond the 10,500 figure, additional green-field land will be required<sup>29</sup>.
77. The emerging Site Allocations DPD is a 'daughter document' to the Core Strategy. While this is perfectly lawful as an approach<sup>30</sup>, it does affect its weight. The DPD limits itself to delivering the balance of the 10,500 units in the Core Strategy<sup>31</sup>. In so doing it necessarily allocates land on green-field sites outside the HSG1 settlement boundaries. They will be replaced, once the DPD is adopted, by new settlement boundaries and Local Plan policy HSG1 will be replaced by DPD policy C1. But as the DPD is limited to delivering the Core Strategy requirement, the 'daughter' is similarly infected with the failure of the 'parent' – i.e. that the 10,500 is not an up-to-date, NPPF compliance OAN-based housing figure.
78. NPPF Paragraphs 14 (first part), 17(1), 17(3), 47(2), 156, 159 and 187(2) all require that the development plans should seek to identify *and meet* housing need assessed in accordance with the NPPF. A development plan which does not do this (as here) is in conflict with the NPPF and out of date by reference to paras 215/216.
79. As such, the Council recognise that the 2002 settlement boundaries to which HSG1 is directed are out of date by reference to the requirements of the NPPF. Similarly, the Council recognise that the 10,500 unit CS housing figure is out of date as being in conflict with the NPPF. The daughter document, the Site Allocations DPD, while not yet adopted, is similarly affected and Mrs Peddie accepted that, by seeking to restrict development, emerging policy C1 is, as the CS policies were, equally in conflict with the NPPF.
80. The consequence is that para. 14(2) of the NPPF is engaged; as noted above, Mr Dray volunteered that judged against that test, the Henwick Park appeal should be allowed and permission should be granted.

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<sup>28</sup> Gladman v Wokingham BC **CD7/CAB/9**

<sup>29</sup> **CD8/AB/4** foot of second page

<sup>30</sup> Oxted Residential v Tandridge DC **CD7/AB/5**

<sup>31</sup> The trajectory shows 10,700 being delivered by 2026

81. In addition, the Council are unable to demonstrate a 5 housing land supply and NPPF para. 49 is engaged. For this reason also, paragraph 14(2) applies. The policies HSG1, CS1, and ADPP3 are all housing land supply policies, caught by the deeming provision, as is emerging policy C1 similarly caught<sup>32</sup>. Following *Hopkins Homes*<sup>33</sup>, the same approach is urged here as adopted by the Secretary of State in *Birchen Lane*<sup>34</sup>, namely that this means that the weight to be given to those policies is 'greatly reduced'. The Council appear to argue that weight can still be given to these policies on the basis that they are taking action to address it, through the adoption of their Site Allocations DPD. However, as set out above the DPD does not, and does not purport to, meet the Council's OAN for housing. Further, the Council will not have an adopted NPPF-compliant Local Plan until 2019 at the very earliest. There can be no basis for attaching weight to restrictive, out of date, policies on the basis that the Council have just started to prepare an NPPF compliant plan.

### ***Housing land supply***

#### ***Requirement***

82. The Council acknowledge that they cannot use the adopted Core Strategy housing figure of 10,500 (525 dpa) which was not derived from an assessment of OAN and would not comply with the NPPF or PPG. It was adopted at a time when the South East Plan was still in force and before any NPPF-compliant assessment of housing need had been undertaken for the District or Housing Market Area (HMA)<sup>35</sup>.
83. Since then, a SHMA has been produced, but this has not been tested in any development plan process. Following *Hunston*<sup>36</sup> and *Gallagher*<sup>37</sup>, the decision-maker must undertake the best exercise he can to assess a 'policy off' OAN figure.
84. The untested SHMA figure is relevant, but by no means definitive. Mr Usher for Appeal A provides evidence for an OAN in the range of 820-950; Mr Veasey for Appeal B provides evidence for an OAN within that range of 'a minimum' of 840<sup>38</sup>. By the time of the forthcoming new Local Plan being adopted in 2019, the current untested SHMA is unlikely to be the one relied upon even by the Council.
85. For the demographic 'starting point' Mr Usher and Mr Veasey use the more up to date projections, which result in a lower figure. It is misleading, then, to point to Document **A9** and say 'all the demographic figures are much the same'. Mr Usher and Mr Veasey undertake the proper exercise of adjusting the starting point for suppression of household formation rates and migration trends, as demographic adjustments. This is what gives them the demographic 570-610 and 584

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<sup>32</sup> Woodcock Holdings v SSCLG [2015] EWHC 1173 (Admin)

<sup>33</sup> Hopkins Homes Ltd v SSCLG [2015] EWHC 132 (Admin) **CD7/AB/9**

<sup>34</sup> Appeal Ref APP/D3830/W/15/3137838 **B10**

<sup>35</sup> **CD6/B/1** para 33

<sup>36</sup> Hunston Properties v St Albans City & DC **CD7/AB/4**

<sup>37</sup> Gallagher Homes v Solihull MBC **CD7/AB/2**

<sup>38</sup> See **A9**

respectively<sup>39</sup>. To these correctly arrived at demographics, they then apply economic-led and market signals adjustments<sup>40</sup>.

86. Mr Ireland's SHMA did neither: it had migration adjustment in as an economic factor and an adjustment for housing formation rates as a market signal<sup>41</sup>. Had he (correctly) put those factors in at the demographic stage, he would have had a demographic figure of 630. He should, however, have first got the demographic figure correct and *then* applied economic and market signals uplift. Having put what is a demographic adjustment in the wrong place, the effect is that he has disguised the fact that he has not actually done a proper economic or market signals adjustment at all.
87. Mr Ireland's migration adjustment (of 14 dpa) is related only to London migration. Mr Veasey points out that migration factors should cover all migration and that 10 year trends show a 123 dpa adjustment<sup>42</sup>. On headship rates, Mr Veasey and Mr Usher both point to the decline in household formation rates in both the cohorts 25-34 and 35-44 and adjust accordingly. Mr Ireland limited his adjustment to the 25-34 age group which, while being the most dramatic, is not the only group affected. The effect is that Mr Veasey adds 75 dpa compared to Mr Ireland's 32.
88. The PPG then asks that an economic-led adjustment be made if the demographic figure would not provide sufficient workers for projected employment growth. In all three assessments before the inquiry, the demographic figures are, indeed, too low to meet job growth and an economic adjustment is required<sup>43</sup>.
89. For the job numbers, the SHMA used Cambridge Econometrics 2013 and arrived at 522 jobs per annum. Both Mr Usher and Mr Veasey used an average of the three leading forecast houses (Cambridge Econometrics Nov 2015; Oxford Economics April 2016; Experian Economics June 2016) and arrive at 720 jobs per annum. In his Supplementary Proof, Mr Ireland sought to rely on Oxford Economics October 2016 and came to a jobs figure of 513 pa<sup>44</sup>.
90. Cambridge Econometrics 2013 was criticised in the Stanbury House appeal<sup>45</sup> for being too pessimistic. It was criticised by the appellants in this case for being out of date. Mr Ireland's response was not to update his use of Cambridge Econometrics to the current Nov 2015, but to shift forecasting houses altogether - to one that gave him an even more pessimistic figure.
91. Had the SHMA used, as would have been logical, the most up to date Cambridge Econometrics projection (Nov 2015) the jobs figure would have been 790 pa. For reasons never satisfactorily explained, the SHMA, published in February 2016 continued, however, to use figures three years old, rather than any of the six-monthly Cambridge Econometrics updates, ending with the most recent of November 2015. On the SHMA's method, it *should* have recorded 790 jobs, not

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<sup>39</sup> **A9** bottom row of Stage B

<sup>40</sup> **A9** Stages B and C

<sup>41</sup> SHMA page 282

<sup>42</sup> **A9** Stage A, third row

<sup>43</sup> **A9** Stage B

<sup>44</sup> **A9** State B, rows 2 and 4

<sup>45</sup> **CD7/AB/7**

522, and the SHMA OAN would have been 804 not 665<sup>46</sup>. It is noteworthy in this regard that the input and output of the SHMA has to be agreed by the commissioning steering group. The objectivity of the outcome of such a document is, consequently, open to serious doubt. This inquiry is the first time it has been tested, and the continued use of a superseded Cambridge Econometrics 2013 figure is not justified.

92. Had the SHMA followed its own analysis but used the most up-to-date figure, the OAN would have been 804. Had Mr Ireland followed the 'blended' approach of Mr Usher and Mr Veasey, his OAN would have been 726<sup>47</sup>. He objected to using anything other than an Oxford Economics figure from October 2016 as that was the only 'post-Brexit' projection available to him. But in so doing, he neglected to observe that the Oxford numbers before and after Brexit showed only a 6.7% reduction<sup>48</sup>. This happens to be the same for Experian pre and post Brexit, now available<sup>49</sup>.
93. After evidence but immediately prior to Closing, Cambridge Econometrics published a November 2016 set of predictions. In common with the pessimistic tendency of that forecasting house criticised in the Stanbury House appeal, this shows a greater reduction for Brexit than do Oxford Economics and Experian. Nonetheless, for completeness, Mr Veasey ran the figures again, blending the very latest Cambridge Econometrics, Oxford Economics and Experian post-Brexit predictions<sup>50</sup>. It gives an economic-led OAN of 772. Consequently, while Mr Veasey and Mr Usher do not consider that it is safe to alter a 20 year projection by reference to the immediate effects of the Brexit vote, even were one to do that, it could not possibly justify the SHMA 665<sup>51</sup>.
94. On the economic activity rates, ironically, the SHMA did use a blend of the three forecasting houses<sup>52</sup>. The appellants preferred the finer grain of the OBR. As noted above, even with a complete suite of post-Brexit forecasts, the result is 772 dpa<sup>53</sup>, still well above the SHMA's economic-led 618<sup>54</sup> or even the SHMA overall 665. To this, Mr Veasey would then add an adjustment to assist affordable housing delivery and bring the OAN up to 840 dpa.
95. Market signals are the next stage in the process: to be applied *to the correct* demographic figure. Although all three experts agreed that a market signals uplift was required, the resultant figure (701 in Mr Veasey's case<sup>55</sup>) was lower than the appropriate OAN having already adjusted for economic-led factors (840) so the

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<sup>46</sup> **B3**, third entry

<sup>47</sup> **B3**, second entry

<sup>48</sup> OE April 2016 550 jobs; OE Oct 2016 513 jobs (**A9** Stage B, second row)

<sup>49</sup> **A12**

<sup>50</sup> **A9**, 'A'

<sup>51</sup> If a 6.7% reduction had been applied to the 720 calculation the result would have been 670 jobs which translates to 811 dwellings as a job led OAN

<sup>52</sup> **A9**, Stage B, row 5

<sup>53</sup> **A9**, 'A'

<sup>54</sup> Orally corrected from 665 but table **A9** not amended

<sup>55</sup> Doc A9, stage C, row 2

two are not additive<sup>56</sup>. Prior to considering affordable housing, Mr Veasey places the OAN, therefore, at an economic-led 840 dpa.

96. Affordable housing need is made up of three elements<sup>57</sup>, all dependent (or 'heavily predicated') on the assumption of the affordability threshold – i.e. the level of income below which it is considered that one cannot provide one's own accommodation without subsidy. The SHMA sets this at 35% of gross household income, which results in a net affordable housing need of 189 dpa. As Table 82 of the SHMA shows, that result is highly sensitive to the assumption used: 30% gross income gives 297 dpa; 25% gross income gives 427 dpa – the figure at which Mr Veasey arrives<sup>58</sup>.
97. The use of 35% gross household income is at odds both with the old SHMA Guidance of 25% gross and WBC's own definition of affordable housing need as 30% net (equivalent to 25% gross)<sup>59</sup>. To depart from these, the SHMA uses a methodology which has no origin or support in policy or guidance and is described in the SHMA itself as 'somewhat convoluted' and 'not definitive'<sup>60</sup>.
98. Given how highly sensitive the results are to small variations in the percentage<sup>61</sup>, some quite weighty support would be needed in order to move from the 25% gross threshold. Mr Ireland points to the acceptance of 35% threshold in West Oxfordshire<sup>62</sup>. But in so doing, he neglected to inform the Inquiry that the method used there was not the 'Thanet' benchmark used here. Mr Veasey showed that the West Oxfordshire methodology applied here provides a 30% threshold and an affordable housing need of 297<sup>63</sup>. In fact, Mr Veasey prefers to stick to the Government's only published figure of 25%, which matches WBC's own affordability threshold, which gives a dpa affordable housing need of 427<sup>64</sup>.
99. Secondly, using the 35% threshold, the SHMA has assumed that a household which has a gross income in excess of £22,300 is able to afford its own accommodation. But as SHMA Fig 67 and Mr Veasey's Table 5.7 make clear, at this threshold point, all that could be afforded would be a one bedroom flat to rent. Thus a household whose needs were greater than a one bedroom flat to rent would still be in affordable housing need. Table 108 of the SHMA shows that even among those acknowledged to be in affordable housing need, more than half require accommodation larger than a one bedroom flat. SHMA Table 81 is, therefore, woefully under-representing the true extent of affordable housing need.
100. These two errors make unreliable all three of the elements in Table 81. In addition, for 'current unmet need', Table 75 is based on an unevidenced and unjustified assumption that 90% of owner occupiers would sell their house and

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<sup>56</sup> Had economic matters led to a figure below, 701, there would, naturally, have been an adjustment at Stage C to the 701; the OAN cannot be less than 701.

<sup>57</sup> SHMA Table 81

<sup>58</sup> **A9**, Stage D, first row.

<sup>59</sup> Mr Veasey's proof 5.93

<sup>60</sup> SHMA 6.32

<sup>61</sup> As shown in Table 82 of the SHMA, noted above

<sup>62</sup> Mr Ireland's proof 6.39

<sup>63</sup> SHMA Table 82

<sup>64</sup> SHMA Table 82

spend the equity on rent; and for 'newly arising need', Table 76, a percentage is applied to a demographic which is itself (as set out above) incorrect.

101. The SHMA justifies not applying an affordable housing uplift by saying that the affordable housing need sits at only 189 dpa. However, the above matters indicate that affordable housing need is (even based on the SHMA) not less than 427 dpa. At Mr Ireland's preferred delivery rate of 30%, that would give an overall affordable housing OAN of 1423<sup>65</sup>. Plainly, 665 barely scratches the surface. Mr Veasey has calculated an OAN of 840, which will go some way towards it. If, for whatever reason, the OAN arrived at is less than 840 by reference to stages A-C of the PPG methodology, given the high affordable housing need, an uplift to 840 would be appropriate in any event.
102. On the evidence before the inquiry, the OAN is not 665; it is a *minimum* of 840.
103. In addition, the LPEG recommendations would, if adopted, lead to an OAN of 771 dpa. If the Secretary of State decides to accept the LPEG recommendations, that figure is not one that is mathematically in dispute. It is materially above the 665, with the consequence, as we will see below, that the Council cannot realistically hope to demonstrate a 5YHLS.
104. On the buffer, the Council contend for 5%, but in error. In terms, Mrs Peddie asserts that the delivery must be measured against the known development plan targets (i.e. 525 dpa in the Core Strategy). That approach is contrary to the judgment of Lewis J in *Cotswold DC*<sup>66</sup>. The exercise is not one of assessing against policy targets, it is of assessing against housing needs.
105. The CS figure of 525 dpa is known to have under-represented need. Even the 665 SHMA figure from 2013 is – the appellants say – also significantly under-representing need. But for the period 2013 onwards there can be no case for continuing to measure delivery against the 525. Complaining that it is 'unfair' to have expected a delivery of over 665 when the requirement was known only to be 525 entirely misses the point of the exercise in para. 47(2). It is not about blame or opprobrium, fairness or excuses; it is about seeing whether, over a suitably long period of time, there has been delivery of the houses the district needed. That measurement of need is made on today's knowledge; for 2013 onwards it was not less than 665; for 2006-2013 it was (more than) 525. Measured against those figures, delivery has failed in six of the last 10 years and succeeded only once (by 27 dwellings) in the last 7 years. The net effect is a running and continuing shortfall and very clear evidence of persistent under delivery. A 20% buffer is required.

### *Supply*

106. Document B6 shows that if the Secretary of State accepts, as he is urged to, the Appellant's assessment of OAN, the Council cannot demonstrate a 5YHLS, regardless of whether the correct buffer is 5 or 20%. Further, it shows that, if the Secretary of State has decided to adopt the LPEG recommendations, the Council would not be able to demonstrate a 5YHLS with the (correct) 20% buffer, and could only claim one on the (incorrect) 5% approach with a margin of 80 units. A

<sup>65</sup> **B3**, Table on page 2

<sup>66</sup> *Cotswold DC v SSCLG* **A16**



putative margin of 80 units out of a claimed supply of 4,900 requires such a spurious accuracy in forecasting that it is effectively the same as not being able to demonstrate a 5YHLS.

107. Thus, it is only if the 665 is a reliable figure that any serious consideration needs to be given to the supply side. Doc B6 shows: at 5% the Council claim a 971 unit surplus; at 20% that falls to a 410 surplus. On this point Doc **B4** and Table 2 is a useful summary.
108. Two strategic sites from the Core Strategy together would delete 604 from the Council's supply. That alone is enough to remove the 5YHLS if the correct 20% buffer is utilised (on the incorrect 665).
109. 290 is removed at Sandleford Park, which has yet to receive planning permission, is required by the SPD to have a comprehensive application, but is in split ownership (who appear to have fallen out) who cannot agree a s. 106 obligation, and has serious outstanding highways and education objections still unresolved despite fortnightly meetings. Furthermore, the submitted application has been subject to significant amendments. The inquiry has been given no information or minutes from these meetings and only silence from the case officer and developers on the likely timetable. Mrs Peddie was reduced (in November 2016) to utilise a trajectory drawn up for the purpose of highways testing in July 2015; it has no validity as an actual build programme, and assumed a permission by Christmas this year. The applications are not even scheduled to go to committee this December, let alone be permitted, and in the absence of co-operation on the s. 106 obligation, there will not be an implementable planning permission in the foreseeable future.
110. 314 are removed from Newbury Racecourse. This site has a permission which is being built out, but it is already five years into a supposed 10 year build-programme. So far it has been running at about 2 units a week. The Council's trajectory assumes more than double: 4-5 a week, every week for the next 5 years - well in excess of either its past record or the company average<sup>67</sup>. If units do not 'shift', there is no practical likelihood that the developer will build more and flood their own market; it is not credible to suggest that either the landowner or developer would reduce their overall return.
111. J&P Motors and Lakeside, Theale, lose 37 units and 150 units respectively. At J&P Motors, the site is occupied by existing commercial uses and, by reference to the PPG, is not to be considered 'available'<sup>68</sup>. At Lakeside, a very old planning permission has never been developed out; the landowner has been waiting 11 months for a revised scheme; the Council have been unable to give the landowner comfort of a positive outcome and cannot even say that the non-determination appeal will not be resisted.
112. Two identified sites without planning permission, Market Street, Newbury and Pound Lane depot, have 190 and 47 units deducted. Market Street is a complex development with certain land ownerships yet to be secured. Even looking at it favourably, if it were to slip by only one year, 190 units disappear. At Pound Lane

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<sup>67</sup> 48 a year, see **B7**

<sup>68</sup> PPG 3-020 **CD4/AB/2**

although a resolution to grant planning permission has been made, the applicant has failed to meet the deadline for the s. 106.

113. Together, the above sites come to 1028 units to be deducted from the Council's 'best case' surplus of 971 (assuming 665 OAN and 5%). In addition, a further 219 units are deducted from five sites within the Housing Site Allocations DPD draft allocations.

114. The Council accept that they cannot use their 525 dpa Core Strategy. Only by asserting (and winning) a 665 dpa OAN can the Council even claim a 5YHLS, but their vaunted supply of 4,900 is not a reliable one. 3,649 units is much nearer the mark.

115. A 5 year housing land supply cannot be shown.

### ***Compliance with the spatial policies of the development plan***

#### *Local Plan, HSG1*

116. The supporting text to HSG1 notes that development will be restricted outside the adopted settlement boundaries. However, the Council acknowledge that those boundaries are out of date in that they do not purport to provide for today's development needs. Indeed, they cannot even provide for the non-NPPF 10,500 housing requirement post-2006 and are in the course of being replaced by the boundaries being drawn up for the DPD policy C1 (which will, themselves, be amended further to accommodate any OAN-based requirement)<sup>69</sup>.

#### *Core Strategy*

117. CS1 expressly recognises the need for green-field development (i.e. outside HSG1 boundaries) to deliver the 10,500 units. These are to be delivered through the spatial hierarchy, which itself is set out in ADPP1. The 10,500 figure is not a cap or ceiling and the Council acknowledge that to exceed it is not to cause planning harm. It is equally acknowledged that 10,500 is an out-of-date, non-NPPF compliant figure, the exceeding of which would be justified even had the policy been drawn to prevent that.

118. ADPP1 directs 'the majority of development' to the three 'Urban Areas'<sup>70</sup>. In so doing, it recognises that 'most development will be within or adjacent to [ie outside] the settlements included in the settlement hierarchy'<sup>71</sup>. The proposals entirely accord with that approach. ADPP1 establishes that locations adjacent to Thatcham are suitable locations, in principle, and no site-specific objections are raised.

119. While ADPP3 is cited against the proposals, it is actually a policy which supports the principle of green-field housing development adjacent to Thatcham. Further, it was confirmed by the Council that the 900 unit figure is not to be seen as a cap or ceiling and no planning harm would arise by exceeding that number. In any event, the 900 is a function of the 10,500 figure, which is recognised to be out of date and would not justify a refusal.

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<sup>69</sup> **CD8/AB/4**

<sup>70</sup> ADPP1, Box **CD6/AB/1**

<sup>71</sup> ADPP1, second paragraph **CD6/AB/1**

120. As to the objection that the site is not identified through the allocations DPD, the answer is simple: the DPD is only doing part of the necessary job; it provides only for the out of date 10,500 dwellings and there is no doubt that more is needed; there is no site specific objection mounted; and no prematurity objection is pursued. No harm arises, therefore, in bringing forward additional development now in a location supported in principle by the policy.
121. Paragraph 14(2) of the NPPF requires that permission should be granted unless the harms significantly and demonstrably outweigh the benefits. Mr Tustain gives no more than very limited weight to the breach of the 2002 settlement boundaries. It is respectfully suggested that he is right to do so. Mr Dray accepts that, on the para. 14(2) test, permission should be granted.

*Weight to be given to the emerging Site Allocations DPD:*

122. The Site Allocations DPD is, as noted above, no more than a daughter document to its parent, the Core Strategy. As the DPD does no more than seek to deliver the CS figure of 10,500 and the CS figure is acknowledged to be neither OAN-derived nor up to date, any purported restriction to within settlement boundaries would be in conflict with the NPPF and, under para. 216 only accorded limited weight. The context of the DPD's production means that it cannot be used to prevent development outside but adjacent to settlement boundary of Thatcham, that being a location identified by ADPP1 as being appropriate for additional housing.
123. While it is true, therefore, that the DPD does not allocate the appeal site, this is no bar to permission being granted. It is not even surprising, given that the DPD was only looking for the balance of 900 at Thatcham. None of the site specific issues raised in the DPD SA/SEA are maintained by the Council as objections to this scheme.

***Benefits of the scheme***

124. In economic terms, the contribution<sup>72</sup> of the scheme by £33m construction value, 261 construction jobs and £6m gross annual residential expenditure is now recognised to be worthy of *significant* weight by reference to para. 19 of the NPPF.
125. In social terms, the contribution of the scheme in terms of housing and affordable housing is now recognised by the Council to be worthy of *significant* weight. The site is obviously anticipated to be a high quality residential environment and is accessible to the necessary services and facilities.
126. In environmental terms, the scheme brings improvement to the current flooding situation<sup>73</sup>, which is a particular concern to local residents; it provides bio-diversity gains<sup>74</sup>; and a 14 ha country park, with public access. Its location adjacent to the sustainable settlement of Thatcham, in the top rung of the settlement hierarchy in ADPP1, means that it contributes positively to the sustainability aims of the third dimension in terms of pollution, natural resources, climate change and low carbon economy.

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<sup>72</sup> Mr Tustain's planning proof, Section 5

<sup>73</sup> Flooding Statement of Common Ground, para 8.4 **CD1/B/8**

<sup>74</sup> Mr Tustain's planning proof, para 5.37

127. The Council raise loss of green-field land as a disbenefit, but this does not extend to any landscape or visual impact objection. Indeed, the site is undesignated in landscape terms and its development for 225 units is considered acceptable by the Council's landscape advisor. Green-field land is necessary if the Council are to meet their 10,500 CS requirement and ADPP1 and ADPP3 both direct development to sites adjacent to the settlement boundary of Thatcham (i.e. in the 'countryside'). In addition, green-field land is necessary if the Council are to meet any assessment of OAN<sup>75</sup>. As such, it is axiomatic that if housing is to be provided in accordance with the NPPF, green-field land will be developed. Its use is not, therefore, objectionable; it is necessary<sup>76</sup>.

### ***Striking the planning balance***

128. It is not surprising, therefore, that Mr Dray volunteered that if the scheme is judged against the balance in para. 14(2) of the NPPF, the harms do not significantly and demonstrably outweigh the benefits of the proposal.
129. We ask ourselves what are the 'harms' alleged? Other than the loss of green-field, which is axiomatic if housing is to be provided adjacent to the sustainable settlement of Thatcham, the only objection is, in effect: 'you are not allocated in our DPD'<sup>77</sup>.
130. That is a process point, in respect of which no prematurity point is being alleged any longer and on a site where no site-specific objection is raised – i.e. there is no planning harm identified by virtue of bringing forward development which locationally (i.e. in *spatial* terms) accords with both ADPP1 and ADPP3. There is no way, rationally, that that 'harm' could be said to 'significantly and demonstrably' outweigh the sum of the significant benefits listed above.
131. Para. 14(2) is engaged by virtue of the relevant development plan policies conflicting with the NPPFs, as accepted by Mrs Peddie. It is also, the Appellants say on the evidence, engaged by the inability of the Council to demonstrate a 5 year housing land supply. On that basis, now, the Council and the Appellants are in agreement that Appeal B should be allowed.
132. But even were it conceivably possible to say that the relevant policies were 'up to date', and the decision fell simply by reference to the 'material consideration' test in s.38(6), permission should be granted. To refuse the scheme would be to forego the many and significant benefits of bringing forward housing on this sustainably located site at the top of the settlement hierarchy, and would be to fail to deliver sustainable development.

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<sup>75</sup> **CD8/AB/4**

<sup>76</sup> And hence para. 8.20 of Mr Dray's proof proceeds on a mistaken premise

<sup>77</sup> That was, in essence, the beginning and end of Ms Peddie's objection

## THE CASES FOR THIRD PARTIES GIVING EVIDENCE AT THE INQUIRY

### *Those giving evidence at the Inquiry*

133. The Inquiry was addressed by 7 interested parties. Notes of these addresses, and supplementary documents, are included at **TB1 to TB7**.
134. A major concern was the impact of the proposal on the risk of flooding in Thatcham. It was noted that a major flood had occurred in 2007, affecting 1100 houses, and there had been regular incidents since. A flood alleviation scheme had been established, and was in the course of construction, with support from the Environment Agency, and the local Parish and Town Councils had set up a flood forum and appointed a flood warden.
135. The appeal site is directly north of, and on higher ground than, the developed part of Thatcham, and discharge from it would be a major component of any future flooding in the town. There were doubts about the effectiveness of the technical solution proposed by the appellants, including concerns about the limited capacity of the watercourses into which the land would drain, and the difficulty of ensuring adequate attenuation on the site. It was questioned whether the site could be developed at all, noting, amongst other matters, the nature of the underlying clay geology, the loss of absorbent ground which would result from site clearance, and the likelihood of breaching the water table with the building works. There were also concerns about whether it would be possible to secure the maintenance of any system in perpetuity.
136. Other matters raised included the principle of developing outside the settlement boundary, and the resulting harm to the quality of the landscape, drawing attention to the recent appeal decision<sup>78</sup> at Pound Cottage, Cold Ash, which found that the construction of 6 bungalows on Cold Ash Hill would intrude into the countryside and erode the rural setting of the village. The current proposal would be a disproportionately large increase in the population of Cold Ash Parish, and lead to the coalescence of the village with Thatcham.
137. There were concerns about existing traffic problems in the area, particularly on Cold Ash Hill, and doubts about the appellants' conclusion that development of the site would not exacerbate these issues. The site is not in an accessible location, whether in relation to Thatcham or Cold Ash, being remote from services and facilities, and there were uncertainties about the capacity of local infrastructure to cope with the increased demand, especially schools.

### *Written Representations*

138. The planning application was opposed by the Cold Ash Parish Council and Thatcham Town Council, and 62 letters of objection were received by the Planning Authority. 66 letters against the proposals were sent to the Planning Inspectorate in response to the appeal application.
139. In addition to the points raised at the Inquiry, concerns included the impact on wildlife; the setting of listed buildings; sewage disposal and water supply capacity; the loss of green fields, trees and hedgerows; pollution; noise and

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<sup>78</sup> APP/W0340/W/16/3143521

disturbance during construction; inadequate health facilities; road safety; and, a lack of public transport to serve the site.

## **PLANNING CONDITIONS (IN THE EVENT THAT THE APPEAL IS ALLOWED)**

140. In recommending the schedule of conditions shown at Annex 3, regard is had to the Council's draft list<sup>79</sup>, the discussions at the Inquiry, and the advice in Planning Practice Guidance. The numbers in brackets below refer to the condition numbers in Annex 3.
141. Conditions are applied to require general accordance with the submitted illustrative plans (5) and control the scale of development (16, 17), to obtain a comprehensive landscape strategy plan (6), and to limit the size of the scheme to the specified 225 dwellings (7), for the benefit of the appearance of the development, and its impact on the wider area. The approved access details are listed (4) for the avoidance of doubt, and there is also a need for the submission of internal access arrangements (8). The hours of building work (9), and a construction method statement (10) and restriction on piling methods (21), are required to protect the amenity of adjoining residents, and travel plans (11) are necessary to secure a sustainable form of development.
142. Highway works (12-15) will help to secure road safety and the free flow of traffic, and to facilitate pedestrian and cycle use. In view of the sensitive nature of flood control in this area, the Council's SUDS condition is adopted (18) but with amendments to remove reference to the requirements for of other approvals by third parties. There is a need to secure archaeological interests (19), and to ensure that any unforeseen ground pollution is adequately addressed (20). Protection of existing trees (22) helps to secure the appearance of the development, as do conditions to require details of cycle and refuse/recycling storage (26, 27). Ecological interests are served by control over external lighting (24), and the submission of environmental management plans (23, 25).
143. The possibility of a shortage of water supply, and potential harm to nature interests by water extraction, have been raised by Thames Water and Natural England, with a request for a condition preventing development until feasibility studies have been carried out. Any remedy would be outside the control of the developer and, whilst a Grampian style condition could be applied, the submitted evidence falls short of a strong case that significant harm would arise, or that any outstanding issues could not be resolved by other statutory powers. Having reviewed the situation the Council, at the Inquiry, agreed to withdraw their request for such a condition, and it is recommended in this report that the need for it has not been proved. Correspondence surrounding this matter is appended to the draft conditions for Appeal A in **CA2**.
144. In addition to the identified reserved matters, a number of conditions require action prior to the commencement of development. Those relating to the overall planning and operation of the site, including flood control, are necessary to ensure a coordinated form of development, whilst protection of trees, archaeology, and ecological interests should occur before potential harm could

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<sup>79</sup> **CB1**



arise through building works. A safe form of road access, and protection of the amenity of adjoining residents, should be secured before construction works commence.

## **INSPECTOR'S CONCLUSIONS**

145. Numbers in square brackets refer to previous paragraphs in this report.

### **The Main Considerations**

146. The following main considerations were suggested to the parties at the beginning of the Inquiry: i) whether the proposal complies with spatial policies in the development plan and, if not, whether the application of those policies is outweighed by other considerations, including the need to demonstrate a five year supply of deliverable housing land, ii) the weight to be allocated to the emerging Site Allocations DPD, and whether permission for the proposal would undermine its preparation.

147. No objection to the choice of these considerations was raised, but the Council subsequently withdrew their concern about prematurity to the Site Allocations DPD on the ground that the plan had proceeded a considerable way towards adoption, to diminish its vulnerability to change. There is no reason to disagree with the Council on this point and the second consideration is therefore amended as follows: ii) the weight to be allocated to the emerging Site Allocations DPD.

148. A substantial portion of the Inquiry time was spent on the assessment of housing land supply in West Berkshire. As this aspect informs the evaluation of development plan policy, it is dealt with first.

### **Housing Land Supply**

149. The Inquiry dealt with housing land supply in a combined session of Appeals A and B. Each of the appellants produced their own proofs and gave evidence separately, but took a broadly similar approach to the matters raised, confirmed in a statement of common ground at **CD1/A/5**. They are referred to jointly as "the appellants" in this part of the report.

### **Assessment of Need**

150. The objective to provide for at least 10,500 houses (525 dwellings per annum), in Core Strategy policy CS1 was based on the South East Plan, and was recognised by the Examining Inspector as not representing the objectively assessed need (OAN) set out in para 47 of the NPPF. The policy envisaged that this figure would be updated once a Strategic Housing Market Assessment (SHMA) had been undertaken, and this was issued in February 2016. It was prepared for the wider Housing Market Area (HMA) in conjunction with surrounding Authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP). The SHMA assessed a need for 665 dwellings per annum (dpa) in West Berkshire, and, despite earlier indications of preferring a lower figure to take account of development constraints, this was the level supported by the Council at the Inquiry. The appellants dispute the findings of the SHMA, assessing an OAN ranging between 750 and 950 dpa<sup>80</sup>. A useful summary of the respective positions of the parties is contained in the table at document **A9**, the

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<sup>80</sup> See document **A9**. Mr Veasey indicates OAN would rise to 1708 dpa if all affordable housing needs were taken into account.

final version of which reflects a number of agreed adjustments made during the course of the Inquiry. [27-31,82, 84]

### *Demographic Assessment*

151. Dealing first with the demographic assessment (stage A of table **A9**), the starting point for the SHMA was 537 dpa derived from the 2012 projections published by the Department of Communities and Local Government (DCLG). Whilst the 2014 figures are now available, showing a reduction to 391 dpa, the Planning Practice Guidance (PPG) recognises that housing assessments are not automatically rendered out of date every time a new projection is issued, and the Council assert that the updated estimates have a limited impact on the overall result<sup>81</sup>. The appellants use the updated figures, which are then adjusted to take account of evidence of household suppression and migration trends, to produce an overall demographic led total of 570-610 dpa (Appeal A) and 584 dpa (Appeal B). These levels are not substantially different from a comparably adjusted figure in the SHMA of 583 dpa. Whilst there is fundamental disagreement about the methodology used to reach these results, discussed further below, the similarity of outcome diminishes the extent to which the alterations sought by the appellants would have a material effect on the assessment of demographic led OAN. [33, 34, 85]
152. The projections demonstrate a declining rate of household formation in the 25-34 age group when compared with earlier data and, to a much lesser extent, in the 35-44 band. The SHMA indicates that there may be a range of socio-economic reasons for this trend but acknowledges that a lack of availability of suitable accommodation is a factor that should be addressed. It is the appellants' view that the PPG intends that this should be dealt with as an adjustment to the initial demographic demand, rather than as a response to market signals, which appears later in the calculation. Reference is made to a number of previous appeals and local plan examinations which have adopted this approach, as well as the Local Plans Expert Group (LPEG) in their report to Government of 2016. [34, 42, 86, 87]
153. These points are noted, but even if it is the intention of the PPG to separate these elements of the calculation, the guidance also makes clear that there is no definitive approach to calculating OAN, and there is some strength to the Council's concern about the likelihood of double counting, because the various influences on housing demand are interlinked. It is not accepted that the SHMA has failed to take account of relevant factors, nor that its methodology is fundamentally flawed in these respects. [86]
154. The population and household projections which form the basis of the OAN take account of recent trends in migration patterns, but there is the contention that those used in the SHMA were heavily influenced by the 2008 recession, and that a longer timescale would give a more reliable indication. However, it is also the case that the projections used in the SHMA were sensitivity tested against 10 and 12 year timescales and the outcome did not prove that the 2012 figures unduly suppressed migration trends, although an additional allowance was made for London migration. The evidence falls short of proving that the SHMA has significantly underestimated the level of in-migration. [34, 87]

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<sup>81</sup> Mr Ireland's proof of evidence, paras 6.1-6.12

## *Economic Growth*

155. Turning to the second component of the calculation (stage B in the table at **A9**), the disagreement about the anticipated level of economic growth in West Berkshire forms a significant part of the difference between the parties' OAN estimates. The SHMA used data from Cambridge Econometrics September 2013 forecasts, indicating an average rise of 522 jobs per annum (0.5% increase) in West Berkshire. However, prior to the issue of the SHMA, the November 2015 forecasts had become available, showing an average rise of 790 jobs per annum, but this was not reflected in the SHMA analysis. The appellants also criticise the use of only one source of data, whereas their estimates are based on an average of the three main forecasting houses. [36,88-93]
156. There is validity in these concerns. The Inspector at the Stanbury House appeal<sup>82</sup>, dealing with the same SHMA, questioned the use of only one source, noting that the Cambridge Econometrics forecasts appeared relatively conservative by comparison with those issued by Oxford Economics and Experion, a point echoed in the SHMA itself<sup>83</sup>. It is also the case that the estimate on which economic projections were based was already two and a half years out of date by the time the SHMA was issued, and the latest figures should be used where possible. Late adjustment for the 2015 forecast could have had a significant effect on the OAN. [35, 36, 88-93]
157. However, there are extenuating circumstances. The Cambridge Econometrics forecast was chosen to align the SHMA with the Strategic Economic Plan, prepared by the Thames Valley Berkshire Local Enterprise Partnership. Whilst, as noted by the Stanbury House Inspector, such an alignment should not be at the expense of the accuracy of the OAN, the PPG recognises the value of such an arrangement. Similarly, the SHMA took account of local economic circumstances in assessing the level of growth. The Inquiry also heard that the latest Cambridge Econometrics forecast, of November 2016, reversed the increase shown in 2015, by estimating an average jobs growth of 527. An Oxford Economics forecast of October 2016 showed a similar level (513), although an Experian forecast from the same month estimated the level at 765. [35, 36, 88-93]
158. Taken together, there is clearly a wide variation of results, whether between forecasting houses or over time, and reliance on one forecast could give a misleading impression. However, having regard to the breadth of the Council's local research and consultation, and because the Cambridge Econometrics forecast of 2013 does not appear substantially different from two out of the three current forecasts, the evidence falls short of proving that the basis of the SHMA employment estimate is unduly pessimistic in its approach. Similarly, whilst there is dispute about the source of and quality of data to set activity rates, commuting ratios and whether double jobbing should be taken into account, the alternative evidence does not prove that the SHMA is wrong on these points. [33, 35-39, 88-93, 94]
159. Attention is drawn to the balancing of jobs within the HMA, resulting in a reduced housing requirement in West Berkshire, on the ground that this is an application

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<sup>82</sup> APP/X0360/W/3097721, issued 20 June 2016, **CD7/AB/7**

<sup>83</sup> **CD8/AB/1**, para 5.48

of policy rather than reflecting the unadulterated assessment of need. However, the SHMA assesses need throughout the HMA and it does not seem to run counter to the advice in the PPG if appropriate adjustments are made between authorities provided they are agreed in the duty to cooperate. The SHMA was jointly commissioned and regularly consulted on by the constituent authorities and there is no reason to suppose that this was not an agreed position. The Council draw attention to the outcome of the St Modwen case<sup>84</sup> in support of their position. [38]

### *Market Signals*

160. Section C of the table at **A9** refers to the response to market signals, and the PPG sets out the criteria for assessing whether an adjustment is necessary. Mr Ireland's evidence<sup>85</sup> summarises the measures taken in the SHMA to assess each criterion, leading to the conclusion that there were affordability pressures in West Berkshire, but not unduly pronounced by comparison with other parts of the region. The SHMA increased the initial DCLG figure (537 dpa) by 13.5% to improve affordability, addressing the suppression of household formation observed in the younger age groups. A further 9.1% upward adjustment was made to accommodate future migration. [33, 40, 42, 95]
161. The appellants dispute the principle behind this methodology, noting that the PPG deals with affordability as a separate element after demographic trends have been considered. However, for the reasons previously given, it is not accepted that the SHMA is necessarily wrong in this respect. Any adjustment to address affordability is, by its nature, approximate, and it is necessary to monitor the effect in later iterations of the OAN calculation. However, on the basis of the present information, the proposed uplift does not seem unreasonably low, and would not be out of keeping with the conclusions of the Inspector at the Stanbury House appeal<sup>86</sup> when dealing with the same issue, albeit in a different Authority. [86, 95]

### *Affordable Housing*

162. With respect to the level of affordable housing (section D of the table at **A9**), the SHMA assesses a need for 189 affordable dwellings per annum in West Berkshire which, at a delivery rate of 30%, would generate an overall need for 630 dpa. This is based on a threshold of 35% of gross income being spent on housing costs, which the Council point out<sup>87</sup> is very similar to the 34% of income spent on rent nationally identified by the Survey of English Housing, and the threshold advised to registered providers by the Homes and Communities Agency. Although the 30% rate of delivery would be higher than is presently achieved, a larger proportion of future sites will be on green-field land, where there is more likelihood of reaching the target of 40% affordable housing in policy CS6. [40, 41, 96-101]

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<sup>84</sup> St Modwen Developments Ltd v SSCLG and East Riding of Yourshire Council [2016] EWHC 968 (Admin) **CD7/CAB/3**

<sup>85</sup> Mr Ireland's proof of evidence para 5.73

<sup>86</sup> APP/X0360/W/3097721, issued 20 June 2016, **CD7/AB/7**, para 42

<sup>87</sup> See Mr Ireland's proof para 6.39

163. The appellants note that the 35% threshold of gross income threshold is significantly higher than the 30% net income referred to in the definition of affordable rents in the Core Strategy. In West Berkshire it would secure only a one bedroom dwelling on the private rental market, leaving little disposable income, and there is limited evidence to support the assumption that 90% of owner occupiers would be able to finance any shortfall in their accommodation costs out of their own resources. A safer set of assumptions<sup>88</sup>, indicate, for instance, that a 25% gross income threshold would generate a need for 427 affordable dwellings, which, at a more realistic 25% rate of delivery, would require a total of 1708 market and affordable homes per annum. [41, 96-101]
164. However, whilst a case may be made for a higher level of provision than that shown in the SHMA, it is also true, as pointed out in the Kings Lynn judgement<sup>89</sup>, that the calculation of unmet affordable housing need will often produce a figure with little prospect of being delivered in practice. The NPPF distinguishes between the obligation to meet general housing demand and the requirement to address affordable housing need, and the PPG advises only that an increase in the total housing should be considered where it would help to deliver the required affordable homes. In the present case, the Council have addressed the need for affordable housing, and the evidence does not show that the criteria used are either so adrift of normal practice, or that the expectations of the level of delivery are so unrealistic, as to justify rejecting the SHMA figure on these grounds. [40, 41, 96-101]

#### *Local Plans Expert Group*

165. Reference is made to the report to Government of the Local Plans Expert Group (LPEG) of March 2016 which, amongst other matters, recommended codifying the calculation of OAN for the benefit of consistency and to streamline plan preparation. The appellants draw support from a number of the conclusions reached by this group, and have prepared an OAN based on its recommendations, in parallel with their own calculations, indicating an OAN of 771 dpa. [42,103]
166. The LPEG report is under consideration by DCLG, and at the time of writing there is no indication whether its recommendations are to be adopted, in whole or in part. It is also recognised that some aspects of the proposed methodology have been the subject of criticism, particularly in respect of possible double counting<sup>90</sup>. At this stage it is not possible to give substantial weight to the relevant LPEG proposals, but it may be, during the course of these appeals, that this is a matter which the Secretary of State will reappraise in the light of any progress towards adoption of a standard methodology. [42, 103]

#### *Conclusions on Housing Need*

167. The SHMA is a comprehensive document which seeks to explain and justify the basis on which the OAN is calculated. It was prepared in conjunction with the constituent local authorities and the Local Enterprise Partnership, and, whilst the

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<sup>88</sup> See Table 5.8 of Mr Veasey's evidence, **CD1/B/11**

<sup>89</sup> Kings Lynn and West Norfolk v SSCLG and Elm Park Holdings Ltd [2015] EWHC 2464 (Admin), **CD7/CAB/5**, para 32

<sup>90</sup> Mr Ireland's supplementary proof, 12.6 refers



appellants' claimed shortcomings in the consultation process are noted, there were opportunities for the involvement of interested third parties. It has not been tested at a Local Plan Examination, and its conclusions are susceptible to critical examination, but it is, nonetheless, entitled to substantial weight. [43]

168. Whilst the guidance gives considerable scope for reaching the alternative conclusions put forward by the appellants, those conclusions fall short of proving that the SHMA is fundamentally flawed in its methodology or results. It is true that its length of preparation has meant that parts of the data are now of some age, but any variation from up-to-date figures is not of such significance as to invalidate the results. There are grounds to consider that 665 dpa is an adequately realistic measure of OAN in West Berkshire for the purpose of the present appeals.

## ***Land Supply***

### *The Buffer*

169. NPPF para 47 sets out the need to increase the supply over the OAN by 5% or, where there is a record of persistent under delivery, 20%, in order to ensure choice and competition in the land market, and to provide a realistic prospect of achieving the planned supply. At the time of considering the Core Strategy, in 2012, the Inspector noted that there had been an under supply against the targets in 7 of the preceding 12 years. However, he recognised the effect of the recession from 2008 and that there had been a strong level of delivery in the earlier part of the period, and decided that there was not evidence of persistent under supply, so that a 5% buffer should apply. The appeal at Mans Hill<sup>91</sup> reached a similar conclusion in February 2015, noting that, whilst the Council's record did not paint a glowing picture of housing delivery, the circumstances had not changed so substantially in the intervening period as to justify a different outcome. The Inspector at Firlands Farm<sup>92</sup> in July 2015 also took account of strong delivery in 2004/5 and 2005/6, and favoured a 5% buffer. [44-47, 104, 105]
170. Since these decisions, the SHMA has been issued indicating an OAN of 665 dpa, and it is the appellants' contention that the recent past record should be looked at in the light of this figure, rather than 525 dpa shown in the Core Strategy. The Council note that the Uttlesfield appeal<sup>93</sup>, and references quoted within it, rejected this approach, and that it would not be reasonable to expect the planning authority to meet a level of which they were unaware until the issue of the SHMA. However, the guidance does not set a particular rule on this point, and a decision is subject to the circumstances applying. In this case, it was clear that the Core Strategy figure did not represent an assessment of need measured in accordance with the NPPF; the Core Strategy Inspector anticipated that the real figure would be higher<sup>94</sup>, and that it would be necessary for an early reappraisal. It is also the case that much of the base data which informed the SHMA came from 2012 and 2013, rather than representing a recent change of circumstances at its issue in 2016. It is reasonable to assess performance

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<sup>91</sup> **CD7/CAB/8**

<sup>92</sup> **CD7/AB/1**

<sup>93</sup> APP/C1570/A/14/2213025, para 15.16, Appendix 7 of Ms Peddie's proof

<sup>94</sup> **CD6/B/1** para 30

against the requirement of 525 dpa up to 2012/13 but 665 dpa thereafter. [44-47, 104, 105]

171. The parties also differ in the length of time over which the assessment is made. Whilst the PPG recommends the use of a longer time scale to even out the effect of the economic cycle, the very strong performance in the period up to 2005/6 is of diminished relevance now, and its inclusion has a disproportionate effect on the overall result. A 10 year period provides a reasonably balanced assessment. [44-47, 104, 105]
172. On this basis<sup>95</sup>, the figures show a deficit in 6 out of the 10 years, all of which have occurred within the last 7 years, and a cumulative under-supply over this period of 658 units (which would rise to 1197 if 2006/7 were removed from the equation). It is certainly true, as noted by the Core Strategy Inspector, that the 2008 recession had a significant influence over part of this period, but there has been a reducing effect since the adoption of the plan in 2012. There are grounds to consider that there is a record of persistent under delivery and that a buffer of 20% is now justified. [44-47, 104, 105]

### *Deliverable Housing Land*

173. The Council's evidence<sup>96</sup> indicates deliverable sites for 4,902 dwellings, whereas the appellants estimate 3,420 and 3,520 in Appeals A and B respectively. Document **CAB3** records the common ground between the parties, and identifies in Table 2 the list of sites which are in dispute. A large portion of the difference arises out of disagreements about the likely delivery rates from the two major strategic sites identified in the Core Strategy: Sandleford Park and Newbury Racecourse [108].
174. The Inspector for the Housing Site Allocations DPD questioned<sup>97</sup> the likely output from Sandleford Park, noting that the project is relatively complex and the trajectory may be overly ambitious. Current information reinforces this concern. There is no indication that the intention to decide the planning applications on this site by the end of 2016 has been achieved, and there appear to be difficulties in ensuring a comprehensive form of development. The associated supplementary planning document<sup>98</sup> makes clear that the planning for the whole of the site should be dealt with in a single application to ensure a coordinated approach and the timely provision of infrastructure, but there are indications of a lack of agreement between the owners of the site, and a likelihood that Section 106 obligations will not be easily or quickly put in place. The appellants also point to a number of access concerns identified by the Council's Highways department<sup>99</sup>. There is limited information about the detailed progress towards development of the site but, on the basis of the submitted evidence, there appear to be a number of potential impediments to early development which raise significant doubts about whether the Council's trajectory is deliverable. Whilst the forecast put forward by the appellants in Appeal B is the more

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<sup>95</sup> See, for instance, Table 1, page 71, of Ms Cohen's proof **CD1/A/15**

<sup>96</sup> Table at 6.24 of Ms Peddie's proof

<sup>97</sup> **CD8/A/7**

<sup>98</sup> Sandleford Park SPD, 2015, Policy S1, **CAB8**

<sup>99</sup> **CD8/A/9-11**

cautious, that proposed in Appeal A appears realistic and is adopted in this report. This would diminish the Council's estimate by 240 homes. [49, 109]

175. The second strategic site, Newbury Racecourse, is in the course of development, being about halfway through a 10 year build programme, with the first phase complete, the second under construction, and proposals to start the third sector imminently. The point of dispute is whether the anticipated rate of future delivery is achievable. Figures supplied by the developer<sup>100</sup> point to an average rate of 125 dwellings completed per annum in each full year up to 2016/17, whereas the programme requires a step change to an average rate of 233 dpa for the 4 full years following. Whilst this level was achieved in 2014/15, it was surrounded by years of much lower delivery. There is reason to share the doubt about maintaining this rate over a more extended period, which would exceed the current rate of sales<sup>101</sup>, and would be substantially larger than the company's reported average rate of site delivery<sup>102</sup>. Whilst it is part of the appellants' case that there is an unmet housing need, there is likely to be a limit to the rate of demand within a single location, and there will be competition from Sandleford Park and the sites identified in the Housing Site Allocations DPD during this time. Even if the developer is under an obligation to the landowners to meet this timetable, the details of any agreement are not known, and it seems probable that it would be in neither of the contracting parties' interests to spoil their market by enforcing such an arrangement. The appellants estimate a reduction of 314 units during the course of the 5 year period, which is accepted as a much more likely outcome than the assessment relied on by the Council. [50, 110]
176. Whilst there are existing commercial uses of the J&P Motors site, there is no indication of any legal impediment to the use of the land for housing, it has an implemented planning permission, and there is recent evidence of the involvement of a developer. The Lakeside site in Theale received planning permission in 2007, later implemented, but without development proceeding, and a replacement application is currently at appeal. Nonetheless, the appellants' evidence falls short of proving that the existing permission does not represent a viable fall-back position, and a significant sum has already been paid to meet Section 106 obligations. On balance, there seems to be a reasonable prospect that both of these sites will deliver housing within the five years. [51, 52, 111]
177. The Council include sites identified in the emerging Housing Site Allocations DPD, which, although not adopted, is some way through the Examination process and there is no indication that the identified land will not be allocated. Attention has been drawn to the Wainhomes<sup>103</sup> judgement, which cautioned against the assumption that such land would be deliverable without specific evidence, but submissions from the Council<sup>104</sup> indicate that each of the owners of the disputed sites has been contacted and expects housing development to be carried out within five years. In the circumstances, there are not substantial grounds for reducing the expected delivery from this source. [53, 113]

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<sup>100</sup> Ms Peddie's proof Appendix 3

<sup>101</sup> Indicated in document **CAB7** as "1 house and 1-2 flats per week"

<sup>102</sup> Document **B7**

<sup>103</sup> Wainhomes Holdings Ltd v SSCLG [2013] EWHC 597 Admin, **CD7/B/4**

<sup>104</sup> **CAB6**

178. Market Street Newbury is a complex, town centre scheme involving a high density of development on a confined site with level differences. However, it is mainly owned by the Council, with a developer in train, and there is progress towards resolving planning and obligations issues, and to relocate the present bus station. Part of the land is in third party ownership, but there is no evidence that any failure to secure this property would prevent a scheme from proceeding. Delivery of 232 units from this site within 5 years does not seem to be an unreasonable expectation. The Pound Lane Depot site is also owned by the Council. It was rejected for inclusion in the 5 year supply at the Mans Hill appeal, on the grounds of uncertainty about the proposed use, and costs of ground remediation. However, a planning permission for 47 units has now been granted subject to a Section 106 agreement and, whilst there has been some delay in this respect, there is not a substantial reason to exclude the site. There is limited information about two small sites in dispute, but the total difference, 4 dwellings, would not have a material effect on the overall calculation. [54, 55, 112]
179. In summary, there is sufficient doubt about the likelihood that all the anticipated units will be delivered at Sandleford Park and Newbury Racecourse to indicate that they cannot be considered to be fully deliverable in terms of the definition in footnote 11 of the NPPF. For the purposes of these appeals, the Council's five year housing supply estimate is reduced by 554 dwellings, from 4,902 to 4,348.

#### Conclusion on Housing Land Supply

180. The parties agree<sup>105</sup> that an OAN of 665 dpa, along with the accumulated deficit, would produce a 5 year requirement for 3,742 dwellings. With a 20% buffer, the figure would rise to 4,490, or 898 per annum. A delivery of 4,348 would therefore equate to 4.84 years supply.

### **Development Plan Policy**

#### *Whether the proposal complies with the development plan*

181. With respect to the principle of the development of this site, being green-field land outside the settlement boundary, the Council's reason for refusal refers to Core Strategy policies CS1 and ADPP3, and saved Local Plan policy HSG1. Core Strategy policy ADPP1 is not referred to in the notice, although Mr Dray's proof<sup>106</sup> indicates conflict with its terms. There is no clear difference of principle between this appeal and Appeal A, where ADPP1 is cited, and the policy appears relevant to the issues involved. [75]
182. The proposal does not comply with any of the 4 categories of land which CS1 identifies for future housing development. In particular, it is not one of the sites which have been chosen in the Site Allocations DPD referred to in this policy. However, the wording is not wholly prohibitive of development outside these categories. [60, 74]
183. The location would meet a number of the locational criteria in ADPP1, including that it is adjacent to one of the main urban areas in the settlement hierarchy and the Council do not specifically claim that there is a lack of supporting

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<sup>105</sup> See Mr Tustain's proof, Table 15 (**CD1/B/10**) and Ms Peddie's proof, tables at paras 6.15 and 6.21

<sup>106</sup> Mr Dray's proof paras 5.4-5.7

infrastructure, facilities or services, nor that it is inaccessible by walking, cycling and public transport. However, the final part of this policy creates restrictions on development in areas below the settlement hierarchy, including open countryside. It is the appellants' view that, in being adjacent to an urban area, the site falls within the settlement hierarchy and is therefore excluded from this aspect of the policy. [61, 75, 118]

184. However, although the policy refers to the potential for development adjacent to a settlement, this is in the context of CS1, where such land would be allocated in a development plan document. It distinguishes land adjoining a settlement from the settlement itself, and the District Settlement Hierarchy table refers only to the settlement. Therefore, the land falls below the settlement hierarchy. Despite its proximity to the town, it is composed of agricultural fields with the characteristics of open countryside, and is subject to the final bullet point of policy ADPP1, which allows only limited development which addresses identified needs and maintains a strong rural economy. The proposal would not comply with this aspect of the development plan. This conclusion is different from that reached by the Inspector at Firlands Farm<sup>107</sup>, but is arrived at in relation to the particular points raised in the present appeal. [62, 75]
185. Policy ADPP3 indicates that approximately 900 homes are to be provided in Thatcham during the plan period, two thirds of which had already been committed or completed at the time of publication. The remainder would be allocated through the Site Allocations DPD. It is clear<sup>108</sup> that the relatively limited growth of Thatcham arises out of a local desire for retrenchment after a period of rapid development, to allow the infrastructure to catch up. However, the Inspector's Examination report notes that higher growth may become necessary if additional housing is required, and the Core Strategy sets the delivery target as a minimum figure. 900 homes should not be viewed as a ceiling, and the wording of ADPP3 does not directly restrict development to this level. [61, 74, 119]
186. Local Plan policy HSG1 is a permissive policy which identifies the settlements within which new housing will be allowed, including Thatcham. It does not specifically exclude housing in other areas, but the accompanying text notes that development outside settlement boundaries would only be permitted in exceptional circumstances, which is taken to exclude the appeal proposal. However, some caution must be used in this interpretation, because, to the extent that the supporting text is creating policy, it is entitled to lesser weight than the policy itself. The replacement policy C1 in the emerging Site Allocations DPD resolves this issue by including a presumption against new residential development outside settlement boundaries. [64, 73, 77]

#### *The emerging Site Allocations DPD*

187. The DPD has passed a considerable way through the Examination process, with amendments in respect of the Inspector's initial report being subject to a further round of public consultation. Whilst objections remain, the principles of those matters pertinent to this appeal have largely been established and there is reason to consider that the policies will be adopted as part of the development

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<sup>107</sup> **CD7/AB/1**

<sup>108</sup> See Inspector's Examination report paras 64-67 **CD8/CAB/2**

plan in the first half of 2017. The emerging plan is entitled to considerable weight in accordance with NPPF para 216, although subject to the limitations discussed below. [64, 77, 122]

#### *The weight to be attributed to policies*

188. Material considerations may lead to a lesser weight being allocated to development plan policies, including when they are deemed out of date, or inconsistent with the policies of the NPPF. An intention to protect the rural areas by restricting development outside defined settlement boundaries is not inconsistent with the NPPF, which recognises the inherent character and beauty of the countryside. However, those boundaries should reflect the need for land to allow necessary growth, including the provision of a wide choice of homes.
189. The housing requirement which informed policy HSG1 was implementing a Structure Plan which is no longer in force, and the policies of the Core Strategy are not based on an objective assessment of need which accords with the NPPF. As such, those aspects of the identified policies which seek to restrict development to the present settlement boundaries are not up to date, and their weight is diminished accordingly. The emerging Site Allocations DPD will amend the settlement boundaries to provide more housing land but, as a daughter document of the Core Strategy, not in relation to a current assessment of housing need. [58, 64, 65, 78, 79, 116, 122]
190. Para 49 of the NPPF indicates that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. There is no dispute between the parties that policies CS1, ADPP1, ADPP3 and HSG1 are relevant policies in this context and, in the absence of a five year supply, the policies are not up to date for this reason also. [57, 81]

#### **Conclusions on the Main Considerations**

191. The process set out in the Core Strategy, where future development land will be identified through the Site Allocations DPD, reflects the need for a plan led system supported by the NPPF. The appeal proposal would be outside this mechanism and also contrary to the specific restrictions on development in the countryside imposed by ADPP1, and, with the reservation noted above, HSG1, reinforced by the weight given to emerging policy C1.
192. However, the policies do not reflect current housing need, and the Planning Authority is not able to demonstrate a five year supply of deliverable housing land. The NPPF seeks to boost significantly the supply of housing and the policies are not up to date in achieving this objective. Whilst there remains a need to secure a sustainable form of development, the weight attributed to the policies is reduced to the extent that a location outside the settlement boundary is not, of itself, an overriding reason to dismiss the appeal.

#### **Other Matters**

193. The flooding of the area in 2007, and incidents since, have raised local awareness of the risks associated with the development of the slopes above the town. In particular, there is a concern that the hard surfacing of the land would diminish its storage capacity and create excessive flows in the existing outfalls, as well as the hydrological implications of carrying out excavations which are likely to



breach the water table. To address these matters, the appellants have prepared surface water proposals, in consultation with the relevant authorities, which would fit within the context of the Council's Surface Water Management Plan for the town. The Statement of Common Ground<sup>109</sup> confirms that the Council raises no objection to the proposal on drainage grounds, and that the current maximum green-field run off rate would be reduced by the scheme. [134, 135]

194. There is no clear reason to conclude that the land cannot be satisfactorily drained, and a planning condition would enable scrutiny of the details of the scheme, and measures for its long term maintenance. The Council do not routinely consult with other parties when considering such submissions, but agreed that there was no reason that they should not do so, and, as there are local groups with an interest in this issue, it is recommended they should be given the opportunity to comment on the detailed design. Such groups would not be taking liability for the final design, and their advice should be treated in that light, but they do have extensive local knowledge which would help to inform the solution.
195. The Council withdrew its objection to the visual impact of the scheme, and its effect on landscape character and the setting of the AONB, following the reduction in the scale of the proposal. Nonetheless, these are matters which continue to concern interested parties, especially in respect of the impact on the village of Cold Ash, and its separate identity from Thatcham. Reference was made to the dismissal of an appeal<sup>110</sup> for 6 bungalows on land south of Pound Cottage, Cold Ash, which identified harm to the rural setting of the village. [127, 136]
196. These concerns are recognised, and it is certainly the case that the proposal would lead to urban development extending northwards alongside Cold Ash Hill, towards the village. However, it would retain an area of open space between the settlements, and there would be limited inter-visibility because of the retention and reinforcement of vegetation. It would extend no further northwards on the western side of Cold Ash Hill than the existing housing on the eastern side, appearing as a consolidation of the urban area, and would be perceived as an extension of Thatcham rather than of Cold Ash. In these respects, the circumstances are different from those applying to the land south of Pound Cottage. Nor is there an indication that the development would have a harmful effect on the setting of the AONB. Overall, there is reason to agree the Council's assessment that the present scheme would avoid an unduly harmful visual impact.
197. Similarly, there are not substantial grounds to challenge the conclusions of the Transport Statement of Common Ground<sup>111</sup>, which set out the agreement of the main parties to the measures necessary to mitigate the impact on traffic, and that the site occupies a reasonably accessible location. Whilst Thatcham is a smaller settlement than Newbury, it is identified in Core Strategy policy ADPP1 as one of the main urban areas with a wide range of services which will be the focus of the majority of development. The evidence does not prove that the new

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<sup>109</sup> **CD1/B/8**

<sup>110</sup> APP/W0340/W/16/3143521

<sup>111</sup> **CD1/B/7**

housing could not be adequately served by local facilities and infrastructure. The scheme would lead to some disturbance of wildlife, but the retention of open space, and measures to protect and enhance habitats, would help to minimise any harm. [137]

198. These, and the other matters raised, do not amount to reasons to recommend dismissal of the appeal.

### **Obligations**

199. The Unilateral Undertaking at B5 makes provision for a range of obligations, including: affordable housing at a minimum of 40% of dwellings; the planning, management and maintenance of open space and drainage measures on the site; travel plans to contribute to a sustainable form of development; and a GP surgery. In the latter case there is no indication that a surgery is essential to make the development acceptable, but, in other respects the obligations would meet the tests in Community Infrastructure Levy (CIL) Regulation 122.
200. The Undertaking makes provision for the payment of £60,000 per annum for five years to establish the extension of a bus service into the site. Whilst the Council are not able to confirm that the service operator would be willing to adjust the existing route<sup>112</sup>, there is the alternative option of diverting a minibus service operated by the Council. The outer reaches of the new estate would be some distance from existing bus stops, and the proposal to contribute to the cost of amending routes formed part of the appellants' proposals to secure the sustainability of the development. Whilst there is limited support for the specific sum offered, it does not seem out of keeping with the likely costs of setting up a service. There is also a contribution made to the Thatcham Nature Discovery Centre, to offset the additional pressure which the recreational needs of the development would place on the conservation of the nearby Thatcham Reed Beds SSSI, justification for which is included in Appendix B of Mr Dray's proof. Whilst the initial sum requested appeared excessive in relation to the assessed need for mitigation, the reduced figure in the undertaking reasonably reflects the likely expenditure. The Council confirm that these contributions would not conflict with CIL Regulation 123 and, on balance, it is suggested that they meet the tests in Regulation 122.

### **Overall Conclusions**

201. The Council's outstanding objection relates to the principle of development in open countryside outside the settlement boundary, contrary to a range of adopted and emerging development plan policies. However, the settlement boundaries on which those policies are based do not reflect the current objectively assessed need for housing, and the Council is not able to demonstrate a five year supply of deliverable sites. Nor is there any dispute that the policies are relevant to the supply of housing. In these circumstances, the policies are not up to date, and the assessment falls to be made in relation to the final bullet point of NPPF para 14, which indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or because specific NPPF policies indicate development should be restricted. [68, 69, 128-131]

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<sup>112</sup> See contribution justification at **CB5**

202. It is recognised that the assessed level of housing land supply, at 4.84 years, is not substantially below the 5 year level set in NPPF para 47, and that permission for Appeal A, for instance, could increase the level above this threshold. However, it would be a marginal compliance, vulnerable to any shortfall in the anticipated rate of land delivery, and the Council's policies concerning settlement boundaries would remain out of date by not reflecting a current OAN. Having regard to the need to boost significantly the supply of housing, and the lack of robustness in the Council's position, this aspect does not alter the overall assessment.
203. Whilst the Council do not identify any specific harm arising out of the development, interested parties draw attention to a number of issues, including the impact on local landscape and the relationship with the village of Cold Ash. It is appreciated that the replacement of agricultural land with suburban development would, inevitably, lead to a change of character of the land. However, the impact of this change would be limited; not out of keeping with the present character of the area, and without having an unduly damaging effect on the setting or either Thatcham or Cold Ash. Similarly, there is no clear reason to conclude that local services and infrastructure would not be able to accommodate the additional housing. Indeed, as identified by the Core Strategy Examining Inspector, the additional development would provide the opportunity for greater investment in local infrastructure. [133-137]
204. The provision of up to 225 houses in an accessible location would contribute to the Council's housing supply, and meet some of the objectives identified in the SHMA, including increased affordability, and accommodation for a workforce to support economic growth. The development would contribute local investment during the construction phase, and a market for local goods and services thereafter. Up to 90 affordable homes would meet a need for lower cost housing in the area, and there would be the wider benefits of additional investment in flood control within the context of the town's surface water scheme, and the provision of public open space. [69, 124-126]
205. Overall, the scheme would bring economic and social benefits, and, in the absence of any substantial environmental harm, there is reason to conclude that it would be a sustainable form of development. Contravention of policies intended to prevent development outside settlement boundaries is not of sufficient substance to amount to the significant and demonstrable harm necessary to outweigh the benefits of the proposal, and there is no indication of conflict with specific policies of the NPPF. This finding, subject to consideration of the matter referred to in paragraph 202 above (concerning the implications for the current appeal in the event of Appeal A being allowed), represents a material consideration which, in my judgment, would warrant the granting of planning permission notwithstanding the failure of the proposal to comply with the development plan in the respects referred to above.

## **RECOMMENDATION**

206. For the above reasons, it is recommended that the appeal be allowed, subject to the conditions in Annex 3.

*John Chase*

INSPECTOR

## **ANNEX 1**

### **APPEARANCES**

#### **FOR THE LOCAL PLANNING AUTHORITY:**

Ms E Lambert	of Counsel
She called	
Mr N Ireland BA, MTPI, MRTPI	GL Hearn
Ms C Peddie BSc, MSc, MRTPI	Planning Department West Berkshire District Council (WBC)
Mr R Dray BSc, MSc	Planning Department, WBC

#### **FOR THE APPELLANTS:**

Mr C Boyle QC	
He called	
Mr D Veasey BA, DipTP, MRTPI	Nexus Planning
Mr R Tustain BA, DipTP, DMS, MRTPI	Nexus Planning
Mr R Hewitt BSc, CEng, MICE, MCIHT	Stuart Michael Associates Ltd

#### **FOR THE APPELLANTS OF APPEAL A (SIEGE CROSS):**

Ms M Cook	of Counsel
She called	
Mr D Usher BA, MA, MRTPI, MIED	Barton Willmore
Ms K Cohen BSc, MCD, MRTPI	Barton Willmore

#### **INTERESTED PERSONS:**

Mr R Crumly	Thatcham Town Council
Mr Pieri	On behalf of Mr I Dunn, Thatcham Flood Forum
Mr B Woodham	Thatcham Flood Forum
Mr I Goodwin	Cold Ash Parish Council Flood and Water Course Warden
Ms V Conyers	Local Resident
Mr M Munro	Cold Ash Parish Council
Mr G Simpson	District Councillor, Cold Ash Ward

## **ANNEX 2**

### **DOCUMENTS**

#### **A – DOCUMENTS SPECIFIC TO ‘APPEAL A’ (SIEGE CROSS)**

##### **CD1/A – Appeal Documents**

CD1/A/1	Appeal Covering Letter
CD1/A/2	Appeal Form
CD1/A/3	Appellant’s Statement of Case, prepared by Barton Willmore LLP
CD1/A/4	West Berkshire District Council’s Statement of Case
CD1/A/5	Agreed Education Statement of Common Ground
CD1/A/6	Agreed Objectively Assessed Housing Need Statement of Common Ground
CD1/A/7	Agreed Heritage Statement of Common Ground
CD1/A/8	Agreed Landscape Statement of Common Ground
CD1/A/9	Agreed Planning Statement of Common Ground
CD1/A/10	Agreed Transport Statement of Common Ground
CD1/A/11	Mr. Jan Kinsman, Proof of Evidence – Education
CD1/A/12	Mr. Dan Usher, Proof of Evidence – Objectively Assessed Housing Need
CD1/A/13	Mr. Jonathan Smith, Proof of Evidence – Heritage
CD1/A/14	Ms. Lisa Toyne, Proof of Evidence – Landscape
CD1/A/15	Mrs. Kim Cohen, Proof of Evidence – Planning
CD1/A/16	Mr. James Bevis, Proof of Evidence – Transport

##### **CD2/A – Planning Application Documents – Original submission**

CD2/A/1	Planning Application Form
CD2/A/2	Site Boundary Plan (Dwg No. 1001 Rev D), prepared by Barton Willmore LLP
CD2/A/3	Parameters Plan - Maximum Heights (Dwg No. A123 Rev D), prepared by Barton Willmore LLP
CD2/A/4	Application Master Plan (Dwg No. A126 Rev F), prepared by Barton Willmore LLP
CD2/A/5	Potential Site Access Arrangements from Floral Way (Dwg No. ITB7223-GA-005 Rev C), prepared by i-Transport
CD2/A/6	Gables Way Widening (Dwg No. ITB7223-GA-007 Rev A), prepared by i-Transport
CD2/A/7	Potential Site Access Arrangements from Bath Road (Dwg No. ITB7223-GA-008 Rev I), prepared by i-Transport
CD2/A/8	Proposed Floral Way Signalised Junction (Dwg No. ITB7223-GA-009 Rev C), prepared by i-Transport
CD2/A/9	Proposed Site Access Arrangements HGV U-Turn Swept Path Analysis (Dwg No. ITB7223-GA-012 Rev A), prepared by i-Transport
CD2/A/10	Illustrative Site Layout (Dwg No. 1032 Rev F), prepared by Barton Willmore LLP
CD2/A/11	Planning Statement, prepared by Barton Willmore LLP
CD2/A/12	Design and Access Statement – Revision J, prepared by Barton Willmore LLP
CD2/A/13	West Berkshire District & Thatcham Housing Requirements Assessment, prepared by Barton Willmore LLP
CD2/A/14	Economic Benefits Assessment, prepared by Barton Willmore LLP
CD2/A/15	Transport Assessment, prepared by i-Transport
CD2/A/16	Framework Travel Plan, prepared by i-Transport
CD2/A/17	Framework School Travel Plan, prepared by i-Transport
CD2/A/18	Education Strategy, prepared by EFM
CD2/A/19	Landscape and Visual Appraisal, prepared by Barton Willmore LLP
CD2/A/20	Ecological Impact Assessment, prepared by AMEC
CD2/A/21	Habitats Regulations Assessment, prepared by AMEC
CD2/A/22	Flood Risk Assessment, prepared by WSP

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CD2/A/23	Services Appraisal Report, prepared by WSP
CD2/A/24	Air Quality Assessment, prepared by WSP
CD2/A/25	Noise Impact Assessment, prepared by WSP
CD2/A/26	Mineral Sterilisation Report, prepared by WSP
CD2/A/27	Phase 1 Ground Investigation Report, prepared by WSP
CD2/A/28	Heritage Statement, prepared by CgMs
CD2/A/29	Energy Statement (including Code for Sustainable Homes and BREEAM Pre-Assessments), prepared by Silver
CD2/A/30	Agricultural Land Assessment, prepared by Reading Agricultural Consultants
CD2/A/31	Tree Survey & Tree Retention/Removal Outcomes, prepared by Forbes-Laird Arboricultural Consultancy Ltd
CD2/A/32	Statement of Community Involvement, prepared by Remarkable
CD2/A/33	Siege Cross Air Quality Report – Revision 2 – 13th Jan 2015
CD2/A/34	Flood Risk Assessment – Revision 3 – 16th Jan 2015
CD2/A/35	Mineral Sterilisation Report – Revision 1 – 14th Jan 2015
CD2/A/36	Siege Cross Phase 1 Ground Investigation Report – First Issue – 23th July 2014
CD2/A/37	Noise Impact Assessment – Revision 4 – 6th Jan 2015
CD2/A/38	West Berkshire District Council – Screening Opinion

### **CD2.1/A – Planning Application Documents**

#### **Further documentation submitted during application**

CD2.1/A/1	Supplementary Statement – Scale (March 2015), prepared by Barton Willmore LLP
CD2.1/A/2	Site Cross Section No. 20590-1039-1, prepared by Barton Willmore LLP
CD2.1/A/3	Site Cross Section No. 20590-1039-2, prepared by Barton Willmore LLP
CD2.1/A/4	Landscape and Visual Appraisal – Response to WBC’s Preliminary Report (May 2015), prepared by Barton Willmore LLP
CD2.1/A/5	Design and Access Statement – Revision L (August 2015), prepared by Barton Willmore LLP
CD2.1/A/6	Application Masterplan – Revision J (August 2015), prepared by Barton Willmore LLP
CD2.1/A/7	Illustrative Site Layout Plan – Revision H (August 2015), prepared by Barton Willmore LLP
CD2.1/A/8	Potential Site Access Arrangements from Floral Way (Dwg No. ITB7223-GA-005 Rev D), prepared by i-Transport
CD2.1/A/9	Gables Way Widening (Dwg No. ITB7223-GA-007 Rev B), prepared by i-Transport
CD2.1/A/10	(Dwg No. ITB7223-GA-013 Rev F), prepared by i-Transport
CD2.1/A/11	(Dwg No. ITB7223-GA-014 Rev E), prepared by i-Transport
CD2.1/A/12	Transport Assessment Addendum, prepared by i-Transport
CD2.1/A/13	Flood Risk Assessment Addendum – Revision 1 (August 2015), prepared by WSP
CD2.1/A/14	Revised Arboriculture Report (August 2015), prepared by Forbes-Laird Arboricultural Consultancy Ltd
CD2.1/A/15	Heritage Statement (August 2015), prepared by CgMs Consulting
CD2.1/A/16	Ecological Memo (August 2015), prepared by Amec Foster Wheeler
CD2.1/A/17	Response to North Wessex Downs AONB (August 2015), prepared by Barton Willmore LLP
CD2.1/A/18	Response to Kirkham Landscape Planning Ltd on behalf of West Berkshire Council, prepared by Barton Willmore LLP
CD2.1/A/19	Landscape and Visual note (August 2015), prepared by Barton Willmore LLP
CD2.1/A/20	Conservation Officer Response – Denis Greenway (05/03/2015)
CD2.1/A/21	Third Party responses received by the Planning Inspectorate
CD2.1/A/22	Barton Willmore Response to Thatcham Town Council



**CD3/A – Local Planning Authority Committee Documents and Decision Notice**

- CD3/A/1 Case Officer's Report, dated 14th October 2015
- CD3/A/2 Decision Notice, dated 14th October 2015

**CD4/A – National Planning Policy**

- CD4/A/1 Planning (Listed Buildings and Conservation Areas) Act 1990

**CD5/A – Other National Planning Policy and Guidance (Extracts where appropriate)**

- CD5/A/1 National Character Area profile 129: Thames Basin Heaths, Natural England (2014)
- CD5/A/2 BS5837: 2012 - Trees in relation to design, demolition and construction – Recommendations
- CD5/A/3 Historic England Conservation Principles 2008
- CD5/A/4 Historic England Good Practice Advice No.3: The Setting of Heritage Assets
- CD5/A/5 'Planning for Growth' – Ministerial Statement (March 2011)
- CD5/A/6 Governments letter to Chief Planning Officers (March 2011)

**CD6/A – Local Planning Policy and Guidance (Extracts where appropriate)**

- CD6/A/1 The Countryside Agency and Scottish Natural Heritage (2002) Landscape Character Assessment- Guidance for England and Scotland
- CD6/A/2 West Berkshire Core Strategy 2012 – Inspectors Report
- CD6/A/3 West Berkshire Core Strategy – Appendix D 'Critical Infrastructure Schedule of the Infrastructure Delivery Plan'
- CD6/A/4 North East Thatcham Strategic Flood Risk Assessment (Jacobs – February 2009)
- CD6/A/5 Surface Water Management Plan for Thatcham (WSP – 2010)

**CD7/A – Appeals and Judgements**

- CD7/A/1 Appeal Decision: Offenham, Wychavon, 07 February 2014 (APP/H1840/A/13/2203924)
- CD7/A/2 Appeal Decision: Fairford, Cotswold District Council, 22 September 2014, (APP/F1610/A/14/2213318)
- CD7/A/3 Appeal Decision: Saltburn, Redcar & Cleveland, 16 December 2015 (APP/V0728/W/15/3006780)
- CD7/A/4 Appeal Decision: Ormesby, Middlesbrough, 09 March 2016 (APP/V0728/W/15/3018546)
- CD7/A/5 Appeal Decision: Land north of Haygate Road, Wellington, Telford & Wrekin, 15 April 2016 (APP/C3240/W/15/3025042)
- CD7/A/6 Appeal Decision: Land north of Ross Road, Newent, 25 August 2015 (App/P1615/A/14/2228822)
- CD7/A/7 Appeal Decision: Stowupland, Suffolk, 25 May 2016 (APP/W3520/W/15/3139543)
- CD7/A/8 Appeal Decision: Gallagher Estates Lowbrook farm, Lowbrook lane, Tidbury green, (APP/Q4625/13/2192128)
- CD7/A/9 High Court Judgement: Stratford on Avon DC vs Secretary of State [2013] EWHC 2074 (July 2013)
- CD7/A/10 High Court Judgement: Blackpool Borough Council vs Secretary of State and Thompson Property Investments Ltd. [2016] EWHC 1059 (May 2016)
- CD7/A/11 High Court Judgement: Forest of Dean District Council vs Secretary of State and Gladman Developments Ltd. [2016] EWHC 421 (March 2016)
- CD7/A/12 High Court Judgement: Bedford Borough Council v R. and NUON UK Ltd [2013] EWHC 2847 (Admin)
- CD7/A/13 Court of Appeal: Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137
- CD7/A/14 Court of Appeal: R. (on the application of the Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin)

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CD7/A/15	Court of Appeal: Suffolk Coastal District Council v Hopkins Homes Limited [2016] EWCA Civ 168
CD7/A/16	Appeal Decision: Land north of Upper Chapel, Launceston (APP/D0840/A/13/2209757)
CD7/A/17	Appeal Decision: Warwick Road & Cambridge Road, Whetstone (APP/T2405/A/14/2227076)
CD7/A/18	Appeal Decision: Land off Crewe Road, Haslington (APP/R0660/A/14/2213304)
CD7/A/19	Crane v SSCLG [2015] EWHC 425 (Admin)
CD7/A/20	Phides v SSCLG [2015] EWHC 827 (Admin)
CD7/A/21	William Davis Ltd v SSCLG [2013] EWHC (Admin)
CD7/A/22	Dartford BC v SSCLG [2014] EWHC 2636 (Admin)

#### **CD8/A – Miscellaneous**

CD8/A/1	Local Plans Expert group (LPEG), Appendix 6, March 2016
CD8/A/2	West Oxfordshire Local Plan Examination: Inspector's Preliminary Findings – Part 1, 15 December 2015
CD8/A/3	Planning Advisory Service: Objectively Assessed Need and Housing Targets Technical Advice Note – Second Edition (Peter Brett Associates, July 2015, 'PAS Guidance')
CD8/A/4	Decision Notice for Application: 07/00565/OUTMAJ
CD8/A/5	Decision Notice for Application: 10/00975/XOUTMAJ
CD8/A/6	Sandleford Park Planning Statement, prepared by Boyer
CD8/A/7	Note from the HSA DPD Inspector in relation to the delivery of Sandleford Park (October 2016)
CD8/A/8	Council's Homework in relation to the current status of HSA DPD Sites
CD8/A/9	Comments by Paul Goddard (WBC Transport Officer) in relation to 15/02300/OUTMAJ, Sandleford Park, January 2016
CD8/A/10	Comments by Paul Goddard (WBC Transport Officer) in relation to 16/00106/OUTMAJ, Sandleford Park, May 2016
CD8/A/11	Further comments by Paul Goddard (WBC Transport Officer) in relation to 15/02300/OUTMAJ, Sandleford Park
CD8/A/12	Extension of time email from the Case Officer in relation to Sandleford Park (September 2016)
CD8/A/13	Representations to WBC HSA DPD Preferred Options
CD8/A/14	SA / SEA assessment for Siege Cross Farm

#### **AB – DOCUMENTS RELEVANT TO BOTH 'APPEAL A' AND 'APPEAL B'**

##### **CD4/AB – National Planning Policy**

CD4/AB/1	National Planning Policy Framework (NPPF) 2012
CD4/AB/2	Planning Practice Guidance (PPG) 2014

##### **CD6/AB – Local Planning Policy and Guidance (Extracts where appropriate)**

CD6/AB/1	West Berkshire Core Strategy 2006-2026 (adopted July 2012)
CD6/AB/2	'Saved' policies from the West Berkshire Local Plan 2002
CD6/AB/3	West Berkshire District Council – Emerging Housing Site Allocations Development Plan Document
CD6/AB/4	Local Development Framework: "An Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire. Summary Report: Thatcham", West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/5	West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites, West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/6	North Wessex Downs AONB Management Plan 2014-2019 North Wessex Downs Council of Partners (2014)
CD6/AB/7	North Wessex Downs AONB Landscape Character Assessment 2002 Land Use Consultants

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CD6/AB/8	North Wessex Downs AONB Position Statement on Setting (Development Affecting the Setting of the North Wessex Downs AONB) 2012
CD6/AB/9	Berkshire Landscape Character Assessment (2003) Land Use Consultants
CD6/AB/10	Newbury District Wide Landscape Assessment (1993) Landscape Design Associates
CD6/AB/11	The Landscape Institute and the Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment (Third Edition), Routledge
CD6/AB/12	Local Development Framework: "An Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire. Summary Report: Thatcham", West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/13	West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites, West Berkshire Council/Kirkham Landscape Planning Ltd (2009)
CD6/AB/14	North Wessex Downs AONB Management Plan 2014-2019 North Wessex Downs Council of Partners (2014)
CD6/AB/15	North Wessex Downs AONB Landscape Character Assessment 2002 Land Use Consultants
CD6/AB/16	West Berkshire District Local Plan 2002 – Proposals Map <a href="http://ww2.westberks.gov.uk/localplan/index.htm">http://ww2.westberks.gov.uk/localplan/index.htm</a>
CD6/AB/17	West Berkshire District Local Plan (1991-2006) – Inspectors Report
CD6/AB/18	'Options for the Future: West Berkshire Core Strategy' (April 2009)
CD6/AB/19	West Berkshire District Council – Sustainability Appraisal Policy Paper (October 2011)
CD6/AB/20	West Berkshire District Council – Community Infrastructure Levy Charging Schedule (April 2015)
CD6/AB/22	West Berkshire District Council – Quality Design SPD
CD6/AB/23	West Berkshire District Council – Planning Obligations SPD (December 2014)
CD6/AB/24	West Berkshire District Council – Local Development Scheme (October 2015)
CD6/AB/25	West Berkshire District Council – Regulation 123 List
CD6/AB/26	West Berkshire District Council – Infrastructure Delivery Plan 2016
CD6/AB/27	West Berkshire District Council – CIL Examiners Report

#### **CD7/AB – Appeals and Judgements**

CD7/AB/1	Appeal Decision: Firlands Farm, West Berkshire (APP/W0340/A/14/2228089)
CD7/AB/2	High Court Judgement: Gallagher Homes Limited & Lioncourt Homes Limited vs Solihull Metropolitan Borough Council [2014] EWHC 1283 (April 2014)
CD7/AB/3	High Court Judgement: West Berkshire DC vs Secretary of State and HDD Burghfield Common Limited [2016] EWHC 267 (February 2016)
CD7/AB/4	Court of Appeal: Hunston Properties vs St Albans City & District Council & Secretary of State [2013] EWCA Civ 1610 (December 2013)
CD7/AB/5	Court of Appeal: Oxted Residential Limited vs Tandridge District Council [2016] EWCA Civ 414 (February 2016)
CD7/AB/6	Appeal Decision: Coalville, 05 January 2016, (APP/G2435/W/15/3005052)
CD7/AB/7	Appeal Decision: Stanbury House, Reading, 20 June 2016 (APP/X0360/W/15/3097721)
CD7/AB/8	Secretary of State decision and Appeal Decision: Droitwich, Wychavon, 02 July 2014 (APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426)
CD7/AB/9	High Court Judgement: Hopkins Homes Ltd v Secretary of State for Communities and Local Government and Suffolk Coastal District [2015] EWHC 132 (Admin) (17 March 2016)
CD7/AB/10	High Court Judgement: Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government & Wiltshire Council [2013] EWHC 597 (Admin) (25 March 2013)

## **CD8/AB – Miscellaneous**

CD8/AB/1	Berkshire Strategic Housing Market Assessment, GL Hearn, February 2016
CD8/AB/2	West Berkshire Council Five Year Housing Land Supply Statement, December 2015
CD8/AB/3	West Berkshire Council Five Year Housing Land Supply Statement, September 2016
CD8/AB/4	Report on the Examination into Eastleigh Borough Council's Eastleigh Borough Local Plan, 11 February 2015
CD8/AB/5	Arun Local Plan Inspector's OAN Conclusions, 02 February 2016
CD8/AB/6	Cornwall Local Plan Strategic Policies: Preliminary Findings Following the Hearings in May 2015, 05 June 2015
CD8/AB/7	Stage 1 of the Examination of the South Worcestershire Development Plan: Inspector's Further Interim Conclusions on the Outstanding Stage 1 Matters, 31 March 2014

## **B – DOCUMENTS SPECIFIC TO 'APPEAL B' (HENWICK PARK)**

### **CD1/B – Appeal Documents**

CD1/B/1	Appeal Covering Letter
CD1/B/2	Appeal Form
CD1/B/3	Appellants Statement of Case, prepared by Nexus Planning
CD1/B/4	West Berkshire District Council's Statement of Case
CD1/B/5	Agreed Planning Statement of Common Ground
CD1/B/6	Agreed Landscape Statement of Common Ground
CD1/B/7	Agreed Transport Statement of Common Ground
CD1/B/8	Agreed Drainage Statement of Common Ground
CD1/B/9	Mr. Roger Tustain, Proof of Evidence – Planning
CD1/B/10	Mr. Roger Tustain, Proof of Evidence – Housing Land Supply
CD1/B/11	Mr. Dominick Veasey, Proof of Evidence – Objectively Assessed Need
CD1/B/12	Mr. Clive Self, Proof of Evidence - Landscape
CD1/B/13	Amended Parameters Plan 22289A/03B
CD1/B/14	Storey Heights Plan 22289A/04S
CD1/B/15	Revised Illustrative Layout 22289A/04R
CD1/B/16	Tree Constraints Overlay 22289A/04S
CD1/B/17	Density Plan 22289A/04S
CD1/B/18	Alternative Scheme Covering Letter to Council dated 16th September
CD1/B/19	Alternative Scheme Covering Letter to PINS dated 20th September
CD1/B/20	Revised Scheme Covering Letter to PINS dated 18th October 2016

### **CD2/B – Planning Application Documents – Original Submission**

CD2/B/1	Cover letter dated 9th July 2015
CD2/B/2	Planning Application Form
CD2/B/3	Planning Statement prepared by Nexus Planning
CD2/B/4	Statement of Community Involvement prepared by Nexus Planning
CD2/B/5	Statement on Affordable Housing prepared by Nexus Planning
CD2/B/6	West Berkshire Five Year Land Supply Position Statement dated June 2015 prepared by Nexus Planning
CD2/B/7	Design and Access Statement prepared by Clague Architects
CD2/B/8	Archaeological Desk Based Assessment prepared by CGMS
CD2/B/9	Ecological Designations
CD2/B/10	Ecological Appraisal Prepared by Aspect Ecology
CD2/B/11	Letter from Simon Jones Associates Ltd dated 4th March 2015
CD2/B/12	Arboricultural Implications
CD2/B/13	Landscape and Visual Appraisal prepared by CSa Environment Planning
CD2/B/14	Framework Residential Travel Plan prepared by Gateway TSP
CD2/B/15	Transport Assessment prepared by Gateway TSP
CD2/B/16	Transport Assessment Figures prepared by Gateway TSP

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CD2/B/17	Archaeological Geophysical Survey prepared by Bartlett-Clark Consultancy for CGMS
CD2/B/18	Section 106 Heads of Terms Agreement prepared by Croudace
CD2/B/19	Tree Constraints Plan prepared by Simon Jones Associates
CD2/B/20	Aerial Photograph by CSa Environmental No. CSA/2406/101 Rev A
CD2/B/21	Topographical Photograph by CSa Environmental Planning No. CSa/2406/100 Rev A
CD2/B/22	Photosheets by CSa Environmental Planning No. CSa/2406/108
CD2/B/23	Landscape Principles Plan by CSa Environmental Planning No. CSa/2406/108
CD2/B/24	Cross Section prepared by CSa Environmental Planning No. CSa/2406/103
CD2/B/25	Existing Site Plan prepared by Clague Architects 22289A/01
CD2/B/26	As Existing Site Sections prepared by Clague Architects Drawing Number 22289A/02
CD2/B/27	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/03
CD2/B/28	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/04
CD2/B/29	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/05
CD2/B/30	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/06
CD2/B/31	Proposed Masterplan prepared by Clague Architects Drawing Number 22289A/07

## **CD2.1/B – Planning Application Documents**

### **Further documentation submitted during application**

CD2.1/B/1	Proposed Masterplan prepared by Clague Architects drawing reference 22289A/04A
CD2.1/B/2	Cold Ash escarpment Flow Routes
CD2.1/B/3	Surface Water Drainage Strategy prepared by Stuart Michael Associates drawing number 5126.402 Rev A
CD2.1/B/4	Letter to the attention of Mr M Butler (ref 5126(1)/TSW/amp) from Stuart Michael Associates dated 9th September 2015
CD2.1/B/5	Letter to the attention of Mr M Butler (ref: 5126(2)/TSW/amp) from Stuart Michael Associates dated 9th September 2015
CD2.1/B/6	Floral Way Junction Measurements prepared by Gateway TSP drawing number: 14/1208/PHOTO 1 & A4 Bath Road (East- towards Reading) Junction measurements prepared by Gateway TSP drawing number: 14/1208/PHOTO 2
CD2.1/B/7	Falmouth way Junction Measurements prepared by Gateway TSP drawing number 14/1208/PHOTO 3
CD2.1/B/8	A4 Bath Road (West- towards Thatcham) Junction measurements prepared by Gateway TSP drawing number 14/1208/PHOTO 4
CD2.1/B/9	Framework Residential and GP Surgery Travel Plan prepared by Gateway TSP dated September 2015
CD2.1/B/10	Response to Highway Officer Comments prepared by Gateway TSP dated September 2015
CD2.1/B/11	Response to Highway Officer Comments: Appendices A-G prepared by Gateway TSP dated September 2015
CD2.1/B/12	Response to Highway Officer Comments: Appendices H-L prepared by Gateway TSP dated September 2015
CD2.1/B/13	Proposed Masterplan prepared by Clague Architects drawing number 22289A/04B
CD2.1/B/14	Surface Water Drainage Strategy prepared by Stuart Michael Associates drawing number 5126.402 Rev B
CD2.1/B/15	Letter for the attention of Mr M Butler/Mrs Clark from Stuart Michael Associates limited dated 24th November 2015
CD2.1/B/16	Letter for the attention of Mr M Butler from Stuart Michael Associates limited dated 24th November 2015
CD2.1/B/17	Section 106 Heads of Terms Agreement prepared by Croudace
CD2.1/B/18	Proposed Masterplan prepared by Clague Architects drawing number 22289A/04D

**CD3/B – Local Planning Authority Committee Documents and Decision Notice**

- CD3/B/1 Case Officer's Report, dated 16th December 2015
- CD3/B/2 Decision Notice, dated 17th December 2015
- CD3/B/3 Committee Minutes in respect of planning application ref. 15/01949/OUTMAJ

**CD6/B – Local Planning Policy and Guidance (Extracts where appropriate)**

- CD6/B/1 Report on the Examination into the West Berkshire Core Strategy

**CD7/B – Appeals and Judgements**

- CD7/B/1 Appeal Decision: Droitwich, Wychavon District (APP/H1840/A/13/2199426 & APP/H1840/A/13/2199085) July 2014.
- CD7/B/2 Land at Stanbury House, Basingstoke Road, Spencers Wood, Reading, (Reference: APP/X0360/W/15/3097721)
- CD7/B/3 Appeal Decision: Land South of Greenhill Road, Coalville, Leicestershire (Appeal Reference: APP/G2435/W/15/3005052)
- CD7/B/4 Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government & Wiltshire Council [2013] EWHC 597 (Admin) (25 March 2013)
- CD7/B/5 High Court Judgement: Cheshire East BC v SSCLG & Renew [2016] EWHC 571 (Admin) (16 March 2016)
- CD7/B/6 High Court Judgement: Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370 (Admin) (19 February 2015)
- CD7/B/7 High Court Judgement: Zurich Assurance Limited and Winchester City Council and South Downs National Park Authority [2014] EWHC 758 (Admin) (18 March 2014)
- CD7/B/8 High Court Judgement: Hopkins Homes Ltd v Secretary of State for Communities and Local Government and Suffolk Coastal District [2015] EWHC 132 (Admin) (17 March 2016)
- CD7/B/9 Appeal Decision: Land off Botley Road, West End Hampshire APP/W1715/W/15/3139371

**CD8/B – Miscellaneous**

- CD8/B/1 West Berkshire Annual Monitoring Report 2015
- CD8/B/2 HSA DPD Background Paper
- CD8/B/3 The Approach and Delivery Topic Paper Supporting the HSA DPD
- CD8/B/4 "Laying the Foundations: A Housing Strategy for England"
- CD8/B/5 The Planning Advisory Service "Ten Key Principles for owning your Housing Number – Finding Your Objectively Assessed Needs".
- CD8/B/6 The Council's Homework Response to Issue 1 "OAN"
- CD8/B/7 The Council's Homework Response to Issue 3 "Sandleford Park"
- CD8/B/8 The "Thatcham Vision" – Part 2, Population, Development and Infrastructure
- CD8/B/9 Consultation on Proposed Changes to the National Planning Policy document 2015
- CD8/B/10 Local Plan Expert Group Local Plans Report to Government, Appendix 6
- CD8/B/11 South East Plan Panel Report (Volume 1) August 2007
- CD8/B/12 South East Plan 2009
- CD8/B/13 Airports Commission Local Economic Impacts Assessment, November 2014
- CD8/B/14 West Berkshire Housing Need Assessment 2007
- CD8/B/15 Berks, Bucks & Oxon Wildlife Trust – Consultation Response dated 25th Aug 2015
- CD8/B/16 West Berkshire Council Ecologist – Consultation Response dated 14th September 2015
- CD8/B/17 Appellants Representations to the Proposed Submission Version of the HSA DPD December 2015
- CD8/B/18 Council's note on progress within the HSA DPD Sites
- CD8/B/19 Appellant Response to Homework Questions
- CD8/B/20 "The Labour Needs of Extra Housing Capacity – Can the House Building Industry



- CD8/B/21 Cope" (2005)  
NHS Healthy Urban Development Unit (HUDU) Planning Contribution Model  
Guidance Notes

#### **CA – COUNCIL DOCUMENTS SPECIFIC TO 'APPEAL A' (SIEGE CROSS)**

- CD5/CA/1 DCLG Policy paper '2010 to 2015 government policy –  
<https://www.gov.uk/government/publications/2010-to-2015-government-policy-planning-reform/2010-to-2015-government-policy-planning-reform>  
CD8/CA/1 Primary Admission Arrangements 17/18  
CD8/CA/2 Secondary Admission Arrangements 17/18

#### **CAB – COUNCIL DOCUMENTS RELEVANT TO BOTH 'APPEAL A' AND 'APPEAL B'**

##### **CD6/CAB – Local Planning Policy and Guidance (Extracts where appropriate)**

- CD6/CAB/1 West Berkshire Local Development Scheme (extract)  
CD6/CAB/2 Housing Site allocations DPD Examination Webpage at  
<http://info.westberks.gov.uk/index.aspx?articleid=32493>

##### **CD7/CAB – Appeals and Judgements**

- CD7/CAB/1 Hunston High Court Judgement and Court of Appeal Judgements (Hunston Properties v SSCLG and St Albans City & District Council (2013) EWHC 2678 and R vs City and District of St Albans, EWCA Civ. 1610 )  
CD7/CAB/2 Satnam Millenium v Warrington Borough Council (2015) EWHC  
CD7/CAB/3 St Modwen Developments Ltd v SSCLG and East Riding of Yorkshire Council [2016] EWHC 968 (Admin)  
CD7/CAB/4 Recovered appeal on Land North East of Elsenham, Essex  
APP/C1570/A/14/2219018  
CD7/CAB/5 Kings Lynn & West Norfolk vs. SSCLG & Elm Park Holdings Ltd [2015] EWHC 2464 (Admin)  
CD7/CAB/6 Zurich Assurance Ltd v Winchester City Council & South Downs NPA [2014] EWHC 758 (Admin)  
CD7/CAB/7 SSCLG v West Berkshire DC and Reading BC [2016] EWCA Civ 441  
CD7/CAB/8 Appeal Decision Land north and south of Mans Hill, Burghfield Common Appeal Ref APP/W0340/A/14/2226342, Inspector David Wildsmith, 17 March 2015  
CD7/CAB/9 High Court challenge case number CO/1455/2014 (Gladman Development Ltd and Wokingham Borough Council [2014] EWHC 2320 (Admin))  
CD7/CAB/10 Oadby and Wigston Borough Council v Secretary of State & Bloor Homes Ltd [2015] EWHC 1879

##### **CD8/CAB – Miscellaneous**

- CD8/CAB/1 PAS Technical Advice Note on OAN  
CD8/CAB/2 Report on the Examination into the West Berkshire Core Strategy, July 2012  
CD8/CAB/3 Brandon Lewis Letter to PINS re SHMA dated 19th December 2014  
CD8/CAB/4 Council's Homework 4 consistency between C1 of the DPD and the Core Strategy  
CD8/CAB/5 HSA DPD Statement of Consultation main Report  
CD8/CAB/6 HSA DPD SA/SEA for Thatcham  
CD8/CAB/7 Council's Homework on Issue 9. Overview of Thatcham Infrastructure Constraints  
CD8/CAB/8 Annual Monitoring Report Housing 2015

## DOCUMENTS SUBMITTED DURING THE INQUIRY

### A – Appellants’ Documents, Appeal A

A1	Opening submissions on behalf of A2Dominion
A2	Wokingham Borough Council v SSCLG and Cooper Estates, notification on application for permission to proceed
A3	Oadby and Wigston Borough Council v SSCLG and Bloor Homes [2016] EWHC 1879 (Admin), Court of Appeal decision
A4	Office for National Statistics, Economic Review: November 2016
A5	Erratum to Ms Cohen’s proof of evidence
A6	Rebuttal proof of Ms Cohen
A7	Rebuttal proof of Mr Kinsman
A8	Rebuttal proof of Ms Toyne
A9	Table summarising parties’ OAN calculation
A10	Extract from ‘Delivering National Growth, Locally’ by Thames Valley Berkshire Local Enterprise Partnership
A11	Barton Willmore’s revised OAN Table based on post-Brexit assumptions
A12	Extract from Experian jobs forecast
A13	Planning history and layout plans for Lakeside site in Theale
A14	Market Street site, illustration and accommodation table
A15	Housing Site Allocations DPD – Inspector’s ‘homework’
A16	Cotswold District Council v SSCLG and others, [2013] EWHC 3719 (Admin)
A17	Unilateral Undertaking, A2Dominion Developments and Linda and Angus Janaway to West Berkshire Council
A18	Schedule of Unilateral Undertaking provisions
A19	Housing Land Supply Scenarios, Barton Willmore Table 18a
A20	Annotated landscape map
A21	Appendix LT1 to accompany Ms Toyne’s LVIA
A22	Report into objections to the Newbury District Local Plan, 1991-2006
A23	West Berkshire Council Community Infrastructure Levy Reg. 123 List November 2016 consultation version
A24	West Berkshire Planning Area 12 - secondary education pupil numbers
A25	West Berkshire Infrastructure Delivery Plan 2013, extract
A26	Plan showing viewpoints and route for site visit
A27	Five year land supply – Barton Willmore revised table 18
A28	Appeal decision: land at Fawler Rd, Uffington, Ref APP/V3120/W/15/3139377
A29	Local Plan programme for Berkshire planning authorities
A30	Mr Usher’s revised OAN to reflect Cambridge Econometrics report Nov 2016
A31	Revised Barton Willmore table 18
A32	Closing submissions on behalf of A2Dominion Developments

### CA - Council’s Documents, Appeal A

CA1	Ms Ball’s rebuttal proof
CA2	Proposed Planning Conditions
CA3	Historic Landscape Context, Figure BK3 by Ms Kirkham
CA4	Heights of key buildings on the Colthrop Industrial Estate
CA5	Guide for Landscape and Visual Impact Assessment, 3 <sup>rd</sup> Edition, extract
CA6	Appeal decision: Land at Blacks Lake, Aldermaston, APP/W0340/C/15/3139572
CA7	WBC Review of Community Infrastructure Levy, Reg 123 List
CA8	Kennet School, capacity and demand table
CA9	Bellway Homes response to Core Strategy Preferred Options consultation
CA10	Proposed travel plan conditions
CA11	Justification for contribution to travel plan monitoring

### TA - Third Party Documents, Appeal A

TA1	Submission by Mr Goodwin, Flood and Water Course Warden
TA2	Submission by Mr Crumly on behalf of Thatcham Town Council

TA3	Letter from North Wessex Downs AONB dated 23/11/2016
TA4	Submission by Cllr Cole

### **B – Appellant’s Documents, Appeal B**

B1	Schedule of appearances
B2	Mr Veasey’s rebuttal proof
B3	Alternative OAN scenarios based on A9 table
B4	Summary of 5 year supply sites in dispute
B5	Unilateral Undertaking by Timothy and Evelyn Billington and Croudace Ltd to West Berkshire District Council
B6	Housing land supply estimates based on 665 and 771 dpa OAN
B7	Barratt Annual Report and Accounts 2016, extract
B8	Details of Mr R Hewitt, appellants’ drainage witness
B9	Route for site visit
B10	Appeal decision: Land north of Birchen Lane, Haywards Heath APP/D3830/W/15/3137838
B11	Opening comments on behalf of the appellants
B12	Closing submissions on behalf of the appellants
B13	Abbreviated closing submissions

### **CB – Council’s Documents, Appeal B**

CB1	Proposed Planning Conditions
CB2	Letter from The Wildlife Trusts dated 25/8/2015
CB3	Letter from The Wildlife Trusts dated 20/10/2016
CB4	Memo from Mr J Davy concerning ecological matters
CB5	Note concerning the need for a contribution to bus services

### **TB – Third Party Documents, Appeal B**

TB1	Submission of Mr Crumly on behalf of Thatcham Town Council
TB2	Submission of Mr Pieri on behalf of Mr Dunn, Thatcham Flood Forum
TB3	Submission of Mr Woodham on behalf of Thatcham Flood Forum
TB4	Submission of Goodwin, Cold Ash Flood and Water Course Warden
TB5	Submission of Ms Conyers, Local Resident
TB6	Submission of Mr Munro on behalf of Cold Ash Parish Council
TB7	Submission of Mr Simpson, District Councillor, Cold Ash Ward

### **CAB – Council Documents relevant to both Appeals A and B**

CAB1	Opening submissions on behalf of the Council
CAB2	Mr Ireland’s rebuttal proof
CAB3	Housing supply update note agreed by all parties
CAB4	Home Choice User Guide, extract
CAB5	Private rental market statistics
CAB6	Housing Site Allocation DPD land within 5 year supply
CAB7	Additional information on delivery of 5 year supply sites
CAB8	Sandleford Park Supplementary Planning Document, 2015
CAB9	Proposed revision to HSA DPD Policy C1
CAB10	Cambridge Econometrics November 2016 employment forecast
CAB11	Closing submissions on behalf of the Council

## **ANNEX 3**

### **PLANNING CONDITIONS**

1. Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: 14/1208/SK07 Rev E - Proposed South-western Priority Junction dated July 2015; 14/1208/SK03 Rev D - Proposed Roundabout Access Junction dated July 2015.
5. The reserved matters details shall generally accord with the following list of drawings and documents: 22289A/04R – Illustrative Site Layout dated July 2016; 22289A/03B – Development Parameter Plan dated May 2016; 22289A/04S - Storey Heights dated July 2016; 22289A/04S - Density Overlay dated July 2016.
6. The reserved matters applications shall be prepared in general accordance with a comprehensive landscape strategy plan which has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details about the retention of existing boundary vegetation, proposed structural planting to the northern boundary of the site and the northern boundary of the developed area, and provide details about ecological, hydrological and recreational considerations.
7. No more than 225 dwellings shall be developed on the site.
8. No development shall take place until details of accessibility within the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include means of access for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. Thereafter the development shall be carried out in accordance with the approved details.
9. No demolition or construction works shall take place outside the hours of 07.30-18.00 Mondays to Fridays, 08.30-13.00 Saturdays. No work shall be carried out at any time on Sundays or Bank Holidays.
10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details. The statement shall provide for i) the parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) the erection and maintenance of any security fencing or hoardings; v) wheel washing facilities; vi) measures to control the emission of dust and dirt during construction; vii) a scheme for recycling/disposing of waste resulting from construction works; and, viii) agreed routes and timing restrictions for construction vehicles, deliveries and staff.

11. Prior to the occupation of the first dwelling a full Residential Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the GP Surgery a full Travel Plan for the GP Surgery shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plans shall be implemented from first occupation of the first dwelling (Residential Travel Plan) and first occupation of the GP Surgery (GP Travel Plan). A Travel Plan Coordinator shall be in place no later than 3 months prior to first occupation of the first dwelling on the development. The Travel Plan shall be monitored with the initial survey taking place once 50% of the development is occupied or after 6 months from first occupation, whichever occurs sooner. The Travel Plan targets shall be agreed within 6 months of the initial survey taking place along with any necessary updating of the Travel Plan. After that the Travel Plans shall be annually monitored, reviewed and updated for a period of five years from first implementation of the development or two years after completion of the development, whichever is later.
12. No dwelling shall be occupied until pedestrian and cycle centre island crossing points along Cold Ash Hill (drawing 14/1208/SK12), Heath Lane (drawing 14/1208/SK11) and Bowling Green Road (drawing 14/1208/SK13) have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
13. No dwelling shall be occupied until the following works have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority: i) Dropped kerbs and tactile paving across Westfield Road (at the junction with Northfield Road) as shown on Drawing 16/0515/SK02; ii) dropped kerbs and tactile paving across Sagecroft Road (at the junction with Northfield Road) also shown on Drawing 16/0515/SK02; iii) widening of the section of Bowling Green Road between the junction of Northfield Road and the proposed Site Access priority junction to accommodate a 2.5 metre shared foot and cycleway.
14. No development shall take place until details of the proposed access into the site from Bowling Green Road, in accordance with drawing 14-1208-SK07/E, have been submitted to and approved in writing by the Local Planning Authority. No other development shall take place (except construction of a site compound and associated site clearance works) until this access, and any associated engineering operations, have been completed in accordance with the approved details.
15. No dwelling shall be occupied until details of the proposed junction improvement scheme at the Heath Lane / Cold Ash Hill Roundabout in accordance with drawing 4-1208-SK03/D have been submitted to and approved in writing by the Local

Planning Authority. No more than 50 dwellings shall be occupied before the improvement scheme has been constructed in accordance with the approved details.

16. No dwelling hereby permitted shall exceed 2.5 storeys in height (to mean no higher than 10.5m to ridge height) in any part of the scheme.
17. No development shall take place until details of the finished floor levels of the buildings hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
18. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall be in general accordance with the terms agreed in the Statement of Common Ground (Flood Risk and Drainage) dated October 2016 and shall:
  - Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
  - Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
  - Provide details of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and where the flows exit the site both pre-development and post-development.
  - Include a drainage strategy for surface water run-off from the site;
  - Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at run off rates to be agreed with the Local Planning Authority;
  - Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
  - Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
  - Include flood water exceedance routes, both on and off site; include flow routes such as low flow, overflow and exceedance routes; provide details of how the exceedance routes will be safeguarded for the lifetime of the development;
  - Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
  - Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines and are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;



- Include in any design calculations an allowance for a 10% increase of paved areas over the lifetime of the development;
- Provide attenuation storage measures which have a 300mm freeboard above maximum design water level, and surface conveyance features with a 150mm freeboard above maximum design water level;
- Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- Include a Flood Risk Assessment (FRA);
- Include measures which protect or enhance the ground water quality and provide new habitats where possible.

The above sustainable drainage measures shall be implemented in accordance with the approved details and in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

19. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.
20. In the event that any previously unidentified land contamination is found at any time during development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken, and where remediation is necessary a remediation scheme shall be prepared. The investigation and risk assessment, and any remediation scheme, shall be submitted to and approved in writing by the Local Planning Authority. No further dwellings shall be occupied until any necessary remediation has been completed in accordance with an approved scheme and a verification report to this effect has been submitted to and approved in writing by the Local Planning Authority. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.
21. No piling shall take place during construction, except auger piling, unless otherwise agreed in writing by the Local Planning Authority.
22. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include i) details of the temporary protection of all retained trees and details of any special construction methods within tree protection zones; ii) measures for the protection of roots in the vicinity of hard surfacing, drainage and other underground services; iii) a full

schedule of works to retained trees including the timing and phasing of operations ; and iv) proposals for the supervision and monitoring of all tree works and protection measures. Development shall proceed in accordance with the approved arboricultural method statement, with tree protection measures retained throughout the period of construction, or in accordance with a timetable approved in writing by the Local Planning Authority.

23. No development shall take place (including, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following i) a risk assessment of potentially damaging construction activities; ii) identification of biodiversity protection zones; iii) the location and timing of sensitive works to avoid harm to biodiversity features; iv) the times during construction when specialist ecologists need to be present on site to oversee works; v) the role and responsibilities of an ecological clerk of works or similarly competent person and lines of communication; and vi) the use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
24. Prior to occupation of any dwelling, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall: i) identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging; and ii) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking, re-enacting or modifying that Order with or without modification), no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.
25. No development shall take place on site until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include (but not be limited to): i) detailed creation and management prescriptions for the Meadows, Wetlands/Swales, Flood Meadows/Ponds, Parkland, and any Orchard Areas for 10 years; ii) maintenance of a secure boundary to Cleardene Farm Wood to minimise recreational disturbance; iii) safeguards in respect of bats, badgers, hedgehogs, reptiles and nesting birds during habitat clearance works; iv) details of a reptile mitigation strategy and enhancement plan; v) habitat creation and management to provide new and enhanced habitat areas including wildflower grassland, orchard, ponds and tree and shrub planting; vi) provision of bat boxes and bird nesting opportunities; and vii) provision of habitat piles and butterfly banks. The contents of the Plan shall be based on Section 6 of the Ecological Appraisal by Aspect Ecology and dated July 2015. The approved Plan shall be implemented in full in accordance with an approved timetable. Monitoring of the plan shall be conducted by qualified ecologists who shall provide a report to the Local Planning

Authority annually on the anniversary of the commencement of development and for the first five years following completion of the development that the approved mitigation measures have been implemented in full. A Review of the plan shall be submitted for the approval of the Local Planning Authority on the 10<sup>th</sup> anniversary of the commencement of development.

26. No dwelling hereby permitted shall be occupied until cycle storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
27. No dwelling hereby permitted shall be occupied until an area for refuse/recycling storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.



## **RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT**

**These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS**

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

### **SECTION 2: ENFORCEMENT APPEALS**

#### **Challenges under Section 289 of the TCP Act**

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

### **SECTION 3: AWARDS OF COSTS**

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

### **SECTION 4: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

## **Appendix 2 - 'Landscape and Green Infrastructure Strategy**



Viewpoint

A small seating area within an area of short mown grass can be provided along the top of the ridge within the western part of the parkland, from where views could be enjoyed across the Kennet valley.



Existing public footpath

There is potential to provide a connection between the existing public footpath which runs adjacent to the site, and the new recreational paths within the parkland. This would enhance the existing footpath network and offer additional walking opportunities.



Wildflower Meadows

New species-rich wildflower meadows could be created within the eastern fields of the northern parkland. A network of hoggin and mown paths could be incorporated within the parkland to allow for recreational access. Areas of short mown grass would be incorporated within the parkland to allow for informal play and picnics. The meadows would aid in retaining an open space corridor between Thatcham and Cold Ash, to ensure their separate identities are protected. Signage could be provided to aid wayfinding alongside walking routes together with interpretation boards to explain some of the habitats found on Site.

Children's play areas

Two equipped children's play areas could be provided. One would be located on the edge of the development area adjacent to the meadow parkland and the other integrated within the development nearer to the entrance. The one on the edge of the development could provide opportunities for natural play and more timber play elements to suit its parkland edge location. The other play area could have a more formal character given its location within the small green space in the development. The play areas could cater for a wide range of ages, from toddlers to young teenagers. The play area could be designed to offer both able and less able children with opportunities for play. Natural materials such as timber, boulders, bark chip and grasswood ensure that the play areas do not appear out of character. An additional area of informal amenity space could also be provided immediately north west of the development parcels.



Trim trail

A trim trail is could be provided which would be incorporated within the central area of the parkland. Hoggin paths would lead through the wildflower meadows to dedicated equipped spaces for exercise. The paths will also form part of the wider recreational footpath network, allowing a variety of users to benefit from the paths. They could also incorporate additional natural play elements for children as well as exercise equipment for adults.



Additional tree planting

The boundary along the northern edge of the parkland comprises a dense hedgerow and large individual trees, however, additional tree planting alongside the hedge would enhance the species and age diversity of the existing tree stock. The tree canopies will also further screen any views of the new homes from Cold Ash Hill beyond.

Potential pedestrian link

There is potential to provide a pedestrian link into the large area of public open space from Cold Ash Hill. This could allow for residents of Cold Ash to also benefit directly from the new recreational facilities.

Community Orchard and Allotments

A new orchard could be created within the north eastern part of the site. The orchard would not only provide habitat and help increase biodiversity on the site, but would also form an attractive feature within the landscape, helping to create a variety of character areas within the parkland. In addition, there is potential to accommodate 10 half plot allotments for community benefit. Benches and picnic tables can be incorporated here, and an area of short grass could be provided adjacent to the orchard and allotments, to create an area for informal play and relaxation.

Sustainable Drainage Systems

As part of the wider flood alleviation scheme several large shallow basins can be provided within the public open spaces. These basins would be dry for the majority of the time, and would appear as hollows within the landform. They would be sown with wildflower seed mix which is capable of surviving periodically wet conditions, so that their appearance would be similar to that of the adjoining dry meadow areas.



LEGEND

- Site boundary
- Local Wildlife Site
- Listed Buildings
- Existing public footpath
- Landscaped Gateways
- Potential recreational routes
- Existing vegetation to be retained
- Proposed trees
- Proposed thicket / woodland planting
- Native hedge planting
- Proposed locations for earth bunds
- Wildflower meadow
- Flood meadows planted with a damp grassland seed mix
- Allotments
- Proposed locations for attenuation basins planted with wet wildflower mix
- Proposed play provision for children and young people
- Trim Trail Station
- Informal seating (benches, picnic tables etc.)

0 50 100 metres

A	04/02/21	PH	Amended to new layout
Rev	Date	By	Description

**CSA**  
environmental

Dixies Barns, High Street,  
Ashwell, Hertfordshire SG7 5NT  
01462 743647  
ashwell@csaenvironmental.co.uk  
csaenvironmental.co.uk

Project	Henwick Park, Thatcham		
Title	Landscape and Green Infrastructure Strategy		
Client	Croudace Homes		
Scale	1: 2500 @ A2	Drawn	PH
Date	February 2021	Checked	CA/CS
Drawing No.	CSA/2406/122	Rev	A



## **Appendix 3 – Economic Benefits Infographic**

# THATCHAM, WEST BERKSHIRE

## THE ECONOMIC BENEFITS OF THE DEVELOPMENT

225 new dwellings, including a new Country Park and residential play areas.

### CONSTRUCTION PHASE:

**214**  
TEMPORARY  
JOBS



**30**  
TEMPORARY  
JOBS

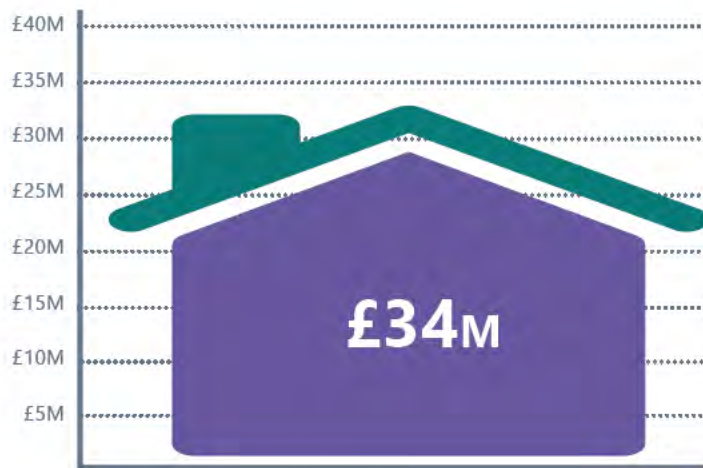
- Direct Employment (temporary jobs on-site)
- Indirect Employment (accounting for regional additionality)

#### Direct Employment

214 temporary construction jobs on site per annum across the 3-year build period.

#### Indirect Employment

30 indirect temporary jobs through the supply chain (regional).



#### Construction Value

Estimated build cost – £34M.



**£11.5M**

#### Economic Output

Expected £11.5M – Construction GVA.

### OPERATIONAL PHASE:



#### Additional Resident Spending

£1.7M – estimated additional resident spending in local shops and services (per year), from a total of £6M additional household spending.

**14 WORKERS**



New Induced Service, Retail and Other Employment as a result of new resident spending, of which:

- 7 new retail jobs; and
- 7 new leisure service jobs.



**£3.6M**

#### Economic Output

Expected £3.6M operational economic output (GVA).



#### One off spend on new home products

Estimated spend of £1.1M on home furnishings and other new home goods.



**£300,000**

Additional Council Tax Revenue per annum

#### Methodology Notes

- Construction jobs calculated through regional turnover to employment ratio.
- Construction GVA calculated through regional turnover to GVA ratio.
- Construction jobs refer to person years of employment (temporary jobs).
- HCA Additionality Guide used for indirect / direct multipliers.
- Expenditure benefits derived from Household Expenditure survey (by region, private rental sector residents) discounted to account for assumed local migration based on Census 2011 figures.
- GVA derived from permanent employment multiplied by average regional GVA per head, discounted to net present value (GVA accumulation 'persistence factor' assumed for 10 years).
- Spend for new home produces assumes £5,000 per household.
- Council tax based on UK average.
- Figures have been rounded to the nearest thousand/million for the ease of illustration.

## **Appendix 4 – Appeal ref.**

### **APP/WO340/W/16/3143214 Inspector's Report**

## Appeal Decision

Inquiry held on 10 – 13 and 17 – 19 January 2017

Site visit made on 19 January 2017

**by Phillip J G Ware BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 March 2017**

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**Appeal Ref: APP/W0340/W/16/3143214**

**Land adjacent to Hilltop, Oxford Road, Donnington, Newbury**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by CEG Land Promotions Ltd, Mrs G E Mather, and BLG Reads Trust against the decision of West Berkshire Council.
  - The application Ref 14/02480/OUTMAJ, dated 17 September 2014, was refused by notice dated 26 November 2015.
  - The development proposed is a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 – no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works.
- 

### Procedural matters

1. The application is in outline, with only the means of access to be determined, along with the principle of the development.
2. A Unilateral Planning Obligation (UPO)<sup>1</sup> was discussed in full draft at the Inquiry. I allowed a short period of time after the close of the Inquiry for it to be signed, and the final document was dated 27 January 2017. It deals with, amongst other matters, open space/play space, affordable housing, transport, education and ecology. I will return to these matters below. There was no need for further consultation on the final UPO as it had been discussed at the Inquiry.
3. The Council's decision notice<sup>2</sup> included a reason for refusal related to the capacity of the A339 and highway mitigation measures. However, in the light of further modelling and subject to the provisions of the UPO, this matter was not pursued by the Council, as announced at the start of the Inquiry and as set out in the Highways Statement of Common Ground (HSOCG)<sup>3</sup>. At this stage the Council also no longer argued that the grant of planning permission for the appeal scheme would be premature. The remaining reasons for refusal, dealing with settlement policy and the emerging development plan, access by sustainable modes of travel and the linkages with the town centre, and the

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<sup>1</sup> Document 10

<sup>2</sup> CD 49

<sup>3</sup> CD 144

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adequacy of the underpass beneath the A339 remained part of the Council's case as set out in the Planning Statement of Common Ground (SOCG)<sup>4</sup>.

4. On the sixth day of the Inquiry, after the case for both parties had been part heard, the Council withdrew all its objections to the appeal and recommended that conditional planning permission should be granted, subject to the UPO. An Additional Statement of Common Ground (ASOCG)<sup>5</sup> was produced – to which I will return below. The Council took no further part in the Inquiry and did not submit a Closing Statement. I heard from the remaining witnesses for the appellant, so I could seek clarification on a number of matters, and I heard a Closing Statement from the appellants.
5. After the close of the Inquiry the Government published a Housing White Paper entitled "Fixing our broken housing market". The main parties were consulted on this document. The Council stated that it did not materially alter the assessment of the appeal<sup>6</sup>. The appellants stated that it placed even greater emphasis on housing delivery, particularly given the agreed absence of a five year housing land supply<sup>7</sup>. I have taken these responses into account.

## **Decision**

6. The appeal is allowed and planning permission is granted for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 – no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works on land adjacent to Hilltop, Oxford Road, Donnington, Newbury, in accordance with the terms of the application, Ref 14/02480/OUTMAJ, dated 17 September 2014, subject to the conditions set out in the Schedule to this decision.

## **Main issues**

7. The main issue in this case is the suitability of the site for the proposed development, in the light of the development plan, national policy and the emerging development plan.

## **Reasons**

### *The site and the proposal*

8. The appeal site is an area of 23.1 hectares of agricultural land immediately to the north of the existing urban edge of Newbury. It is in two parcels on either side of the A339, which is a major road linking Newbury to the M4 and the A34. To the south is the centre of Newbury and the Vodafone headquarters. To the north and east is agricultural land, with the village of Donnington to the west.
9. There is an existing public footpath running north – south across the site, linking the two parcels by way of an underpass below the A339. In the south this links with footpaths which encircle the Vodafone site, and thereby links with routes into central Newbury<sup>8</sup>. Existing bus services run to the south and

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<sup>4</sup> CD 142

<sup>5</sup> CD 145

<sup>6</sup> Document 11

<sup>7</sup> Document 12

<sup>8</sup> CD 144 Figure 1

west of the western parcel, and provide a limited service into the centre of the town.

10. The proposal is as described in the heading above. Access would be from both sides of the existing roundabout on the A339, with access for emergency vehicles, buses and a school drop off from Love Lane<sup>9</sup>. The application was supported by a range of technical assessments and includes Parameter Plans, a Concept Masterplan<sup>10</sup>, and a Design and Access Statement<sup>11</sup>. It includes 40% affordable housing, which is shown as being integrated into the overall development.

#### *Policy context*

11. The relevant parts of the development plan are the Core Strategy (CS)<sup>12</sup> (2012) and the saved policies (2007) of the West Berkshire District Local Plan (DLP). The Planning Statement of Common Ground<sup>13</sup> identifies relevant policies in both documents.
12. The CS provides the overarching policy for development in West Berkshire. CS policies ADPP1, ADPP2 and CS1<sup>14</sup> provide that development in West Berkshire should follow the existing settlement pattern, with most development within or adjacent to existing settlements. Newbury is intended to accommodate around 5,400 homes over the plan period, with urban extensions at Newbury Racecourse and Sandleford Park. The general location of the appeal site was considered as a possible strategic allocation during the CS process, but was not eventually selected. Policy CS1 deals with housing land supply whilst policies CS13 and CS14 encourage more sustainable travel and set out design principles.
13. The relevant saved policy (HSG.1) of the DLP identifies settlement boundaries, within which development will normally be permitted. The appeal site is outside, but partly adjacent to, the Newbury settlement boundary.
14. The approach of the CS has informed the emerging Housing Allocations Development Plan Document (HADPD), which has been through Examination and is subject to consultation on modifications. It is described by the Council as a 'daughter document' to the CS and it is not designed to re-assess housing numbers. Rather it will allocate sites on the basis of the requirements of the CS. The appeal site is not allocated in the emerging HADPD.
15. The Council has adopted a Supplementary Planning Document (SPD) on Planning Obligations. This is relevant to consideration of the UPO, but there is no issue between the parties in this respect. There is also an SPD on Quality Design, which deals with sustainability and accessibility. Although there is no longer an issue between the main parties in this respect, it is relevant to some matters raised by local residents related to the underpass.

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<sup>9</sup> CD 144 Plan 131075/A/08.1H

<sup>10</sup> CD 37

<sup>11</sup> CD 39

<sup>12</sup> CD 67

<sup>13</sup> CD 142 paragraphs 5.3 and 5.5

<sup>14</sup> CD 67 pages 19-20



### *Housing Land Supply and its consequences*

16. The main parties agreed a Statement of Common Ground on Housing Land Supply in January 2017<sup>15</sup>. This set out agreed and disputed matters in relation to the housing requirement and housing supply at that time. This document was usefully used at the Inquiry to identify and test the differences between the parties, but it has now been superseded by the ASOCG which was concluded during the Inquiry and which sets out the basis for the Council withdrawing its objection to the proposal<sup>16</sup>.
17. The balance of the evidence before the Inquiry suggested that the FOAN should be higher than that used by the Council. The main parties do not agree the FOAN figure but, in the light of the existence of an agreed deficit, it was common ground that it would not be useful to debate this further. Nor is there agreement on the appropriate buffer, as the Council's position is based on a 5% buffer, which the appellants do not accept. If the appellant's position, that a 20% buffer should be applied, the shortfall would be significantly worse. However, given the position of the main parties, this need not be pursued further in the context of this appeal.
18. The main parties agree that there is a deficit of 203 in the five year housing land supply. The Council's position, amended in the light of the evidence at the Inquiry, is that the deficit is no more than 203 and that a number of sites on which it had relied for delivery should be removed from the supply<sup>17</sup>. Based on the Council's assumptions, there is only a 4.74 year supply. The appellants' position is that the deficit is more than 203 and the supply is less, but the parties again agreed that it would not be proportionate to debate the precise difference further.
19. On that basis, the main parties agree that a five-year supply of deliverable housing sites cannot be demonstrated. The relevant policies for the supply of housing therefore attract less weight and the National Planning Policy Framework (the Framework) paragraphs 49 and 14 are engaged<sup>18</sup>. The presumption in favour of sustainable development in paragraph 14 of the Framework is agreed to apply.
20. For the purposes of paragraph 49 of the Framework, policies ADPP1 and ADPP2 and DLP policy HSG.1 are agreed to be relevant policies for the supply of housing. Although these policies remain part of the development plan they attract significantly reduced weight due to the limited potential of development soon coming forward to make up the shortfall.

### *The appeal site considered in the context of adopted and emerging policy*

21. CS policy ADPP1 recognises that most development will be within or adjacent to Newbury. Although the appeal site is outside the settlement boundary it is next to it, and the Council agreed that it is adjacent to Newbury. The policy also states that the majority of development will take place on previously developed land, but that does not preclude proposals on greenfield sites. The proposal is therefore not contrary to CS policy ADPP1.

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<sup>15</sup> CD 142

<sup>16</sup> CD 145

<sup>17</sup> CD 145 paragraph 2

<sup>18</sup> CD 145 paragraph 8

22. CS policy ADPP2 states that Newbury is intended to accommodate around 5,400 homes over the plan period, and refers to urban extensions at Newbury Racecourse and Sandleford Park. It also contemplates other development coming forward through (amongst other mechanisms) the allocation of smaller extensions to the urban area through the HADPD. The appeal site has not come forward by any of the mechanisms envisaged in ADPP2 and, as a consequence, the proposal is in conflict with this aspect of the policy. The HADP also states that a number of sites which have future potential for development have been identified in the Strategic Housing Land Availability Assessment (SHLAA).
23. There are a number of factors which must be balanced against this conflict with policy ADPP2:
- The appeal site has been considered though the SHLAA process in 2011 and 2013 – an approach which was noted in policy ADPP2. Both these SHLAA assessments identified the appeal site as potentially developable<sup>19</sup>. The 2013 SHLAA noted that it was in a basket of sites from which the most suitable would be allocated through the development plan process. However as a potential strategic site, the appeal site is outside the scope of the HADPD, as noted in the relevant Sustainability Appraisal. Nevertheless, the potential of the appeal site is clearly recognised.
  - CS policy CS1 makes reference to at least 10,500 new homes coming forward in the plan period, but the Council accept that this figure is out of date as a requirement for FOAN or five year housing land supply purposes. In addition the approach of the CS Inspector appears to have been that the plan did not provide for all housing needs even at that time, but adopted a pragmatic approach and recommended the adoption of the plan as it stood and encouraged an early review. This approach further reduces the weight which can be accorded to the CS housing and settlement policies.
  - As mentioned above, the area around the appeal site was considered during the CS Examination process. The Examining Inspector noted that there was a choice to be made between Sandleford Park to the south of Newbury and the area north of Newbury (including the appeal site). This was in addition to the development at Newbury Racecourse for which planning permission had already been granted<sup>20</sup>. A number of the concerns which were identified related to the north of Newbury area were apparently not fully investigated by the Council at that time, although the Inspector described highway matters and flood risk as not being 'show stoppers'. However, on balance, the Sandleford Park site was preferred as it was stated that there was not the evidence to demonstrate that north Newbury was a clearly preferable site. Overall, the Examining Inspector stopped well short of recommending that there were problems associated with the north Newbury area, although preference was given to Sandleford Park.
  - I heard detailed and uncontested evidence that the Sandleford Park site is experiencing substantial delays. No party was able to suggest how or

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<sup>19</sup> CD 77 and 78 Appendix D

<sup>20</sup> CD 50 paragraph 14

when this major development might progress. Before the Council's withdrawal from the Inquiry, the authority had accepted that completions at this site could not be expected in the next five year period – or perhaps longer. Under these circumstances this loss of around 1000 units makes the achievement of even the limited CS target highly optimistic.

- As noted, the appeal site was in the basket from which the SHLAA envisaged that the most suitable would be allocated through the development plan process. The Council, before withdrawing its opposition to the appeal scheme, accepted that there were no sites of comparable scale which might be preferable and/or more sustainable than the appeal site. In effect, even if the development at Sandleford Park were to progress more rapidly than the evidence indicates, the appeal site is next in line to meet the housing needs of the area.
- There is nothing to suggest that, even if the CS figure of approximately 5,400 dwellings were exceeded, this would cause any harm. There is nothing to suggest that the figure was envisaged as a cap on development, as was made clear by the CS Inspector<sup>21</sup>.

24. CS policy CS1 does not specifically preclude development beyond existing settlement boundaries. The Council, prior to withdrawing their objection, agreed that the development is not contrary to this policy.
25. LP saved policy HSG1 supports housing within settlement boundaries, but says nothing about development outside the boundaries. It stands rather oddly in isolation at this time, as it was previously linked to a related policy dealing with areas outside settlements. This related policy has not been saved. In any event the appeal scheme does not conflict with policy HSG1.
26. Moving away from the development plan, emerging HADPD policy C1 would set a presumption against new residential development outside settlement boundaries. However this plan does not carry the weight of the development plan and the soundness of the emerging plan is not for me to consider. It is however based on CS housing targets and is not intended to address the potential inclusion of larger sites such as this.

#### *Conclusion on the principle of the development*

27. Local residents stressed the importance of development being plan led. However in this case the adopted development plan, specifically the CS, is experiencing serious difficulties in terms of the housing delivery it envisaged (which may well be too limited), and it appears that a replacement plan which might identify large sites is some time away.
28. There is no five year supply of deliverable housing sites and, in this context, the presumption in favour of sustainable development in paragraph 14 of the Framework applies. The Council agrees that the appeal scheme is sustainable development and all the evidence supports this conclusion.
29. It is accepted that there is a pressing need for housing, and it is clear that Newbury will remain the focus of development. One of the main sites identified

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<sup>21</sup> CD 50 paragraph 43

in the CS is not expected to deliver during the next five years. The appeal site has a number of specific advantages and is agreed to be next in line.

30. There is a conflict with CS policy ADPP2 in that the policy sets out the way in which it anticipates further sites coming forward. The appeal scheme has not come forward through the HADPD, as this 'daughter document' to the CS does not allow for the inclusion of larger sites such as this. No other plan-led mechanism is likely to emerge in the near future which would allow for the appeal site to be considered. However no objection has been raised by the Council on the grounds of prematurity or prejudice to the emerging HADPD.
31. In any event, there a number of weighty factors, as summarised set out above, which must be set against this limited conflict with policy which attract less than full weight. I will return to the overall planning balance at the end of this decision.

#### *Other matters*

32. No objection was raised by the main parties to a range of other matters, even before the Council's changed overall stance. This position is set out in the SOCG and the HSOCG. However local residents have raised a number of matters which I will address below.
33. The design and safety of the underpass, and the consequent extent to which the two parts of the development would be linked in a satisfactory manner was the subject of concern for some residents, although the local cycling group's position was that it would provide a very good route. This matter was originally a reason for refusal and was the subject of evidence for the Council until the authority changed its overall position on the scheme.
34. The proposed underpass is short, the paths approaching it are in a relatively straight line, and the limited slope means that the visibility into and through the underpass is good, as I saw on my site visit. Visibility and safety could be further improved when the details of the development were being considered. The evidence is that the dimensions of the underpass comply with Sustrans guidance and the underpass, with improvements, would provide an appropriate and safe link for pedestrians and cyclists alike. The proposal would not conflict with the Quality Design SPD and the two parts of the site would be linked in a manner which would encourage the use of non-car modes of transport.
35. The footpaths around the Vodafone site, which provide access towards the town centre from the eastern parcel and, via the underpass, from the whole of the development, were also originally criticised by the Council. However as I saw on my site visit, these are wide paved routes and I saw that they were apparently well used by Vodafone employees. I see no reason why they should act as a deterrent to cyclists or pedestrians wishing to access the town centre.
36. The highways consequences of the proposal were summarised in the HSOCG in relation to a number of junctions in the vicinity, the most critical of which is the Robin Hood gyratory to the south of the entrances to the appeal site. Local residents gave clear evidence of the difficulties which this junction currently causes. However a mitigation scheme, full funded through the UPO, has been put forward for that junction and has been tested against various scenarios. The conclusion of the analysis is that the scheme would do more than mitigate the effects of the proposal and would improve the operation of the junction

compared to the 2021 Base Case scenario (i.e. including committed development and the scheduled gyratory improvements).

37. There was also concern from some residents that the proposal would generate traffic along Love Lane which, as I saw on my visit, has recently had chicanes installed. However, although I can appreciate that Love Lane may well be currently used as a rat run between Shaw Hill and Oxford Road, there is no evidence that this would be substantially increased as a result of the proposal, as new residents would access the development direct off the A339.
38. Residents expressed concern that the development could flood or increase flood risk elsewhere. However the site is located within Flood Zone 1 and there are no objections to the proposal on this basis from the Council or any other authority<sup>22</sup>. In the absence of any technical evidence this objection carries little weight.
39. The suggestion was made by some local residents that there is an existing lack of facilities in the area. However in contrast to this view the SOCG notes that the site benefits from access to schools, leisure facilities, shops and other local services within Newbury. There is a local convenience store to the south and two supermarkets are within less than 10 minutes cycling distance. The town centre is around 1.5 miles from the site, which could be regarded as an acceptable walking distance, is certainly an easy cycling distance, and can be accessed by existing bus services.
40. This current position would be enhanced by the proposed bus service, which would be funded by the developer for the first five years, running from the western parcel of the land, close to the underpass, and provide a link into the town centre<sup>23</sup>. In addition the inclusion of a local centre in an appropriate location within the development would provide opportunities for existing and new residents<sup>24</sup>.
41. The SOCG confirms that the site is within close proximity of existing primary, secondary and specialist schools<sup>25</sup>. The appeal scheme would deliver a one-form entry primary school in walking distance of both the new and existing dwellings. This would be delivered by way of the UPO<sup>26</sup>.
42. There was a suggestion made by local residents that the development would not be supported by employment opportunities in the town, and that it would be inaccessible to employment sites. Given the proximity of the Vodafone HQ adjacent to the site (employing around 5,500 people) and the access to the town centre, this is a difficult argument to make, and no evidence was put forward to support the suggestion.
43. A few residents objected to the loss of the countryside. However the SOCG confirms that the development could be accommodated within the landscape and that it complies with CS policy CS19 and other policy documents. The area is not the subject of any specific landscape designations. Similarly, subject to the details of the scheme, the development would not affect any important trees within or around the appeal site. The main parties have agreed that the

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<sup>22</sup> CD 142 paragraphs 6.10 and 6.11

<sup>23</sup> CD 144 Figure 3

<sup>24</sup> CD 142 paragraphs 6.8 and 6.9

<sup>25</sup> CD 142 paragraph 142

<sup>26</sup> CD 142 paragraphs 6.18 – 6.20

development would provide suitable mitigation and enhancement measures<sup>27</sup>. The objection to the effect on the landscape is therefore not supported by the evidence.

44. An appeal decision on land south of Man's Hill, Burghfield Common was issued during the latter part of the Inquiry<sup>28</sup>, and was drawn to my attention. It is worthy of specific comment as the Inspector in that case dismissed the appeal and found differently to me on a number of matters. Although I have been provided with the closing submissions in that case<sup>29</sup> I do not know the detail of the evidence put to the Inspector. In particular his decision was partly based on a finding that a five year housing land supply existed at that time, which the Council accepts is no longer the case. In addition there was harm to the landscape in that instance, which is a specific planning objection which does not exist in this case. Each appeal must be decided on its own merits and in the light of the evidence, and there are notable differences between this appeal and that at Man's Hill.

#### *Planning Obligation*

45. As noted above, a UPO was discussed at the Inquiry and finalised shortly thereafter. All the terms of the obligation were agreed at the Inquiry, and deal with the provision of open space/play space, affordable housing, transport matters, education and ecology. These provisions are soundly based on CS policies CS5, CS6 and CS13 and the Planning Obligations SPD.
46. I conclude that the UPO meets the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have therefore taken it into account and given weight to those matters which go beyond mitigation related to the impact of the development – especially related to highways improvements, educational aspects and open space provision.

#### *Conditions*

47. A wide range of conditions was agreed between the parties and discussed at the Inquiry. I am satisfied that these all meet the tests in the Framework, are necessary, and are fairly and reasonably related to the development.
48. A number of initial conditions are necessary for clarity related to plans and to provide for the submission of details (2-7). These details should be in broad accordance with the illustrative plans, in the interests of the appearance of the development and highway safety (5). The levels of the development also need to be specifically controlled in the interests of the appearance of the scheme (11). The details should include a strategic landscape plan and define the housing mix and the total number of dwellings (8). The development would be undertaken in phases and a phasing plan needs to be submitted for approval, so as to inform some subsequent conditions (1).
49. To protect the amenity of adjoining land uses, the hours of construction need to be limited (9), piling needs to be controlled (19), and a Construction Method Statement needs to be submitted for approval (10). This latter would also address any harm to highway safety during construction.

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<sup>27</sup> CD 142 paragraphs 6.12 and 6.13

<sup>28</sup> CD 146

<sup>29</sup> CD 158



50. The two accesses of the A339 and the site layout need to be completed before the development is occupied in the interests of highway safety (12, 13 and 17). The secondary access for buses and emergency vehicles, and visitors to the school, needs to be provided for the same reason (15). As discussed above the detail of the improvements to the underpass need to be submitted for approval, in the interests of improving accessibility and safety (14). Similarly improved pedestrian/cycle access needs to be in place before occupation of the development (16) and cycle storage provision needs to be secured (25).
51. To protect any archaeological remains, a programme of archaeological work needs to be approved and implemented (18).
52. In view of the presence of trees on the site, an arboricultural method statement, including the protection of trees during development, needs to be approved and implemented (20). For biodiversity reasons a Construction Environmental Management Plan needs to be approved and implemented (21). For the same reason, a lighting design strategy for biodiversity needs to be produced (22). A Landscape and Ecological Management Plan, dealing with existing and new habitats, is necessary (23).
53. In the light of concerns about water supply, an impact study of the existing water supply infrastructure needs to be submitted for approval (24).
54. To ensure the adequacy of refuse/recycling facilities, details of the provision need to be submitted (26).
55. To ensure that surface water is handled in an appropriate manner, a Sustainable Drainage Strategy needs to be submitted for approval (27). To ensure sufficient sewage capacity is provided a drainage strategy needs to be approved and implemented (28). A waste collection plan needs to be approved (29). Given the lack of public mains in the area, the provision of private hydrants or similar emergency water supplies is necessary (30).
56. In order to protect the amenities of new occupiers, details of protection from external noise should be approved (31). For the same reason, noise from services associated with new non-residential buildings needs to be controlled (32).
57. So as to ensure that risks from land contamination to the future occupiers of the land and neighbouring land are minimised, a range of contamination matters need to be controlled (33).

*Planning balance and conclusion*

58. The appeal clearly engages paragraph 14 of the Framework, such that planning permission should be granted unless the adverse consequences of doing so would significantly and demonstrably outweigh the benefits. This position is common ground between the parties.
59. The benefits arising from the development are agreed by the parties and particularly include:
  - The provision of up to 241 market homes in an area which lacks a five year housing land supply.

- The provision of up to 40% affordable homes, in an area with acknowledged affordability issues. This is stated in the CS<sup>30</sup> and is reflected in the 2016 housing waiting list figures<sup>31</sup>. There is a difference as to the exact extent of the affordable housing need (with the Council putting forward a lower figure based on the SHMA<sup>32</sup>, as opposed to the CS position). It is agreed that the historical delivery of affordable housing has been significantly below that set out in the CS. Overall the evidence clearly demonstrates that the provision of these affordable homes would be a substantial benefit which would be in line with CS policy CS6.
  - A boost to the local economy, as set out in the Economic Benefits Statement<sup>33</sup>. In particular there would be short term construction jobs, longer term employment at the school and the local centre, and substantially increased local spend by the new residents.
  - The provision of the new school, providing 210 primary and 26 nursery spaces. The evidence indicates that 60 of the primary places would be available for the existing community. The school would be within very easy walking distance of the new dwellings.
  - The new bus service, funded by the appellants for five years, will not only benefit new residents, but also existing residents of this part of the town. Prior to the Council withdrawing its evidence there was a dispute as to whether the service would be able to stand on its own feet at the end of the funding period, but the evidence of the operator was persuasive in that it should be able to do so.
  - The improvements to the Robin Hood gyratory system, at a cost of £700,000, is agreed to be a substantial benefit over the 'no development' scenario. In addition, a further £35,000 would be spent on improvements to the connectivity of the site to the town centre.
  - There would be a significant benefit (£392,000) to mitigation and improvements to a nearby Site of Special Scientific Interest, along with the benefit of planting within the development.
  - The provision of c.6.5 hectares of open space/playspace/allotments. This is in excess of the 4.3 hectares required by policy.
60. There are no specific policies in the Framework which indicate that development should be restricted. There is however a limited conflict with CS policy ADPP2 in relation to the manner which this site has come forward, although there are a number of reasons why this would not cause actual harm. In addition this policy carries significantly reduced weight. In addition, emerging HADPD policy C1 would set a presumption against new residential development outside settlement boundaries, but this carries only limited weight and the emerging plan is not designed to cater for developments such as the appeal proposal.

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<sup>30</sup> CD 67 paragraphs 5.26 and 5.28

<sup>31</sup> CD 79

<sup>32</sup> CD 80

<sup>33</sup> CD 46

61. This policy issue is the only adverse impact of granting permission and it falls far short of significantly and demonstrably outweighing the benefits of the development, when assessed against the policies in the Framework as a whole. As agreed by the parties, the proposal represents sustainable development and permission should be granted in accordance with the presumption in favour of sustainable development.
62. For the reasons given above I conclude that the appeal should be allowed.

*P. J. G. Ware*

Inspector

## **Land adjacent to Hilltop, Oxford Road, Donnington, Newbury**

### **Schedule of conditions**

#### **Approved plans**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Parameter Plans:

- Land Use Parameters - 3511 Rev C
- Density Parameters - 3521 Rev D
- Building Heights Parameters - 3531 Rev D
- Movement & Access Parameters - 3541 Rev B
- Landscaping Parameters - 3551 Rev D
- Drainage Parameters - 3561 Rev A

Access Plans:

- Proposed Western Access from A339 - 131075/A/10.1 Rev A
- Proposed Eastern Access from The Connection - 131075/A/11 Rev B
- Proposed Bus Access - 131075/A/08.1 Rev H
- Whitefields Cottages SSD on Approach to Potential Build Out Pedestrian Crossing 131075/SK/30 Rev B

#### **Phasing Plan**

- 2) A Phasing Plan shall be submitted to and approved in writing by the local planning authority on or before submission of the first reserved matters application which shall show the phases in which development is to be carried out, including details on the broad number of dwellings (including affordable units) to be provided at each phase(s). The development shall thereafter only be carried out in accordance with the approved Phasing Plan.

#### **Reserved matters submission**

- 3) No development on each phase shall take place until details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") of development in that phase have been submitted to and approved in writing by the local planning authority.

### **Reserved Matters – housing mix**

- 4) The first reserved matters application shall include a schedule of the housing unit and tenure mix for the whole site. Notwithstanding this, subsequent reserved matters applications may include alternative details providing that this does not increase the total number of dwellings or change the overall unit and tenure mix of dwellings on site as approved by the first reserved matters application.

### **Reserved Matters - Strategic landscape plan**

- 5) A strategic landscape plan for the whole site shall be submitted as part of the first reserved matters application and shall include the following details:
- Key retained existing vegetation features on the site and its boundaries
  - Proposed Structural Planting, including Buffer Planting to site boundaries

### **3 years submission limit for approval of reserved matters**

- 6) Application for approval of all the reserved matters for each phase shall be made to the local planning authority before the expiration of three years from the date of this permission.

### **Reserved matters commencement time limit**

- 7) The development of each phase hereby permitted shall be begun before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved in respect of that phase, whichever is the later.

### **Total number of units**

- 8) The number of dwellings hereby permitted shall not exceed 401.

### **Hours of work (construction)**

- 9) No demolition or construction works shall take place outside the following hours:
- 0730 hours to 1800 hours Mondays to Fridays
  - 0830 hours to 1300 hours Saturdays
  - No work shall be carried out at any time on Sundays or Bank Holidays

### **Construction Method Statement**

- 10) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved

Construction Method Statement. The Construction Method Statement shall provide for:

- (a) Construction site accesses
- (b) The parking of vehicles of site operatives and visitors
- (c) Loading and unloading of plant and materials
- (d) Storage of plant and materials used in constructing the development
- (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (f) Wheel washing facilities
- (g) Measures to control the emission of dust and dirt during construction
- (h) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (i) Agreed routes and timing restrictions for construction vehicles, deliveries and staff

#### **Ground and floor levels**

- 11) No phase of the development shall take place until details of the finished floor levels of the buildings hereby permitted in relation to existing and proposed ground levels of that phase have been submitted to and approved in writing by the local planning authority. The development of that phase shall be carried out in accordance with the approved levels.

#### **A339 Access western parcel**

- 12) No part of the development to the west of the A339 shall be occupied until the proposed access from the A339, as shown in the Vectos drawing no. 131075/A/10.1 Rev A, has been substantially completed and is open to traffic.

#### **Vodafone Access eastern parcel**

- 13) No part of the development to the east of the A339 shall be occupied until the proposed junction from the internal Vodafone roundabout, as shown on Vectos drawing number 131075/A/11 Rev B, has been substantially completed and is open to traffic.

#### **A339 Underpass**

- 14) No development shall take place until a scheme for the proposed improvements to the subway linking the eastern to western parts of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall include: (i) proposals for the diversion of footpath 4 at each approach to the subway; (ii) details of surface treatment, soffit level and



proof lighting, planting and soffit level vandal proof CCTV; and (iii) CCTV monitoring arrangements. Unless otherwise approved in writing by the local planning authority, the approved scheme shall be completed prior to the occupation of any residential units and shall be maintained thereafter.

### **Secondary Access for buses**

- 15) The development hereby permitted shall not be occupied until the secondary access for buses, emergency vehicles and visitors to the primary school proposed from Love Lane, as shown on Vectos drawing number 131075/A/08.1 Rev H, has been substantially completed and is open to traffic. This arrangement shall be maintained on site thereafter.

### **Cycling network**

- 16) No dwelling hereby permitted shall be occupied until the pedestrian / cycle access to Oxford Road / Whitefield Cottages with minor amendments to the road layout, as shown on Vectos Drawing No. 131075/SK/30 Rev B, has been substantially completed and is open to the public. This arrangement shall be maintained thereafter.

### **Highway infrastructure design and construction**

- 17) The detailed layout of the site with regards to highway infrastructure shall comply with the local planning authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design should be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

### **Archaeology**

- 18) No phase of the development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation for that phase has been submitted to and approved in writing by the local planning authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved programme.

### **Piling**

- 19) No piling shall take place during construction, except auger piling, unless otherwise agreed in writing by the local planning authority.

### **Arboricultural measures**

- 20) No phase of the development shall commence until:
- (a) an arboricultural method statement, which shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area of that phase, has been submitted to and approved in writing by the local planning authority

- (b) details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained of that phase has been submitted and approved in writing by the local planning authority
- (c) the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring of that phase, which has been submitted to and approved in writing by the local planning authority
- (d) a detailed schedule of tree works including timing and phasing of operations of that phase has been submitted and approved in writing by the local planning authority

The development of that phase shall not be carried out otherwise than in accordance with the approved details.

### **Construction Environmental Management Plan**

21) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;

- (a) a risk assessment of potentially damaging construction activities
- (b) Identification of biodiversity protection zones
- (c) Practical measures to avoid and reduce impacts during construction
- (d) The location and timing of sensitive works to avoid harm to biodiversity features
- (e) The times during construction when specialist ecologists need to be present on site to oversee works
- (f) Responsible persons and lines of communication
- (g) The role and responsibilities of the ecological clerk of works or similarly competent person
- (h) Use of protective fences, exclusion barriers and warning signs
- (i) Any temporary lighting that will be used during construction
- (j) a scheme of works or such other steps to minimise the effects of dust during construction
- (k) The implementation of these measures prior to the commencement of each phase.

The development shall not be constructed otherwise than in accordance with the approved CEMP.

### **Lighting design strategy for biodiversity**

22) Prior to occupation of the first dwelling within any phase, a lighting design strategy for biodiversity of that phase shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging
- (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places

Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

### **Landscape and Ecological Management Plan**

23) No development shall take place on the site until a Landscape and Ecological Management Plan, which should be based on the ES Technical Appendix 10.3: Ecological Management Plan - Heads of Terms prepared by Tyler Grange dated 6<sup>th</sup> October 2015, has been submitted to and approved in writing by the local planning authority. Such a Plan shall include:

- Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats for 10 years with monitoring every 5 years and a review of the Plan after the 10th Year
- Provision of features for protected and priority fauna including bat boxes, bird nesting opportunities and habitat piles.

The development shall not be carried out otherwise than in accordance with the approved Plan.

### **Natural England and Thames Water**

24) No development shall commence until an impact study of the existing water supply infrastructure has been submitted to and approved in writing by the local planning authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Thereafter the development shall be carried out in accordance with the approved details.

### **Cycle storage**

- 25) No dwelling hereby permitted shall be occupied until the cycle storage in relation to that dwelling has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

### **Refuse storage**

- 26) No dwelling hereby permitted shall be occupied until an area for refuse/recycling storage in relation to that dwelling has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

### **Sustainable Drainage Strategy**

- 27) No phase of the development shall commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for that phase using SUDS methods (as included within the Flood Risk Assessment Addendum (October 2015)) and the SUDS Manual) has been submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy for that phase prior to the use or occupation of any building within that phase commencing, and maintained thereafter for the lifetime of the development.

### **Foul Drainage Strategy**

- 28) No development shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by, the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works have been completed in accordance with the approved strategy.

### **Waste collection**

- 29) Prior to the occupation of any dwelling on the eastern parcel of the site details of a proposed waste collection plan from the curtilage of all the properties to the east of A339 shall be submitted to and agreed in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the approved details.

### **Fire hydrants**

- 30) No dwelling shall be occupied in each phase until private fire hydrant(s) or other suitable emergency water supplies for that phase has been provided in accordance with details (including connection and maintenance thereafter) that have first been submitted to and approved in writing by the local planning authority.

### **Protection from external noise**

- 31) No development shall commence until details of a scheme of works for protecting the occupiers of the development from externally generated noise has been submitted to and approved in writing by the local planning authority. All works forming part of the approved scheme shall be completed prior to the occupation of any dwelling.

### **Noise from services associated with new buildings**

- 32) Prior to the installation of air handling plant, chillers or other similar building services on a non-residential building constructed as part of the development the following details, in respect of that building, shall be submitted to the local planning authority:
- a) written details concerning any proposed air handling plant, chillers or other similar building services including:
    - the proposed number and location of such plant as well as the manufacturer's information and specifications
    - the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice
    - the intended operating times
  - b) calculations showing the likely impact of noise from the development
  - c) a scheme of works or such other steps as may be necessary to minimise the effects of noise from the development

The relevant building shall not be used until written approval of a scheme under (c) above has been given by the local planning authority and the scheme of works has been completed in accordance with the approved details.

### **Contaminated land condition**

- 33) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sub-conditions A to C below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until sub-condition D has been complied with in relation to that contamination.

#### **A. Site characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a

scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

## **B. Submission of remediation scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## **C. Implementation of approved remediation scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation). The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the local planning authority.



#### **D. Reporting of unexpected contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of sub-condition A above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of sub-condition B above, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with sub-condition C above.

#### **E. Long term monitoring and maintenance**

In the event contamination is found at the site, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the local planning authority, and the provision of reports on the same must be prepared, both of which must be submitted and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

## APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:	
Mrs E Lambert of Counsel	Instructed by the Head of Legal Services
She called	
Mrs C Peddie BSc MSc MRTPI	Principal Planning Officer – policy
Mr P S Goddard BEng (Hons)	Highways Development Control Team Leader
Mr N Ireland BA(Hons) MTPI MRTPI	Planning Director, G L Hearn

FOR THE APPELLANTS:	
Mr P Village QC Mr A Tabachnik QC	Instructed by Clyde and Co LLP
They called	
Mr P Stacey BA DipTP MRTPI	Director, Turleys
Mr D Bird BSc CEng MICE	Director, Vectos
Mr N Rose CEng BA(Hons) Dip Arch RIBA	Main Board Director, Broadway Malyan
Mr M Spry BSc(Hons) DipTP MRTPI MIED FRSA	Senior Director, Nathaniel Lichfield & partners
Mr S Brown BSc (Hons) DipTP MRTPI	Principal, Woolf Bond Planning
Ms L Nation	Clyde and Co (S106 session only)

INTERESTED PERSONS:	
Mr E Wynn	Local resident
Ms R Miller	Donnington Valley Action Group
Mr B Gowers	Local resident
Councillor P Bryant	Speen Ward
Dr T Vickers	West Berkshire Spokes
Councillor Graham	Shaw-cum-Donnington Parish Council
Mr R Wood FRICS	Local resident

## INQUIRY DOCUMENTS

1	Lists of persons present at the Inquiry
2	Notification letter and list of persons notified
3	Statement by Donnington Valley Action Group
4	Statement by Mr B Gowers
5	Statement by Councillor P Bryant
6	Statement by Dr T Vickers
7	Statement by Councillor Graham
8	Statement by Mr R Wood
9	Closing submissions by the appellants
10	Unilateral Planning Obligation (27 January 2017)
11	Council's response to Housing White Paper
12	Appellants' response to Housing White Paper

## CORE DOCUMENTS

CD No.	Planning Application Documents and Plans
1	Application Covering Letter (1 <sup>st</sup> August 2014)
2	Application Covering Letter (23 <sup>rd</sup> September 2014)
3	Application Forms and Certificates
4	Concept Masterplan (Drawing Number: 3212 Rev E)
5	Site Location Plan (Drawing Number: 1012)
6	Access Plans <ul style="list-style-type: none"> <li>Proposed Western Access from A339 (Drawing Number 131075/A/10.1 Rev A)</li> <li>Proposed Eastern Access from The Connection (Drawing Number 131075/A/11 Rev B)</li> <li>Proposed Bus Access (Drawing Number 131075/A/08.1 Rev B)</li> </ul>
7	Parameter Plans <ul style="list-style-type: none"> <li>Land Use Parameters (Drawing Number 3510 Rev A)</li> <li>Density Parameters (Drawing Number 3520 Rev A)</li> <li>Building Heights Parameters (Drawing Number 3530 Rev A)</li> <li>Movement &amp; Access (Drawing Number 3540 Rev A)</li> <li>Landscaping (Drawing Number 3550 Rev A)</li> <li>Drainage (Drawing Number 3560 Rev A)</li> </ul>
8	Planning Statement (including s106 draft Heads of Terms and Affordable Housing Statement) (July 2014)
9	EIA Non-Technical Summary (July 2014)

10	Design and Access Statement (including Parameter Plans, Landscape details and reference to Parking Provision) (July 2014)
11	Topographical Plan/Survey (Figure No: 13-006/Figure 19)
12	Outline Sustainability Framework and Waste Management Plan (July 2014)
13	Statement of Community Involvement (July 2014)
14	Tree Quality Survey and Development Implications (8 July 2014)
15	Transport and Access Outline Application Statement (July 2014)
16	Landscape and Visual Impact Outline Application Statement (including Photomontages) (July 2014)
17	Ecology Outline Application Statement (21 July 2014)
18	Heritage and Archaeology Outline Application Statement (July 2014)
19	Air Quality Outline Application Statement (07/07/14)
20	Noise Outline Application Statement (07/07/14)
21	Flood Risk Assessment (July 2014)
22	Contamination Outline Application Statement (July 2014)
23	Environmental Statement <ul style="list-style-type: none"> <li>• Volume 1: Technical Assessment (Chapters and Figures)</li> <li>• Volume 2: Appendices</li> </ul>
24	Covering letter (10th June 2015)
25	Revised Concept Masterplan (Drawing Number: 3212 Rev P)
26	Revised Parameter Plans <ul style="list-style-type: none"> <li>• Land Uses Parameters (Drawing Number: 3511 Rev B)</li> <li>• Density Parameters (Drawing Number: 3521 Rev C)</li> <li>• Building Heights Parameters (Drawing Number: 3531 Rev C)</li> <li>• Movement and Access Parameters (Drawing Number: 3541 Rev A)</li> <li>• Landscaping Parameters (Drawing Number 3551 Rev C)</li> <li>• Drainage (Drawing Number 3561)</li> <li>• Phasing Plan (Drawing Number: 3401 Rev B)</li> </ul>
27	Revised Design and Access Statement (June 2015)

28	Landscape and Visual Impacts Supplementary Statement (1 June 2015)
29	Ecology Supplementary Statement
30	Transport and Access Supplementary Statement (June 2015)
31	Flood Risk Assessment Addendum (May 2015)
32	Noise and Vibration Supplementary Statement (21-05-15)
33	Primary School Common Ground letter to Fiona Simmonds (dated 25th April 2015)
34	1 FE School- Land Area Plan- Preferred Option Drawing (Drawing No: 150312_COMA2001_4006_1 FE School - Land Areas Rev A)
35	Environmental Statement Supplement (May 2015)
36	Covering letter (9 <sup>th</sup> October 2015)
37	Revised Concept Masterplan (Drawing Number: 3212 Rev T)
38	<p>Revised Parameter Plans</p> <ul style="list-style-type: none"> <li>• Land Uses Parameters (Drawing Number: 3511 Rev C)</li> <li>• Density Parameters (Drawing Number: 3521 Rev D)</li> <li>• Building Heights Parameters (Drawing Number: 3531 Rev D)</li> <li>• Movement and Access Parameters (Drawing Number: 3541 Rev B)</li> <li>• Landscaping Parameters (Drawing Number 3551 Rev D)</li> <li>• Drainage (Drawing Number 3561)</li> <li>• Phasing Plan (Drawing Number: 3401 Rev C)</li> </ul>
39	Revised Design and Access Statement (dated October 2015)
40	Landscape and Visual Impacts Supplementary Statement (October 2015)
41	Ecology Supplementary Statement (October 2015)
42	Transport and Access Supplementary Statement (October 2015)
43	Flood Risk Assessment Addendum (October 2015)
44	Noise and Vibration Supplementary Statement (October 2015)
45	Environmental Statement Supplement (October 2015)
46	Economic Benefits Statement (October 2015)
	<b>Other Relevant Documents submitted as part of the Application</b>
47	Whitefield Cottages SSD on Approach to Cycle Link into Development Site (Drawing No: 131075/SK/28 Rev B) (19.08.2015)

	<b>Officer's Report and Decision Notice</b>
48	Officer's Report (and Update Report)
49	Decision Notice
	<b>Other Relevant Core Documents</b>
50	West Berkshire Core Strategy Inspector's Report (3 <sup>rd</sup> July 2012)
51	Berkshire SHMA Presentation (20 <sup>th</sup> October 2015)
52	Journey Time Routes (Drawing: Figure 1) (25/01/16)
53	Walking in Newbury Map
	<b>Appeal Decision and Judgement Core Documents</b>
54	Firlands Farm, Burghfield Common Appeal Decision (Appeal Ref: APP/W0340/A/14/2228089)
55	Land adjacent to Sims Metals UK (South West) Limited, Long Marston, Pebworth, Wychavon (APP/H1840/A/13/2202364)
56	St Albans v Hunston Properties Limited [2013] EWCA CIV 1610
57	Gallagher Homes Limited and Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)
58	Oadby v Wigston Borough Council b Secretary of State for Communities and Local Government [2015] EWHC 1879 (Admin)
	<b>Relevant Correspondence</b>
59	Email Exchange with Bob Dray (dated 13 <sup>th</sup> October 2015)
60	Email to Fiona Simmonds (dated 14 <sup>th</sup> October 2015) including Draft Heads of Terms
61	Email Exchange with Bob Dray (dated 16-19 <sup>th</sup> October 2015)
62	Email Exchange with Bob Dray (dated 22 <sup>nd</sup> - 26 <sup>th</sup> October 2015) including Underpass Drawings
63	Email Exchange with Bob Dray (dated 22 <sup>nd</sup> -28 <sup>th</sup> October 2015) including Highway Response Note
64	Email Exchange with Bob Dray (dated 10-12 <sup>th</sup> November 2015) including Ecology Statement
65	Email Exchange with Bob Dray (dated 11-18 <sup>th</sup> November 2015) including Title Transfer

	<b>Further Relevant Core Documents</b>
66	West Berkshire Local Plan including Appendices and Saving Direction (September 2007)
67	West Berkshire Core Strategy (July 2012)
68	West Berkshire Strategic Sites Policy Paper (October 2011)
69	West Berkshire Annual Monitoring Report - Housing (January 2016)
70	West Berkshire Five Year Housing Land Supply Statement (September 2016)
71	West Berkshire Housing Site Allocations DPD – Background Paper (November 2015)
72	West Berkshire Proposed Submission Housing Site Allocations DPD (November 2015)
73	Extract from West Berkshire Housing Site Allocations DPD SA Appendices NEW031A&B Site Assessments- part duplication of CD99
74	West Berkshire Council Written Statement for Issue 2 of the Housing Site Allocations DPD Examination (June 2016)
75	West Berkshire Council Housing Site Allocations DPD Examination Homework Item 1 'Approach to housing numbers'
76	West Berkshire Housing Site Allocations DPD Inspector's Preliminary Findings and Main Modifications
77	West Berkshire Strategic Housing Land Availability Assessment (February 2011)
78	Extract from West Berkshire Strategic Housing Land Availability Assessment (December 2013) NEW031A&B Site Assessments
79	Email Exchange with Mel Brain and Niko Grigoropoulos (dated 16 <sup>th</sup> November 2016) on Newbury housing waiting list data
80	Draft Berkshire SHMA Final Report (February 2016)
81	Proof of Evidence of Nick Ireland to conjoined Thatcham Appeals Refs: APP/W0340/W/15/3141449 and APP/W0340/W/16/3144193
82	Proof of Evidence of Dominick Veasey to Appeal Ref: APP/W0340/W/16/3144193
83	Proof of Evidence of Dan Usher to Appeal Ref: APP/W0340/W/15/3141449



84	Proof of Evidence of Margaret Collins to Appeal Ref: APP/W0340/W/16/314615
85	St Modwen Developments Limited v Secretary of State for Communities and Local Government and East Riding of Yorkshire Council [2016] EWHC 968
86	Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government and Bloor Homes Ltd [2016] EWCA Civ 1040
87	Kings Lynn and West Norfolk Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2464 (Admin)
88	OBR Economic and Fiscal Outlook Report (November 2016)
89	SSCLG vs West Berkshire DC and Reading BC [2016] EWCA Civ 441
90	Satnam Millenium v Warrington Borough Council [2015] EWHC 370
91	Zurich Assurance Ltd v Winchester City Council & South Downs NPA [2014] EWHC 758 (Admin)
92	Land North East of Elsenham, Essex, Appeal Ref APP/C1570/A/14/2219018
93	Brandon Lewis Letter to PINS re SHMA dated 19 December 2014
94	West Berkshire Local Development Scheme (October 2015)
95	Appeal Decision land north and south of Mans Hill, Burghfield Common. Appeal Ref: APP/W0340/A/14/2226342, dated 17 March 2015
96	Housing Site Allocations DPD Approach and Delivery Topic Paper (March 2016, amended May 2016)
97	High Court Challenge Case Number CO/1455/2014 (Gladman Development Ltd and Wokingham Borough Council (2014) EWHC 2320
98	HSA DPD Statement of Consultation Main Report (April 2016)
99	HSA DPD SEA/SA Extract for Newbury (part duplication of CD73)
100	Turley Statement of Case January 2016
101	HSA DPD Schedule of Main Modifications (December 2016)
102	West Berkshire Planning Obligations SPD (December 2014)
103	West Berkshire Quality Design SPD – Part 1 (June 2006)
104	Manual For Streets (2007)

105	Thames Valley Police- Planning Companion Guides & Supporting Documents [4] (2010)
106	Manual For Streets 2 (2010)
107	Urban Design Compendium (2007) and Delivering Quality Places (Urban Design Compendium 2- Second Edition)
108	Housing Officer's consultation responses (22 <sup>nd</sup> August 2014 and 23 <sup>rd</sup> June 2015)
109	TVP Design Advisor Consultation Response (dated 11 <sup>th</sup> November 2015)
110	Iterations of underpass sketch schemes attached to email correspondence between the TVPDA and Mr Rose <ul style="list-style-type: none"> <li>- Underpass Sketch Layout (Drawing No 4006 Rev C)</li> <li>- Underpass Sections (Drawing No 4201 Rev C)</li> <li>- Underpass Sketch Layout (Drawing No 4006 Rev D)</li> <li>- Underpass Sections (Drawing No 4201 Rev D)</li> <li>- Underpass Sketch Layout (Drawing No 4006 Rev F)</li> <li>- Underpass Sections (Drawing No 4201 Rev F)</li> <li>- Underpass Sketch Layout (Drawing No 4006 Rev G)</li> </ul>
111	Email Correspondence between the TVPDA and Mr Rose
112	Suffolk Coastal Court of Appeal Judgement [2016] EWCA Civ 168
113	Thames Valley Police Objection Withdrawal Correspondence Email (dated 16 <sup>th</sup> December) and the following drawings <ul style="list-style-type: none"> <li>- Underpass Sketch Layout (Drawing No 4006 Rev H)</li> <li>- Underpass Sections (Drawing No 4201 Rev G)</li> </ul>
	<b>Further Inquiry Documents</b>
114	DCLG Ministerial Statement Planning Update March 2011
115	Stanbury House Wokingham Borough Council Challenge Refusal
116	Boughton Road Appeal Decision (Appeal Ref: APP/Y2810/A14/2225722)
117	Longbank Farm, Ormesby Appeal Decision (Appeal Ref: APP/V0728/W/15/3018546)
118	Land at Southwell Road, Farnsfield Appeal Decision (Appeal Ref: APP/B3030/W/15/3006252)
119	Thames Valley Berkshire LEP: Strategic Economic Plan 2015/16-2020/21
120	West Berkshire Spokes Highways Officer Consultation Response (dated 6th November 2015)

121	West Berkshire Council- Housing Site Allocation DPD Examination Information Web Page
122	West Berkshire Council Housing Site Allocations Development Plan Document- Schedule of Proposed Minor Changes (December 2016)
123	Planning Practice Guidance- Housing and Economic Development Needs Assessments Extract
124	Briefing Note with respect to Detailed and Provisional Agricultural Land Classification Mapping
125	CE and Experian Job Forecast Data Tables (Forecasts from NI and MS PofEs)
126	Note with Examples of GLH Use of Experian Forecasts in SHMAs
127	Oxford Economics Local Model Information
128	Stanbury House Appeal Decision Ref: APP/X0360/W/15/3097721
129	Summary of Council and Appellant OAN for West Berkshire
130	Sandleford Park - Application Description and 2 No. Plans for 15/02300/OUTMAJ (Steven Brown)
	Sandleford Park - Highways Officer Consultation Response upon 15/02300/OUTMAJ – 18 Nov 2016 (Steven Brown)
	Sandleford Park - Hampshire County Council Highways Response upon 15/02300/OUTMAJ – 9 Dec 2016 (Steven Brown)
	Sandleford Park - Natural England's Consultation Response upon 15/02300/OUTMAJ – 8 Dec 2016 (Steven Brown)
	Sandleford Park - Sport England's Consultation Response upon 15/02300/OUTMAJ – 14 Nov 2016 (Steven Brown)
	Sandleford Park - Application Description and 1 No. Plan for 16/00106/OUTMAJ (Steven Brown)
	Sandleford Park - Hampshire County Council Highways Response upon 16/00106/OUTMAJ – 9 Dec 2016 (Steven Brown)
	Sandleford Park - Highways Officer Consultation Response upon 16/00106/OUTMAJ – 1 Dec 2016 (Steven Brown)
	Sandleford Park - Application Description and 2 No. Plans for 16/03309/OUTMAJ (Steven Brown)
131.1	Pre Application Advice (Caroline Peddie)

131.2	West Berkshire Local Plan Direction Letter (Caroline Peddie)
131.3	HW4 Consistency C1 and the Core Strategy (Caroline Peddie)
131.4	Tracked changes version of C1 HSA DPD (Caroline Peddie)
131.5	Gladman Developments Ltd v Daventry 2016 (Caroline Peddie)
131.6	Sandleford Park LRM Planning Statement Extract (Caroline Peddie)
131.7	J&P Motors Pegasus Letter (Caroline Peddie)
131.8	J&P Motors Housing Consultation Response (Caroline Peddie)
131.9	J&P Motors Palady Email re. leases (Caroline Peddie)
131.10	Crookham House Planning Statement Extract (Caroline Peddie)
131.11	2015-2016 HFR Guidance (Caroline Peddie)
131.12	Faraday Email (Caroline Peddie)
131.13	Submission from J Cornwell (Caroline Peddie)
131.14	Email Steven Smallman re. HSA2 Delivery (Caroline Peddie)
131.15	Mortimer NDP FAQs (Caroline Peddie)
131.16	Mortimer NDP News (Caroline Peddie)
131.17	Market Street email from Grainger (Caroline Peddie)
131.18	5YHLS Update (December 2016) (Caroline Peddie)
132	NLP Canterbury District Housing Needs Review (April 2015) (Nick Ireland)
133	Query on 2015 Round Population Projections GLA Email (Nick Ireland)
134	Redfern Review (Matthew Spry)
135	Eastleigh Appeal Decision ref: APP/W1715/W/15/3063753 (Matthew Spry)
136	Updated POPGROUP Modelling with Cambridge Econometrics Job Growth Scenarios (Matthew Spry)
137	Supplemental Proof of Evidence of Mr Veasey to Appeal Ref: APP/W0340/W/16/3144193 (Matthew Spry)
138	Extract from Oxfordshire SHMA (Matthew Spry)

139	Land at 17 The Close, Horley Appeal Decision Ref: APP/L3625/W/15/3141260
140	Email from DPD Inspector re. Affordable Housing (Caroline Peddie)
141	Chelmsford Judgment [2016] EWHC 3329 (Matthew Spry)
142	Statement of Common Ground – Planning
143	Statement of Common Ground - Housing Land Supply
144	Statement of Common Ground – Transport
145	Additional Statement of Common Ground (18 <sup>th</sup> January 2017)
146	Mans Hill Appeal Decision 17 <sup>th</sup> January 2017 (Ref: APP/W0340/W/16/3146156)
147	Supplementary Proof of Evidence Matthew Spry (18 <sup>th</sup> Jan)
148	Supplementary Proof of Evidence Steven Brown (18 <sup>th</sup> Jan)
149	Supplementary Proof of Evidence Peter Stacey (18 <sup>th</sup> Jan)
150	Berkshire SHMA Stakeholder Meeting Notes (Caroline Peddie)
151	HLS Sandleford Pak – Sporting England Responses (Steven Brown)
152	HLS Sandleford Park – Parcelisation Plans (Steven Brown)
153	HLS The Croft, Burghfield Common – Site Plans (Steven Brown)
154	Paul Goddard Highways Consultation Response (23 <sup>rd</sup> November 2015)
155	Revised HLS Statement of Common Ground (18 <sup>th</sup> January 2017)
156	Updated 5YHLS Scenario Testing (18 <sup>th</sup> January 2017) (Steven Brown)
157	Email on Bus Specification and Viability from Matthew Metcalfe (dated 17 <sup>th</sup> January 2017)
158	Closing Submissions to Man’s Hill Inquiry (Appeal Ref: APP/W0340/W/16/3146156)
159	Appellants’ Closing Submissions

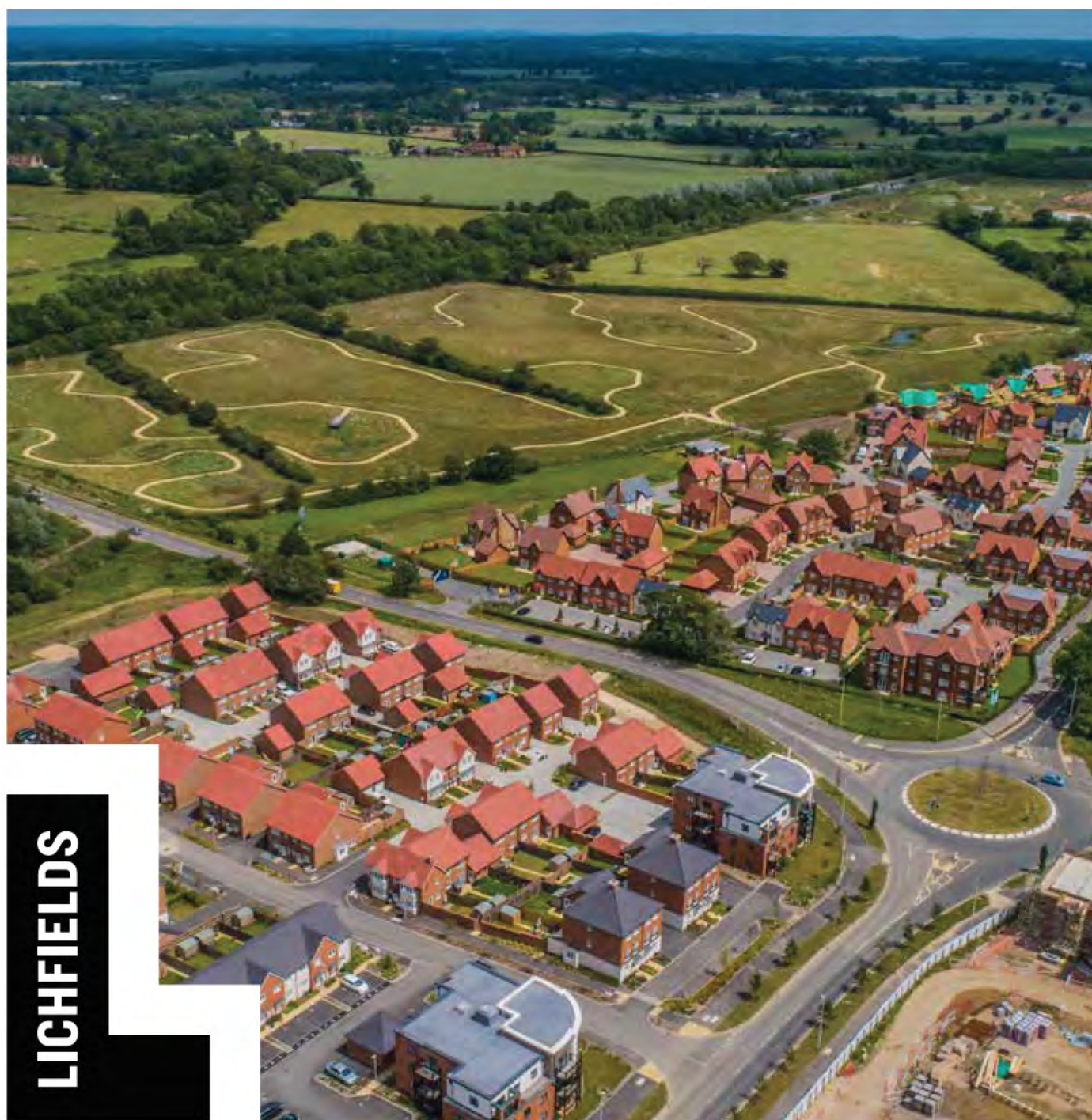
## **Appendix 5 – “From Start to Finish”**

**INSIGHT**  
**FEBRUARY 2020**

# Start to Finish

What factors affect the build-out rates of large scale housing sites?

**SECOND EDITION**



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# Executive summary

Lichfields published the first edition of Start to Finish in November 2016. In undertaking the research, our purpose was to help inform the production of realistic housing trajectories for plan making and decision taking. The empirical evidence we produced has informed numerous local plan examinations, S78 inquiries and five-year land supply position statements.

Meanwhile, planning for housing has continued to evolve: with a revised NPPF and PPG; the Housing Delivery Test and Homes England upscaling resources to support implementation of large sites. Net housing completions are also at 240,000 dwellings per annum. With this in mind, it is timely to refresh and revisit the evidence on the speed and rate of delivery of large scale housing sites, now looking at 97 sites over 500 dwellings. We consider a wide range of factors which might affect lead-in times and build-out rates and have drawn four key conclusions.

In too many local plans and five-year land supply cases, there is insufficient evidence for how large sites are treated in housing trajectories. Our research seeks to fill the gap by providing some benchmark figures - which can be of some assistance where there is limited or no local evidence - but the averages derived from our analysis are not intended to be definitive and are no alternative to having a robust, bottom-up justification for the delivery trajectory of any given site.

## We have drawn four key conclusions:

### 1 Large schemes can take 5+ years to start

Our research shows that if a scheme of more than 500 dwellings has an outline permission, then on average it delivers its first home in c.3 years. However, from the date at which an outline application is validated, the average figures can be 5.0-8.4 years for the first home to be delivered; such sites would make no contribution to completions in the first five years.

### 2 Lead-in times jumped post recession

Our research shows that the planning to delivery period for large sites completed since 2007/08 has jumped compared to those where the first completion came before 2007/08. This is a key area where improvements could be sought on timeliness and in streamlining pre-commencement conditions, but is also likely impacted by a number of macro factors.

### 3 Large greenfield sites deliver quicker

Large sites seem to ramp up delivery beyond year five of the development on sites of 2,000+ units. Furthermore, large scale brownfield sites deliver at a slower rate than their greenfield equivalents: the average rate of build out for greenfield sites in our sample is 34% greater than the equivalent brownfield.

### 4 Outlets and tenure matter

Our analysis suggests that having additional outlets on site has a positive impact on build-out rates. Interestingly, we also found that schemes with more affordable housing (more than 30%) built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all units on site. Local plans should reflect that - where viable - higher rates of affordable housing supports greater rates of delivery. This principle is also likely to apply to other sectors that complement market housing for sale.

# Key figures

180

sites assessed, with combined yield of 213k+ dwellings; 97 sites had 500+ homes

c.3yrs

average time taken from outline decision notice to first dwelling completions on sites of 500+ homes

8.4yrs

the average time from validation of the first planning application to the first dwelling being completed on schemes of 2,000+ dwellings

160 dpa

the average annual build-out rate for a scheme of 2,000+ dwellings (median: 137)

68 dpa

the average annual build rate of a scheme of 500-999 dwellings (median: 73)

+34%

higher average annual build-out rate on greenfield sites compared with brownfield sites

61 dpa

average completions per outlet on sites with one outlet, dropping to 51 for sites of two outlets, and 45 for sites with three outlets



# 01 Introduction

This is the second edition of our review on the speed of delivery on large-scale housing development sites. The first edition was published in November 2016 and has provided the sector with an authoritative evidence base to inform discussions on housing trajectories and land supply at planning appeals, local plan examinations and wider public policy debates.

Over this period, housing delivery has remained at or near the top, of the domestic political agenda: the publication of the Housing White Paper, the new NPPF, an emboldened Homes England, a raft of consultations on measures intended to improve the effectiveness of the planning system and speed up delivery of housing. Of particular relevance to *Start to Finish* was the completion of Sir Oliver Letwin's independent review of build out ("the Letwin Review"), the inclusion within the revised NPPF of a tighter definition of 'deliverable' for the purposes of five-year housing land supply (5YHLS) assessment, and the new Housing Delivery Test which provides a backward looking measure of performance. The policy aim is to focus more attention on how to accelerate the rate of housing build out, in the context of the NPPF (para 72) message that the delivery of a large numbers of new homes can often be best achieved through larger scale development such as new settlements or significant extensions to existing villages and towns, but that these need a realistic assessment of build-out rates and lead in times of large-scale development.

This second edition of *Start to Finish* is our response to the latest policy emphasis. It provides the planning sector with real-world benchmarks to help assess the realism of housing trajectory assumptions, particularly for locations where there have been few contemporary examples of strategic-scale development. The first edition looked in detail at how the size of the site affected build-out rates and lead in times, as well as other factors such as the value of the land and whether land was greenfield or brownfield. We have updated these findings, as well as considering additional issues such as how the affordability of an area and the number of outlets on a site impacts on annual build-out rates.

We have also expanded the sample size (with an extra 27 large sites, taking our total to 97 large sites, equivalent to over 195,000 dwellings) and updated with more recent data to the latest monitoring year (all data was obtained at or before the 1st April 2019).



Our research complements, rather than supplants, the analysis undertaken by Sir Oliver Letwin in his Review. The most important differentiation is that we focus exclusively on what has been built, whereas each of the sites in the Letwin Review included forecasts of future delivery. Additionally, the Letwin Review looked at 15 sites of 1,500+ homes, of which many (including the three largest) were in London. By contrast, the examples in this research sample include 46 examples of sites over 1,500 homes across England and Wales, the majority of which are currently active. As with the first edition of our research, we have excluded London because of the distinct market and delivery factors in the capital.

## Contents

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04	How quickly do sites build out?	9
05	What factors influence build-out rates?	14
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180

sites

97

large sites of 500  
units or more

27

additional sites  
compared with our  
2016 research

8

sites also included  
in Sir Oliver Letwin's  
review

# O2

## Methodology

The evidence presented in this report analyses how large-scale housing sites emerge through the planning system, how quickly they build out, and identifies the factors which lead to faster or slower rates of delivery.

We look at the full extent of the planning and delivery period. To help structure the research and provide a basis for standardised measurement and comparison, the various stages of development have been codified. Figure 1 sets out the stages and the milestones used, which remain unchanged from the first edition of this research. The overall 'lead-in time' covers stages associated with gaining an allocation, going through the 'planning approval period' and 'planning to delivery period', finishing when the first dwelling is completed. The 'build period' commences when the first dwelling is completed, denoting the end of the lead-in time. The annualised build-out rates are also recorded for the development up until the latest year where data was available at April 2019 (2017/18 in most cases). Detailed definitions of each of these stages can be found in Appendix 1. Not every site assessed will necessarily have gone through each component of the identified stages as many of the sites we considered had not delivered all dwellings permitted at the time of assessment, some have not delivered any dwellings.

Information on the process of securing a development plan allocation (often the most significant step in the planning process for large-scale schemes, and which – due to the nature of the local plan process – can take decades) is not easy to obtain on a consistent basis across all examples, so is not a significant focus of our analysis. Therefore, for the purposes of this research the lead-in time reflects the start of the planning approval period up to the first housing completion.

The 'planning approval period' measures the validation date of the first planning application on the site (usually an outline application but sometimes hybrid), to the decision date of the first detailed application to permit dwellings in the scheme (either full, hybrid or reserved matters applications). It is worth noting that planning applications are typically preceded

by significant amounts of pre-application engagement and work, plus the timescale of the local plan process.

The 'planning to delivery' period follows immediately after the planning approval period and measures the period from the approval of the first detailed application to permit development of dwellings and the completion of the first dwelling.

### Development and data

Whilst our analysis focuses on larger sites, we have also considered data from the smaller sites for comparison and to identify trends. The geographic distribution of the 97 large sites and comparator small sites is shown in Figure 2 and a full list can be found in Appendix 2 (large sites) and Appendix 3 (small sites).

Efforts were made to secure a range of locations and site sizes in the sample, but there is no way of ensuring it is representative of the housing market in England and Wales as a whole, and thus our conclusions may not be applicable in all areas or on all sites. In augmenting our sample with 27 additional large sites, new to this edition of our research, we sought to include examples in the Letwin Review that were outside of London, only excluding them

#### Box I: Letwin Review sites

1. Arborfield Green (also known as Arborfield Garrison), Wokingham
2. Ledsham Garden Village, Cheshire West & Chester
3. Great Kneighton (also known as Clay Farm), Cambridge (included in the first edition of this research)
4. Trumpington Meadows, Cambridge
5. Graven Hill, Cherwell
6. South West Bicester, Cherwell
7. Great Western Park, South Oxfordshire
8. Ebbsfleet, Gravesham and Dartford (included in the first edition of this research)

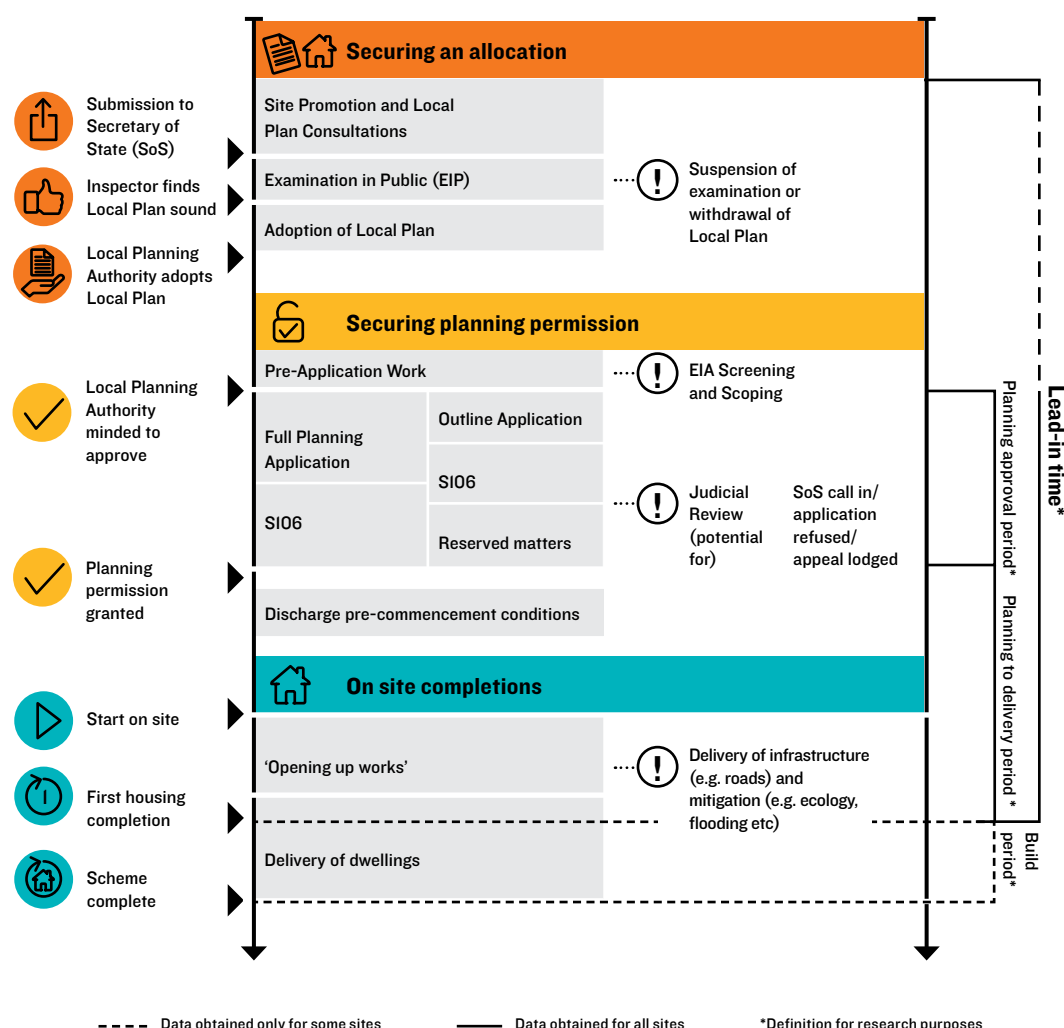
when it was difficult to obtain reliable data. The study therefore includes the Letwin Review's case studies listed in Box 1.

In most instances, we were unable to secure the precise completion figures for these sites that matched those cited in the Letwin Review. Sources for data Lichfields has obtained on completions for those sites that also appear in the Letwin Review are included at the end of Appendix 2.

The sources on which we have relied to secure delivery data on the relevant sites include:

1. Annual Monitoring Reports (AMRs) and other planning evidence base documents<sup>1</sup> produced by local authorities;
2. By contacting the relevant local planning authority, and in some instances the relevant County Council, to confirm the data or receive the most up to date figures from monitoring officers or planners; and
3. In a handful of instances obtaining/confirming the information from the relevant house builders.

Figure I: Timeline for the delivery of strategic housing sites



Source: Lichfields analysis

<sup>1</sup> Monitoring documents, five-year land supply reports, housing trajectories (some in land availability assessments), housing development reports and newsletters



196,714

units on large sites  
of 500 or more  
homes

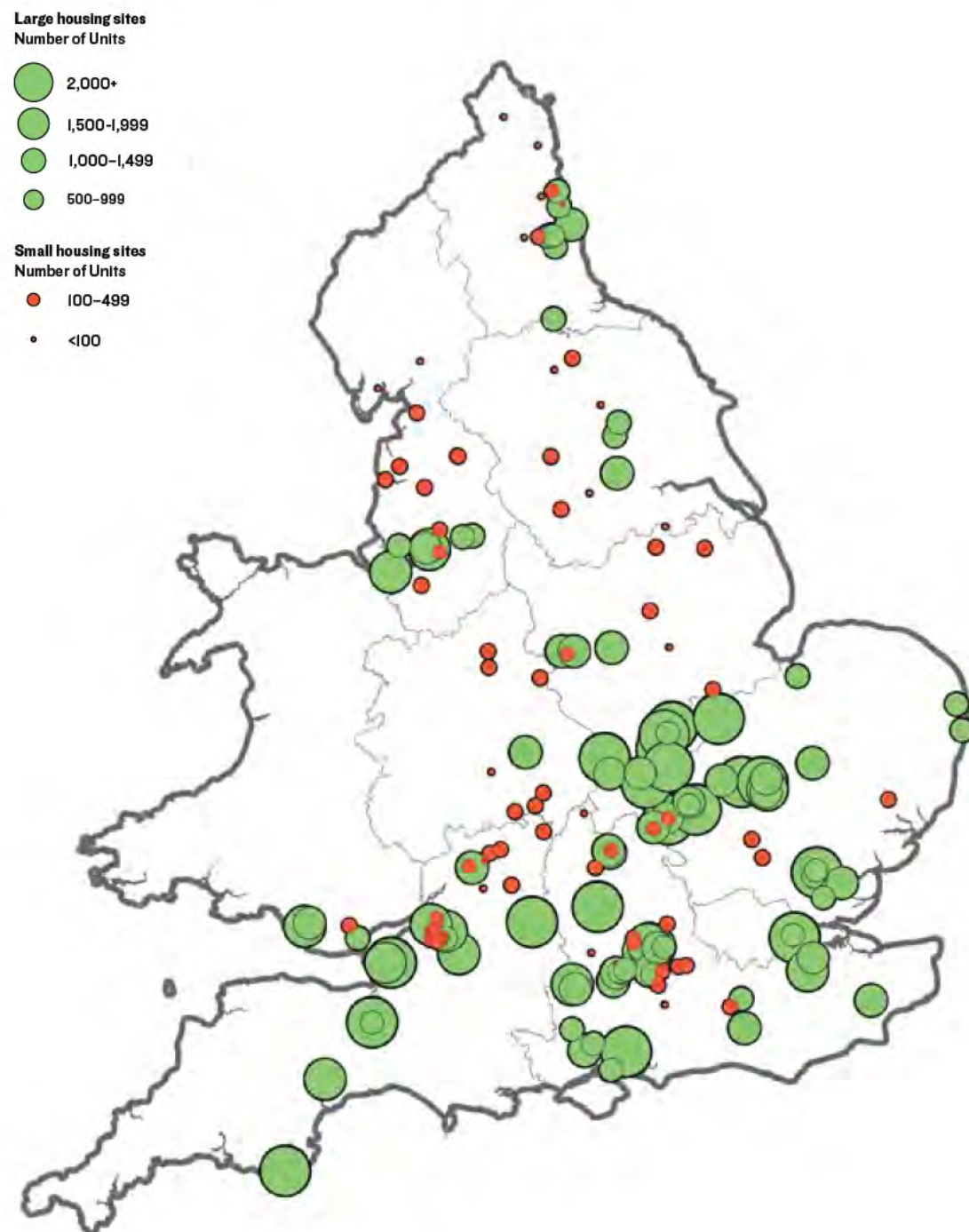
16,467

units on small sites  
under 500 homes

35

sites of 2,000  
homes or more

Figure 2: Map of site sample by size of site (total dwellings)



Source: Lichfields analysis

# 03 Timing is everything: how long does it take to get started?

In this section we look at lead in times, the time it takes for large sites to get the necessary planning approvals. Firstly, the changing context of what 'deliverable' means for development. Secondly, the 'planning approval period' (the time it takes for large sites to get the necessary planning approvals). And thirdly, the 'planning to delivery period' (the time from approval of the first detailed application to permit development of dwellings to the completion of the first dwelling).

## The new definition of 'Deliverable'

The question of how quickly and how much housing a site can begin delivering once it has planning permission, or an allocation, has become more relevant since the publication of the new NPPF with its new definition of deliverable. Only sites which match the deliverability criteria (i.e. suitable now, available now and achievable with a realistic prospect that housing will be delivered on the site within five years) can be included in a calculation of a 5YHLS by a local authority. This definition was tightened in the revised NPPF which states that:

*"sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be*

*considered deliverable where there is clear evidence that housing completions will begin on site within five years". (emphasis added)*

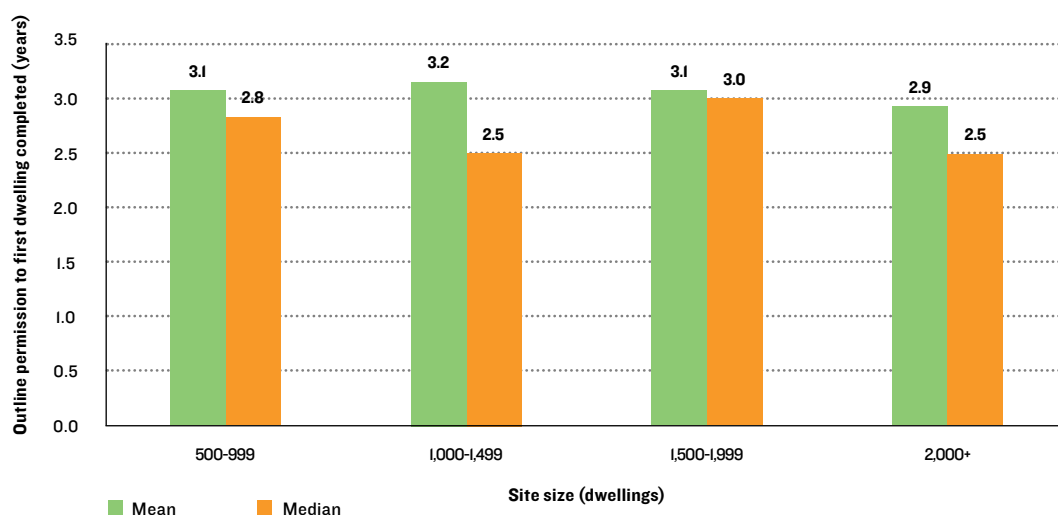
What constitutes 'clear evidence' was clarified in a number of early appeal decisions and in the Planning Practice Guidance<sup>2</sup> and can include information on progress being made towards submission of a reserved matters application, any progress on site assessment work and any relevant information about site viability, ownership constraints or infrastructure provision. In this context, it is relevant to look at how long it takes, on average, for a strategic housing site to progress from obtaining outline permission to delivering the first home (or how long it takes to obtain the first reserved matters approval, discharge pre-commencement conditions and open up the site), and then how much housing could be realistically expected to be completed in that same five-year period.

Based on our sample of large sites, the research shows that, upon granting of outline permission, the time taken to achieve the first dwelling is – on average c.3 years, regardless of site size. After this period an appropriate build-out rate based on the size of the site should also be considered as part of the assessment of deliverability (see Section 4). Outline planning permissions for strategic development are not

# c.3 years

average time from obtaining outline permission to first dwelling completion on sites of 500+ homes

Figure 3: Average time taken from gaining outline permission to completion of the first dwelling on site (years), compared to site size



Source: Lichfields analysis

<sup>2</sup> Planning Practice Guidance Reference ID: 68-007-20190722



Only sites of fewer than 499 dwellings are on average likely to deliver any homes within an immediate five year period.

always obtained by the company that builds the houses, indeed master developers and other land promoters play a significant role in bringing forward large scale sites for housing development<sup>3</sup>. As such, some of these examples will include schemes where the land promoter or master developer will have to sell the site (or phases/parcels) to a housebuilder before the detailed planning application stage can commence, adding a step to the planning to delivery period.

Figure 4 considers the average timescales for delivery of the first dwelling from the validation of an outline planning application. This demonstrates that only sites comprising fewer than 499 dwellings are – on average – likely to deliver anything within an immediate five year period. The average time from validation of an outline application<sup>4</sup> to the delivery of the first dwelling for large sites ranges from 5.0 to 8.4 years dependent on the size of the site, i.e. beyond an immediate five-year period for land supply calculations.

## Comparison with our 2016 findings

### Planning Approval Period

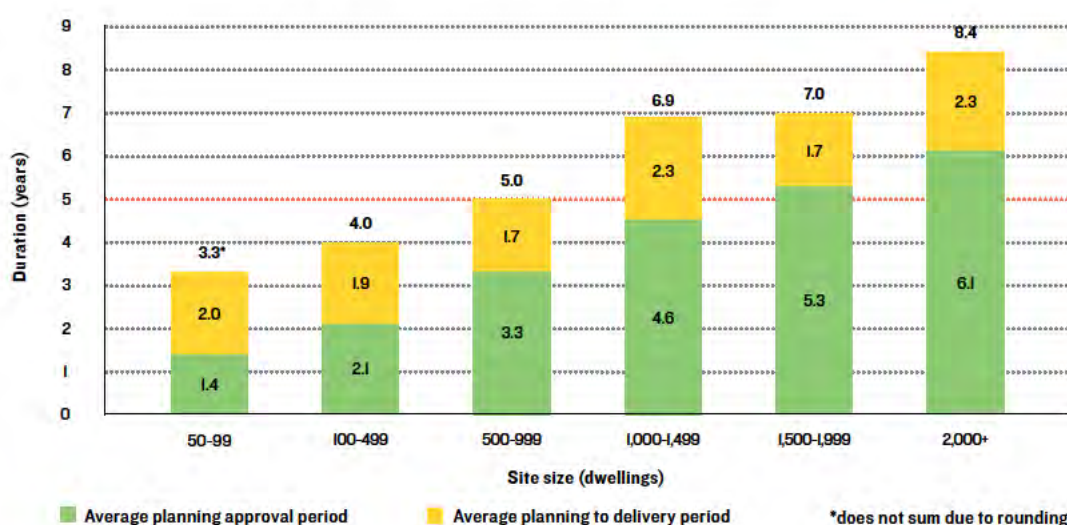
Our latest research reveals little difference between the average planning approval period by site size compared to the same analysis in the first edition (see Table 1). However, it is important to remember that these are average figures which come from a selection of large sites. There are significant variations within this average, with some sites progressing very slowly or quickly compared to the other examples. This is unsurprising as planning circumstances will vary between places and over time.

Table 1: Average planning approval period by size of site (years)

Site Size	1st edition research (years)	This research (years)
50-99	1.1	1.4
100-499	2.4	2.1
500-999	4.2	3.3
1,000-1,499	4.8	4.6
1,500-1,999	5.4	5.3
2,000+	6.1	6.1

Source: Lichfields analysis

Figure 4: Average timeframes from validation of first application to completion of the first dwelling



Source: Lichfields analysis

<sup>3</sup>Realising Potential – our research for the Land Promoters and Developers Federation in 2017 – found that 41% of homes with outline planning permission were promoted by specialist land promoter and development companies, compared to 32% for volume house builders.

<sup>4</sup>The planning approval period could also include a hybrid or full application, but on the basis of our examples this only impacts a small number of sites



## Planning to Delivery Period

Although there is little difference between the average planning approval periods identified in this research compared to our first edition findings, the average lead-in time after securing planning permission is higher (Figure 5). It is this period during which pre-commencement planning conditions have to be discharged as well as other technical approvals and associated commercial agreements put in place.

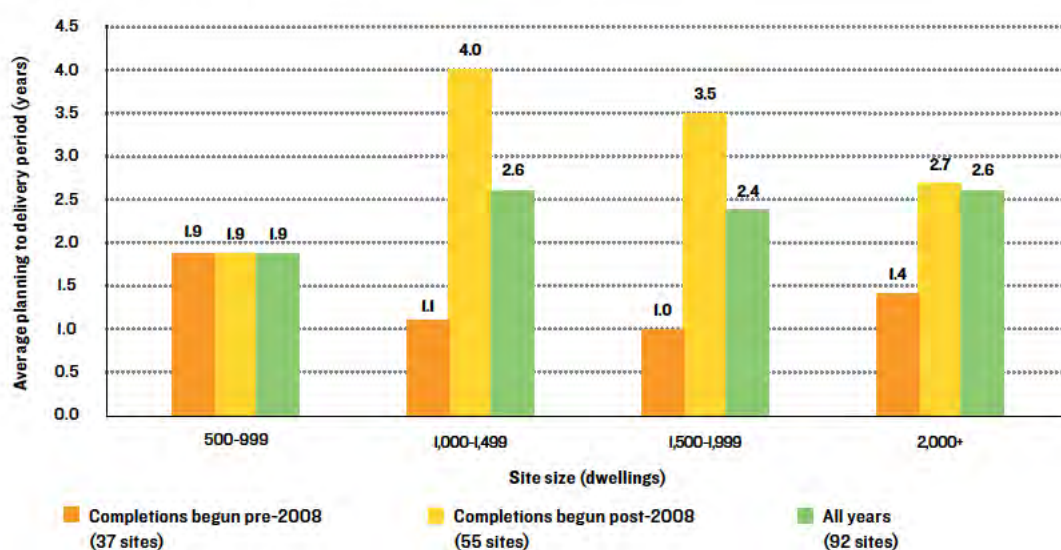
This is likely due to the inclusion of more recent proposed developments in this edition. Of the 27 new sites considered, 17 (63%) completed their first dwelling during or after 2012; this compares to just 14 (20%) out of 70 sites in the first edition of this research (albeit at the time of publication 8 of these sites had not delivered their first home but have subsequently). This implies that the introduction of more recent examples into the research, including existing examples which have now commenced delivery<sup>5</sup>, has seen the average for planning to delivery periods lengthening.

A similar trend is apparent considering the 55 sites that delivered their first completions after 2007/08. These have significantly longer planning to delivery periods than those where completions began prior to the recession. The precise reasons are not clear, but is perhaps to be expected given the slowdown in housing delivery during the recession, and the significant reductions in local authority planning resources which are necessary to support discharge of pre-commencement conditions. However, delays may lie outside the planning system; for example, delays in securing necessary technical approvals from other bodies and agencies, or market conditions.



Sites that delivered their first completion during or after the 2007/08 recession have significantly longer planning to delivery periods than sites which began before.

Figure 5: Planning to delivery period, total average, pre and post-2008



Source: Lichfields analysis

Figure 5: Five of the large sites examples do not have a first dwelling completion recorded in this research

<sup>5</sup> Priors Hall has been amended since the first edition based on more recent data

**In demand: how quickly do high pressure areas determine strategic applications for housing?**

Using industry-standard affordability ratios, we found that areas with the least affordable places to purchase a home (i.e. the highest affordability ratios) tended to have longer planning to delivery times than areas that were more affordable. This is shown in Figure 6, which splits the large site sample into national affordability quartiles, with the national average equating to 8.72.

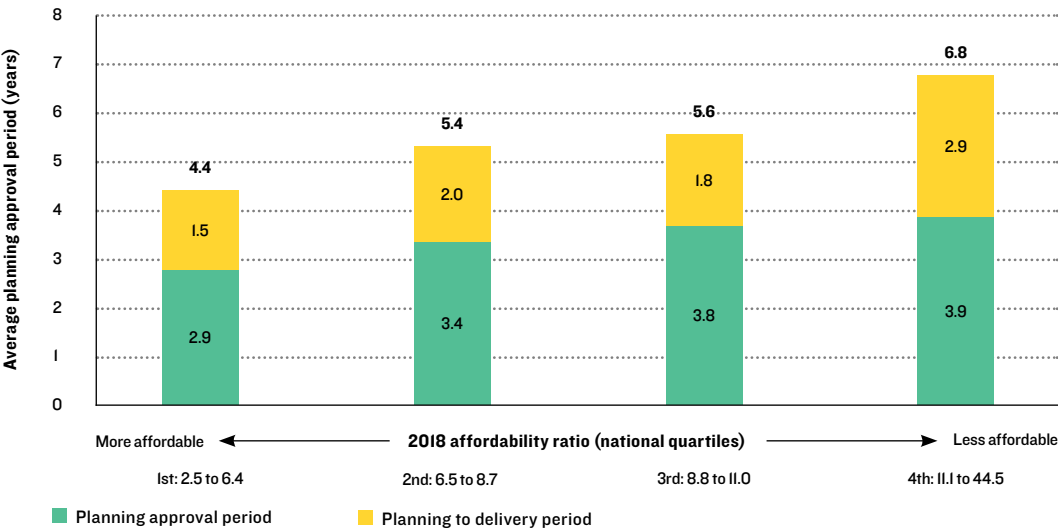
The above analysis coincides with the fact (Table 2) that sites in the most affordable locations (lowest quartile) tend to be smaller than those in less affordable locations (an average site size of c.1,150 compared to in excess of 2,000 dwellings for the three other quartiles). Even the least affordable LPAs (with the greatest gap between workplace earnings and house prices) have examples of large schemes with an average site size of 2,000+ dwellings. It may be that the more affordable markets do not support the scale of up-front infrastructure investment that is required for larger-scale developments and which lead to longer periods before new homes can be built. However, looking at the other three quartiles, the analysis does also suggest that planning and implementation becomes more challenging in less affordable locations.

Table 2: Site size by 2018 affordability ratio

Affordability ratio (workplace based)	Average site size
2.5 – 6.4	1,149
6.5 – 8.7	2,215
8.8 – 11.0	2,170
11.1 – 44.5	2,079

Source: Lichfields analysis

Figure 6: Planning approval period (years) by 2018 affordability ratio



Source: Lichfields analysis



# 04 How quickly do sites build out?

The rate at which new homes are built on sites is still one of the most contested matters at local plan examinations and planning inquiries which address 5YHLS and housing supply trajectories. The first edition of this research provided a range of 'real world' examples to illustrate what a typical large-scale site delivers annually. The research showed that even when some schemes were able to achieve very high annual build-out rates in a particular year (the top five annual figures were between 419-620 dwellings per annum), this rate of delivery was not always sustained. Indeed, for schemes of 2,000 or more dwellings the average annual completion rate across the delivery period was 160 dwellings per annum.

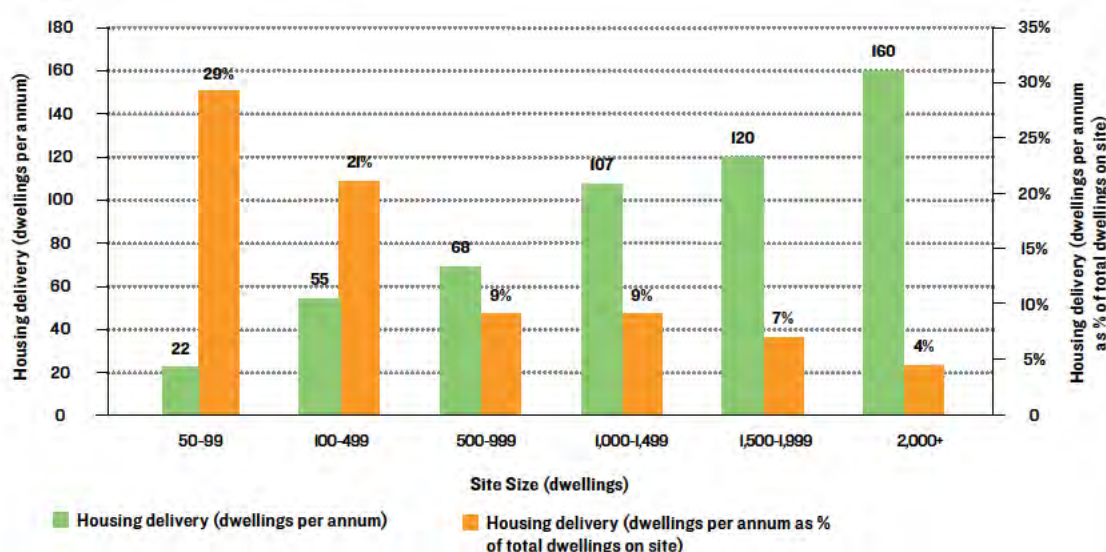
## Average Annual Build-out rates

Figure 7 presents our updated results, with our additional 27 sites and the latest data for all sites considered. The analysis compares the size of site to its average annual build-out rate. Perhaps unsurprisingly, larger sites deliver on average more dwellings per year than smaller sites. The largest sites in our sample of over 2,000 dwellings, delivered on average more than twice as many dwellings per year than sites of 500-999 dwellings, which in turn delivered an average of three times as many units as sites of 1-99 units. To ensure the build-out rates averages are not unduly skewed, our analysis excludes any sites which have only just started delivering and have less than three years of data. This is because it is highly unlikely that the first annual completion figure would actually cover a whole monitoring year, and as such could distort the average when compared to only one other full year of delivery data.

# 160 dpa

the average annual  
build rate for schemes  
of 2,000+ dwellings

Figure 7: Build-out rate by size of site (dpa)



Source: Lichfields analysis



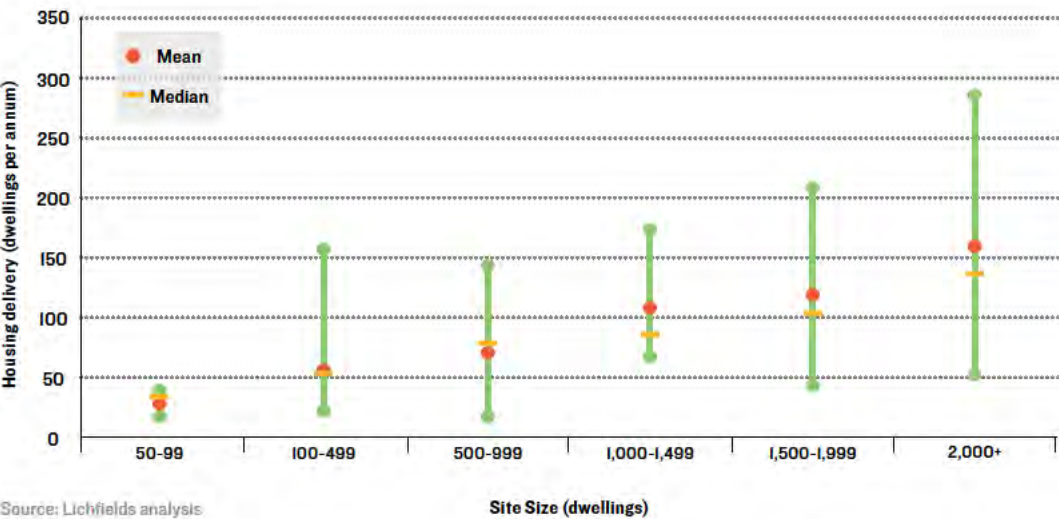


In most cases the median annual delivery rate is lower than the mean for larger sites.

We include the relevant percentage growth rates in this edition's analysis; this shows that the proportion of a site's total size that is build out each year reduces as site size increases.

Our use of averages refers to the arithmetic mean across the sample sites. In most cases the median of the rates seen on the larger sample sites is lower, as shown in Figure 8; this reflects the small number of sites which have higher delivery rates (the distribution is not equal around the average). The use of mean average in the analysis therefore already builds in a degree of optimism compared with the median or 'mid-point scheme'.

Figure 8: Minimum, mean, median and maximum build-out rates by size of site (dpa)



Source: Lichfields analysis

Table 3: Median and mean delivery rates by site size

Site Size	Number of sites	Median housing delivery (dwellings per annum)	Median delivery as % of total on site	Mean annual delivery (dwellings per annum)	Mean annual delivery as % of total units on site
50-99	29	27	33%	22	29%
100-499	54	54	24%	55	21%
500-999	24	73	9%	68	9%
1,000-1,499	17	88	8%	107	9%
1,500-1,999	9	104	7%	120	7%
2,000+	27	137	4%	160	4%

Source: Lichfields analysis

## Comparison with our 2016 findings

Comparing these findings to those in the first edition of this research, there is very little difference between the averages observed (median was not presented) for different site sizes, as set out below. The largest difference is a decrease in average annual build-out rates for sites of 1,000-1,499 dwellings, but even then, this is only a reduction of 10 dpa or 9%.

As with the first edition of the research, these are averages and there are examples of sites which deliver significantly higher and lower than these averages, both overall and in individual years. Figure 8 shows the divergence from the average for different site size categories. This shows that whilst the average for the largest sites is 160 dpa and the median equivalent 137 dpa, the highest site average was 286 dpa and the lowest site average was 50 dpa for sites of 2,000+ dwellings. This shows the need for care in interpreting the findings of the research, there may well be specific factors that mean a specific site will build faster or slower than the average. We explore some of the factors later in this report.

Variations for individual schemes can be marked. For example, the 2,605 unit scheme South of the M4 in Wokingham delivered 419 homes in 2017/18, but this was more than double the completions in 2016/17 (174) and the average over all six years of delivery so far was just 147 dwellings per annum.

Even when sites have seen very high peak years of delivery, as Table 5 shows, no sites have been able to consistently delivery 300 dpa.



Site build-out rates for individual years are highly variable. For example, one scheme in Wokingham delivered more than twice as many homes in 2017/18 as it did in the year before.

Table 4: Mean delivery rates by site sizes, a comparison with first edition findings

Site size (dwellings)	2016 edition research (dpa)	2020 edition research (dpa)	Difference
50-99	27	22	-5 (-19%)
100-499	60	55	-5 (-8%)
500-999	70	68	-2 (-3%)
1,000-1,499	117	107	-10 (-9%)
1,500-1,999	129	120	-9 (-7%)
2,000+	161	160	-1 (-0.62%)

Source: Lichfields analysis

Table 5: Peak annual build-out rates compared against average annual delivery rates on those sites

Site	Site size (dwellings)	Peak annual build-out rate (dpa)	Average annual build-out rate (dpa)
Cambourne, South Cambridgeshire	4,343	620	223
Oakley Vale, Corby	3,100	520	180
Eastern Expansion Area, Milton Keynes	4,000	473	268
Clay Farm, Cambridge	2,169	467	260
South of M4, Wokingham	2,605	419	147
Cranbrook, East Devon	2,900	419	286

Source: Lichfields analysis

Table 5: Please note The Hamptons was included as an example of peak annual delivery in the first edition with one year reaching 520 completions. However, evidence for this figure is no longer available and as it was not possible to corroborate the figure it has been removed. The analysis has been updated to reflect the latest monitoring data from Peterborough City Council.

## Longer term trends

This section considers the average build-out rates of sites which have been delivering over a long period of time. This is useful in terms of planning for housing trajectories in local plans when such trajectories may span an economic cycle.

In theory, sites of more than 2,000 dwellings will have the longest delivery periods. Therefore, to test long term averages we have calculated an average build-out rate for sites of 2,000+ dwellings that have ten years or more of completions data available.

For these sites, the average annual build-out rate is slightly higher than the average of all sites of that size (i.e. including those only part way through build out), at 165 dwellings per annum<sup>6</sup>. The median for these sites was also 165 dwellings per annum.

This indicates that higher rates of annual housing delivery on sites of this size are more likely to occur between years five and ten, i.e. after these sites have had time to 'ramp up'.

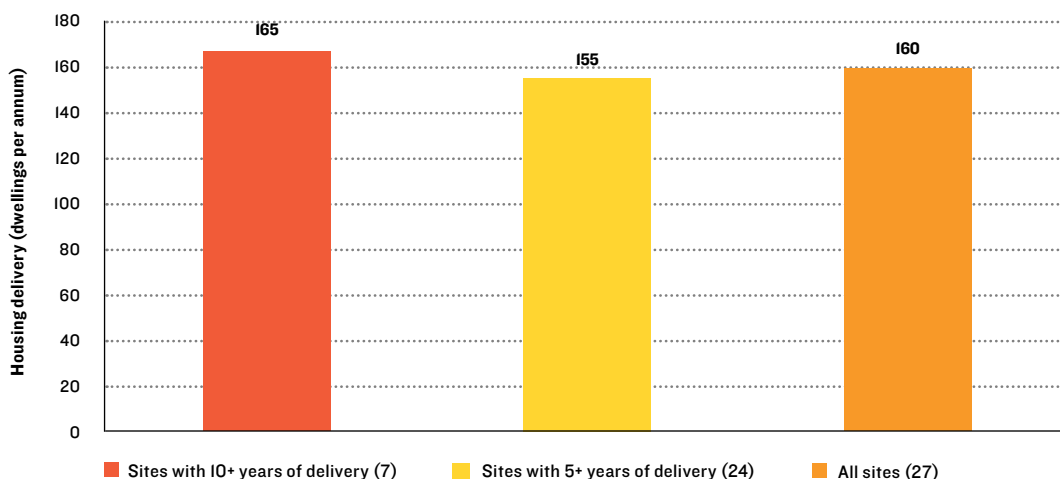
It might even relate to stages in delivery when multiple phases and therefore multiple outlets (including affordable housing) are operating at the same time. These factors are explored later in the report.

## The impact of the recession on build-out rates

It is also helpful to consider the impact of market conditions on the build-out rate of large scale housing sites. Figure 10 overleaf shows the average delivery rate of sites of 2,000 or more dwellings in five-year tranches back to 1995/96. This shows that although annual build-out rates have improved slightly since the first half of the 2010's, they remain 37% below the rates of the early 2000's. The reasons for the difference are not clear and are worthy of further exploration – there could be wider market, industry structure, financial, planning or other factors at play.

In using evidence on rates of delivery for current/historic schemes, some planning authorities have suggested that one should adjust for the fact that rates of build out may have been affected by the impact of the recession. We have therefore considered how the average rates change with and without including the period of economic downturn (2008/09 – 2012/13). This is shown in Table 6 and it reveals that average build-out rates are only slightly depressed when one includes this period, but may not have fully recovered to their pre-recession peaks. We know that whilst the recession – with the crunch on mortgage

Figure 9: Average build-out rate for sites over 2,000 homes by length of delivery period (dpa)



<sup>6</sup> This is based on the completions of seven examples, Chapelford Urban Village, Broadlands, Kings Hill, Oakley Vale, Cambourne, The Hamptons and Wixhams

Source: Lichfields analysis

availability – did have a big impact and led to the flow of new sites slowing, there were mechanisms put in place to help sustain the build out of existing sites.

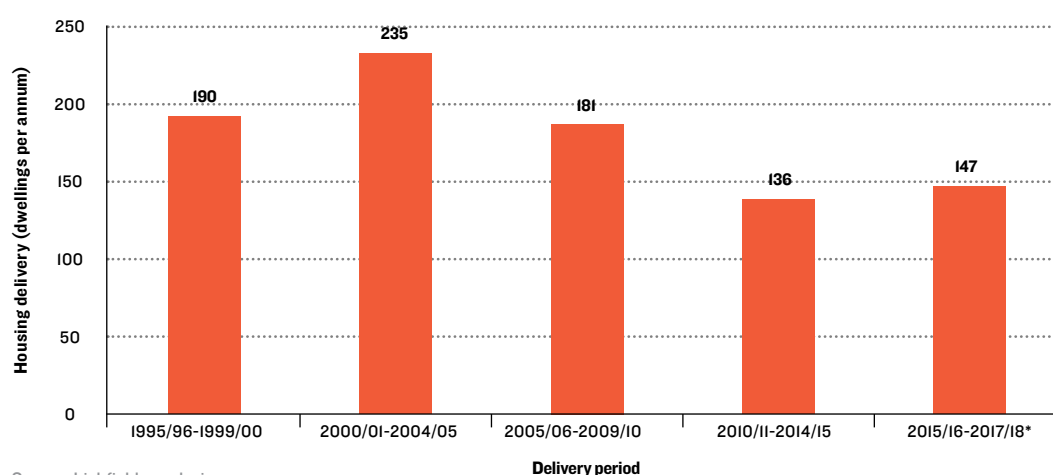
However, setting aside that stripping out the recession has a modest impact on the statistical averages for the sites in our sample, the more significant point is that – because of economic cycles - larger sites which build out over five or more years are inherently likely to coincide with a period of economic slowdown at some point during their build out. It therefore makes sense for housing trajectories for such sites to include an allowance for the prospect that, at some point, the rate of build out may slow due to a market downturn, albeit the effect may be smaller than one might suspect.

Table 6: Impact of recession on build-out rates

	Build-out rates in all years		Build-out rates excluding recession years (2008/9-2012/13)		Build-out rates pre-recession	
	Average rate	Sample size	Average rate	Sample size	Average rate	Sample size
All large sites 500+	115	77	126	68	130	21
All large sites 2,000+	160	27	171	25	242	6
Greenfield sites 2,000+	181	14	198	12	257	3

Source: Lichfields analysis

Figure 10: Average build-out rate by five year period for sites over 2,000 dwellings (dpa)



Source: Lichfields analysis

# 05 What factors can influence build-out rates?

+34%

higher average annual build-out rates on greenfield land compared with brownfield

Having established some broad averages and how these have changed over time, we turn now to look at what factors might influence the speed at which individual sites build out. How does housing demand influence site build out? What is the impact of affordable housing? Does it matter whether the site is greenfield or brownfield? What about location and site configuration?

## In demand: do homes get delivered faster in high pressure areas?

One theory regarding annual build-out rates is that the rate at which homes can be sold (the 'absorption rate') determines the build-out rate. This is likely to be driven by levels of market demand relative to supply for the product being supplied.

This analysis considers whether demand for housing at the local authority level affects delivery rates by using (industry-standard) affordability ratios. Higher demand areas are indicated by a higher ratio of house prices to earnings i.e. less affordable. Whilst this is a broad-brush measure, the affordability ratio is a key metric in the assessment of local housing need under the Government's standard methodology. Figure 11 shows the sample of 500+ unit schemes divided into those where the local authority in which they are located is above or below the national median affordability ratio (8.72) for sites which have

delivered for three years or more. This analysis shows that sites in areas of higher demand (i.e. less affordable) deliver on average more dwellings per annum.

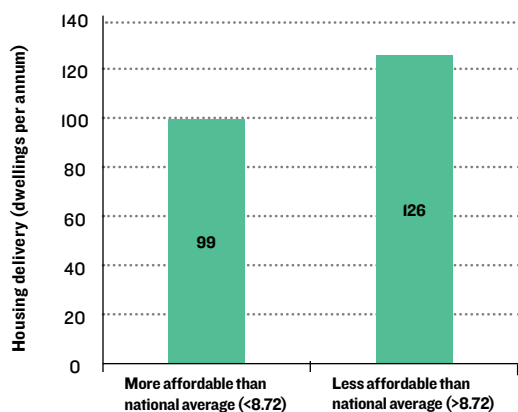
Our analysis also coincides with the fact that sites in less affordable areas are on average c.17% larger than those in more affordable areas. The average site size for schemes in areas where affordability is below the national average is 1,834 dwellings. For those delivered in areas where the affordability is greater than the national average, average site size is 2,145 dwellings. So, it is possible that the size of site – rather than affordability *per se* – is a factor here.

## Do sites on greenfield land deliver more quickly?

The first edition of this research showed that greenfield sites on average delivered quicker than their brownfield counterparts. In our updated analysis this remains the case; large greenfield sites in our sample built out a third faster than large brownfield sites.

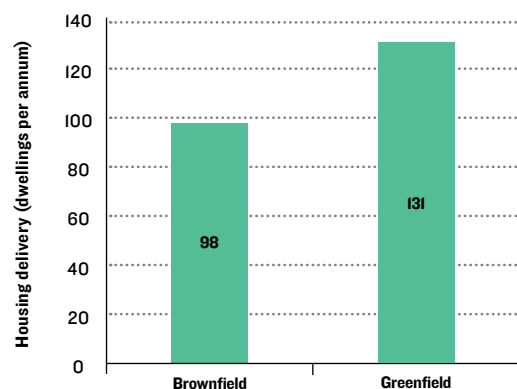
In the life cycle of a site, our data also shows that greenfield sites had shorter planning to delivery periods (2.0 years compared to 2.3 for brownfield sites), although on average, longer planning approval periods (5.1 years compared to 4.6 for brownfield sites).

Figure 11: Build-out rates by level of demand using national median 2018 workplace based affordability ratio (dpa)



Source: Lichfields analysis

Figure 12: Build-out rates on brownfield and greenfield sites (dpa)



Source: Lichfields analysis



## Housing mix and variety

Among the more topical issues surrounding delivery rates on large-scale sites is the variety of housing on offer. The Letwin Review posited that increasing the diversity of dwellings on large sites in areas of high housing demand would help achieve a greater rate of build out. The report concluded that a variety of housing is likely to appeal to a wider, complementary range of potential customers which in turn would mean a greater absorption rate of housing by the local market.

Consistent data on the mix of sizes, types and prices of homes built out on any given site is difficult to source, so we have used the number of sales outlets on a site as a proxy for variety of product. This gives the prospect of multiple house builders each seeking to build and sell homes for which there is demand in the face of 'competing' supply from other outlets (as revealed by the case study of Land South of the M4 in Wokingham). Letwin stated that "...it seems extraordinarily likely that the presence of more variety in these aesthetic characteristics would create more, separate markets"<sup>7</sup>. Clearly, it is likely that on many sites, competing builders may focus on a similar type of product, for example three or four bed family housing, but even across similar types of dwelling, there will be differences (in configuration, design, specification) that mean one product may be attractive to a purchaser in the way another might

not be. On this basis, we use the outlets metric as a proxy for variation. Based on the limited data available for this analysis, if two phases are being built out at the same time by the same housebuilder (e.g. two concurrent parcels by Bovis) this has been counted as one outlet with the assumption there is little variety (although it is clear that some builders may in reality differentiate their products on the same site). This data was derived from sites in a relatively small number of local planning authorities who publish information relating to outlets on site. It therefore represents a small sample of just 12 sites, albeit over many different years in which the number of outlets varied on the same site, giving a total of 80 data points i.e. individual delivery rates and number of outlets to compare.

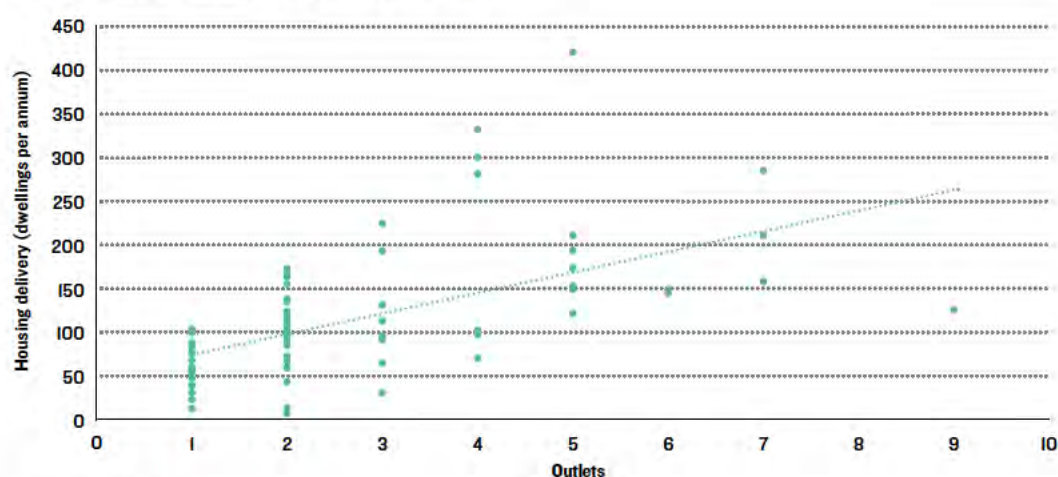
Our analysis confirms that having more outlets operating at the same time will on average have a positive impact on build-out rates, as shown in Figure 13. However, there are limits to this, likely to be due to additional capacity from the outlets themselves as well as competition for buyers.

On a site-by-site basis, the average number of outlets open over the site's entire delivery lifetime had a fairly strong correlation with annual delivery, both as a percentage of total dwellings and in absolute terms, with a greater number of outlets contributing to higher levels of delivery. However, the completions per outlet did reduce with every additional outlet operating in that year.<sup>8</sup>



Having more outlets operating at the same time will on average quicken build-out rates.

Figure 13: Build-out rates by number of outlets present (dpa)



Source: Lichfields analysis

<sup>7</sup> Letwin Review draft analysis report (June 2019) - final bullet of para 4.25

<sup>8</sup> Average completions per outlet on site with one outlet was 61dpa, dropping to 51dpa for two outlets and 45dpa for three outlets.



Geography and Site Configuration

An under-explored aspect of large-scale site delivery is the physical opportunity on site. For example, some schemes lend themselves to simultaneous build out of phases which can have the impact of boosting delivery rates in that year, for example, by having access points from two alternative ends of the site. Other sites may be reliant on one key piece of infrastructure which make this opportunity less likely or impractical. In the first edition of this research we touched on this point in relation to Eastern Expansion Area (Broughton Gate & Brooklands) of Milton Keynes. As is widely recognised, the planning and delivery of housing in Milton Keynes is distinct from almost all the sites considered in this research as serviced parcels with the roads already provided were delivered as part of the Milton Keynes delivery model. Multiple house builders were able to proceed straight onto the site and commence delivery on different serviced parcels, with monitoring data from Milton

Keynes Council suggesting an average of c.12 parcels were active across the build period. In this second edition of this research the Milton Keynes examples remain some of the sites with the highest annual build-out rates.

Table 7: Parcels at Land South of M4, Wokingham

Parcel reference	Developers (active outlets)	Completions in 2017/18
SP1	Bellway (1)	59
SP2w	Bellway and Bovis (-)	None - parcel completed
SP3	Crest Nicholson (1)	47
SP4	Taylor Wimpey and David Wilson Homes (2)	140
SP9_I	Bloor, Bovis and Linden (3)	169
SP10	Darcliffe Homes (-)	None - parcel completed
SP11	Taylor Wimpey (1)	4

Source: Lichfields analysis

Figure 14: Map of parcels at Land South of M4, Wokingham



Source: © Google Earth 2020/ Wokingham Local Plan

In this edition we look at the case study of Land South of the M4 in Wokingham. In 2017/18 the site achieved a significant 419 completions. Using the local authority's granular recording of delivery on the site to date, we have been able to consider where these completions were coming forward from within the wider 2,605 dwelling scheme. As shown in Figure 14, in that year new homes were completed on five separate parcels with completions ranging from 4 to 169 dwellings. On some of these parcels (SP9\_1 and SP4) there were two or three separate housebuilders building out, and in total on the site there were seven different house building companies active (the impact of multiple outlets on build-out rates is explored later in this report). The parcels are located in separate parts of the site and each had their own road frontages and access arrangements which meant they are able to come forward in parallel. This can enable an increased build rate.

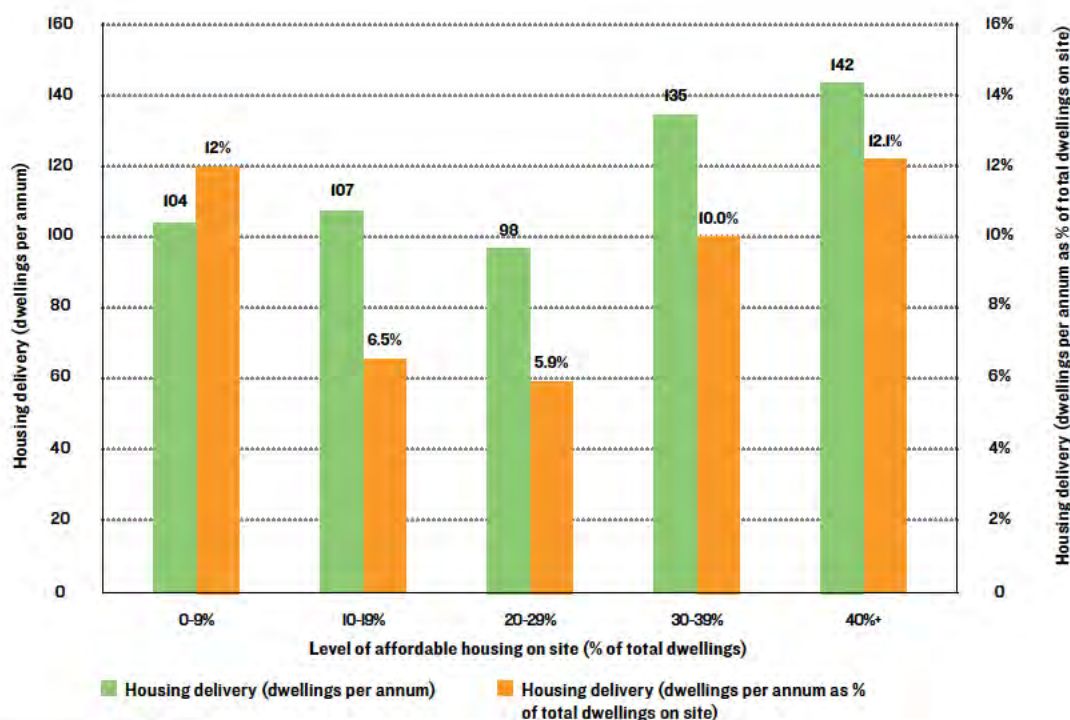
## Affordable choices: do different tenures provide more demand?

Our findings on tenure, another form of 'variety' in terms of house building products, are informed by data that is available on about half the sites in our large site sample. From this the analysis shows schemes with more affordable housing built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all dwellings on site. However this is not always the case. Schemes with 20-29% affordable housing had the lowest build-out rates, both in terms of dwellings and proportionate to their size.



Schemes with more affordable housing built out at close to twice the rates as those with lower levels.

Figure 15: Build-out rates by level of affordable housing (dpa and percentage)



Source: Lichfields analysis

## 06

# Conclusions

Recent changes to national planning policy emphasise the importance of having a realistic expectation of delivery on large-scale housing sites, whilst local authorities now find themselves subject to both forward and backward-looking housing delivery performance measures. A number of local plans have hit troubles because they over-estimated the yield from some of their proposed allocations. Meanwhile, it is no longer sufficient for a 5YHLS to look good on paper; the Housing Delivery Test means there are consequences if it fails to convert into homes built.

To ensure local authorities are prepared for these tests, plan making and the work involved in maintaining housing land supply must be driven by realistic and flexible housing trajectories, based on evidence and the specific characteristics of individual sites and local markets. For local authorities to deliver housing in a manner which is truly plan-led, this is likely to mean allocating more sites rather than less, with a good mix of types and sizes, and being realistic about how fast they will deliver so supply is maintained throughout the plan period. Equally, recognising the ambition and benefits of more rapid build out on large sites, it may mean a greater focus on how such sites are developed.

Our research provides those in the public and private sector with a series of real-world benchmarks in this complex area of planning for large scale housing, which can be particularly

helpful in locations where there is little recent experience of such strategic developments. Whilst we present some statistical averages, the real relevance of our findings is that there are likely to be many factors which affect lead-in times and build-out rates, and that these - alongside the characteristics of individual sites - need to be considered carefully by local authorities relying on large sites to deliver planned housing.

In too many local plans and 5YHLS cases, there is insufficient evidence for how large sites are treated in housing trajectories. This research seeks to fill the gap with some benchmark figures - which can be of some assistance where there is limited or no local evidence. But the average derived from our analysis are not intended to be definitive and are no alternative to having a robust, bottom-up justification for the delivery trajectory of any given site. It is clear from our analysis that some sites start and deliver more quickly than the average, whilst others have delivered much more slowly. Every site is different. Therefore, whilst the averages observed in this research may be a good starting point, there are a number of key questions to consider when estimating delivery on large housing sites, based around the three key elements in the three-tier analytical framework at Figure 16.



**Key findings:****1 Large schemes can take 5+ years to start**

In developing a local plan, but especially in calculating a 5YHLS position, it is important to factor in a realistic planning approval period dependent on the size of the site. Our research shows that if a scheme of more than 500 dwellings has an outline permission, then the average time to deliver its first home is two or three years. However, from the date at which an outline application is validated it can be 5.0 – 8.4 years for the first home to be delivered dependent on the size of the site. In these circumstances, such sites would make no contribution to completions in the first five years.

**2 Lead-in times jumped post-recession**

Whilst attention and evidence gathering is often focused on how long it takes to get planning permission, the planning to delivery period from gaining permission to building the first house has also been increasing. Our research shows that the planning to delivery period for large sites completed since 2007/08 has jumped compared to those where the first completion came before 2007/08. This is a key area where improvements could be sought on timeliness and in streamlining pre-commencement conditions, but is also likely impacted by a number of macro factors including the recession and reductions in local authority planning resources.

**3 Large greenfield sites deliver quicker**

Large sites can deliver more homes per year over a longer time period, with this seeming to ramp up beyond year five of the development on sites of 2,000+ units. However, on average these longer-term sites also have longer lead-in times. Therefore, short term boosts in supply, where needed, are likely to also require a good mix of smaller sites. Furthermore, large scale greenfield sites deliver at a quicker rate than their brownfield equivalents: the average rate of build out for greenfield sites in our sample was 34% greater than the equivalent figure for those on brownfield land. In most locations, a good mix of types of site will therefore be required.

**4 Outlets and tenure matter**

Our analysis suggests that having additional outlets on site has a positive impact on build out rates, although there is not a linear relationship. Interestingly, we also found that schemes with more affordable housing (more than 30%) built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all units on site, but those with 20-29% had the lowest rates of all. Local plans should reflect that – where viable – higher rates of affordable housing supports greater rates of delivery. This principle is also likely to apply to other sectors that complement market housing for sale, such as build to rent and self-build (where there is demand).

Figure 16: Key questions for assessing large site build-out rates and delivery timelines



# Appendices

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# Appendix 1:

## Definitions and notes

### The 'lead in'

Measures the period up to first completion of a house on site from the validation date of the first planning application made for the scheme. The lead-in time covers both the planning approval period and planning to delivery periods set out below. The lead-in time does also include the date of the first formal identification of the site as a potential housing allocation (e.g. in a LPA policy document), but consistent data on this for the sample is not available.

### The 'planning period'

Measured from the validation date of the first application for the proposed development (be that an outline, full or hybrid application). The end date is the decision date of the first detailed application which permits the development of dwellings on site (this may be a full or hybrid application or the first reserved matters approval which includes details for housing). A measurement based on a detailed 'consent' was considered reasonable and proportionate milestone for 'planning' in the context of this research.

### The 'planning to delivery period'

Includes the discharge of any pre-commencement and any opening up works required to deliver the site. It finishes on completion of the first dwelling.

### The date of the 'first housing completion'

On site (the month and year) is used where the data is available. However, in most instances the monitoring year of the first completion is all that is available and in these cases a mid-point of the monitoring period (1st October, falling halfway between 1st April and the following 31st March) is used.

### The 'annual build-out rate'

Each site is taken or inferred from a number of sources. This includes Annual Monitoring Reports (AMR's) and other planning evidence base documents produced by local authorities (see footnote 1), contacting the local planning authority monitoring officers or planners and in a handful of instances obtaining the information from housebuilders.

Due to the varying ages of the assessed sites, the implementation of some schemes was more advanced than others and, as a function of the desk-based nature of the research and the age of some of the sites assessed, there have been some data limitations, which means there is not a complete data set for every assessed site. For example, lead-in time information prior to submission of planning applications is not available for the vast majority of sites. And because not all of the sites assessed have commenced housing delivery, build-out rate information is not universal. The results are presented accordingly.

# Appendix 2: Large sites tables

Site name	Local Planning Authority	Site size	Year of first housing completion	Dwellings per annum																					
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22
Ebbsfleet	Gravesham/Dartford	15,000	2009/10	127	79	55	50	44	40	60	141	312													
The Hamptons	Peterborough	6,320	1997/98	290.3	290.3	290.3	290.3	290.3	290.3	290.3	290.3	290.3	290.3	224	224	154	157	71	67	101	34	54	100		
Rugby Radio Station	Rugby	6,200	N/A																						
East of Kettering	Kettering	5,500	2016/17	43	93																				
Sherford	Plymouth	5,500	2016/17	7	106																				
Priors Hall	Corby	5,200	2011/12	56	21	59	87	170	155	273															
Wichelstowe	Swindon	4,500	2008/09	158	93	195	64	100	61	44	60	57													
Monkton Heathfield	Taunton Deane	4,500	2012/13	22	76	220	191	222	148																
The Wixams	Bedford	4,500	2008/09	8	190	160	138	113	109	109	44	37	47												
Cambourne	South Cambridgeshire	4,343	1999/2000	42	361	213	337	620	151	377	267	219	190	162	206	154	151	129	239	201	95	126			
Eastern Expansion Area (Broughton Gate & Brooklands)	Milton Keynes	4,000	2008/09	154	359	371	114	473	138																
Locking Parklands	North Somerset	3,700	2011/12	23	45	97	75	10	21	86															
Stanton Cross	Wellingborough	3,650	N/A																						
Beaulieu Park	Chelmsford	3,600	2015/16	40	110	262																			
Northampton North SUE	Daventry	3,500	2017/18	50																					
Great Western Park	South Oxfordshire	3,300	2011/12	110	204	232	392	237	274	78															
Oakley Vale	Corby	3,100	2001/02	35	89	289	258	346	487	520	233	174	159	107	96	103	51	40	9	70					
Kings Hill	Tonbridge and Malling	3,024	1996/97	140	140	140	140	140	126	219	104	237	166	281	300	224	93	55	90	84	108	91	74	41	31
North West Cam-bridge	Cambridge and South Cambridgeshire	3,000	2016/17	73																					
West of Waterloo	Havant and Winchester	3,000	2009/10	38	71	30	82	112	135	196	241														
Cranbrook	East Devon	2,900	2012/13	187	419	356	299	214	241																
West of Kempston	Bedford	2,760	2010/11	52	102	144	167	124	175	103	93														
South of the M4	Wokingham	2,605	2012/13	37	175	56	29	166	419																
Winterstoke Village	North Somerset	2,550	2014/15	132	185	242	161																		
Emersons Green East	South Gloucestershire	2,550	2014/15	274	197	318	280																		



Site name	Local Planning Authority	Site size	Year of first housing completion	Dwellings per annum																					
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20	Year 21	Year 22
Bolnere Village	Mid Sussex	1,358	2012/13	30	54	88	73	36	124																
Park Prewett Hospital	Basingstoke and Deane	1,341	1998/99	58	82	37	102	0	0	0	0	0	307	214	219	146	33	34	56	7	30	16			
Ashford Barracks (Repton Park)	Ashford	1,300	2005/06	83	0	124	14	64	58	155	103	49	70	67	138	90									
Oxley Park (East & West)	Milton Keynes	1,300	2004/05	52	166	295	202	115	91	75	163														
Kempshott Park	Basingstoke and Deane	1,252	2000/01	78	310	229	213	281	84	33	24														
Holborough Quarry	Tonbridge and Malling	1,211	2006/07	85	137	91	47	18	100	59	12	43	64	60	101										
Staynor Hall	Selby	1,200	2005/06	12	141	115	10	43	62	46	59	79	162	79	34	50									
Picket Twenty	Test Valley	1,200	2011/12	147	178	180	176	164	145	175															
Trumpington Meadows	Cambridge and South Cambridgeshire	1,200	2012/13	141	143	67	100	94																	
Broughton (Broughton & Atherbury)	Milton Keynes	1,200	2003/04	114	105	170	409	204	180	18															
Orchard Park	Cambridge	1,120	2006/07	100	290	148	103	95	56	34	15	75	39	30	2										
Velmead Farm	Hart	1,112	1989/90	1	104	193	89	101	52	101	113	130	74	102	48	4									
Cheeseman's Green (Finberry)	Ashford	1,100	2014/15	59	47	102	157																		
Zones 3 to 6, Omega South	Warrington	1,100	2017/18	15																					
Boulton moor	South Derbyshire	1,058	2014/15	22	96	96	116																		
Highfields Farm	South Derbyshire	1,056	2016/17	141	204																				
Monksmoor Farm	Daventry	1,000	2013/14	6	65	98	128	122																	
Northampton North of Whitehills SUE	Daventry	1,000	2016/17	108	100																				
Taylors Farm/Sherfield Park	Basingstoke and Deane	991	2004/05	56	79	81	86	88	51	143	141	88	91	75	0	12									
Queen Elizabeth II Barracks	Hart	972	2012/13	56	165	110	228	213	96																
Little Stanion	Corby	970	2009/10	106	116	74	121	102	93	89	86	26													
North of Popley	Basingstoke and Deane	951	2007/08	65	57	16	28	0	0	15	118	84	60												
Ingress Park	Darford	950	2002/03	184		275	100	74	0	119	0	0													
Nar Ouse Millenium Community	Kings Lynn and West Norfolk	900	2007/08	32	77	0	0	0	0	30	22.5	22.5	68	0											
West Park	Darlington	893	2004/05	60	104	98	66	69	19	35	10	16	51	35	28	14	42								
South Bradwell	Great Yarmouth	850	2015/16	60.3	60.3	60.3																			



## Sources for sites also found in the Letwin Review

Arborfield Green (Arborfield Garrison)	Five Year Housing Land Supply Statement and appendix on Strategic Development Locations at 31st March 2018 published 9th October 2018 <a href="http://www.wokingham.gov.uk/planning-policy/planning-policy-information/evidence-topics/">http://www.wokingham.gov.uk/planning-policy/planning-policy-information/evidence-topics/</a>	
Ledsham Garden Village	Various Housing Land Monitor Reports <a href="https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/mon/">https://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/mon/</a>	
Great Kneighton (Clay Farm)	Partly provided by Cambridgeshire County Council and included in numerous AMR's <a href="https://www.cambridge.gov.uk/annual-monitoring-reports">https://www.cambridge.gov.uk/annual-monitoring-reports</a>	
Trumpington Meadows	Included in numerous AMR's for Cambridge and South Cambridgeshire (site crosses boundaries) <a href="https://www.cambridge.gov.uk/annual-monitoring-reports">https://www.cambridge.gov.uk/annual-monitoring-reports</a> and <a href="https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/annual-monitoring-report/">https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/annual-monitoring-report/</a>	
Graven Hill	Various Annual monitoring reports <a href="https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports">https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports</a>	
South West Bicester (Kingsmere Phase I)	Various Annual monitoring reports <a href="https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports">https://www.cherwell.gov.uk/info/33/planning-policy/370/monitoring-reports</a>	
Great Western Park	Housing Land Supply Statement April 2018 <a href="http://www.southoxon.gov.uk/sites/default/files/30.04.2018%20Housing%20Land%20Supply%20Statement%20FINAL%20(2)%20combined.pdf">http://www.southoxon.gov.uk/sites/default/files/30.04.2018%20Housing%20Land%20Supply%20Statement%20FINAL%20(2)%20combined.pdf</a>	
Ebbsfleet:		First phase at Springhead Park and Northfleet South from Gravesham AMR's 2009/10 to 2012/13
	2009-10:	127 completions <a href="https://www.gravesham.gov.uk/__data/assets/pdf_file/0010/69823/AMR2010.pdf">https://www.gravesham.gov.uk/__data/assets/pdf_file/0010/69823/AMR2010.pdf</a>
	2010-11:	79 completions <a href="https://www.gravesham.gov.uk/__data/assets/pdf_file/0010/69814/AMR2011.pdf">https://www.gravesham.gov.uk/__data/assets/pdf_file/0010/69814/AMR2011.pdf</a>
	2011-12:	55 completions <a href="https://www.gravesham.gov.uk/__data/assets/pdf_file/0009/92448/Gravesham-Authority-Monitoring-Report-2011-12-May-2013.pdf">https://www.gravesham.gov.uk/__data/assets/pdf_file/0009/92448/Gravesham-Authority-Monitoring-Report-2011-12-May-2013.pdf</a>
	2012-13:	50 completions <a href="https://www.gravesham.gov.uk/__data/assets/pdf_file/0010/92449/Gravesham-Authority-Monitoring-Report-2012-13-interim-May-2013.pdf">https://www.gravesham.gov.uk/__data/assets/pdf_file/0010/92449/Gravesham-Authority-Monitoring-Report-2012-13-interim-May-2013.pdf</a>
	2013/14:	87 dwellings, based on total completions from Gravesham to 2012/13 of 311 and total completions to the start of 2014/15 in the Ebbsfleet Garden City Latest Starts and Completion Figures totalling 398.
	2014/15 to 2017/18:	Ebbsfleet Garden City Latest Starts and Completion Figures: <a href="https://ebbsfleetdc.org.uk/tracking-our-performance/">https://ebbsfleetdc.org.uk/tracking-our-performance/</a>



# Appendix 3:

## Small sites tables

Site Name	Local Planning Authority	Size
Cookridge Hospital	Leeds	495
Stenson Fields	South Derbyshire	487
Horfield Estate Phase I	Bristol City Council	485
Farnborough Business Park	Rushmoor	476
Bickershaw Colliery	Wigan	471
Farington Park, east of Wheelton Lane	South Ribble	468
Bleach Green	Gateshead	456
Kingsmead South	Milton Keynes Council	450
New Central	Woking Borough Council	445
Land at former Battle Hospital	Reading Borough Council	434
New World House	Warrington	426
Radyr Sidings	Cardiff	421
Luneside West	Lancaster	403
Woolley Edge Park	Wakefield	375
Former Masons Cerement Works and Adjoining Ministry of Defence Land	Mid Suffolk	365
Former NCB Workshops (Port-land Park)	Northumberland	357
Chatham Street Car Park Complex	Reading	307
Kennet Island Phase I - H, M, T, UI, U2	Reading	303
Land at Dorian Road	Bristol, City of	300
Land at Fire Service College, London Road	Cotswold	299
Land at Badsey Road	Wychavon	298
Land at Brookwood Farm	Woking	297
Long Marston Storage Depot Phase I	Stratford-on-Avon	284
M & G Sports Ground, Golden Yolk and Middle Farm	Tewkesbury	273
Land at Canons Marsh	Bristol, City of	272
Land off Henthorn Road	Ribble Valley	270
Land Between A419 And A417	Cotswold	270
Hortham Hospital	South Gloucestershire	270

Site Name	Local Planning Authority	Size
GCHQ Oakley - Phase I	Cheltenham	262
Hewlett Packard (Land Adjacent To Romney House)	Bristol, City of	242
I28-134 Bridge Road And Nos I - 4 Oldfield Road	Windsor and Maidenhead	242
Hoval Ltd North Gate	Newark and Sherwood	196
Notcutts Nursery, I50 - I52 London Road	Cherwell	182
Sellars Farm	Stroud	176
Land South of Inervet Campus Off Brickhill Street, Walton, Milton Keynes	Milton Keynes	176
Queen Mary School	Fylde	169
London Road/ Adj. St Francis Close	East Hertford-shire	149
Land off Gallamore Lane	West Lindsey	149
Doxey Road	Stafford	145
Former York Trailers (two schemes - one Barratt, one DWH)	Hambleton	145
Bracken Park, Land At Cor-ringham Road	West Lindsey	141
Land at Farnham Hospital	Waverley	134
North of Douglas Road	South Gloucestershire	131
Land to the east of Efflinch Lane	East Staffordshire	130
Land to the rear of Mount Pleasant	Cheshire West and Chester	127
Primrose Mill Site	Ribble Valley	126
Kennet Island Phase IB - E, F, O & Q	Reading	125
Land between Godsey Lane and Towngate East	South Kesteven	120
Bibby Scientific Ltd	Stafford	120
Land west of Birchwood Road	Bristol, City of	119
Former Bewbush Leisure Centre Site	Crawley	112
Land south of Station Road	East Hertford-shire	111
Poppy Meadow	Stratford-on-Avon	106
Weeton Road/Fleetwood Road	Fylde	106
Former York Trailers (two schemes - one Barratt, one DWH)	Hambleton	96
North East Sandylands	South Lakeland	94

Site Name	Local Planning Authority	Size
Auction Mart	South Lakeland	94
Parcel 4 Gloucester Business Park	Tewkesbury	94
York Road	Hambleton	93
Land At Green Road - Reading College	Reading	93
Caistor Road	West Lindsey	89
The Kylins	Northumberland	88
North East Area Professional Centre, Furnace Drive	Crawley	76
Land at Willoughbys Bank	Northumberland	76
Watermead, Land At Kennel Lane	Tewkesbury	72
Land to the North of Walk Mill Drive	Wychavon	71
Hawthorn Croft (Off Hawthorn Avenue Old Slaughterhouse Site)	West Lindsey	69
Land off Crown Lane	Wychavon	68
Former Wensleydale School	Northumberland	68
Land at Lintham Drive	South Gloucestershire	68
Springfield Road	South Kesteven	67
Land off Cirencester Rd	Stroud	66
Land south of Pinchington Lane	West Berkshire	64
Land at Prudhoe Hospital	Northumberland	60
Oxfordshire County Council Highways Depot	Cherwell	60
Clewborough House School	Cherwell	60
Land at the Beacon, Tilford Road	Waverley	59
Land to Rear Of 28 - 34 Bedale Road	Hambleton	59
Hanwell Fields Development	Cherwell	59
Fenton Grange	Northumberland	54
Former Downend Lower School	South Gloucestershire	52
Holme Farm, Carleton Road	Wakefield	50
Land off Elizabeth Close	West Lindsey	50

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## **Appendix 6 – “Landscape and Visual Overview – North East Thatcham Strategic Site Allocation (Draft Policy SP17)”**





Henwick Park, Thatcham

**Landscape and Visual  
Overview – North East  
Thatcham Strategic Site  
Allocation (Draft Policy  
SP17)**

Prepared by  
CSA Environmental

on behalf of  
Croudace Homes

Report No: CSA/2406/06

February 2021

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## **Appendices**

Appendix A: Site Location Plan

Appendix B: Aerial Photograph

Appendix C: Photosheets

Appendix D: Magic Map and Local Plan Extract

Appendix E: Figure 50: Masterplan Concept (Extract from Thatcham Strategic Growth Study, Stage 3 Report: Thatcham Future (September 2020))

Appendix F: Extract from 'An Integrated Landscape Sensitivity Approach to Settlement Expansion' (2009)

Appendix G: Methodology

# 1.0 INTRODUCTION

## Background

- 1.1 CSA Environmental has been instructed by Croudace Homes to prepare a landscape and visual overview of the emerging Strategic Site Allocation, North East Thatcham (draft Policy SP 17, West Berkshire Council Local Plan Review 2020 – 2037: Emerging Draft, hereafter referred to as 'NE Thatcham'). The strategic allocation is identified as a potential location for a residential led development of 2,500 dwellings.
- 1.2 Croudace Homes are promoting land at Henwick Park, Thatcham, as a potential housing allocation, which could help meet some of Thatcham's identified growth requirements. The land at Henwick Park is not identified as a potential allocation site in the emerging draft of the Local Plan Review. The land at Henwick Park has been the subject of a previous planning application for 225 new homes, an appeal and a call-in by the Secretary of State. Whilst the appeal was recommended for approval by the Inspector in 2017 it was ultimately dismissed by the Secretary of State on the grounds that the council had a 5-year housing land supply at the time. The Secretary of State did however confirm that there were no technical reasons for refusal of the scheme, including landscape.
- 1.3 This overview report briefly describes the existing landscape character and quality of the NE Thatcham site and key views from the surrounding area. The report then considers the ability of the proposed allocation, from a landscape and visual perspective, to accommodate the level of strategic growth set out in draft Policy SP 17. It also considers the cumulative landscape and visual effects which could result if development were to come forward at both NE Thatcham and at Henwick Park.

## Methodology

- 1.4 This assessment is based on a site visit undertaken by a suitably qualified and experienced Landscape Architect in January 2021. Weather conditions during the visual appraisal were clear and visibility was very good.
- 1.5 In landscape and visual impact assessments, a distinction is drawn between landscape effects (i.e. effects on the character or quality of the landscape irrespective of whether there are any views of the landscape, or viewers to see them) and visual effects (i.e. effects on people's views of the landscape from public vantage points, including public rights of way and other areas with general public access, as well as effects from any residential properties). This report therefore considers the potential impact of the development on both landscape character and visibility. The methodology utilised in this overview is contained in **Appendix G** at the rear of this document.
- 1.6 Photographs contained within this document (**Appendix C**) were taken using a digital camera with a lens focal length approximating to 50mm, to give a similar depth of vision to the human eye. In some instances images have been combined to create a panorama.

## 2.0 LANDSCAPE POLICY CONTEXT AND EVIDENCE BASE

### Local Policy Context

- 2.1 West Berkshire Council ('WBC') is in the early stages of preparing the West Berkshire Local Plan Review, and has published the Local Plan Review 2020 – 2037: Emerging Draft for consultation.

#### Local Plan Review 2020 – 2037: Emerging Draft

- 2.2 **Draft Policy SP 1 Spatial Strategy** states that development will be focused on three spatial areas, including Newbury and Thatcham. **Draft Policy SP 2 Settlement Hierarchy** states that the prime focus for housing in the District will be the urban areas, including Thatcham.
- 2.3 **Draft Policy SP 17 North East Thatcham Strategic Site Allocation** identifies NE Thatcham as an allocation for residential led development of approximately 2,500 new homes. The draft policy identifies the following requirements, amongst others:
- Biodiversity net gain through habitat restoration and linkages; and
  - A network of green infrastructure which will include a new strategic country park linking Thatcham to the plateau and the AONB.
- 2.4 Other Draft Policies of relevance to this assessment include the following:
- Policy SP 5 Responding to Climate Change;
  - Policy SP 7 Design Principles;
  - Policy SP 8 Landscape Character;
  - Policy SP 9 Historic Environment;
  - Policy SP 10 Green Infrastructure; and
  - Policy SP 11 Biodiversity and Geodiversity.

### Landscape Evidence Base

#### Thatcham Strategic Growth Study (May 2019)

- 2.5 David Locke Associates and Stantec (formerly Peter Brett Associates) have prepared the Strategic Growth Study on behalf of WBC. The purpose of this document is to consider the potential for Thatcham to accommodate a strategic level of growth in the region of 3,500 new homes. The document has been undertaken in three stages: Stage 1 considers the historic growth of Thatcham and associated infrastructure / service provision; Stage 2 of the report considers the present day situation and the constraints to growth; Stage 3 tests in more detail those areas with the potential to accommodate a strategic level of growth.
- 2.6 Stage 2 of the Study considers the potential locations for growth of Thatcham based on the sites submitted as part of the Call for Sites. These are then

considered against a series of criteria, using a simple scoring system to determine the least constrained land parcels.

- 2.7 The assessment notes the important role that topography has played in the historic development of Thatcham, with the vast majority of the town located on the valley floor. It goes on to note that the sites affected most by relief constraints are to the north of the town, and in particular the land to the north east. The assessment notes that the gradient of land in this location could limit capacity and could impose the following constraints:

- *'Visibility of built form up the slopes limiting heights of buildings and densities of development form;*
- *Integration of drainage features;*
- *More complex and expensive engineering.'*

- 2.8 The Study notes the drainage issues which affect sites to the north of the town, and the requirement to address potential flooding issues within the town. It also identifies the presence of ancient woodland on the slopes to the north east of Thatcham. The assessment concludes that the sites most favourable for development lie to the north and north east of Thatcham, and that the sites to the north east benefit from contiguity which could deliver significant growth and meet the needs of the town.

- 2.9 Stage 3 of the Study sets out the potential vision for strategic growth at NE Thatcham, and provides a masterplan concept showing the potential growth scenario. In terms of the site at Henwick Park, the Stage 3 study notes that although potentially suitable to support expansion, it is not contiguous with the area for strategic growth identified in the Stage 2 study. For this reason, it was not considered further in the Stage 3 study.

- 2.10 Section 2 of the Stage 3 report provides further detail on the context of the potential NE Thatcham site, including details of topography, landscape and views. The Study notes that the site is located on the northern slopes of the Kennett Valley. It also notes that this area has a very different character to development elsewhere in Thatcham which is predominately located on the valley floor, between 65 and 75m elevation.

- 2.11 The Study contains a description of NE Thatcham and notes that it can be divided into three distinct areas, which it describes as follows:

*'To the east, around Colthrop Manor, large open fields have long views across the Kennet Valley and towards the east. This part of the site also slopes towards a wide, open valley separating it from the village of Midgham.*

*The central part of the site, around Siege Cross Farm, has a varied character with open fields in the east giving way to more contained and undulating fields, with strong hedgerows and treelines containing water in small 'gullies', similar to those seen further up the slopes. Further up the slope, longer views across the valley and town are obtained. The eastern edge of this part of the site is strongly bounded by a steep valley and dense ancient woodland, once again forming a gully environment.*

*Towards the north-west, the landscape dips into Harts Hill Road before opening out into a wide dip with strong parkland characteristics. This landscape formed part of the historic Dunston Park, and retains the parkland qualities. Isolated trees, a strong wooded backdrop and contained views within the parkland are seen.'*

- 2.12 The Study also notes that as NE Thatcham rises, visibility from locations within the valley floor and from Greenham Common on the opposite side of the valley, increases. The description notes that historic patterns of development in West Berkshire and the Kennet Valley are limited on valley sides. Any development, it states, should be sensitively located and should not break the treed ridgeline to the north. It recommends that development in the east of the NE Thatcham site should not rise above 100m AOD, and in the west no higher than 105m to 110m AOD, depending on tree cover and local aspect. The description also notes that the northern edges of the NE Thatcham site have steep gradients which would make development difficult.
- 2.13 The Study states that:
- '...landscape will be a key design driver for any development. Expansion on this site will be of a different character to the rest of Thatcham and must be handled sensitively to prevent excessive visual impact (our underlining), ensure good accessibility to a valued landscape, and ensure any new development maximise opportunities presented by the location.*
- 2.14 The Study acknowledges that no detailed skyline and impact analysis has been undertaken, and proposals will need to be informed by further detailed impact assessments. It also notes that the Wessex Downs AONB Board has stated its objection to development on all the sites that make up NE Thatcham, through the HELAA process, due to impacts on the setting of the AONB and the breaking of the Floral Way boundary.
- 2.15 The Study also notes the presence of three Grade II Listed buildings within the Site boundary, and states that their setting will need to be considered. It also highlights that the north western part of the site is the location of the former Dunston Park historic house, and that this area displays characteristics of historic landscaped parkland.
- 2.16 The section on Strengths and Opportunities notes the potential to create three distinct neighbourhoods within the site, based on the different landscape areas identified. However it notes that owing to the length of the site, 3km east to west, that one end would be functionally disconnected from the other. Figure 50: Masterplan Concept, sets out the proposed approach to delivering up to 2,500 new homes, open space and associated infrastructure (extract contained in **Appendix E**).

West Berkshire Landscape Character Assessment (2019)

- 2.17 Land Use Consultants ('LUC') were commissioned by West Berkshire Council to review and consolidate the Council's existing landscape evidence base. NE Thatcham lies within the WH: Woodland and Heathland Mosaic Landscape Character Type ('LCT'), and WH4: Cold Ash Woodland and Heathland Mosaic Landscape Character Area ('LCA').

- 2.18 LCA WH4 extends to the north of the urban areas of Thatcham, Newbury and Theale, and is defined to the north and south by the valleys of the Rivers Pang and Kennet respectively. The eastern half of the LCA and the land north of the ridge between Cold Ash and Woolhampton lies within the Wessex Downs AONB. The LCA is described as an area dominated by an east – west orientated, heathland ridge, and characterised by a varied topography and by woodland cover. Key characteristics of the LCA include:
- Geologically and topographically varied with steep and gentle undulating slopes rising to a central ridge;
  - Presence of surface water and small streams;
  - Complex pattern of land cover, dominated by woodland and with remnant heaths;
  - Varied field pattern with strong hedgerows;
  - Parklands are a characteristic feature;
  - Relatively densely settled, particularly along the ridge, but with woodland containment;
  - A minor road network contained by the wooded landscape;
  - Extensive network of public rights of way; and
  - Quiet, intimate and secluded character.
- 2.19 The Assessment identifies a number of valued features and qualities of the LCA. These include the landscape of the AONB; the woodland along the east – west ridge, which provides a unifying backdrop to the settlements to the south; the varied landcover; the rural character away from the major roads and urban edges; recreation; and historic landscape character.
- 2.20 The Landscape Strategy for the LCA includes amongst other things:
- Conserve and enhance the special qualities of the AONB;
  - Conserve and restore heathland character;
  - Appropriate woodland management;
  - Conserve and strengthen boundary features;
  - Retain the distinction and identity of individual settlements;
  - Conserve the transition between settlement and countryside; and
  - Conserve the character of rural lanes and public rights of way.
- 2.21 From our assessment of the NE Thatcham site, it is apparent that it displays many of the key characteristics of the LCA, in that it has a varied topography, displays a varied field pattern and strong hedgerow boundaries are present in places, and parkland character is evident within Dunston Park to the west.
- An Integrated Landscape Sensitivity Approach to Settlement Expansion (2009)
- 2.22 As part of the preparation of West Berkshire Council's Local Development Framework ('LDF'), Kirkham Landscape Planning Ltd. undertook an Integrated Landscape Sensitivity Study of West Berkshire. The relevant extract from the Assessment and the associated sensitivity mapping is contained in **Appendix F**.



- 2.23 The NE Thatcham development area lies within Local Landscape Character Area ('LLCA') 14F: Colthorpe Manor Plateau Edge. This area covers the proposed allocation and extends westward to the edge of Cold Ash.
- 2.24 The Assessment states that the area is characterised by its open farmed landscape with major blocks of woodland, and undulating escarpment slopes which forms part of the northern enclosure to the Kennet Valley. The key elements of landscape sensitivity are set out as follows:
- *'Lower slopes of important ridgeline*
  - *Big Gully a local landmark*
  - *Good views across the area and long views across the Kennet Valley*
  - *Colthrop Manor is a local landmark*
  - *Well vegetated boundary to the A4*
  - *Little development with scattered farmsteads and minor roads*
  - *High and medium/high historic landscape sensitivity in west and east*
  - *Part of Dunston Park (not registered) and good archaeological evidence*
  - *Historic settlement at Siege Cross Farm*
  - *Blocks of Ancient Woodland and Woodland BAP habitat.'*
- 2.25 This assessment therefore identifies a number of key sensitivities to development at NE Thatcham. This assessment also notes that the LLCA is highly visible from the Kennet Valley and the Greenham escarpment, with localised views from neighbouring areas. It also states that it forms an important setting to Thatcham and provides a rural transition zone between the urban area and the AONB. This area is assessed as being of medium landscape sensitivity based on the methodology in this report.
- 2.26 The various landscape sensitivities of the LLCAs at the periphery of Thatcham are illustrated on the plan in the rear of the document (extract in **Appendix F**). Much of the peripheral land to the north and south west is identified as medium landscape sensitivity. The industrial estate at Colthorpe Park is low sensitivity, and there are two parcels of low to medium sensitivity land located to the west and north of Thatcham, which include the land at Henwick Park. This study therefore confirms that Henwick Park has a lower landscape sensitivity to potential development than the proposed expansion at NE Thatcham.
- West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites (May 2009)
- 2.27 In addition to the Integrated Landscape Sensitivity Study, landscape sensitivity studies were undertaken of potential strategic development sites as part of the West Berkshire Planning Strategy. The eastern part of the proposed allocation is included within Area 9: North of Colthorpe, East Thatcham, which forms the south eastern part of LLCA 14F described above. The assessment notes the following in respect of strategic development in this location:

*'LLCA14F is of medium sensitivity but is a key part of the wider landscape north east of Thatcham. The site selection covers the landscape that forms the setting to Colthrop Manor and Siege Cross Farm. It is enclosed in part to the north by major blocks of woodland but at its western end is part of a wider field pattern which continues north west. The selection site is constrained by Ancient Woodland, the historic settlement at Siege Cross Farm and Colthrop Manor, its visual prominence as the site rises up the prominent ridge side, and importance as a rural setting to Thatcham. However it is not otherwise constrained by its historic or bio-diversity sensitivity, and value as a cultural and recreational resource.*

**Recommendation:** *The scale of the proposed strategic site would have a major adverse landscape impact on the landscape but there may be some scope for limited urban expansion on the lower part of the site in close proximity to the crematorium. Such limited expansion would require a very strong landscape edge, designed to avoid altering the character of the open, smooth valley side. Key features of interest would need to be retained within a suitable landscape setting. A scaled down site may be achievable within these constraints.'* (our underlining)

### **Housing and Economic Land Availability Assessment ('HELAA', December 2020)**

- 2.28 The land parcels which make up NE Thatcham were considered as part of the HELAA site assessments (HELAA Ref: THA6, THA8 and THA10). This assessment raised concerns that development in these locations would adversely impact on the AONB, would not be appropriate in the context of the existing settlement form, pattern and character of the landscape. It also raises concerns about impact on designated heritage assets. The AONB Unit noted the following in respect of all three locations, in response to whether development would harm the setting of the special qualities of the AONB:

*'Yes. Affects the setting of the AONB. Floral Way is a strong settlement edge/boundary which should not be broken by development as it will spill into open countryside and place further pressure for expansion into the neighbouring fields.'*

- 2.29 The HELAA response to the question 'Would development be appropriate in the context of the existing settlement form, pattern and character of the landscape' in respect of all three parcels, was as follows:

*'... the site forms part of the Cold Ash Woodland and Heathland Mosaic LCA. The decreasing separation/coalescence between Thatcham and other settlements together with the loss of gradation between settlement and countryside have been identified as key detractors in this area. The landscape strategy is therefore to retain the individual identity of settlements such as Thatcham and to conserve elements that mark a transition between settlement and countryside.*

*Development to the north of Floral Way does not conform to the general development/settlement pattern of Thatcham. Land rises to the north and gets quite steep up to Harts Hill Farm.*

*Concern that development would not be appropriate in the context of the existing settlement form, pattern and character of the landscape.'*

## **Conclusions**

- 2.30 It is apparent from the Council's Landscape Sensitivity Studies that significant expansion at NE Thatcham would be highly visible and would impact the rural setting of the town, the rural transition to the AONB, and the setting of a number of heritage assets. It also highlights that the land at Henwick Park is less sensitive than NE Thatcham, from a landscape and visual perspective, and is a more suitable location for housing.

## 3.0 SITE CONTEXT AND DESCRIPTION

### Site Description and Context

- 3.1 The proposed strategic allocation at NE Thatcham lies on the northern flank of the Kennett Valley, above the main built up area of Thatcham which lies within the valley floor. It occupies a significant tract of arable and pastoral farmland to the north of Floral Way and Bath Road, which mark the current extent of built development on the north eastern edge of the town. To the south is residential development, with the industrial units at Colthorpe Park located opposite the south eastern part of the site. For ease of description, the NE Thatcham site can be divided into three distinct land parcels, Areas A – C, as shown on the Aerial Photograph in **Appendix B**. The Site location and immediate context are shown on the Location Plan and Aerial Photograph (**Appendices A and B**) and the photographs contained in **Appendix C**.
- 3.2 Area A occupies an irregular land parcel to the west of Harts Hill Road, and includes the former parkland at Dunstan Park (**Photographs 2 and 3**). It is contained to the north east by the deciduous woodland at Hartshill Copse, much of which is ancient. The farmland is currently used for sheep grazing and there are several large, mature parkland trees located within this area which lend it a parkland character, and serve as a reminder of its heritage. The recent housing at The Spinney and Farmhouse Mews is indented into the south east of the parcel, and a large water attenuation feature is also under construction to the north of Floral Way. This Area has an irregular landform, with a small watercourse extending to the north of Farmhouse Mews, occupying a shallow valley, with the land either side rising to the east and west. West of the watercourse, the landform rises to a local ridge line which follows the north western edge of the Area, with the property at Park Farm occupying an elevated location a short distance north of the Area boundary. A public footpath crosses this area (THAT/6), leading from Floral Way in the direction of Park Farm.
- 3.3 Area B comprises an irregular network of medium and small scale, undulating, pastoral fields, subdivided by established field hedgerows and tree lines (**Photographs 5, 6 and 7**). It is located to the east of Harts Hill Road on the slopes of Harts Hill. The property at Harts Hill Farm occupies an elevated location to the immediate north, with the ancient woodland at Big Gull marking the north eastern edge of the Area. To the east, the parcel is defined by more ancient woodland at Long Grove Copse. The boundaries to the south west and south are marked by the route of Floral Way and Bath Road respectively. The property at Siege Cross Farm, including a Grade II listed barn, is located within the south east corner of this area.
- 3.4 Area C comprises the rising arable farmland closely associated with the property at Colthrop Manor (**Photographs 8, 10, 11, 12 and 17**). The historic farmstead, including the Grade II Listed barn and cart shed, occupy a prominent central location within this area. To the north the boundary is defined by the extensive area of ancient replanted woodland at Blacklands Copse. To the east the landform falls towards the watercourse which follows Ouzel Gulley, which marks the eastern edge of this area. Beyond this, the topography rises

once more in the direction of Cox's Lane. To the south, the area overlooks the industrial units at Colthrop Park, and there are expansive views over the urban area of Thatcham and to the countryside to the east and south of the town. West Berkshire Crematorium is indented into the south east corner of this area. Area C is crossed by a number of public rights of way. A public footpath (THAT/2 and THAT/1) leads from the south western corner of the area, leading north east to meet Cox's Lane beyond the boundary. A public bridleway (THAT/3) follows the access to Colthrop Manor, continuing northwards through to the woodland at Blacklands Copse and onwards to Upper Bucklebury.

- 3.5 Floral Way and Bath Road provide the principle arterial routes on the eastern approach into Thatcham and at the north eastern edge of the town. These highways are characterised by dense tree lined verges, which define and contain the existing edge of the town. Beyond these is the main built up area of the town, which extends alongside the valley floor to the north of the River Kennet and the Kennet and Avon Canal. To the south of the river, the topography rises on the wooded southern flank of the river valley. Crookham Common Road follows the ridgeline at the top of the ridge, linking between the small settlement at Brimpton to the south east of the Site and the open space at Greenham and Crookham Common, which occupies a plateau to the south west.
- 3.6 A short distance east of the Site is the small settlement at Midgham. To the north, at the edge of the North Wessex Downs AONB, is the settlement at Upper Bucklebury.

### **Statutory and Non-Statutory Designations**

- 3.7 The Multi Agency Geographic Information for the Countryside Map ('MAGIC') and the adopted Local Plan Proposals Map shows that the NE Thatcham site is not covered by any statutory or non-statutory designations for landscape character or quality (refer to **Appendix D**). The North Wessex Downs Area of Outstanding Natural Beauty lies approximately 300m north, at its nearest point.

### **Heritage Assets**

- 3.8 There are three Grade II Listed buildings located within the proposed allocation. These are as follows:
- Barn at Colthrop Manor;
  - Barn at Siege Cross Farm;
  - Cart shed at Siege Cross Farm.

### **Visual Overview**

- 3.9 The proposed allocation is located on the rising ground on the northern flank of the Kennet Valley. The extent of visibility is largely dictated by the surrounding topography and by the extent of woodland cover on the valley sides. To the north, views from the North Wessex Downs AONB are restricted by the extensive woodland cover which follows the ridgeline above NE Thatcham. There are near distance views from the local road network and from the public rights of

way in the vicinity of the proposed allocation. Due to the elevated nature of the proposed allocation site, there are also expansive views available from the valley floor and from the rising ground on the southern flank of the Kennet Valley to the south of Thatcham.

- 3.10 The NE Thatcham site is visible on the approaches on Floral Way and Bath Road, although views are typically filtered by roadside vegetation. In these views, the rising farmland within NE Thatcham contrasts sharply with the settlement which follows the southern edge of the carriageway (**Photographs 2, 5 and 13**).
- 3.11 There are partial views of Areas A and B from Harts Hill Road, over the roadside hedges in the vicinity of the Area boundaries. As the highway continues north, views are restricted by intervening topography and vegetation. However there are views towards the higher ground in the northern part of Area B from a section of the carriageway north of Upper Hartshill Farm (**Photograph 1**).
- 3.12 There are expansive views across Area A and partial views of Area B from public footpath THAT/6 which crosses this Area (**Photograph 3**). As this footpath continues north towards Park Farm, the upper parts of Area A remain visible beyond the hedgerow at the edge of this Area (**Photograph 4**).
- 3.13 There are open views across much of Area B from a well-used informal footpath (this route is not listed as a public right of way on the definitive rights of way mapping) which crosses this Area leading from Floral Way in the direction of Upper Hartshill Farm. There are extensive views across the urban area of Thatcham and beyond from the upper parts of this footpath (**Photographs 6 and 7**).
- 3.14 There are views from the buildings and curtilage at Siege Cross Farm across the southern part of Area B (refer to **Photograph 9**).
- 3.15 There are open views across Area C from the public rights of way which cross this area. In views south from the rights of way network, the buildings at Colthrop Park are visible (**Photograph 12**). There are also views to the low lying Kennet Valley, the church tower at Brimpton and the wooded ridge line on the southern flank of the valley, from the higher parts of Area C (**Photograph 11**). Views south west and west from within the eastern part of Area C, look towards the wider countryside and are much more rural in character comprising the rolling farmland and woodland at the edge of the AONB (**Photograph 10**).
- 3.16 There are open views of Area C from Cox's Lane to the east (**Photographs 17 and 18**). Cox's Lane is a narrow lane, which leads north to the AONB and the settlement at Upper Bucklebury. As this lane transitions north of the woodland at Ouzel Gully, views of existing built development in Thatcham are screened, and the lane has a distinctly rural character.
- 3.17 There are views of Area C from the low lying farmland in the Kennet Valley to the south west of NE Thatcham, and from the footpaths which cross the land to the west of Brimpton (**Photograph 16**). In these views, Colthrop Manor occupies a prominent location on the rising ground in Area C, with the woodland to the north forming the backdrop, and the setting to the edge of the AONB beyond.



- 3.18 There are views from the ridgeline to the south of Thatcham. **Photographs 14 and 15** illustrate views from the higher ground in the vicinity of Greenham / Crookham Common and from the valley sides north of Crookham Common Road. In these views, the rising ground at NE Thatcham is conspicuous on the opposite valley side. It forms an area of undeveloped farmland which rises above existing built development in Thatcham which is located wholly within the valley floor. Development is largely absent on the valley sides of the NE Thatcham site, with the exception of a number of farmsteads, including Colthrop Manor and Upper Hartshill Farm, which occupy elevated locations overlooking Thatcham and the Kennet Valley to the south. The wooded backdrop to NE Thatcham marks the edge of the AONB, and the valley side form part of the transitional landscape in these views, providing a buffer between the built edge of Thatcham and the protected landscape a short distance to the north.

### **Landscape Quality, Value and Sensitivity**

- 3.19 The NE Thatcham site comprises an extensive tract of undulating arable and pastoral farmland which occupies the rising ground immediately below the wooded ridgeline at the edge of the North Wessex Downs AONB. This area displays many of the key characteristics and landscape sensitivities identified in the West Berkshire Landscape Character Assessment and the various sensitivity studies commissioned by West Berkshire Council (refer to Section 2), including the following:
- Varied topography and field pattern, with strong hedgerow structure evident in parts, although some field amalgamation has taken place;
  - Steeply sloping landform evident in places, particularly on the higher parts of the NE Thatcham site;
  - Parkland character evident at Dunston Park in Area A;
  - Historic farmsteads at Colthrop Manor and Siege Cross Farm are prominent local landmarks;
  - Rising land and woodland to the north form a unifying backdrop to Thatcham and provide the immediate setting to the AONB;
  - Significant areas of ancient woodland present adjacent to the proposed allocation area; and
  - Expansive views available to and from the Kennet Valley and the higher ground on the opposing valley side;
  - Land parcels are bordered by rural lanes, in particular Cox's Lane to the east, which link Thatcham to the AONB settlement at Upper Bucklebury to the north;
  - Crossed by several rights of way; and
  - Linear tree belts and the route of Floral Way / Bath Road contain the existing edge of Thatcham, with the town located wholly on the valley floor.
- 3.20 In terms of landscape quality, the NE Thatcham site comprises pleasant farmland, with a varied topography, and a number of high quality landscape features, including parkland trees in Dunston Park, and an established

framework of treed hedgelines. Its character is influenced to varying degrees by its proximity to the urban area of Thatcham to the south, but also by the extensive woodland cover to the north which marks the top of the escarpment slope and the edge of the AONB. The influence of neighbouring development is less evident to the east of Area C and within Area A, which are more rural in character away from the settlement edges. Overall the NE Thatcham site is assessed as being of medium landscape quality.

- 3.21 In terms of value, the area is not covered by any statutory or non-statutory designations for landscape value, however it does form part of the immediate setting to the AONB, and the backdrop to settlement in Thatcham. It contains a number of heritage assets, and the historic landscape at Dunston Park is evident within Area A. It is crossed by several rights of way, which provide access to the AONB to the north, and have expansive views across the Kennet Valley to the south. The lower parts of the NE Thatcham site are generally assessed as being of medium landscape value, however landscape value increases on the higher parts of the valley, and within Area A which retains a parkland character, and the more rural parts of Area C to the east of Colthrop Manor.
- 3.22 Landscape sensitivity is assessed based on the type of development, in this case residential housing, and the ability of the receiving landscape to accommodate it. The NE Thatcham site lies to the north of Floral Way and Bath Road, which have, to date, provided a barrier to growth on the north east edge of Thatcham. Development at the proposed allocation would extend Thatcham on to the rising slopes of the northern flank of the Kennet Valley, and would be contrary to the existing settlement pattern, with the existing town located wholly within the valley floor. Development on the middle and upper slopes would be conspicuous in views from the south, and would impact on a number of key characteristics and sensitivities identified in the Council's landscape evidence base. The lower parts of the NE Thatcham site are assessed as having a medium sensitivity to residential development. However the middle and upper slopes have a high sensitivity to development which would be highly visible in the foreground of the AONB, and at odds with the existing character of Thatcham.

## 4.0 CAPACITY TO ACCOMMODATE DEVELOPMENT

- 4.1 The following section considers the ability of the site at NE Thatcham, from a landscape and visual perspective, to accommodate the level of strategic growth identified in draft Policy SP 17 North East Thatcham Strategic Allocation. This policy sets out a requirement for the site to deliver a landscape-led scheme, which will deliver approximately 2,500 new homes, 2 primary schools, a secondary school, local centres, a country park and supporting infrastructure. Stage 3 of the Thatcham Strategic Growth Study sets out the potential vision for NE Thatcham. Figure 50 of this document illustrates the masterplan concept for development at the strategic allocation (extract contained in **Appendix E**).

### Relationship to Existing Settlement in Thatcham

- 4.2 NE Thatcham lies at the north eastern edge of Thatcham, however it is separated from the residential and employment areas by the busy routes of Floral Way and Bath Road. Area C lies opposite the main employment area at Colthrop Park, and whilst this provides good access to local employment opportunities, it forms a barrier to easy access to other services in the town.
- 4.3 As acknowledged in the Strategic Growth Study, the level of growth at NE Thatcham would represent a significant departure from historic growth patterns in the town, which has seen settlement extend along the valley floor. It would extend development on to the rising land which overlooks Thatcham and would be out of character with the existing settlement pattern. It would also impact on a key characteristics which forms part of the landscape setting of Thatcham.

### Topography

- 4.4 The landform within the NE Thatcham site is distinctly undulating, rising generally to the north, although it is crossed by several shallow valleys and watercourses which run perpendicular to the main slope. Gradients also vary across this area, with the steeper gradients typically located on the higher parts of the site. As noted in the Strategic Growth Study, the landform of the NE Thatcham site poses a constraint which could limit capacity at the site. This is particularly the case on Harts Hill (See **Photograph 05** and **07**), where the steep gradient would limit housing, as shown on the masterplan concept, in this part of the site, or would result in significant earthworks to accommodate the development platforms and roads. The masterplan concept also shows playing fields located on the lower parts of Harts Hill, however again the ability to provide these is limited due to the change in levels. It is a similar situation with the playing fields associated with the Secondary School in Area C. **Photograph 08** shows the change in level in this part of the Site, and it is evident significant earthworks will be necessary to provide pitches in this location.
- 4.5 Paragraphs 4.45 to 4.47 of the Strategic Growth Study acknowledge that topography poses a significant constraint to delivering playing fields, and acknowledges that there is likely to be a shortfall in formal pitch provision as part of the strategic growth area.

## Potential Visual Effects

- 4.6 It is clear from the visual overview in Section 3 of this report that the rising land at NE Thatcham is highly visible from local roads and footpaths, and in middle and long distance views from the Kennet Valley and the higher ground to the south of the valley. The Strategic Growth Study recognises the visual sensitivity of NE Thatcham, and recommends that development does not exceed certain topographic height parameters in order to minimise the visual impact. However, the Study acknowledges that no detailed skyline and impact analysis has been undertaken to inform the current masterplan concept.
- 4.7 There will be a significant change to views from the approaches on Floral Way and Bath Road, as a substantial new area of housing and infrastructure is introduced onto the rising land to the north of the road. Similarly, there will be substantial effects on the public footpaths which cross NE Thatcham, as development interrupts views towards the AONB and to the valley to the south.
- 4.8 Development on the higher parts of Area A at Dunston Park, as suggested on the masterplan concept, will be visible from a section of footpath That/6 which continues to the north of this area. If housing were located on the higher parts of this Area, built development would be visible from the adjoining valley to the north west, which has a distinctly rural character.
- 4.9 Housing will be visible from a section of Harts Hill Road as it extends between Areas A and B. Development in the eastern part of Area C will have a significant impact on views from Cox's Lane (**Photographs 17 and 18**), as it passes to the east of the site. This lane has a very rural character and is particularly sensitive to residential housing which would extend Thatcham onto the east-facing slopes adjacent to the lane.
- 4.10 In middle and long distance views from the south (**Photographs 14, 15 and 16**) development in line with the parameters shown on the masterplan concept, would be clearly visible on the valley sides above existing residential and employment areas in Thatcham. Although the masterplan concept has sought to limit the extent of development on the upper parts of the site, housing on the middle slopes will be clearly visible across a significant proportion of the view, with development extending up to 3km along the north eastern edge of the Thatcham. Development at the scale currently indicated on the masterplan concept, will clearly result in significant adverse visual effects on a number of these middle and long distance viewpoints.

## Heritage Assets

- 4.11 The historic farmsteads at Siege Cross Farm and Colthrop Manor lie within the NE Thatcham allocation. These properties occupy elevated locations overlooking the main town, with Colthrop Manor a visible landmark in views from the south. The masterplan concept shows built development enclosing both these properties, which will inevitably significantly alter the agricultural setting and historic context of these properties.

## Potential Landscape Effects

- 4.12 As set out in Section 3, development at NE Thatcham would impact on a number of key landscape characteristics and sensitivities as identified in the West Berkshire Landscape Character Assessment and in the Council's landscape evidence base documents. Development at the scale shown on the masterplan concept would result in the following effects on local landscape character:
- Development would extend onto the rising ground which forms part of the landscape setting to the north eastern edge of Thatcham;
  - The open rising farmland also forms part of the landscape setting to the wooded escarpment which marks the edge of the AONB. Development on the middle slopes will have an adverse effect on the immediate setting of the protected landscape;
  - Development would impact on the setting and views to and from the historic farmsteads at Colthrop Manor and Siege Cross Farm, which are local landmarks in views from the south;
  - The higher ground and east facing slopes in the eastern part of Area C has a distinctly rural character. This part of the area is more closely related to the wider countryside to the east, than settlement in Thatcham. Development here, as shown on the masterplan concept would impact on an area of attractive, undulating countryside which continues to the east of this land parcel; and
  - Development in Area A will impact on an area of historic landscape.
- 4.13 The above findings are supported by the Council's landscape sensitivity assessments. NE Thatcham lies within LLCA 14F: Colthorpe Manor Plateau Edge, and the 2009 sensitivity study (An Integrated Landscape Sensitivity Approach to Settlement Expansion) acknowledges the role this area plays in the setting of Thatcham, and in providing a rural transition zone between the urban area and the AONB. When considering strategic development in Area C (referred to as Area 9: North of Colthorpe, East Thatcham), the Landscape Sensitivity Assessment of Potential Strategic Development Sites (also 2009), noted that large-scale development would have a major adverse landscape impact, and recommended only limited scope for expansion in this area.
- 4.14 It is apparent, therefore, that strategic scale development at NE Thatcham, particularly at the scale currently envisioned, would result in a number of significant adverse landscape and visual effects, which would impact on sensitive view points and a number of key landscape characteristics which have been identified in the Council's own landscape evidence base, and in this report.

## Cumulative Effects

- 4.15 The Council have raised concerns about the potential cumulative landscape and visual effects of development at both Henwick Park and NE Thatcham, and the merging of Thatcham, Cold Ash and Bucklebury. The following section

briefly considers the cumulative effects which could arise if development came forward in both locations. The location of both NE Thatcham and Henwick Park, and their relation to the neighbouring settlements, is shown on the Location Plan in **Appendix A**.

- 4.16 There would inevitably be a cumulative loss of undulating farmland on the northern edge of Thatcham, which forms part of WH4: Cold Ash Woodland and Heathland Mosaic Landscape Character Area, as identified in the west Berkshire Landscape Character Assessment. There will also be an increase in built development along the northern edge of Thatcham, which will be perceived in successional views when traveling along Floral Way and Heath Lane. However, there is no inter-visibility between Henwick Park and NE Thatcham, owing to the intervening topography and tree cover.
- 4.17 Growth at NE Thatcham will extend the settlement northwards, closing the gap between Thatcham and Upper Bucklebury, although a high degree of visual separation will remain due to the intervening woodland cover. Development at Henwick Park will have little impact on separation with Upper Bucklebury, as it is located some distance away and there will be no cumulative impact on separation if development were to come forward at Henwick Park, in addition to NE Thatcham.
- 4.18 Development at Henwick Park will extend northwards towards Cold Ash, however it will not extend north of the existing settlement edge of Thatcham to the east, on Cold Ash Hill, and the existing gap will not be reduced. Similarly, NE Thatcham is more removed from Cold Ash, and there is no intervisibility between Cold Ash and the NE Thatcham site due to intervening landform.
- 4.19 Individually, development at Henwick Park and NE Thatcham will extend the urban area on the northern and north eastern edge of Thatcham. However due to the visual and physical containment of these sites from one another, development can be delivered in a manner which cumulatively retains the visual and physical separation of Thatcham and its neighbouring settlements.



## 5.0 CONCLUSION

- 5.1 West Berkshire Council have identified the land at North East Thatcham as a location for a Strategic Site Allocation of approximately 2,500 new homes (draft Policy SP 17, West Berkshire Council Local Plan Review 2020 – 2037: Emerging Draft). This report considers the ability of the proposed allocation to accommodate the level of strategic growth set out in draft Policy SP 17.
- 5.2 Croudace Homes are promoting land at Henwick Park, Thatcham as a potential housing allocation, which could help meet some of Thatcham's identified growth requirements. Henwick Park is not identified as a potential allocation site in the emerging draft of the Local Plan Review. However, this site was the subject of a previous appeal and call in by the Secretary of State. Although the appeal was ultimately dismissed by the Secretary of State on the grounds that the council had a 5-year housing land supply at the time, the Secretary of State confirmed that there were no technical reasons for refusal of the scheme, including landscape.
- 5.3 The proposed strategic allocation at NE Thatcham occupies an extensive tract of farmland on the northern flank of the Kennett Valley, above the main built up area of Thatcham which lies within the valley floor. It occupies a significant tract of arable and pastoral farmland to the north of Floral Way and Bath Road, which mark the current extent of built development on the north eastern edge of the town. To the south is residential development, with the industrial units at Colthorpe Park located opposite the south eastern part of the Site. The North Wessex Downs Area of Outstanding Natural Beauty lies approximately 300m north, at its nearest point.
- 5.4 West Berkshire Council have produced the Thatcham Strategic Growth Study, which considers the potential of land on the periphery of Thatcham to accommodate strategic scale growth. This Study concluded that the most favourable locations for growth are to the north (Henwick Park) and north east of Thatcham. Although potentially suitable for expansion, north Thatcham was not considered further in stage 3 of the Study, due to the fact that it is not contiguous with the identified growth area at NE Thatcham. Figure 50 of the Study shows the masterplan concept for development at NE Thatcham (Extract in **Appendix E**).
- 5.5 Our visual appraisal of NE Thatcham found that it is visible from local roads and footpaths, and in middle and long distance views from the Kennet Valley and the higher ground to the south of the valley. The Strategic Growth Study recognises the visual sensitivity of NE Thatcham, and recommends that development does not exceed certain topographic height parameters, in order to minimise the visual impact. However, the Study acknowledges that no detailed skyline and impact analysis has been undertaken to inform the current masterplan concept.
- 5.6 In middle and long distance views from the south, development in line with the parameters shown on the masterplan concept, would be clearly visible on the valley sides above existing residential and employment areas in Thatcham. Although the masterplan concept has sought to limit the extent of

development on the upper parts of the site, housing on the middle slopes will be clearly visible across a significant proportion of the view, with development extending up to 3km along the north eastern edge of the Thatcham. Development at the scale currently indicated on the masterplan concept, will clearly result in significant visual effects on a number of these middle and long distance viewpoints, as well as local views from roads and public highways.

5.7 Our assessment also found that development at NE Thatcham would impact on a number of key landscape characteristics and sensitivities, as identified in the West Berkshire Landscape Character Assessment and in the Council's landscape evidence base documents. Development at the scale shown on the masterplan concept would result in the following effects on local landscape character:

- Development would extend onto the rising ground which forms part of the landscape setting to the north eastern edge of Thatcham;
- The open rising farmland also forms part of the landscape setting to the wooded escarpment which marks the edge of the AONB. Development on the middle slopes will have an adverse effect on the immediate setting of the protected landscape;
- Development would impact on the setting and views to and from the historic farmsteads at Colthrop Manor and Siege Cross Farm, which are local landmarks in views from the south;
- The higher ground and east facing slopes in the eastern part of Area C has a distinctly rural character. This part of the area is more closely related to the wider countryside to the east, than settlement in Thatcham. Development here, as shown on the masterplan concept would impact on an area of attractive, undulating countryside which continues to the east of this land parcel; and
- Development in Area A will impact on an area of historic landscape.

5.8 Given the landscape and visual sensitivities identified in this report and in the Council's own evidence base, it is clear that development in the region of 2,500 new homes as shown on the masterplan concept, would give rise to significant adverse landscape and visual effects and would impact key characteristics of the town and the wider landscape character, including the setting of the AONB. It is evident that further analysis is needed to support the scale of development proposed at NE Thatcham, and a significantly reduced development area should be proposed to minimise the landscape and visual effects identified in this report.

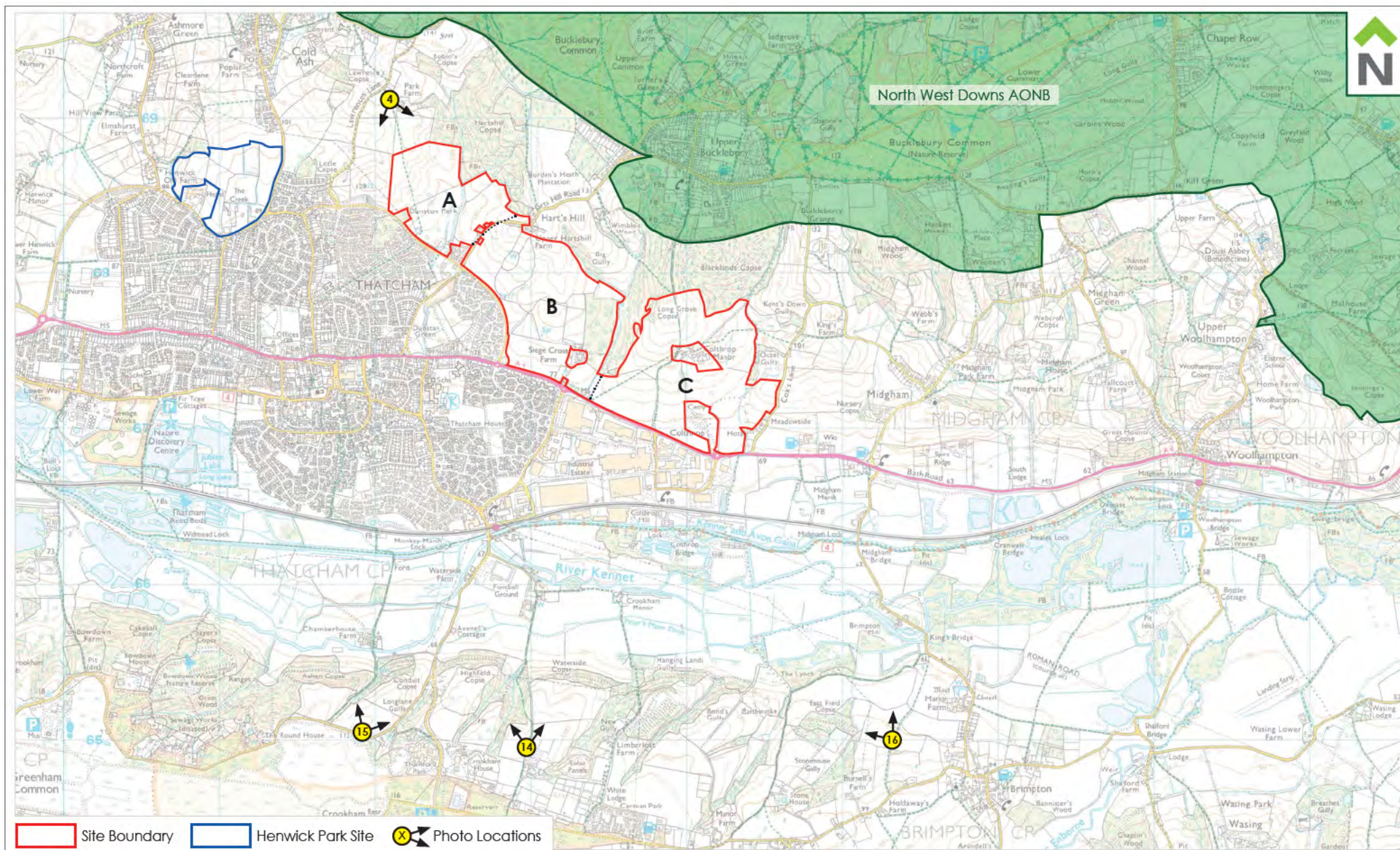
5.9 The site at Henwick Park was discounted as a strategic location for growth in the Council's Strategic Growth Study as it is not contiguous with the NE Thatcham growth area. Notwithstanding this, both the Secretary of State and Appeal Inspector found that there were no technical landscape reasons to prevent development at Henwick Park. In addition, our own findings and the findings of the Council's own evidence base, have concluded that Henwick

Park is less sensitive in landscape and visual terms, than the draft strategic allocation at NE Thatcham.

## **Appendix A**

### Site Location Plan





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**Project** Henwick Park Thatcham

**Drawing Title** Aerial Photograph

**Client** Croudace Homes

**Date** February 2021

**Drawing No.** CSA/2406/118

**Scale @ A4** NTS

**Rev** -

**Drawn** SP

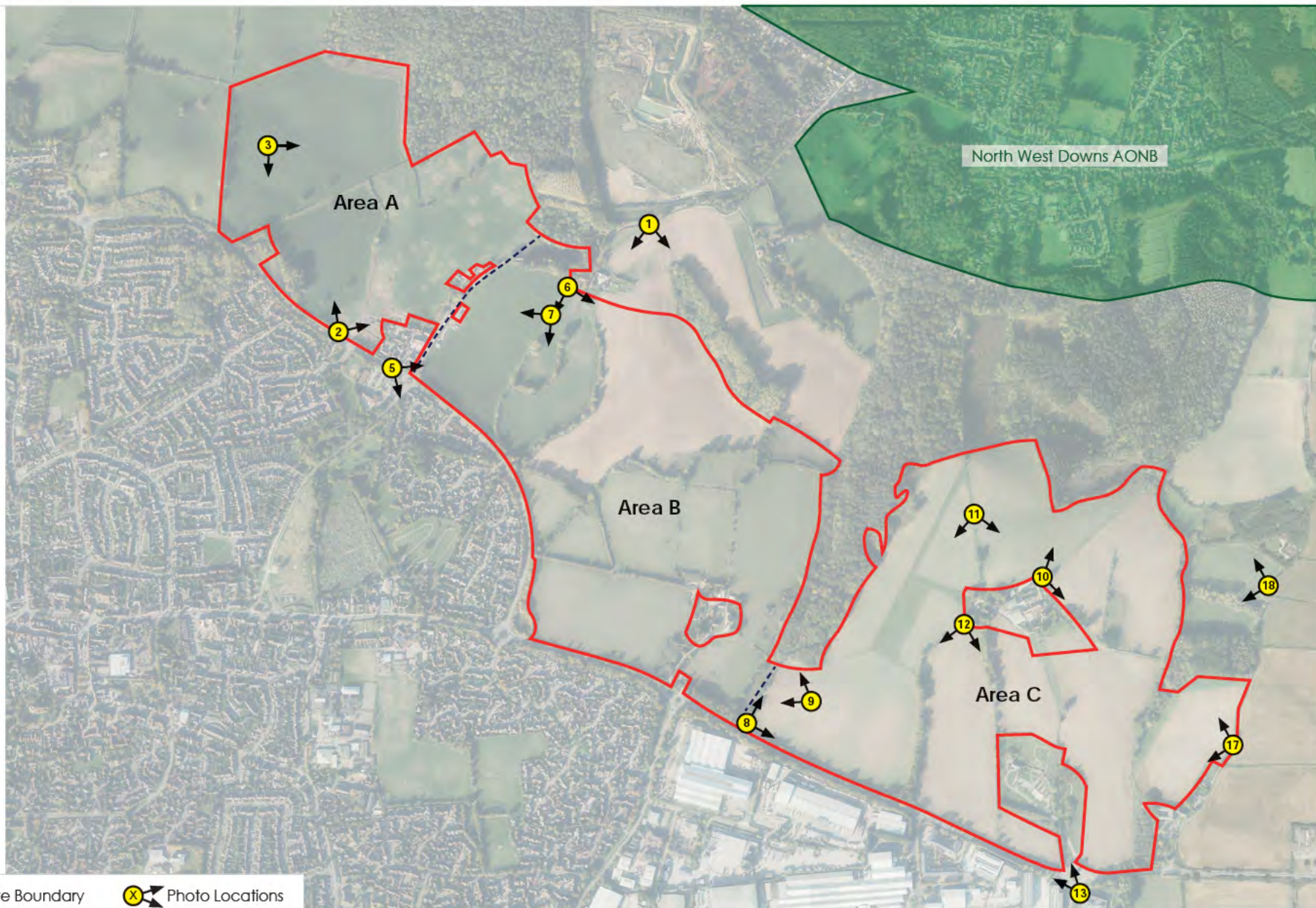
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## **Appendix B**

Aerial Photograph





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**Project** Henwick Park Thatcham

**Drawing Title** Aerial Photograph

**Client** Croudace Homes

**Date** February 2021

**Scale @ A4** NTS

**Drawn** SP

**Drawing No.** CSA/2406/119

**Rev** -

**Checked** CA

## **Appendix C**

Photosheets





View from Harts Hill Road, looking south towards Area B. **Photograph 01**



View from Floral Way, looking north east across Area A. **Photograph 02**



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**Drawing Title** Photosheets

**Client** Croudace Homes

**Drawing No.** CSA/2406/118

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View from Public Footpath THAT/6/1, looking south east across Area A and towards Area B. **Photograph 03**



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Project	Henwick Park Thatcham	Drawing No.	CSA/2406/118	Rev	-
Drawing Title	Photosheets	Date	February 2021		
Client	Croudace Homes	Drawn	SP	Checked	CA



Public Footpath THAT/6/1

North west boundary to Area A



View from Public Footpath THAT/6/1, looking south east towards Site. **Photograph 04**





View from Floral Way, looking south east. **Photograph 05**



View from informal footpath, looking south, across Area B. **Photograph 06**

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**Drawing Title** Photosheets

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View from Site, looking south west across Area B, from informal footpath. **Photograph 07**



View from Public Footpath THAT/2/1 in Area C, looking north east. **Photograph 08**



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View from Public Footpath THAT/2/1, looking north west. **Photograph 09**



View from Public Footpath THAT/1/1 above Colthrop Manor, looking north east. **Photograph 10**



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<b>Project</b>	Henwick Park Thatcham	<b>Drawing No.</b>	CSA/2406/118	<b>Rev</b>	-
<b>Drawing Title</b>	Photosheets	<b>Date</b>	February 2021		
<b>Client</b>	Croudace Homes	<b>Drawn</b>	SP	<b>Checked</b>	CA





View from Public Bridleway THAT/3/5 in Area C, looking south east. **Photograph 11**



Public Bridleway THAT/3/1

View from Public Bridleway THAT/3/1, looking south. **Photograph 12**

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View from Gables Way, looking north west. **Photograph 13**



View from Public Bridleway THAT/25/1 on southern flank of Kennet Valley, looking north. **Photograph 14**



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View from Burys Bank Road at the edge of Crookham common, looking north east. **Photograph 15**



View from Public Footpath BRIM/2/1 west of Brimpton, looking north west. **Photograph 16**





View from Cox's Lane, looking west across Area C. **Photograph 17**



View from Cox's Lane, looking west towards Area C **Photograph 18**



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**Drawing No.** CSA/2406/118

**Rev** -

**Date** February 2021

**Drawn** SP

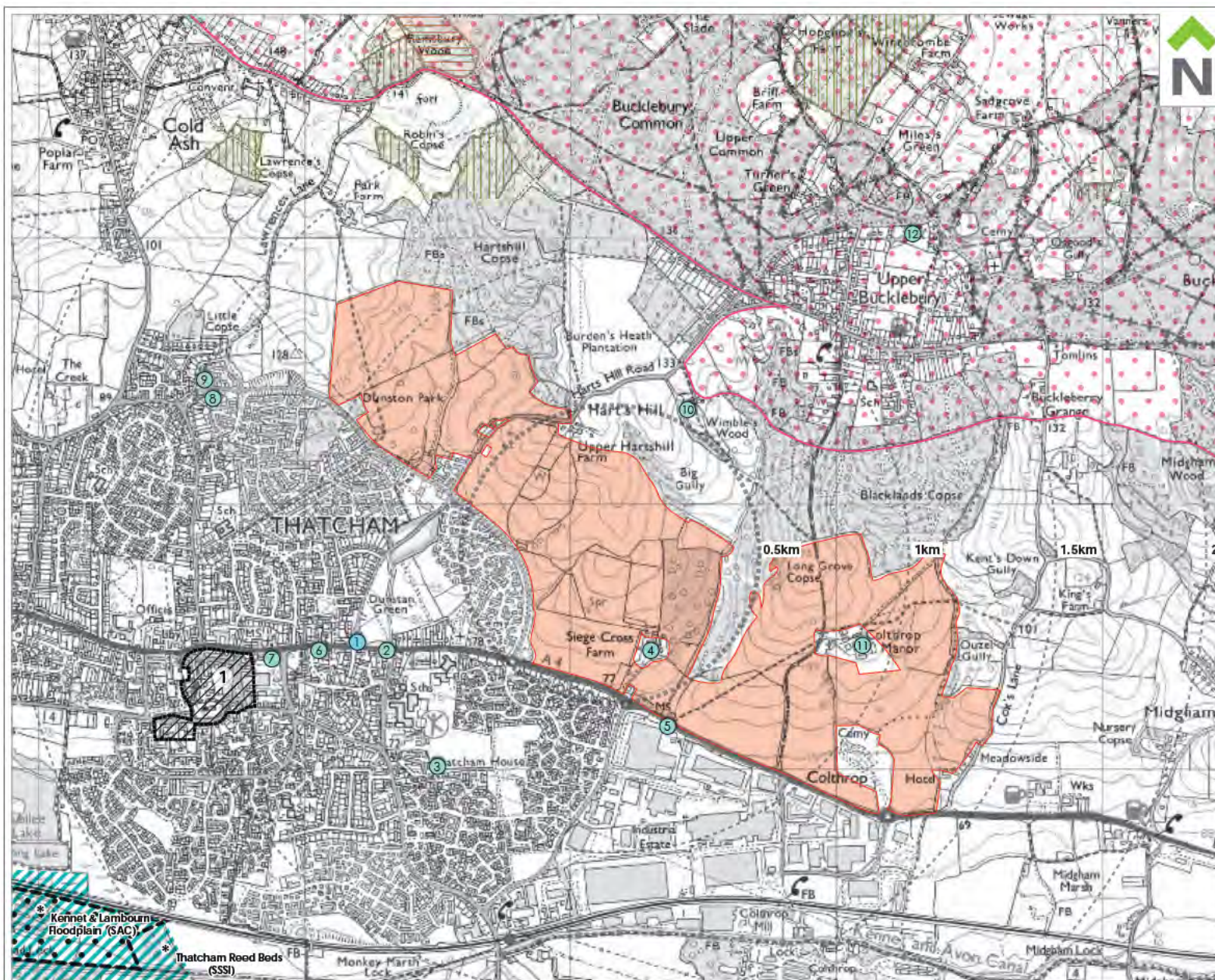
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## **Appendix D**

MAGIC map and Local Plan Extract





- Site Boundary
- Ancient Woodland
- Ancient Replanted Woodland
- Site of Special Scientific Interest (SSSI)
- North Wessex Downs (AONB)
- Special Area of Conservation (SAC)
- Conservation Areas
  1. Thatcham
- Grade I Listed Buildings & Structures within 1.5km
  1. The Old Bluecoat School
- Grade II Listed Buildings & Structures within 1.5km (Outside Conservation Areas)
  2. The Plough Public House
  3. Thatcham House
  4. Group of 2: Barn south west of Siegcross Farmhouse, Cart Shed south west of Siegcross Farmhouse
  5. Milestone at SU5327 6721
  6. Group of 3: The Prancing Horse Public House, 78 Chapel Street, 66, 68, 70 and 72 Chapel Street
  7. 17 Chapel Street
  8. Four Winds
  9. Cooper's Farmhouse
  10. The Wimbles
  11. Colthrop Manor

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**Project** Henwick Park Thatcham

**Drawing Title** MAGIC Map and Local Plan Extract

**Client** Croudace Homes

**Date** February 2021

**Drawing No.** CSA/2046\_121

**Scale @ A4** NTS

**Rev** -

**Drawn** SP

**Checked** CA

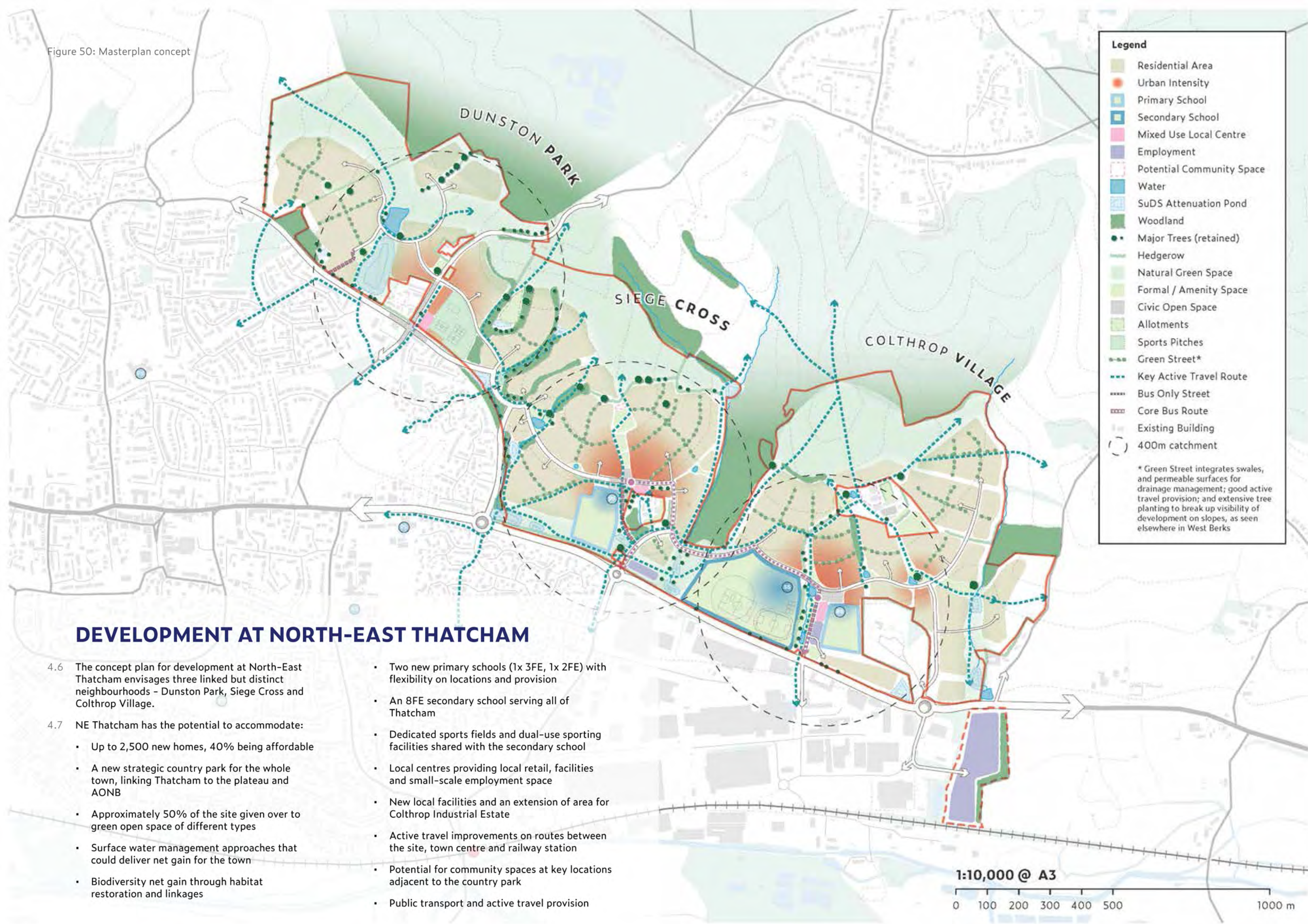


## **Appendix E**

Figure 50: Masterplan Concept (Extract from Thatcham Strategic Growth Study, Stage 3 Report: Thatcham Future (September 2020))



Figure 50: Masterplan concept





## **Appendix F**

Extract from 'An Integrated Landscape Sensitivity  
Approach to Settlement Expansion' (2009)

**LLCA14F: Colthrop Manor Plateau Edge****View south across Kennet Valley from Park Farm****Colthrop Manor****View from Floral Way up to Harts Hill**

*Colthrop Manor Plateau Edge* is characterised by its open farmed landscape with major blocks of woodland, and undulating escarpment slopes forming part of the northern enclosure to the Kennet Valley. Settlement is sparse but the area is an important setting to north Thatcham.

***Overall sensitivity: Medium***

***Key elements of landscape sensitivity***

- Lower slopes of important ridgeline
- Big Gully a local landmark
- Good views across the area and long views across the Kennet Valley
- Colthrop Manor is a local landmark
- Well vegetated boundary to the A4
- Little development with scattered farmsteads and minor roads
- High and medium/high historic landscape sensitivity in west and east
- Part of Dunston Park (not registered) and good archaeological evidence
- Historic settlement at Siege Cross Farm
- Blocks of Ancient Woodland and Woodland BAP habitat



*Other landscape sensitivity interests*

- Variable field boundaries and neat hedges
- Extensive area of grade 3 agricultural land
- Colthrop Park is visually intrusive but otherwise the area has a good level of tranquillity
- Exposed edge to the perimeter road
- Central core is medium to low historic landscape sensitivity
- Medium to low bio-diversity sensitivity
- Both Village Design Statement and Parish Plan

**Wider landscape**

LLCA14F: *Colthrop Manor Plateau Edge* has strong landscape links with 14A and continues eastwards beyond the study boundary. There are also common characteristics with 13D to the north. The area is part of the hillsides that enclose the Kennet Valley, rather than the plateau to the north. The area is highly visible from the Kennet Valley and the Greenham escarpment, with localized views from neighbouring areas.

**Setting to the urban form**

LLCA14F: *Colthrop Manor Plateau Edge* provides a strong contrast to the urban form of Thatcham town and Colthrop Park 20D. It forms an important setting to Thatcham and rural transition zone between the urban area and the AONB. The boundary to Thatcham is long and the urban edge exposed in the west and much better screened or broken up in the east.







## **Appendix G**

### Methodology

## METHODOLOGY FOR LANDSCAPE AND VISUAL OVERVIEW

- M1 In landscape and visual impact assessment, a distinction is normally drawn between **landscape/townscape effects** (i.e. effects on the character or quality of the landscape (or townscape), irrespective of whether there are any views of the landscape, or viewers to see them) and **visual effects** (i.e. effects on people's views of the landscape, principally from public rights of way and areas with public access, but also private views from residential properties). Thus, a development may have extensive landscape effects but few visual effects if, for example, there are no properties or public viewpoints nearby. Or alternatively, few landscape effects but substantial visual effects if, for example, the landscape is already degraded or the development is not out of character with it, but can clearly be seen from many residential properties and/or public areas.
- M2 The assessment of landscape & visual effects is less amenable to scientific or statistical analysis than some environmental topics and inherently contains an element of subjectivity. However, the assessment should still be undertaken in a logical, consistent and rigorous manner, based on experience and judgement, and any conclusions should be able to demonstrate a clear rationale. To this end, various guidelines have been published, the most relevant of which, for assessments of the effects of a development, rather than of the character or quality of the landscape itself, form the basis of the assessment and are as follows:
- 'Guidelines for Landscape & Visual Impact Assessment', produced jointly by the Institute of Environmental Assessment and the Landscape Institute (GLVIA 3<sup>rd</sup> edition 2013); and
  - 'An Approach to Landscape Character Assessment', October 2014 (Christine Tudor, Natural England) to which reference is also made. This stresses the need for a holistic assessment of landscape character, including physical, biological and social factors.

## LANDSCAPE/TOWNSCAPE EFFECTS

- M3 Landscape/townscape quality is a subjective judgement based on the condition and characteristics of a landscape/townscape. It will often be informed by national, regional or local designations made upon it in respect of its quality e.g. AONB. Sensitivity relates to the inherent value placed on a landscape / townscape and the ability of that landscape/townscape to accommodate change.

Landscape sensitivity can vary with:

- (i) *existing land uses;*
- (ii) *the pattern and scale of the landscape;*
- (iii) *visual enclosure/openness of views, and distribution of visual receptors;*
- (iv) *susceptibility to change;*
- (v) *the scope for mitigation, which would be in character with the existing landscape; and*
- (vi) *the condition and value placed on the landscape.*

- M4 The concept of landscape/townscape value is considered in order to avoid consideration only of how scenically attractive an area may be, and thus to avoid undervaluing areas of strong character but little scenic beauty. In the process of

making this assessment, the following factors, among others, are considered with relevance to the site in question: landscape quality (condition), scenic quality, rarity, representativeness, conservation interest, recreation value, perceptual aspects and associations.

- M5 Nationally valued landscapes are recognised by designation, such as National Parks and Areas of Outstanding Natural Beauty ('AONB') which have particular planning policies applied to them. Nationally valued townscape are typically those covered by a Conservation Area or similar designation. Paragraph 170 of the current NPPF outlines that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes '*...in a manner commensurate with their statutory status or identified quality in the development plan*'.
- M6 There is a strong inter-relationship between landscape/townscape quality, value and sensitivity as high quality/value landscapes/townscapes usually have a low ability to accommodate change.
- M7 For the purpose of our assessment, landscape/townscape quality, value and sensitivity is assessed using the criteria in Tables LE1 and LE2. Typically, landscapes/townscapes which carry a quality designation and which are otherwise attractive or unspoilt will in general be more sensitive, while those which are less attractive or already affected by significant visual detractors and disturbance will be generally less sensitive.
- M8 The magnitude of change is the scale, extent and duration of change to a landscape arising from the proposed development and was assessed using the criteria in Table LE3.
- M9 Landscape/townscape effects were assessed in terms of the interaction between the magnitude of the change brought about by the development and the quality, value & sensitivity of the landscape resource affected. The landscape/townscape effects can be either beneficial, adverse or neutral. Landscape effects can be direct (i.e. impact on physical features, e.g. landform, vegetation, watercourses etc.), or indirect (i.e. impact on landscape character as a result of the introduction of new elements within the landscape). Direct visual effects result from changes to existing views.
- M10 In this way, landscapes/townscapes of the highest sensitivity, when subjected to a high magnitude of change from the proposed development, are likely to give rise to 'substantial' landscape/townscape effects which can be either adverse or beneficial. Conversely, landscapes of low sensitivity, when subjected to a low magnitude of change from the proposed development, are likely to give rise to only 'slight' or neutral landscape effects. Beneficial landscape effects may arise from such things as the creation of new landscape features, changes to management practices and improved public access. For the purpose of this assessment the landscape/townscape effects have been judged at completion of the development and in year 15. This approach acknowledges that landscape/townscape effects can reduce as new planting/mitigation measures become established and achieve their intended objectives.

## **VISUAL EFFECTS**

- M11 Visual effects are concerned with people's views of the landscape/townscape and the change that will occur. Like landscape effects, viewers or receptors are categorised by their sensitivity. For example, views from private dwellings are generally of a higher sensitivity than those from places of work.
- M12 In describing the content of a view the following terms are used:
- No view - no views of the development;
  - Glimpse - a fleeting or distant view of the development, often in the context of wider views of the landscape;

- Partial - a clear view of part of the development only;
- Filtered - views to the development which are partially screened, usually by intervening vegetation - the degree of filtering may change with the seasons;
- Open - a clear view to the development.

- M13 The sensitivity of the receptor varies according to its susceptibility to a particular type of change, or the value placed on it (e.g. views from a recognised beauty spot will have a greater sensitivity). Visual sensitivity was assessed using the criteria in Table VE1.
- M14 The magnitude of change is the degree in which the view(s) may be altered as a result of the proposed development and will generally decrease with distance from its source, until a point is reached where there is no discernible change. The magnitude of change in regard to the views was assessed using the criteria in Table VE2.
- M15 Visual effects were then assessed in terms of the interaction between the magnitude of the change brought about by the development and also the sensitivity of the visual receptor affected.
- M16 As with landscape effects, a high sensitivity receptor, when subjected to a high magnitude of change from the proposed development, is likely to experience 'substantial' visual effects which can be either adverse or beneficial. Conversely, receptors of low sensitivity, when subjected to a slight magnitude of change from the proposed development, are likely to experience only 'slight' or neutral visual effects, which can be either beneficial or adverse.
- M17 Unless specific slab levels of buildings have been specified, the assessment has assumed that slab levels will be within 750mm of existing ground level.

#### **MITIGATION AND RESIDUAL EFFECTS**

- M18 Mitigation measures are described as those measures, including any process or activity, designed to avoid, reduce and compensate for adverse landscape and/or visual effects resulting from the proposed development.
- M19 In situations where proposed mitigation measures are likely to change over time, as with planting to screen a development, it is important to make a distinction between any likely effects that will arise in the short-term and those that will occur in the long-term or 'residual effects' once mitigation measures have established. In this assessment, the visual effects of the development have been considered at completion of the entire project and at 15 years thereafter.
- M20 Mitigation measures can have a residual, positive impact on the effects arising from a development, whereas the short-term impact may be adverse.

#### **ASSESSMENT OF EFFECTS**

- M21 The assessment concisely considers and describes the main landscape/townscape and visual effects resulting from the proposed development. The narrative text demonstrates the reasoning behind judgements concerning the landscape and visual effects of the proposals.

#### **CUMULATIVE EFFECTS**

- M22 Cumulative effects are *'the additional changes caused by a proposed development in conjunction with other similar developments or as the combined effect of a set of developments, taken together.'*



M23 In carrying out landscape assessment it is for the author to form a judgement on whether or not it is necessary to consider any planned developments and to form a judgement on how these could potentially affect a project.

Table LE 1

## LANDSCAPE / TOWNSCAPE QUALITY AND VALUE

	Very High	High	Medium	Low
Description of Landscape/Townscape Quality and Value	<p><b>Landscape Quality:</b> Intact and very attractive landscape which may be nationally recognised/designated for its scenic beauty. e.g. National Park, Area of Outstanding Natural Beauty or World Heritage Site.</p> <p><b>Townscape Quality:</b> A townscape of very high quality which is unique in its character and recognised nationally/internationally e.g. World Heritage Site</p> <p><b>Value:</b> Very high quality landscape or townscape with Statutory Designation for landscape/townscape quality/value e.g. National Park, World Heritage Site, Registered Park or Garden. Contains rare elements or significant cultural/historical associations.</p>	<p><b>Landscape Quality:</b> A landscape usually combining varied topography, historic features and few visual detractors. A landscape known and cherished by many people from across the region. e.g. County Landscape Site such as a Special Landscape Area.</p> <p><b>Townscape Quality:</b> A well designed townscape of high quality with a locally recognised and distinctive character e.g. Conservation Area</p> <p><b>Value:</b> High quality landscape/townscape or lower quality landscape with un-fettered public access (e.g. commons, public park) or with strong cultural associations. May have important views out to landmarks/designated landscapes and few detracting features. May possess perceptual qualities of tranquility or wildness.</p>	<p><b>Landscape Quality:</b> Non-designated landscape area generally pleasant but with no distinctive features often displaying relatively ordinary characteristics. May have detracting features.</p> <p><b>Townscape Quality:</b> A typical pleasant townscape with a coherent urban form but with no distinguishing features or designation for quality.</p> <p><b>Value:</b> An ordinary landscape/townscape of local value which may have some detracting features. No recognised statutory designations for landscape/townscape quality. A landscape which may have limited public access and/or have pleasant views out or be visible in public views.</p>	<p><b>Landscape / Townscape Quality:</b> Unattractive or degraded landscape/townscape affected by numerous detracting elements e.g. industrial areas, infrastructure routes and un-restored mineral extractions.</p> <p><b>Value:</b> Landscape/townscape generally of lower quality. A landscape with limited public access, no designations or recognised cultural significance. Limited public views.</p>

Table LE 2

LANDSCAPE / TOWNSCAPE SENSITIVITY

	Very High	High	Medium	Low
Description of Sensitivity	<p>A landscape/townscape with a very low ability to accommodate change such as a nationally designated landscape.</p>	<p>A landscape/townscape with limited ability to accommodate change because such change may lead to some loss of valuable features or elements. Development of the type proposed could potentially be discordant with the character of the landscape/townscape.</p>	<p>A landscape/townscape with reasonable ability to accommodate change. Change may lead to a limited loss of some features or characteristics. Development of the type proposed would not be discordant with the character of the landscape/townscape.</p>	<p>A landscape/townscape with good ability to accommodate change. Change would not lead to a significant loss of features or characteristics and there would be no significant loss of character or quality. Development of the type proposed would not be discordant with the landscape/townscape in which it is set and may result in a beneficial change.</p>



**Table LE 3 LANDSCAPE / TOWNSCAPE MAGNITUDE OF CHANGE**

	Substantial	Moderate	Slight	Negligible	Neutral
Description of the Change predicted	Total loss of or significant impact on key characteristics features or elements				
		Partial loss of or impact on key characteristics features or elements			
			Minor loss of or alteration to one or more key landscape/ townscape characteristics features or elements		
				Very minor loss or alteration to one or more key landscape/ townscape characteristics features or elements	
					No loss or alteration of key landscape/ townscape characteristics features or elements

**Table LE 4 LANDSCAPE / TOWNSCAPE EFFECTS**

	Substantial	Moderate	Slight	Negligible	Neutral
Description of the Effect	<p>The proposals will alter the landscape/ townscape in that they:</p> <ul style="list-style-type: none"> <li>• will result in substantial change in the character landform scale and pattern of the landscape/townscape</li> <li>• are visually intrusive and would disrupt important views</li> <li>• are likely to impact on the integrity of a range of characteristic features and elements and their setting</li> <li>• will impact a high quality or highly vulnerable landscape</li> <li>• cannot be adequately mitigated.</li> </ul>	<p>The proposals:</p> <ul style="list-style-type: none"> <li>• noticeably change the character scale and pattern of the landscape/townscape</li> <li>• may have some impacts on a landscape/townscape of recognised quality or on vulnerable and important characteristic features or elements.</li> <li>• are a noticeable element in key views</li> <li>• not possible to fully mitigate.</li> </ul>	<p>The proposals:</p> <ul style="list-style-type: none"> <li>• do not quite fit the landform and scale of the landscape/townscape and will result in relatively minor changes to existing landscape character</li> <li>• will impact on certain views into and across the area</li> <li>• mitigation will reduce the impact of the proposals but some minor residual effects will remain.</li> </ul>	<p>The proposals:</p> <ul style="list-style-type: none"> <li>• complement the scale landform and pattern of the landscape/townscape</li> <li>• development may occupy only a relatively small part of the Site</li> <li>• maintain the majority of landscape features</li> <li>• incorporates measures for mitigation to ensure the scheme will blend in well with the landscape/townscape and mitigates any loss of vegetation.</li> </ul>	<p>The proposals:</p> <ul style="list-style-type: none"> <li>• maintain existing landscape/townscape character</li> <li>• has no impact on landscape features such as trees hedgerows watercourses etc.</li> <li>• utilises a highly degraded landscape or brownfield site.</li> </ul>

**Footnote:**

1. Each level (other than neutral) of change identified can be either regarded as 'beneficial' or 'adverse'. The above table relates to adverse landscape effects however where proposals complement or enhance landscape character these will have a comparable range of beneficial landscape effects.

Table VE 1

VISUAL SENSITIVITY

	High	Medium	Low
Description of the Receptor	<p>Residential properties with predominantly open views from windows garden or curtilage. Views will normally be from ground and first floors and from two or more windows of rooms mainly in use during the day.</p> <p>Users of Public Rights of Way in sensitive or generally unspoilt areas.</p> <p>Predominantly non-motorised users of minor or unclassified roads in the countryside.</p> <p>Views from within an Area of Outstanding Natural Beauty National Park World Heritage Site or Conservation Area and views for visitors to recognised viewpoints or beauty spots.</p> <p>Users of outdoor recreational facilities with predominantly open views where the purpose of that recreation is enjoyment of the countryside - e.g. Country Parks National Trust or other access land etc.</p>	<p>Residential properties with partial views from windows garden or curtilage. Views will normally be from first floor windows only or an oblique view from one ground floor window or may be partially obscured by garden or other intervening vegetation.</p> <p>Users of Public Rights of Way in less sensitive areas or where there are significant existing intrusive features.</p> <p>Users of outdoor recreational facilities with restricted views or where the purpose of that recreation is incidental to the view e.g. sports fields.</p> <p>Schools and other institutional buildings and their outdoor areas.</p> <p>Users of minor or unclassified roads in the countryside whether motorised or not.</p>	
			<p>People in their place of work.</p> <p>Users of main roads or passengers in public transport on main routes.</p> <p>Users of outdoor recreational facilities with restricted views and where the purpose of that recreation is unrelated to the view e.g. go-karting track.</p>



Table VE 2

## VISUAL MAGNITUDE OF CHANGE

	Substantial	Moderate	Slight	Negligible	Neutral
Description of the Change predicted	Large and dominating changes which affect a substantial part of the view.				
	Clearly perceptible and noticable changes within a significant proportion of the view.				
		Small changes to existing views either as a minor component of a wider view or smaller changes over a larger proportion of the view(s).			
			Very minor changes over a small proportion of the view(s).		
				No discernible change to the view(s).	

Table VE 3

## VISUAL EFFECTS

	Substantial	Moderate	Slight	Negligible	Neutral
Description of the Effects	The proposals would have a significant impact on a view from a receptor of medium sensitivity or less damage (or improvement) to a view from a highly sensitive receptor and would be an obvious or dominant element in the view.				
		The proposals would impact on a view from a medium sensitive receptor or less harm (or improvement) to a view from a more sensitive receptor and would be a readily discernible element in the view.			
			The proposals would have a limited effect on a view from a medium sensitive receptor but would still be a visible element within the view or a greater effect on a view from a receptor of lower sensitivity.		
				The proposals would result in a negligible change to the view but would still be discernible.	
					No change in the view.

## Footnote:

1. Each level (other than neutral) of change identified can be either regarded as 'beneficial' or 'adverse'.



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## **Appendix 7 – Landscape Statement of Common Ground**



Henwick Park, Thatcham

## **Landscape Statement of Common Ground**

Report No: CSA/2406/03

September 2016

Report Reference	Revision	Date	Prepared by	Approved by	Comments
CSA/2406/3	-	26.9.16	CS	SG	First Issue
CSA/2406/3	a	28.9.16	CS	SG	Second issue
CSA/2406/3	b	7.10.16	CS	CA	Third issue





## 1.0 BACKGROUND

- 1.1 This Statement of Common Ground ('SOCG') sets out the landscape matters that are agreed between the Appellant (Croudace Homes) and the LPA (West Berkshire Council).
- 1.2 The original outline Planning Application for 265 dwellings, with all matters reserved saved for access, was refused on 17<sup>th</sup> December 2015. Five reasons for refusal were given, of which the third reason relates to landscape matters and states:

*The development of housing as identified on the submitted and "agreed" development parameters plan, will entail a level of visual harm arising from the new building, which is considered to be unacceptable, having regard to the advice in policy CS19 in the Council Core Strategy of 2006 to 2026. In addition, the development would be harmful to the local landscape character, as identified in the numerous studies as identified in para 6.3.4 of this agenda report, and would be harmful to the wider setting of the North Wessex Downs AONB. It would also reduce the perceived and actual visual distinctive clarity between Cold Ash and Thatcham. Accordingly the application is considered to be contrary to policy ADPP5 in the West Berkshire Core Strategy of 2006 to 2026, and the advice in para 115 of the NPPF. The application is thus unacceptable.*

- 1.3 The original application was accompanied by, amongst other things, a LVIA, a parameters plan and an illustrative masterplan.
- 1.4 Following refusal of the application and lodging of the appeal, the Appellant entered into dialogue with the LPA with the objective of seeking to agree an Alternative Scheme that would be acceptable to all parties. Accordingly, the Appellant prepared a scheme for 225 dwellings (16/01508/OUTMAJ validated on 9<sup>th</sup> June 2016) and a pre application meeting was held with LPA to discuss the revised scheme.
- 1.5 On the 23<sup>rd</sup> August, and in response to the pre application meeting, comments were received on the Alternative Scheme for 225 dwellings from the Council's Landscape Consultant, Kirkham Landscape Planning. The conclusion of that response was that development on the site was not ruled out in landscape and visual terms and that a revised scheme might overcome the objections. A series of recommendations were made on both the extent of development and landscape treatment of the development.
- 1.6 A further iteration of the masterplan ( Drawing 22289A/04) was sent to the Council on the 15<sup>th</sup> September and on the 19<sup>th</sup> September Kirkham provide a brief response to the scheme which concluded that:

*In conclusion I am satisfied that the revised limit of development would overcome my original landscape and visual objections to both the appeal scheme 15/01949/OUTMAJ and the revised application 16/01508/OUTMAJ. However in order to ensure that the treatment of*

*the open land to the north and west does not urbanise the character of the landscape between Cold Ash and Thatcham, I recommend that a revised parameters plan limits the development area to that shown on 22289A/04S, with the land beyond within the red line divided into 1) public open space for the development and 2) open land proposed to remain in agricultural or set aside for ecological habitat creation. Public access to the latter would depend on the final balance of land uses. The flood alleviation basins should be designed to meet these objectives.*

- 1.7 Subject to the LPA agreeing that the Alternative Scheme for 225 dwellings does not give rise to any unacceptable landscape or visual harm, the Appellant has agreed to withdraw the Original Scheme for 265 dwellings and to ask the Inspector to determine the appeal solely on the basis of the Alternative Scheme.
- 1.8 This SOCG therefore relates to the Alternative Scheme. It provides a brief description of the site and its landscape context and sets out those matters that are agreed between the parties.

## **2.0 SITE DESCRIPTION AND CONTEXT**

- 2.1 A detailed description of the Appeal Site and the surrounding area is set out in the LVIA that accompanied the application and as such the following text provides a brief summary only.

### **An Integrated Landscape Sensitivity Approach to Settlement Expansion (Kirkham Landscape Planning Ltd April 2009)**

- 2.2 As part of the preparation of WBC's Local Development Framework ('LDF'), Kirkham Landscape Planning Ltd. undertook an Integrated Landscape Sensitivity Study of West Berkshire.
- 2.3 The Sensitivity Study notes that 'the sensitivity to change of the landscape character around the main towns of West Berkshire is a key issue in determining future settlement expansion and it is very important that the LDF is informed by accurate landscape character studies which meet current national guidance'(para 2.1, page 2).
- 2.4 Paragraph 5.2 on page 5 notes that the study identifies 'relative sensitivities of each LLCA to others in the study area, to help guide the Council in planning settlement expansion..'.
- 2.5 The Study categorises the Appeal Site as lying within LLCA 14A Ashmore Green and Lower Cold Ash Plateau Edge. This area covers the Appeal Site as well as a much larger area of the land to the north and west, incorporating Ashmore Green and the high ground between it and Cold Ash.
- 2.6 LLCA14A abuts Thatcham and is separated from it by the perimeter road and tree planting along the edge of the carriageway. The plan shows the area as being of low to medium sensitivity, with the remainder of the study areas to the north of the town assessed as having a medium sensitivity. There is however a discrepancy between the sensitivity rating shown on the settlement plan and that given in the text although Kirkham Landscape Planning have confirmed that the correct sensitivity rating is medium/low.

### **West Berkshire Core Strategy: Landscape Sensitivity Assessment of Potential Strategic Development Sites (Kirkham Landscape Planning Ltd May 2009)**

- 2.7 In addition to the Integrated Landscape Sensitivity Study, landscape sensitivity studies have been undertaken for potential strategic development sites as part of the West Berkshire Planning Strategy. In that assessment the Appeal Site falls within Area 8: North Thatcham. The key points made in the assessment include:

- Comprises a number of small square fields, close to two older farmsteads of historic interest;
- The site extends across the grain of the land, no longer respecting the flow of the 90m AOD contour;
- Site located on the headland of a shallow ridge which rises to the north;
- Site boundaries are well defined by hedgerows, trees and woodland;
- The Site is not the most visually prominent within the wider Area 14A; and
- The area is of medium to low sensitivity and less sensitive than others, due to its low-lying nature within the landscape.

2.8 The recommendations include:

- Avoid extension onto the more prominent higher ground of the shallow ridgeline;
- Retain existing vegetation and setting of historic farmhouses;
- Lower fields in the south east of the site may be suitable for urban expansion; and
- Built development on the steeply sided valley near Henwick Old Farm should be avoided.

**Landscape Capacity Assessment of Potential Housing Sites within and adjacent to the North Wessex Downs Area of Outstanding Natural Beauty, West Berkshire (Kirkham Landscape Planning Ltd / Terra Firma Consultancy August 2015)**

- 2.9 The 2015 Landscape Capacity Assessment contains a summary of the various landscape character assessments that have been undertaken for the Appeal Site and surrounding area. It then assesses the landscape capacity of the Appeal Site, which is identified as site THA011.
- 2.10 In terms of the relationship to the adjacent settlement, the 2015 report states that the Appeal Site adjoins modern housing to the south and south east, with the south eastern part of the site located on the lower slopes below the 95m AOD contour, and the remainder of the site lying on the rising middle slopes. It also describes the open fields as an important part of the open landscape above Thatcham, as well as an important open space between Thatcham and Cold Ash.
- 2.11 The report notes that there are no views from the AONB (page 12), although it states that the site has visual links to the wider landscape from the footpath at Cold Ash Hill.

- 2.12 The key landscape characteristics which may be affected by development are set out in the report, and include the loss of the open fields and the potential loss of tree cover, as well as urbanisation of the upper slopes of the site. In terms of the impact on the key settlement characteristics, the report states that Thatcham will expand above its valley floor location, and potentially extend above the current development limit of 95m AOD in this area. It also states that there may be a potential erosion of the separate identities of Thatcham and Cold Ash, and that the setting of the Henwick Old Farm may become urbanised.
- 2.13 The report concludes that development on the whole of the site would result in harm to the natural beauty of the AONB, and would lead to the perception of merging of Thatcham and Cold Ash, which would result in an adverse impact on the settlement pattern of the AONB. It recommends that only part of the site be pursued as a potential housing site, with development contained below the 95m AOD contour, as well as outside the central 'square' field and south of Southend.
- 2.14 The specific recommendations of the report were that:
- The potential development area is in two main areas, wrapping around THA027 to the west, south and east, and limited to land on the lower slopes lying below the 95m AOD contour
  - Development should not extend into the central 'square' field or north of the road named Southend off Cold Ash Hill in order to maintain the separate identities of Cold Ash and Thatcham
  - This limitation of the potential development area would also soften the Cold Ash Hill approach into Thatcham; and provide an opportunity to retain the agricultural fields whilst providing a good sized area of Green Infrastructure to the north of the potential development area
  - The extent of the potential development area is also limited by the need to protect the rural setting of Henwick Old Farm and the small scale distinctive landscape north-east of the listed building
  - Retention of the agricultural fields on the middle slopes above 95m AOD as shown in Figure THA011.2
  - Creation of a generous area of Green Infrastructure to the north of the potential development area as shown in Figure THA011.2 to act as a transition between the built up area and retained



open countryside; to screen views from the north; and to contribute to the environmental assets of the area

- Existing tree belts to be retained and supplemented with new tree belts along Cold Ash Hill and along the boundaries with the adjacent open countryside, THA027 and THA014
- Green Infrastructure to break up the built form
- Preferred access is from the more urban sections of the road network as shown on figure THA011.2

### **Statutory and Non-Statutory Designations**

- 2.15 The Appeal Site is not covered by any statutory or non-statutory designations for landscape character or quality. It is located approximately 1km from the North Wessex Downs AONB.

### **Conservation Area and Listed Buildings**

- 2.16 There are no Listed Buildings within the Appeal Site, however, three Listed Buildings occur within approximately 0.5km of the site; the Barn at Hatch Gate; Old Henwick Cottage; and Coopers Farmhouse, which are all Grade II Listed. There is no intervisibility between the proposed housing development and these Listed Buildings and their setting will not be affected.

### **Public Rights of Way**

- 2.17 No Public Rights of Way cross the Appeal Site. A public footpath runs east-west between Cold Ash and Cleardene Farm to the north, before turning south to lead to Henwick Old Farm.
- 2.18 A further public footpath is located around 1km to the north and links Cold Ash to Ashmore Green.

### **Tree Preservation Orders**

- 2.19 None of the trees within the Site are covered by Tree Preservation Orders ('TPO').

### **Site Description**

- 2.20 The Appeal Site comprises a number of fields divided by hedgerows and tree belts which form an irregular shaped parcel of land at the northern edge of Thatcham. The Regency Park Hotel and adjacent field to the east is indented into the south western edge of the Appeal Site, and a dwelling named The Creek is indented into the southern boundary. Creek Cottages are also indented into the south eastern

Appeal Site boundary by Heath Lane. Cold Ash Hill borders the Appeal Site to the east, Heath Lane and Bowling Green Road to the south and a short section of public footpath and a ditch bound the Appeal Site to the west.

- 2.21 Most of the fields that make up the Appeal Site are bound by mature hedgerows and trees. A small band of woodland separates the easternmost field from the northernmost field. A copse is located adjacent to the north western corner of the Appeal Site, along with a further copse located at the north eastern edge of the hotel. Both these areas of woodland are beyond the site boundary.
- 2.22 A ditch runs from approximately mid-way along the northern boundary southwards. A further ditch is located adjacent to the western boundary, running south from the public footpath leading to Bowling Green Road.
- 2.23 A combined footway/cycleway is located along the south side of Bowling Green Road and beyond that is an area of suburban housing which mostly backs on to the main road.
- 2.24 At Cold Ash Hill, the site boundary is relatively open in places, with a post and wire fence or brambles marking the boundary. To the east of Cold Ash Hill is a further area of suburban housing, with a flood storage area located to the north of these houses, to the east of Cold Ash Hill.
- 2.25 To the west of the Appeal Site, the dwellings at Ashmore Green Road are set within well vegetated, medium to large plots. The combination of the vegetation and local topography prevents views of the Appeal Site from this location.
- 2.26 Housing within the neighbouring area is predominantly 2 storey.

### **Topography**

- 2.27 The Appeal Site rises in a roughly south east to north west direction, rising from Heath Lane towards the copse at the north western boundary. The north western corner of the Appeal Site is the highest point at 110 metres Above Ordnance Datum ('AOD'). The lowest part of the Appeal Site is at the south eastern edge where the land lies at approximately 89 metres AOD. A ridge occurs within the westernmost part of the Appeal Site, with the land further west falling steeply to Henwick Old Farm.
- 2.28 The land east of the Appeal Site, within the built-up area of Thatcham, follows the 95m contour except for a small part of the settlement

between Dunstan Park and Little Copse where the settlement rises above 100mAOD to a maximum of 110mAOD.

**Area proposed for development: Alternative Scheme 225 dwellings**

- 2.29 In the Alternative Scheme development is contained below the 95m contour. The 'square field' to the north east of the Regency Park Hotel is kept free of development.
- 2.30 The balance of the land to the north and west of the proposed housing area is to be retained as open land. The precise mix of uses and the design of this area will be determined at the reserved matters stage but the rural character of this area will be retained.

**Visibility**

- 2.31 A detailed assessment of views of the Appeal Site is set out in the LVIA and it is agreed that these represent the main views of the Appeal Site.
- 2.32 The majority of views of the Appeal Site are limited to near distance views from the adjoining roads and housing. There are a number of views of the northern parts of the site from the public footpath to the north which links Cold Ash to Ashmore Green. Views from the AONB are prevented by the intervening topography and vegetation.

### **3.0 LANDSCAPE IMPACTS**

#### **Coalescence of Thatcham and Cold Ash**

- 3.1 The proposed development extends no further north than the existing housing in Thatcham, which lies immediately to the east of Cold Ash Hill and will be contained by a linear wooded landscape buffer to its northern edge. As such it will not give rise to any greater actual or perceived coalescence between the two settlements.
- 3.2 Similarly there will be no actual or perceived impact on the coalescence of Thatcham and Ashmore Green.

#### **Impact on the AONB**

- 3.3 At its closest point the AONB is approximately 1 km from the Appeal Site and as such there will be no direct impact upon it.
- 3.4 Subject to the Appeal Scheme adopting the principles established by the parameters plan and an appropriate landscape scheme coming forward at the reserved matters stage there will be no harm to the setting of the AONB.

#### **Vegetation**

- 3.5 The Appeal Scheme will give rise to some localised loss of vegetation, principally to achieve access into the site. This loss is not considered significant and can be compensated by new planting within the development.
- 3.6 The parameters plan shows that the existing trees and hedgerows within the Appeal Site will be retained. Whilst the layout is a reserved matter, it is agreed that the proposed density of the scheme will allow a development to come forward that will permit retention of the majority of existing hedgerows and trees. Any minor losses of vegetation can be compensated through new planting within the development.
- 3.7 The northern boundary of the development area will be defined by retention and enhancement an existing tree and hedge line linking into the retained woodland north-east of the Regency Park Hotel to a retained woodland belt west of Cold Ash Hill and by a new linear woodland/treebelt from the latter to Cold Ash Hill as shown on the Illustrative Site Layout Plan 222289A/04S.

#### **Landscape Character**

- 3.8 The character of the developed part of the site will change from that of arable/pastoral farmland to suburban development. As noted above, the tree, woodland and hedgerow structure of the existing field pattern will however remain.

- 3.9 The detailed design and management of the residual area of open land to the north and northwest of the developed part of the site will be addressed at the reserved matters stage. The objective will be to maintain the existing field pattern and hedgerow structure; to allow public access; to be agricultural in character and appearance and complement the agricultural character of the countryside further north.
- 3.10 Subject to an appropriate landscape scheme coming forward at the reserved matters stage the development will not give rise to any unacceptable impacts on landscape character.

#### **Visual Effects**

- 3.11 With the development in place there will be localised views of the housing but these will largely be screened by existing vegetation. Additional planting on the periphery of the development and within the body of the development will be necessary to further soften views.
- 3.12 Given the scale of the development and the opportunity to retain and enhance existing vegetation, the Appeal Scheme will not give rise to any unacceptable visual harm.



## 4.0 CONCLUSION

- 4.1 Development for 225 dwellings and a doctor's surgery, in accordance parameters plan 22289A/03B, and controlled by suitable conditions, will not give rise to any unacceptable landscape or visual effects. The third reason for refusal is therefore overcome.

Clive Self, CSA Environmental, on behalf of the Appellant

Signature



Date *17<sup>th</sup> October 2016*

Bettina Kirkham, Kirkham Landscape Planning Ltd, on behalf of West Berkshire Council

Signature



Date 13 October 2016.

## Local Plan Review 2020 – 2037: Emerging Draft (December 2020)

Comments should be returned no later than 4:30pm on Friday 5 February 2021:

- Preferably via our consultation portal at the Council's website:  
<http://consult.westberks.gov.uk/kse>
- By e-mail to: [planningpolicy@westberks.gov.uk](mailto:planningpolicy@westberks.gov.uk)
- By post to: Planning Policy, Development and Planning, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD

This form has two parts: –

Part A – Personal details

Part B – Questions on the Local Plan Review 2020 - 2037 (December 2020)

### Part A – Personal Details

#### 1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.*

#### 2. Agent's Details (if applicable)

Title	<input type="text" value="Mrs"/>	<input type="text" value="Mr"/>
First Name	<input type="text" value="Morwenna"/>	<input type="text" value="Steven"/>
Last Name	<input type="text" value="McKay"/>	<input type="text" value="Doel"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate Director"/>
Organisation (where relevant)	<input type="text" value="Croudace Homes"/>	<input type="text" value="Nexus Planning"/>
Address Line 1	<input type="text"/>	<input type="text" value="5th Floor"/>
Line 2	<input type="text"/>	<input type="text" value="Thames Tower"/>
Line 3	<input type="text"/>	<input type="text" value="Station Road"/>
Line 4	<input type="text"/>	<input type="text" value="Reading"/>
Post Code	<input type="text"/>	<input type="text" value="RG1 1LX"/>
Telephone Number	<input type="text"/>	<input type="text" value=""/>
E-mail Address	<input type="text"/>	<input type="text" value=""/>

Do you want to be kept informed of the progress of the Local Plan Review?

Yes

If so please make sure you provide an e-mail address above

You can view the Council's privacy notices at [www.westberks.gov.uk/privacynotices](http://www.westberks.gov.uk/privacynotices)

## Part B - Questions on the Local Plan Review to 2037 (December 2020)

**Please use a separate response sheet for each separate comment**

In accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) comments are invited on this stage of consultation on our Local Plan Review to 2037. The consultation period will run for an eight week period from 11 December 2020 to 4:30pm on 5 February 2021.

Please read the Local Plan Review 2020 – 2037: Emerging Draft (December 2020) and provide your comments to the proposals. Please use a separate response form for each comment.

Your comments will be published on our Local Plan Consultation Portal and will be available to the public; therefore comments cannot be treated as confidential.

The Council has a duty not to accept comments of a discriminatory nature.

**To which part of the document does this comment relate? Please specify the section, policy or site reference on which you are commenting.**

**Section.....**

**Policy SP15 Sites allocated for residential development in North Wessex Downs AONB**

**Question 1:**

**Do you agree with the proposed policy/site allocation?**

No

**Question 2:**

**What are your reasons for supporting or objecting?**

Please see attached

**Question 3:**

**What changes are you seeking / what would be your preferred approach?**

**Question 4:**

**Do you know of/are you aware of any sites within the District that are available for permanent Gypsy and Traveller pitches?**

## SP15: Sites Allocated for Residential Development in North Wessex Downs AONB

1. Draft Policy SP15 details allocations in the AONB totalling 100 dwellings. Of those additional allocations not already included in the HSA DPD would total 60 dwellings.
2. The NPPF at Paragraph 172 makes it clear that the AONB should be afforded the highest levels of protection when it states that:

*“Great weight should be given the conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”*

*“The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest”.*

3. In that regard, Landscape Consultants CSA Environmental have prepared the attached document “Landscape and Visual Overview of draft allocation sites within the North Wessex AONB” at **Appendix 1**. That document provides a detailed assessment of the proposed AONB allocations but by way of summary, it outlines the following:



Policy Ref	Site Address	Unit Numbers	CSA Conclusion
RSA26	Land at Chieveley Glebe	15	<p>Not suitable for development:</p> <ul style="list-style-type: none"> <li>would result in an inappropriate settlement edge;</li> <li>would sever the link between the settlement and the countryside beyond, which can be experienced from the public realm (East Lane), thereby significantly affecting the setting and character of the village in the east.</li> </ul>
RSA31	Land adjacent to The Haven, Kintbury	20	<p>Developable in part:</p> <ul style="list-style-type: none"> <li>however, new woodland planting would be required to compensate for the loss of a conifer hedge;</li> <li>this would reduce capacity;</li> <li>suitable for development on the eastern part only.</li> </ul>
RSA25	Land north of South End Road, Bradfield Southend	10	<p>Not suitable for development:</p> <ul style="list-style-type: none"> <li>The Council's Landscape Character Assessment specifically highlights this type of field as a positive landscape feature which should be conserved because they form a transition between the settlement and the countryside.</li> <li>It specifically notes that development on these fields is a detractor within the Landscape Character Area.</li> </ul>
RSA28	Land west of Spring Meadows, Great Shefford	15	<p>Not suitable for development:</p> <ul style="list-style-type: none"> <li>Lies within a very distinctive landscape, and is open to views from the adjoining public footpath, as well as the footpath on the opposite valley sides.</li> <li>Development would rise higher up the valley slopes than the adjoining houses to the west,</li> <li>Would appear to be intruding into the countryside, due to the open character of the playing fields to the south.</li> <li>Development would harm the settlement form and character.</li> </ul>



4. On that basis, Croudace Homes considers that the proposed allocations within the AONB are unacceptable in landscape terms and should be omitted with the exception of RSA31 which is not capable of accommodating the full 20 units. Removal of circa 50 units from the Council's assumed housing supply would therefore be necessary.
5. That shortfall should be made up by allocating the land at Henwick Park for development. Henwick Park is capable of accommodating in the order of 225 dwellings. It adjoins the settlement boundary of Thatcham on its southern side. Thatcham is acknowledged as one of the most sustainable settlements in the district alongside Newbury in the top tier of the settlement hierarchy. Indeed the Council now proposes that it accommodates growth of circa 2,500 dwellings.
6. In terms of landscape impact, the site is entirely outside of the AONB. Development was subject to a public inquiry in 2006. During the course of that inquiry, it was agreed with the Council's landscape consultant that development on part of the site (below the 95m AOD contour) would avoid any harm to the setting of the AONB, the boundary of which is some distance away to the north.
7. Indeed, the Council withdrew its objection on that basis and a Landscape Statement of Common Ground was agreed. The appeal inspectors report on this issue notes that:

*"The Council withdrew its objection to the visual impact of the scheme, and its effect on landscape character and the setting of the AONB, following the reduction in the scale of the proposal.*

*"It would extend no further northwards on the western side of Cold Ash Hill than the existing housing on the eastern side, appearing as a consolidation of the urban area, and would be perceived as an extension of Thatcham rather than of Cold Ash. In these respects, the circumstances are different from those applying to the land south of Pound Cottage. Nor is there an indication that the development would have a harmful effect on the setting of the AONB. Overall, there is reason to agree the Council's assessment that the present scheme would avoid an unduly harmful visual impact".*

8. Clearly allocation of land outside of the AONB, acknowledged to have no adverse landscape impacts by the Secretary of State and on the edge of one of the most sustainable settlements in the district should be preferred over the proposed AONB allocations.

## **Appendix 1 - “Landscape and Visual Overview of draft allocation sites within the North Wessex AONB”**



## Landscape and Visual Overview of draft allocation sites within the North Wessex AONB

Prepared by CSA Environmental  
On behalf of Croudace Homes  
Report No CSA/2406/07

Prepared by:



CSA Environmental  
Dixies Barns, High Street,  
Ashwell, Herts, SG7 5NT

email: [ashwell@csaenvironmental.co.uk](mailto:ashwell@csaenvironmental.co.uk)

On behalf of:

Croudace Homes

	Date:	Prepared by:	Authorised by:	File reference:
	04/02/2021	SG	CA	CSA/2406/07



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	Land adjacent to the Haven, Kintbury ( <b>KIN6</b> )	Page 9
	Land north of South End Road, Bradfield Southend ( <b>BRAD5</b> )	Page 13
	Land west of Spring Meadows, Great Shefford ( <b>GS1</b> )	Page 17
A	Methodology	



# 1: INTRODUCTION

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- 1.1 CSA Environmental has been appointed by Croudace Homes to undertake a landscape and visual overview of four competing sites with draft allocations for residential development, within the North Wessex Downs Area of Outstanding Natural Beauty ('AONB'), as set out in Policy SP 15 of the emerging West Berkshire Council Local Plan Review 2020-2037.
- 1.2 Croudace Strategic are promoting land at Henwick Park, Thatcham as a potential housing allocation, which could help meet some of Thatcham's identified growth requirements. The land at Henwick Park is not identified as a potential allocation site in the emerging draft of the Local Plan Review.
- 1.3 This overview is based on site visits undertaken by a suitably qualified and experienced Landscape Architect in January 2021. Weather conditions on the day of the landscape appraisals were cloudy and visibility was good.
- 1.4 In landscape and visual impact assessments, a distinction is drawn between landscape effects (i.e. effects on the character or quality of the landscape irrespective of whether there are any views of the landscape, or viewers to see them) and visual effects (i.e. effects on people's views of the landscape from public vantage points, including public rights of way and other areas with general public access, as well as effects from any residential properties). This report therefore considers the potential impact of the development on both landscape character and visibility. The methodology utilised in this overview is contained in **Appendix A** at the rear of this document.
- 1.5 Photographs contained within this document were taken using a digital camera with a lens focal length approximating to 50mm, to give a similar depth of vision to the human eye. In some instances images have been combined to create a panorama.

## Approach to the Assessment

- 1.6 This assessment looks at four locations for potential development within the North Wessex Downs AONB, and considers their ability to accommodate residential development, in landscape/townscape and visual terms. Summary sheets are contained within Section 3, which set out our findings.

## Study Area

- 1.7 The four sites which were assessed are shown on the Location Plans in Section 3, and are:
  - Land at Chieveley Glebe (Site Selection Background Paper ref: **CHI23**);
  - Land adjacent to the Haven, Kintbury (Site Selection Background Paper ref: **KIN6**);
  - Land north of South End Road, Bradfield Southend (Site Selection Background Paper ref: **BRAD5**); and
  - Land west of Spring Meadows, Great Shefford (Site Selection Background Paper ref: **GS1**).

## 2: BASELINE INFORMATION

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### Local Policy Context

- 2.1 West Berkshire Council's ('WBC') is in the early stages of preparing the West Berkshire Local Plan Review, and is consulting on an emerging draft document until 5<sup>th</sup> February 2021.

#### Local Plan Review 2020 – 2037: Emerging Draft

- 2.2 Draft Policy SP 1 'Spatial Strategy' states that development will be focused on three spatial areas, including Newbury and Thatcham. Draft Policy SP 2 'Settlement Hierarchy' states that the prime focus for housing in the District will be the urban areas, including Thatcham.
- 2.3 Draft Policy SP 15
- 2.4 Other Draft Policies of relevance to this overview include the following:
- Policy SP 5 Responding to Climate Change;
  - Policy SP 7 Design Principles;
  - Policy SP 8 Landscape Character;
  - Policy SP 9 Historic Environment;
  - Policy SP 10 Green Infrastructure; and
  - Policy SP 11 Biodiversity and Geodiversity.

### Landscape Evidence Base

- 2.5 WBC and the North Wessex Downs AONB have both prepared several studies to consider the landscape character and sensitivity of the area, as well as the development potential. In some instances, the areas that were assessed in these studies are larger than the Sites now promoted. The Site assessments in Section 3 set out some of the findings which we agree with and which are of relevance to the Sites, from the following studies:

West Berkshire Council:

- Site Selection Background Paper - December 2020;
- West Berkshire Landscape Character Assessment - August 2019;
- Landscape Capacity Assessment of Potential Housing Sites within and adjacent to the North Wessex Downs Area of Outstanding Natural Beauty in West Berkshire - July 2014 (this study did not include Sites GS1, KIN6 or CHI23. It included BRAD5 (known as BRS003 in the study)); and
- Landscape Sensitivity Assessment of the Potential Impact of the Scale and Distribution of Development in the North Wessex Downs AONB - January 2011 (this study did not include Site BRAD5).

North Wessex Downs AONB:

- Response to Landscape Sensitivity Assessment of the Potential Impact of the Scale and Distribution of Development in the North Wessex Downs AONB (March 2011); and
- North Wessex Downs AONB: Integrated Landscape Character Assessment (March 2002).

## 3: ASSESSMENT OF DEVELOPMENT POTENTIAL

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- 3.1 The assessment sheets on the following pages set out our findings of the landscape and visual characteristics of the study Areas, as well as our assessment of their potential to be developed for residential use, and the key resultant landscape and visual effects.

### Summary of Findings

- 3.2 All four these Sites lie within the very highly sensitive and valued North Wessex Downs AONB.
- 3.3 A summary of our assessment is set out below:

#### Land at Chieveley Glebe (Site Selection Background Paper ref: **CHI23**)

The Site is not considered suitable for development, as it would result in an inappropriate settlement edge here. It would also sever the link between the settlement and the countryside beyond, which can be experienced from the public realm (East Lane), thereby significantly affecting the setting and character of the village in the east.

#### Land adjacent to the Haven, Kintbury (Site Selection Background Paper ref: **KIN6**)

The eastern part of the Site could be developed, however, to ensure continued protection of the wider AONB, a new woodland block would need to be planted within the west of the Site, to allow the future removal of the conifer hedge without resulting in harm to the wider AONB. This would likely reduce the amount of dwellings which can be accommodated on the Site.

#### Land north of South End Road, Bradfield Southend (Site Selection Background Paper ref: **BRAD5**)

The Council's Landscape Character Assessment specifically highlights the type of field which the Site comprises (i.e. a small field which is well contained, on the settlement edge) as a positive landscape feature which should be conserved, as these fields form a transition between the settlement and the countryside. It specifically notes that development on these fields is a detractor within the Landscape Character Area. Development on this Site would therefore be inappropriate.

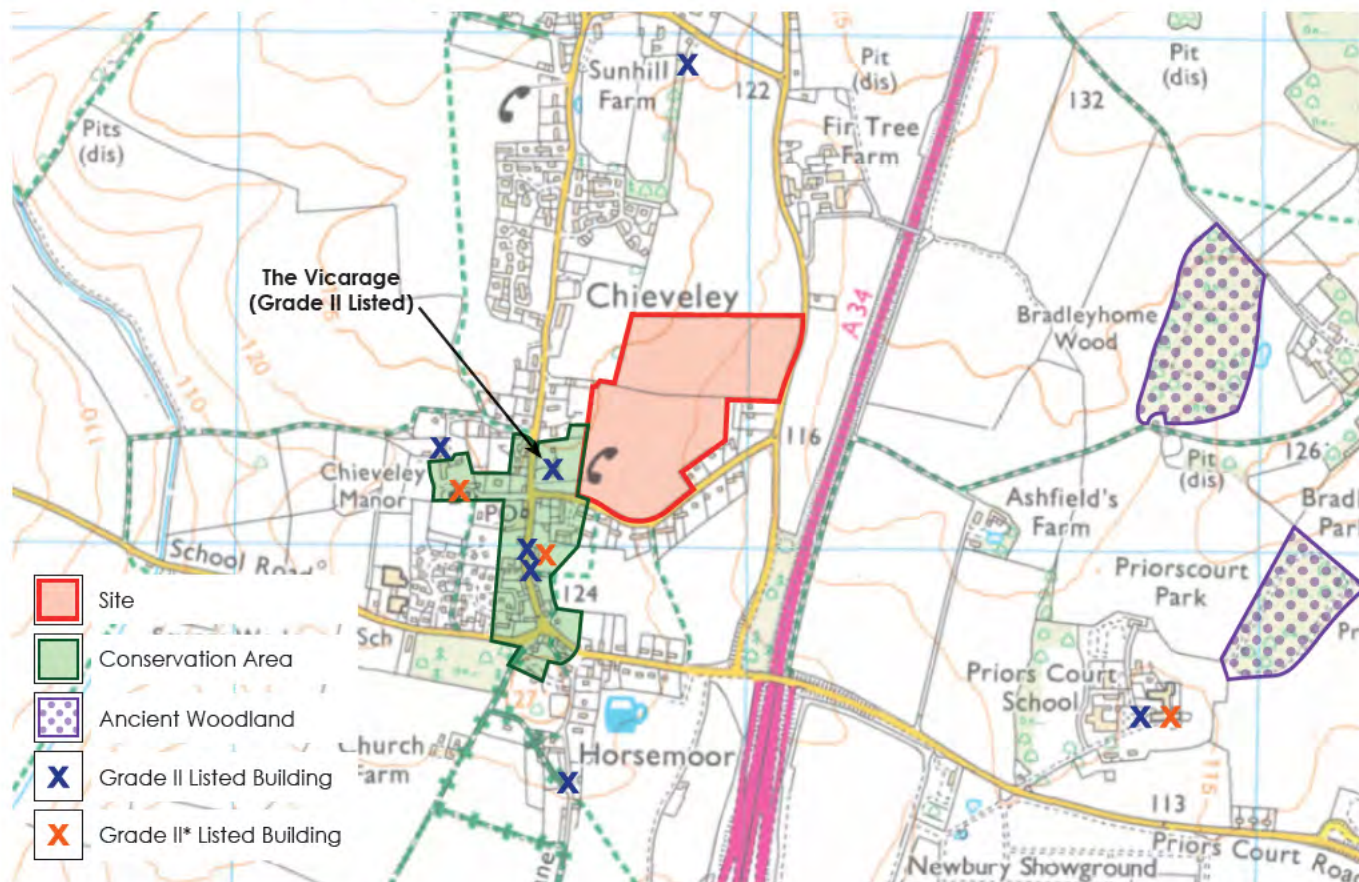
#### Land west of Spring Meadows, Great Shefford (Site Selection Background Paper ref: **GS1**)

The Site lies within a very distinctive landscape, and is open to views from the adjoining public footpath, as well as the footpath on the opposite valley sides. Development at the Site would not be suitable, as it would rise higher up the valley slopes than the adjoining houses to the west, and as it would appear to be intruding into the countryside, due to the open character of the playing fields to the south. Development would harm the settlement form and character.

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## SITE LOCATION AND DESIGNATIONS



## AERIAL PHOTOGRAPH





## SITE PHOTOS

Hedgerow in north of Site

Wooded hill at Beedon Common

continue  
below



continue  
above

Houses indented into the Site on East Lane

Site

Buildings on East Lane



Photograph 1

Hedgerow along southern Site boundary

Settlement south of East Lane



Photograph 2

Hedgerow within north of the Site



Photograph 3



# LANDSCAPE AND VISUAL OVERVIEW

CHI23

LANDSCAPE POLICY	The Site lies within the North Wessex AONB.
HERITAGE ASSETS	The Site adjoins the Conservation Area to the west, and also the Grade II Listed Vicarage which lies to the west of the Site.
PUBLIC RIGHTS OF WAY	No public rights of way on the Site, but two footpaths connect to East Lane to the south of the Site.
TOPOGRAPHY	The Site rises up gently towards the north. Along East Lane to the south, the Site and boundary hedge are higher than the road. The land rises to the north of the village towards the wooded ridge at Beedon Common.
LANDSCAPE QUALITY/SENSITIVITY	Medium quality. Very high sensitivity.
LANDSCAPE VALUE	Very high.
VISUAL SENSITIVITY	Medium to high.
RELATIONSHIP TO URBAN AREA	The Site is bound by the Conservation Area to the west, housing south of East Lane to the south, and housing to the west. It is open to the north. The existing hedgerow along the Site's southern edge creates an appropriate and attractive edge to the settlement here.
<p><b>AREA DESCRIPTION</b></p> <p>The Site lies to the north of East Lane, and east of the Conservation Area and the Grade II Listed Vicarage. It is in arable use. It is bound to the south by houses and the medical centre, with most of these being 1 to 1.5 storeys in height. The houses indented into the Site and those to the north east are mostly 2 storeys. The Site's southern boundary hedgerow along East Lane forms an appropriate and attractive edge to the settlement here, and the open nature of the Site connects the village and Conservation Area, to the wider countryside to the north. There are glimpsed views in the winter through the boundary hedgerow to the wooded ridge to the north, which reinforce the sense of place of the settlement.</p>	
<p><b>COUNCIL AND AONB STUDIES</b></p> <p><u>Dec 2020 - Site Selection Background Paper:</u> The Council consider the Site suitable for a linear development of up to 17 dwellings along East Lane (the draft allocation is for 15 dwellings).</p> <p><u>Aug 2019 - West Berkshire Landscape Character Assessment:</u> The Site lies within LCA WD2: Peasmore Wooded Downland. The Assessment notes that poorly sited development within the LCA would fail to reflect the historic form of settlement, and their character and setting.</p> <p><u>Jan 2011 - West Berkshire Landscape Sensitivity Assessment:</u> The assessment notes that the Site feels disconnected from the village, which has a well-vegetated edge in this area. Notes there will be localised impact on views to the countryside from the village, as well as a loss of the open countryside setting of the village.</p> <p><u>March 2011 - AONB Response:</u> Agree with comments in West Berkshire Landscape Sensitivity Assessment.</p> <p><u>March 2002 - AONB LCA:</u> The Site is located within the Brightwalton Downs Downland with Woodland Landscape Character Area (A2), with one of the key issues identified in the area being the loss of hedgerow boundaries. Woodland blocks on ridges are a feature of the area.</p>	

## ABILITY OF THE AREA TO ACCOMMODATE RESIDENTIAL DEVELOPMENT

The open nature of the Site forms the link between the historic village to the south, and the countryside to the north, with the Site forming part of a 'finger' of countryside which links to the Conservation Area. It also forms the setting to the village in the north east, with the existing hedgerow along the southern part of the Site at East Lane forming an appropriate, green edge to the settlement, and an appropriate interface between the settlement and the countryside.

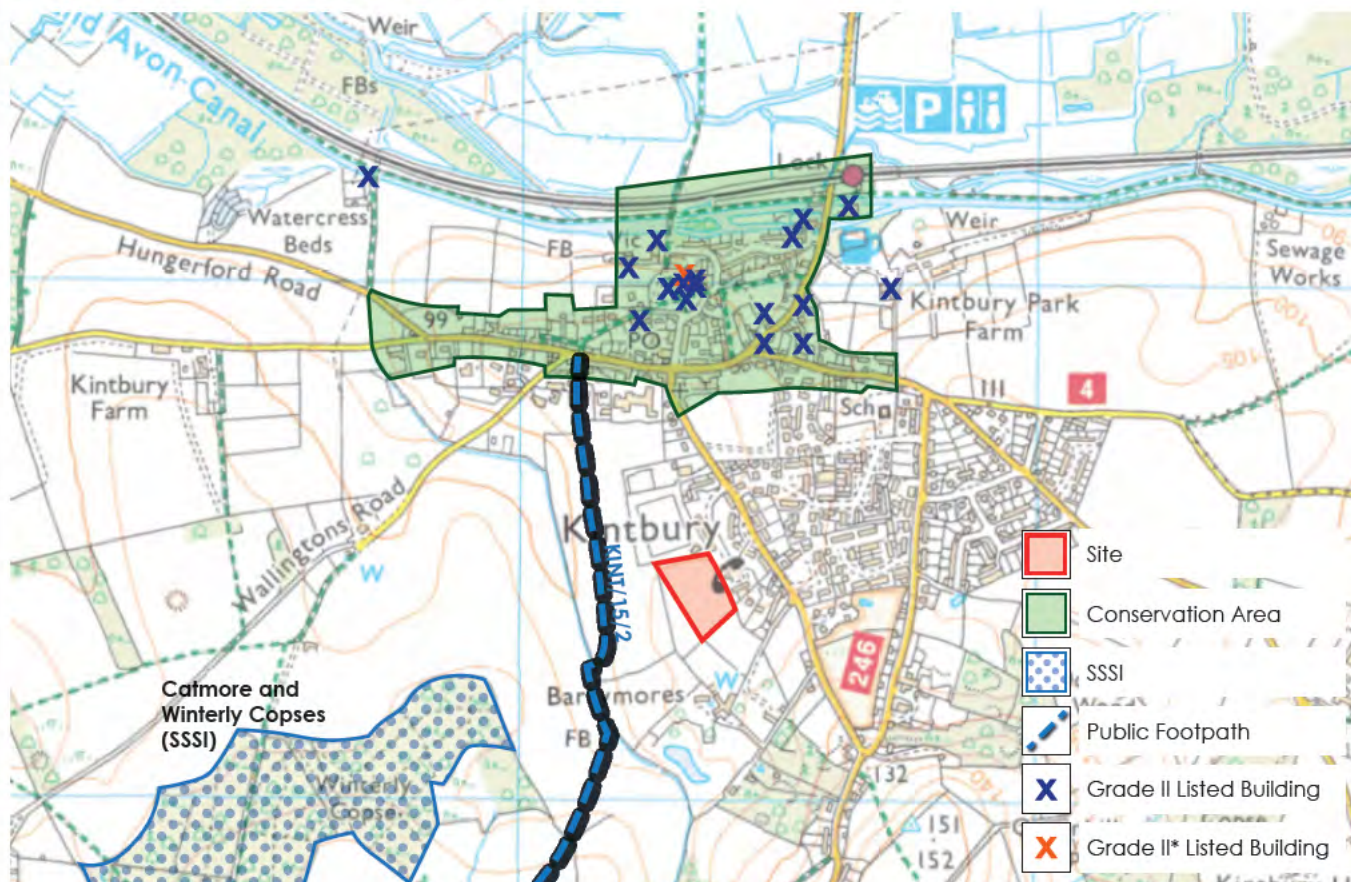
A linear development along the Lane, as proposed by the Council, would result in a wholly inappropriate settlement edge to the village to the north of the Site, with rear gardens bounding the countryside (within the AONB). The glimpsed views of the wooded ridge to the north would be affected with development on the Site.

On a practical level, the Site and bounding hedge are higher than the houses to the south, which are mostly bungalows or chalet-bungalows. The new homes at the Site would be higher, and would be a dominating feature along the Lane. In addition, the need to create multiple access drives in conjunction with the required visibility splays and the required gradients to accommodate the height difference between the Site and the Lane, would require the removal of the hedgerows. This hedgerow plays an important part in the character of the settlement here, and also serves to screen the development in views from the north.

## CONCLUSION

The Site is not considered suitable for development, as it would result in an inappropriate settlement edge here. It would also sever the link between the settlement and the countryside beyond, which can be experienced from the public realm (East Lane), thereby significantly affecting the setting and character of the village in the east.

## SITE LOCATION AND DESIGNATIONS



## AERIAL PHOTOGRAPH

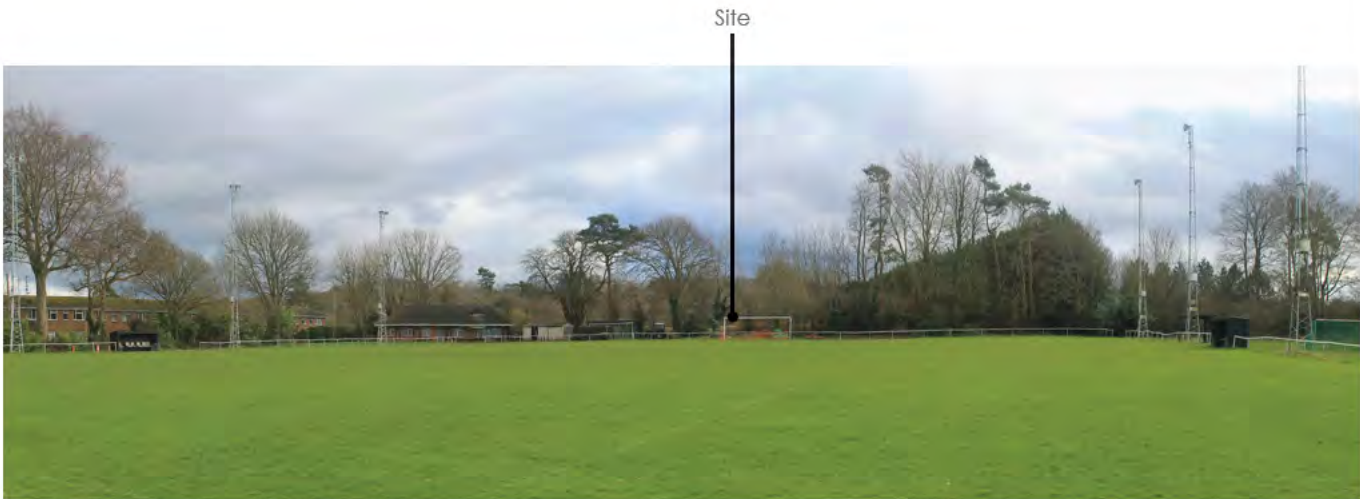




SITE PHOTOS



Photograph 1



Photograph 2

## LANDSCAPE AND VISUAL OVERVIEW

KIN6

LANDSCAPE POLICY	The Site lies within the North Wessex AONB.
HERITAGE ASSETS	There is a Conservation Area within the north of the village, but separated from the Site.
PUBLIC RIGHTS OF WAY	No public rights of way on the Site, but public footpath KINT/15/2 lies one field to the west of the Site.
TOPOGRAPHY	The Site is relatively level, although it is located higher than the adjoining houses to the east. Land to west slopes down gently, before rising again to the west of the public footpath. Public footpath lies in a deep gully.
LANDSCAPE QUALITY/SENSITIVITY	Medium quality. Very high sensitivity.
LANDSCAPE VALUE	Very high.
VISUAL SENSITIVITY	Low to Medium.
RELATIONSHIP TO URBAN AREA	The Site is bound by the rear/side gardens of the properties on The Haven to the east, and to the north by a flood-lit sports pitch at the recreation ground. Well vegetated gardens lie to the south, with the countryside to the west.
<b>AREA DESCRIPTION</b> <p>The Site lies to the west of the rear/side gardens of the properties on The Haven. Northern and southern boundaries formed by dense vegetation, with western boundary formed by tall conifer hedge. Site is disused, formerly pasture, with self-set trees and ruderal occurring. Conifer hedge forms effective edge and screen to the settlement.</p>	
<b>COUNCIL AND AONB STUDIES</b> <p><u>Dec 2020 - Site Selection Background Paper:</u> The Council consider the Site suitable for up to 23 dwellings, and that the Site has a strong relationship with the existing settlement (the draft allocation is for 20 dwellings).</p> <p><u>Aug 2019 - West Berkshire Landscape Character Assessment:</u> The Site lies within the Hungerford Farmed Chalk Mosaic Landscape Character Area (FC1) and adjoins the Inkpen Woodland and Heathland Mosaic Landscape Character Area (WH1) to the south. It notes that Kintbury has expanded since the 1970s with the additions of several large housing estates around the fringes of the settlement. In the past, traditional woodlands have been replaced with linear coniferous tree belts. The rectilinear coniferous plantations do not fit within the landscape pattern.</p> <p><u>2011 - West Berkshire Landscape Sensitivity Assessment:</u> The assessment notes that the Site is different in nature to countryside to west, and that replacement of the conifer hedge with more appropriate planting would be an improvement. Notes Site has strong relationship with settlement. Can be development but views from surrounding countryside would need to be carefully considered.</p> <p><u>March 2011 - AONB Response:</u> The conifer hedge breaks any visual link between the Site and the wider countryside. Removal of this hedge would open up views and re-establish the link with the wider countryside. The argument is presented that the site would have a limited visual impact. Removal of the conifer hedge is also proposed. Removal of the hedge would open up views to the site from the footpath and wider countryside to the west. Partial development of the eastern edge may be possible without increasing the visual impact of the site in the wider countryside.</p>	

March 2002 - AONB LCA: The Site is located within the Hungerford Farmland Lowland Mosaic Landscape Character Area (8D), although from our assessment, the Site is not representative of the characteristics of this area, due to its location adjacent to the settlement and the conifer hedge.

#### ABILITY OF THE AREA TO ACCOMMODATE RESIDENTIAL DEVELOPMENT

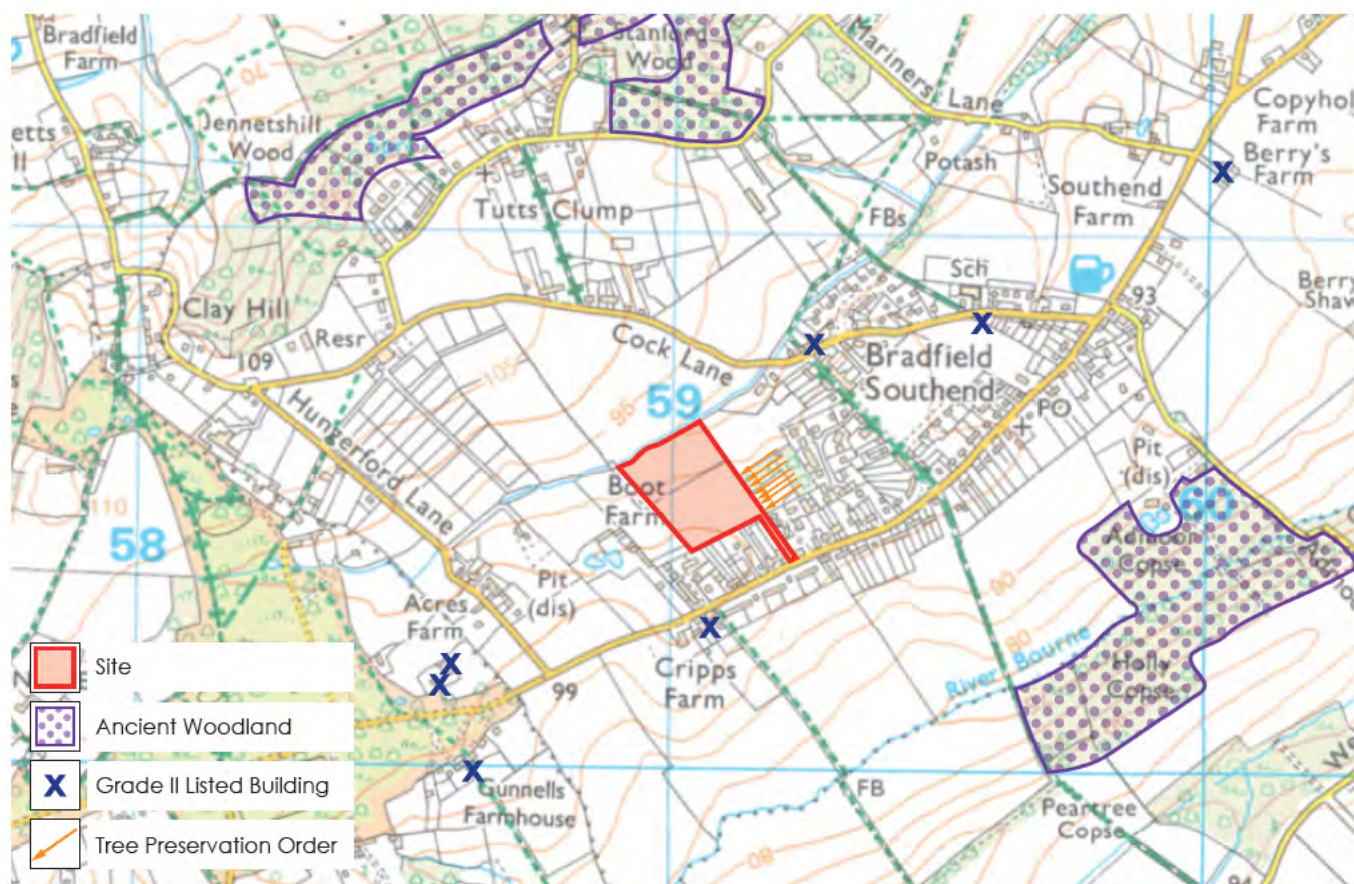
The Site is well contained and associated with the adjoining settlement, due to the dense coniferous hedge which separates it from the wider AONB beyond. It is good landscape management practice to remove the conifer hedge and replace with native hedge, however, once the conifers are removed, the Site will be open to the adjoining countryside and no longer well contained or as well associated with the settlement as it currently is. It would be possible to develop the eastern part of the Site, while installing a new native hedgerow/woodland block within the west of the Site, to the east of the conifers. The conifers could then be removed (e.g. 15 years after new vegetation is planted) once the new woodland is established, and the new woodland would then continue to separate the settlement from the countryside beyond. This approach would however reduce the capacity of the Site.

#### CONCLUSION

The eastern part of the Site could be developed, however, to ensure continued protection of the wider AONB, a new woodland block would need to be planted within the west of the Site, to allow the future removal of the conifer hedge without resulting in harm to the wider AONB. This would likely reduce the amount of dwellings which can be accommodated on the Site.



## SITE LOCATION AND DESIGNATIONS



## AERIAL PHOTOGRAPH





SITE PHOTOS



Photograph 1



Photograph 2

## LANDSCAPE AND VISUAL OVERVIEW

BRAD5

LANDSCAPE POLICY	The Site lies within the North Wessex AONB.
HERITAGE ASSETS	There is no Conservation Area within village, and no Listed Buildings in the immediate vicinity.
PUBLIC RIGHTS OF WAY	No public rights of way on or in the near vicinity of the Site.
TOPOGRAPHY	The Site slopes down towards the north, with the land beyond the stream to the north of the Site rising up again to Cock Lane. The land to the east and west of the Site is at a similar level to that at the Site.
LANDSCAPE QUALITY/SENSITIVITY	Medium quality. Very high sensitivity.
LANDSCAPE VALUE	Very high.
VISUAL SENSITIVITY	Low to Medium.
RELATIONSHIP TO URBAN AREA	The Site lies to the north of the development north of Southend Road. The land to the south east has permission for residential development, and the Site adjoins the countryside to the north and west.

### AREA DESCRIPTION

The Site lies to rear (north) of the existing properties. It is split into two by an east-west tree belt. The southern part is well contained, although there are views through the intervening vegetation from the higher ground at Cock Lane to the north, through gaps in the intervening hedgerow (see photographs on previous page). The Site appears to have formerly been in pastoral use. The trees along the eastern boundary are covered by Tree Preservation Orders.

### COUNCIL AND AONB STUDIES

Dec 2020 - Site Selection Background Paper: The Council consider the Site suitable for up to 13 dwellings (the draft allocation is for 10 dwellings). Development along the southern part of the Site, in line with the permitted development to the east, would be acceptable. The study suggests a substantial new tree belt along the northern boundary, to link to that to the east.

Aug 2019 - West Berkshire Landscape Character Assessment: The Site lies within the Cold Ash Woodland and Heathland Mosaic Landscape Character Area (WH4). The assessment notes that modern housing on main routes and the adjacent cul-de-sacs, along with street lighting and pavements, introduces a suburban character to some places, which is a detracting feature. A further detracting feature is noted as the loss of small pasture fields adjacent to settlements, typically for development as small residential clusters, due to their boundary vegetation providing containment. It notes that these small enclosures form a transition between the settlement and the countryside, and contribute positively to the landscape character. The landscape strategy for the area includes, where possible, retaining small, enclosed fields around villages which contribute positively to rural character.

July 2014 - West Berkshire Landscape Capacity Assessment: The assessment notes that the Site has some relationship with the AONB to the north, and that it has very little intervisibility with the settlement edge. It notes it is an enclosed landscape, but that development would result in the loss of the matrix of woodland and pasture which links with the wider landscape. Development here would have a poor landscape and visual connection with the existing built form. It concludes that the southern part of the Site could be developed, and that development would result in some further 'backland' development, but the settlement pattern would generally be retained.

March 2002 - AONB LCA: The Site is located within the Hermitage Wooded Commons Lowland Mosaic Landscape Character Area (8A). The assessment notes that one of the key issues is the comparative accessibility of the area resulting in development pressures, particularly for new residential development including suburbanising influence of built development (e.g. fencing, lighting and paddocks).

### ABILITY OF THE AREA TO ACCOMMODATE RESIDENTIAL DEVELOPMENT

While the Site is visually well contained (with limited views available from the north), it represents exactly the type of field which the West Berkshire Landscape Character Assessment notes is under threat from development, as these types of fields are well contained. The assessment specifically notes that the small developments within these well-contained fields are a detracting feature, and that these fields should be retained as they form a transition between the settlement and the countryside, and contribute positively to the landscape character.

While development will be visually well contained, it will not be connected to the existing settlement in any meaningful way, continuing the series of separate small residential areas which, collectively, do not contribute positively to the settlement's character, function, or form.

### CONCLUSION

The Council's Landscape Character Assessment specifically highlights the type of field which the Site comprises (i.e. a small field which is well contained, on the settlement edge) as a positive landscape feature which should be conserved, as these fields form a transition between the settlement and the countryside. It specifically notes that development on these fields is a detractor within the Landscape Character Area. Development on this Site would therefore be inappropriate.



## SITE LOCATION AND DESIGNATIONS

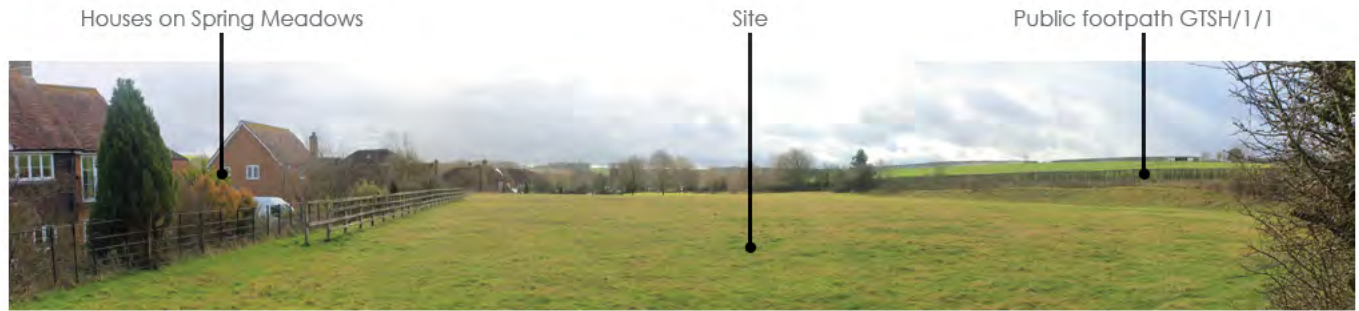


## AERIAL PHOTOGRAPH





## SITE PHOTOS



Photograph 1



Photograph 2



Photograph 3



## LANDSCAPE AND VISUAL OVERVIEW

GS1

LANDSCAPE POLICY	The Site lies within the North Wessex AONB.
HERITAGE ASSETS	There is a Conservation Area within the south of the village, but separated from the Site.
PUBLIC RIGHTS OF WAY	No public rights of way on the Site, but the Site adjoins public footpath GTSH/1/1, with clear views available from public footpath GTSH/18/1 to the south east.
TOPOGRAPHY	The Site is cut into the hillside which rises to the west, with an embankment occurring on the western end of the Site. The interior of the Site is relatively level, but elevated above the adjoining ground level of the houses to the east. The public footpath adjacent to the Site is higher than the Site. Wantage Road follows a deep valley, with the land to the east and west of it sloping up steeply.
LANDSCAPE QUALITY/SENSITIVITY	Medium quality. Very high sensitivity.
LANDSCAPE VALUE	Very high.
VISUAL SENSITIVITY	High.
RELATIONSHIP TO URBAN AREA	The Site is bound by rear/side gardens to the east, and to the south by the playing fields of the primary school. To the north and west is countryside. Allendale Farm lies a short distance north east of the Site, west of Wantage Road.
<p><b>AREA DESCRIPTION</b></p> <p>The Site comprises a pastoral field which is cut into the hillside to the west, and located to the rear (west) of the houses west of Wantage Road. The public footpath along its western boundary has clear views of the Site, over the intervening low hedgerow. It has a large embankment along the western and northern boundaries, leading down from the adjoining track and footpath to the interior of the Site. A managed hedgerow forms the Site boundaries along the north and west, and a fence and scattered trees mark the southern boundary to the school playing fields. The adjoining houses have clear views over the Site.</p>	
<p><b>COUNCIL AND AONB STUDIES</b></p> <p><u>Dec 2020 - Site Selection Background Paper:</u> The Council consider the Site suitable for up to 15 dwellings, and notes that mitigation measures would need to be incorporated, including retaining the existing boundary vegetation, keeping the northernmost part of the Site open, and incorporating new planting to integrate the buildings into the landscape and soften the settlement edge.</p> <p><u>Aug 2019 - West Berkshire Landscape Character Assessment:</u> The Site lies within the Lambourn Upper Valley Floor Landscape Character Area (UV2). The assessment notes that linear villages are characteristic of the area, with the deep valley creating a sense of enclosure and remoteness. The continued pressure for development which leads to a degradation and suburbanisation of the distinct rural character, is cited as a detractor within the area. The assessment notes that one of the landscape strategies for the area is to conserve the sparsely settled character in the valley, and ensure that settlement retains their distinct characters.</p> <p><u>2011 - West Berkshire Landscape Sensitivity Assessment:</u> The assessment notes that the Site relates well to the settlement pattern in scale and that the existing houses form a stark edge to settlement. It notes that the Site is part of the open field pattern at the north western tip of the settlement, with the school playing fields to the south. Site is well contained, and development would have an impact on views from adjacent properties and the section of public right of way to the west. Development would offer the opportunity to soften the raw settlement edge.</p>	

March 2011 - AONB Response: Mostly agree with West Berkshire Landscape Sensitivity Assessment, but add that development would be intrusive when viewed from the existing properties, due to the slightly elevated nature of the Site in relation to the existing settlement edge to the west.

March 2002 - AONB LCA: The Site lies within the Lambourn Downs Open Downland Landscape Character Area (1B), with the Open Downland described as '*the remote heart and core of the North Wessex Downs, with the dramatic landscapes created by the underlying chalk rocks being one of the defining features of the AONB*'. It notes the area has development pressures, including expansion of valley settlements into the higher downland areas.

## ABILITY OF THE AREA TO ACCOMMODATE RESIDENTIAL DEVELOPMENT

The deep valley which contains Great Shefford, and the steeply sloped valley sides create a very distinct and attractive landscape within this part of the AONB. Development at the Site would be visible from the adjoining footpath, but also from the opposite side of the valley along public footpath GTSH/18/1. While the new homes would be seen within the context of the existing settlement, the existing settlement form will change. In the north, the landscape within the valley undergoes a gradual transition, from countryside, to Allendale Farm further south, and then the linear settlement west of Wantage Road, with the settlement broadening further south.

While the Site is located adjacent to the settlement to the south, it adjoins the primary school playing field, which is open in character. This open character of the primary school playing field enhances the transition between the broader valley settlement to the south, and the narrower settlement in the north, reinforcing the gradual transition within the valley from settlement to countryside.

Development at the Site will be completely at odds with this transitional settlement form character, and would leap-frog the essentially 'open' playing fields. Development at the Site will therefore appear to be intruding into the countryside, when viewed from the higher ground to the east and west, as in fact, it will not be adjoining built settlement on two sides, but will instead be adjoining 'open' land on three sides, to the south, west and north.

Due to the level changes between the Site and the adjoining homes to the west, the development will be higher than the existing houses, and appear to climb higher up the western valley slope when viewed from the hillside to the east. This elevation, along with the fact that it would appear to leap-frog open land, will adversely effect the settlement form and character.

## CONCLUSION

The Site lies within a very distinctive landscape, and is open to views from the adjoining public footpath, as well as the footpath on the opposite valley sides. Development at the Site would not be suitable, as it would rise higher up the valley slopes than the adjoining houses to the west, and as it would appear to be intruding into the countryside, due to the open character of the playing fields to the south. Development would harm the settlement form and character.



# APPENDIX A: METHODOLOGY



Dixies Barns,  
High Street, Ashwell, Hertfordshire, SG7 5NT  
email: [ashwell@csaenvironmental.co.uk](mailto:ashwell@csaenvironmental.co.uk)

## Local Plan Review 2020 – 2037: Emerging Draft (December 2020)

Comments should be returned no later than 4:30pm on Friday 5 February 2021:

- Preferably via our consultation portal at the Council's website:  
<http://consult.westberks.gov.uk/kse>
- By e-mail to: [planningpolicy@westberks.gov.uk](mailto:planningpolicy@westberks.gov.uk)
- By post to: Planning Policy, Development and Planning, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD

This form has two parts: –

Part A – Personal details

Part B – Questions on the Local Plan Review 2020 - 2037 (December 2020)

### Part A – Personal Details

#### 1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.*

#### 2. Agent's Details (if applicable)

Title	<input type="text" value="Mrs"/>	<input type="text" value="Mr"/>
First Name	<input type="text" value="Morwenna"/>	<input type="text" value="Steven"/>
Last Name	<input type="text" value="McKay"/>	<input type="text" value="Doel"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate Director"/>
Organisation (where relevant)	<input type="text" value="Croudace Homes"/>	<input type="text" value="Nexus Planning"/>
Address Line 1	<input type="text"/>	<input type="text" value="5th Floor"/>
Line 2	<input type="text"/>	<input type="text" value="Thames Tower"/>
Line 3	<input type="text"/>	<input type="text" value="Station Road"/>
Line 4	<input type="text"/>	<input type="text" value="Reading"/>
Post Code	<input type="text"/>	<input type="text" value="RG1 1LX"/>
Telephone Number	<input type="text"/>	<input type="text" value=""/>
E-mail Address	<input type="text"/>	<input type="text" value=""/>

Do you want to be kept informed of the progress of the Local Plan Review?

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If so please make sure you provide an e-mail address above

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## Part B - Questions on the Local Plan Review to 2037 (December 2020)

**Please use a separate response sheet for each separate comment**

In accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) comments are invited on this stage of consultation on our Local Plan Review to 2037. The consultation period will run for an eight week period from 11 December 2020 to 4:30pm on 5 February 2021.

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**To which part of the document does this comment relate? Please specify the section, policy or site reference on which you are commenting.**

**Section.....**

**Policy SP16 Sandleford Strategic Site Allocation**

**Question 1:**

**Do you agree with the proposed policy/site allocation?**

No

**Question 2:**

**What are your reasons for supporting or objecting?**

Please see attached

**Question 3:**

**What changes are you seeking / what would be your preferred approach?**

***Question 4:***

**Do you know of/are you aware of any sites within the District that are available for permanent Gypsy and Traveller pitches?**

## SP16: Sandleford Strategic Site Allocation

1. As set out elsewhere in our representations (notably in response to draft Policies SP12 and SP13) Croudace Homes has fundamental concerns about the continued reliance upon the allocation at Sandleford Park.
2. The Council, under draft Policy SP13, allocates the site at Sandleford Park for approximately 1,500 dwellings. That allocation is carried forward from the Core Strategy where it was allocated under Site ref. CS3 for up to 2,000 dwellings, as such assumed delivery from this site has already been reduced by some 500 dwellings. More specifically, the Council now assumes within Table 2 and at paragraph 6.12 of the LPR that the site will deliver some 1,000 dwellings over the plan period i.e up to 2037, with the final 500 after that date. The assumed first date for completions or a more detailed trajectory has not been provided.
3. The uncertainty around delivery at this site is long standing and well established. Indeed delivery from this site was disputed by Croudace Homes during the course of the public inquiry for residential development at the Henwick Park Site in 2016 (APP/WO340/W/16/3144193) where the Council insisted that some 460 units should form part of the Council's five year land supply, compared to 220 on the Appellant's case.
4. Somewhat surprisingly therefore just a matter of weeks later the Council, in opting not to defend an inquiry into proposed development of Land adj to Hilltop, Oxford Road, Donnington, Newbury (APP/WO340/W/16/3143214) accepted that Sandleford Park would deliver nothing at all over the same five year period. The Inspector in his report dated 20<sup>th</sup> March 2017 at Paragraph 23 went on to state that:

*"I heard detailed and uncontested evidence that Sandleford Park is experiencing substantial delays. No party was able to suggest how or when this major development might progress. Before the Council's withdrawal from the Inquiry, the authority had accepted that completions at this site could not be expected in the next five year period – or even longer".*

5. The Council's most recent assessment of five year land supply comes from its document "Five Year Housing Land Supply at December 2019" (published January 2020) where it purports to have a 7.67 year land supply (against a requirement of 520 dwellings per annum). That document assumes delivery of 2,000 dwellings at Sandleford Park post March 2024 but no further breakdown is provided.
6. It is unfortunate that a more up-to-date assessment of five year land supply has not been published to coincide with consultation on the LPR. The LPR itself now assumes some 1,000 dwellings from this site within the Plan Period i.e. up to 2037 but again, there is no more specific indication regarding first completions. Given the length of time that has passed since the site was first allocated, it is surprising that timetable for delivery remains so difficult for the Council to predict and that alone indicates a lack of delivery. It is however noted that the recently published "Annual Monitoring Report 2019" (January 2021) references the potential for development from Sandleford Park as follows:

*"Sandleford Park was previously assumed to deliver 1,000 units in the plan period, as required in Policy CS2 but, with the refusal of planning permissions in November/December 2017 and determination of new applications pending determination in 2020, the timing of delivery is more uncertain and likely to be largely in the period post 2026".*

7. It is important to note that of the applications referred to as "pending determination in 2020" application 20/01238/OUTMAJ – an Outline application for, amongst other things up to 1,000 dwellings and an 80 bed care home – was refused in October 2020. The Decision Notice contains 14 separate reasons for refusal, but the first of those relates to the "lack of a holistic comprehensive development of the Sandleford Strategic Site Allocation", required by both the adopted Sandleford Park SPD and the draft policy. Other reasons relate to transport impacts, arboriculture, ecology, flooding and landscape.

8. An outline application for up to 500 homes is awaiting determination (application ref. 18/00828/OUTMAJ) but, other technical matters aside, it is evident that the scheme would also not constitute "a holistic comprehensive development of the Sandleford Strategic Site Allocation".
9. It is noted that planning application ref. 20/01238/OUTMAJ for up to 1,000 dwellings is now subject to an appeal, to be determined by way of Public Inquiry. However, that appeal is at a very early stage (it has a start date of 20<sup>th</sup> January 2021) and to date no Inspector has been appointed and no inquiry dates confirmed.
10. Adopted and emerging policy requires a comprehensive form of development which has not been forthcoming whilst the site is promoted by a consortium which has experienced known disagreements historically. The site also has a wide variety of other technical matters to overcome, all of which were identified by the appeal inspector when he recommended to the Secretary of State that the appeal for up to 225 dwellings at the Henwick Park site be approved:

*"The Inspector for the Housing Site Allocations DPD questioned the likely output from Sandleford Park, noting that the project is relatively complex and the trajectory may be overly ambitious. Current information reinforces this concern. There is no indication that the intention to decide the planning applications on this site by the end of 2016 has been achieved, and there appear to be difficulties in ensuring a comprehensive form of development. The associated supplementary planning document makes clear that the planning for the whole of the site should be dealt with in a single application to ensure a coordinated approach and the timely provision of infrastructure, but there are indications of a lack of agreement between the owners of the site, and a likelihood that Section 106 obligations will not be easily or quickly put in place. The appellants also point to a number of access concerns identified by the Council's Highways department. There is limited information about the detailed progress towards development of the site but, on the basis of the submitted evidence, there appear to be a number of potential impediments to early development which raise significant doubts about whether the Council's trajectory is deliverable".*



11. Fundamentally, therefore Croudace Homes does not object to the continued allocation of the site but considers that delivery is highly questionable and the assumed 1,000 dwellings should be discounted from the Council's supply. The Council should instead allocate the land at Henwick Park for development of circa 225 dwellings. That site is demonstrably deliverable with no technical issues, a point established on appeal when considered by the Secretary of State.

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First Name	<input type="text" value="Morwenna"/>	<input type="text" value="Steven"/>
Last Name	<input type="text" value="McKay"/>	<input type="text" value="Doel"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate Director"/>
Organisation (where relevant)	<input type="text" value="Croudace Homes"/>	<input type="text" value="Nexus Planning"/>
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**Section.....**

**Policy SP17 North East Thatcham Strategic Site Allocation**

**Question 1:**

**Do you agree with the proposed policy/site allocation?**

No

**Question 2:**

**What are your reasons for supporting or objecting?**

Please see attached

**Question 3:**

**What changes are you seeking / what would be your preferred approach?**

**Question 4:**

**Do you know of/are you aware of any sites within the District that are available for permanent Gypsy and Traveller pitches?**

## SP17: North East Thatcham Allocation

1. As set in our response to Policy SP13: Sites Allocated at Newbury and Thatcham, Croudace Homes has significant concerns about the proposed allocation of land at North East Thatcham for up to 2,500 dwellings within the LPR.
2. The Council, in preparing the Core Strategy in 2009/10 were at pains to stress that Thatcham had seen a rapid period of growth in recent years and as such, required a period of consolidation. Despite its acknowledged position as one of the most sustainable settlements in the top tier of the Settlement Hierarchy, that stance resulted in a relatively modest allocation of some 900 homes in the Core Strategy (compared to 5,400 dwellings at Newbury) and only 85 dwellings (on land at Lower Way) in the subsequent HSA DPD.
3. Against that background, Croudace Homes very much welcomed acknowledgement in response to the previous LPR (in representations made in December 2018) and in accordance with comments made by the Core Strategy Inspector, that Thatcham would be considered again for strategic levels of growth.
4. Croudace Homes also welcomed the proposed masterplanning work that was intended to *"provide a more detailed assessment of the potential opportunities available"*. In that regard, the Council appointed David Locke Associates and Peter Brett Associates (now Stantec) to prepare the work now published in four parts as the "Thatcham Strategic Growth Study" (December 2020).
5. As a result of that and other relevant parts of the accompanying evidence base, the Council has now taken the decision to allocate only a single site at Thatcham (over and above the HSA DPD



allocation on land at Lower Way), the land at North-East Thatcham. That site is expected to deliver a landscape-led scheme, with approximately 2,500 dwellings, two primary schools, a secondary school, local centres, a country park and supporting infrastructure.

6. The accompanying evidence base including the "Thatcham Strategic Growth Study" the "Site Selection Background Paper" (December 2020) and the "Housing and Economic Land Availability Assessment (HELAA) make it clear that the Henwick Park site is, in its own right, a suitable and deliverable site for housing. It seems that the proposed allocation of North East Thatcham as the only additional site at Thatcham is a conscious decision taken by the Council when it states within the Site Selection Background Paper in connection Henwick Park that:

*"The masterplanning work recommended that if strategic development were to occur in Thatcham, the most appropriate locate (sic) would be north east Thatcham because. (sic) The promoters of THA20 are proposing new infrastructure including a secondary school"*

*"It is the Council's preferred approach to allocate site THA20 as a strategic site. Due to the scale of development that could take place on THA20, it is considered that there should be no further allocations in Thatcham in the period to 2037 particularly as development of both north east and north Thatcham would result in the loss of the separate identifies of Cold Ash and Bucklebury, and would harm the setting of the AONB settlement pattern".*

7. Croudace Home raises specific concerns about that strategy as set out below.

#### Deliverability

8. Notwithstanding concerns about the site from a technical perspective (which are discussed in more detail below) Croudace Homes has serious concerns about likely delivery from a site of this scale and complexity. The Council at Paragraph 6.45 of the LPR outlines that delivery of at least 1,250 dwellings is anticipated within the plan period i.e up to 2037. It is clear that the proposed allocation would not therefore deliver any housing within the first five years of the plan period although regrettably, the Council has however failed to produce any more detailed information at this time regarding delivery rates or assumed first completions.
9. However, the Lichfields document "From Start to Finish" (February 2020) suggests at figure 4

that for sites of 2,000+ dwellings, the average timeframe from validation of the first outline planning application to completions on site is 8.4 years. After that, the average annual build out rate for a greenfield site of 2,000+ dwellings is given as 181 dwellings per annum.

10. The most recent Local Development Scheme for West Berkshire is dated April 2020 and sets out the following timetable for adoption of the Local Plan:

- **Regulation 18** – December 2017 to September 2021;
- **Regulation 19** – May 2021;
- **Submit to SoS** – October 2021;
- **Start of Independent Examination** - Feb 2022
- **Adoption** - December 2022.

11. To achieve the Council's assumed 1,250 dwellings within the Plan period, an outline planning application would need to be submitted at the end of 2022, with first completions in 2030 and average completions of 181 dwellings per annum for the next 7 years.

12. However, given that the current round of consultation on the LPR will end in February, the timetable for adoption of the Local Plan set out within the LDS, with Regulation 19 consultation and submission within the next 8 months, is not considered to be even remotely credible. It should be noted in that regard that there has already been circa 24 months between the first round of Regulation 18 consultation and the second. The accelerated timescale now set out is not achievable.

13. In terms of Plan preparation in West Berkshire, it is also worth noting that the Core Strategy itself was adopted in 2012, subject to an early review of housing numbers which were acknowledged at the time to be out of date. The required SHMA was not published within the permitted three year window and on the Council's best case, the Local Plan designed to replace it would have taken over 10 years to adopt.

14. Preparation of the interim HSA DPD was subject to similar delays. The following table showing delays in adoption when compared to the published position within various LDS' formed part of the evidence submitted as part of the previous inquiry on the Henwick Park site in 2016.

**Table 2: Local Development Scheme HSA DPD adoption dates**

Date of Local Development Scheme	Suggested Date for Adoption of the HSA DPD
May 2012	June 2015
September 2013	September 2016
October 2015	November 2016 (actual mid 2017)

15. Even the slightest delay in preparing the Local Plan in this case (which we consider to be inevitable) would lead to significant delay in the delivery of homes from the North East Thatcham site. A delay of just a year would reduce the Council's assumed supply by circa 181 homes, two years would see it reduced by circa 362 dwellings.
16. Even if the LPR is ultimately adopted it should also be noted that the site in this case is promoted by a consortium (Donnington New Homes, the Wasing Estate, A2Dominion and Ptarmigan Land). In common with the Sandleford Park allocation (ref. SP16) the site allocation policy for North-East Thatcham (ref. SP17) also requires a "comprehensive" form of development (i.e a single planning application) to "ensure the timely and co-ordinated provision of infrastructure". Given that requirement and for a scheme of this size, the Council would almost certainly require a site specific Supplementary Planning Document to guide development. That process would add further delays to the process and ultimately to the delivery of housing from site.
17. Given the known delays in even preparing and submitting a planning application at the Sandleford Park Site and the inherent risks associated with consortia bringing forward schemes of such magnitude, it should not be assumed that a planning application for the North East Thatcham site would be submitted, let alone approved, in a timely fashion.
18. Furthermore, the promoters of the site would not necessarily build out the scheme if approved. Clearly the Wasing Estate at the very least is not a house builder. The Site Selection Background Paper under the heading Achievability states that "Developers have option agreements on land

owned by 3 of the 4 landowners". Again, the Lichfields document "From Start to Finish" picks up this point when it says that:

*"Outline planning permissions for strategic development are not always obtained by the company that builds the houses....as such, some of these examples will include schemes where the land promoter or master developer will have to sell the site (or phases / parcels) to a housebuilder before the detailed planning application stage can commence, adding a step to the delivery period".*

19. There is therefore inherently a very significant risk to the delivery of housing at Thatcham when relying solely on a very large strategic allocation as per the Council's preferred approach. Assumed delivery rates within the Plan period are already not credible, whilst delivery of complicated sites promoted by a consortia where a comprehensive form of development is required is not an appropriate strategy.
20. Clearly the LPR should allocate a range of small and medium sized sites in addition to provide greater flexibility and to ensure delivery of housing within the first five years of the plan period. In that regard, the NPPF is clear at Paragraph 67 that planning policies "should identify a sufficient supply and mix of sites" and that Local Authorities should identify a supply of "specific deliverable sites for years one to five of the plan period".
21. Paragraph 68 goes on to make the point that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out very relatively quickly". Paragraph 72 refers to the potential benefits of larger scale development, but makes it clear that local authorities must "make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites".
22. A trajectory for housing delivery from the site at Henwick Park was agreed during the course of the public inquiry. Assuming planning permission in March 2017, it was established at that time that the site would deliver 175 dwellings within the first five years.

Table 1 – Henwick Park Housing Trajectory

2016/17 Yr 1	2017/18 Yr 2	2018/19 Yr 3	2019/20 Yr 4	2020/21 Yr 5	1-5 yrs	6-10 yrs	Total
0	0	25	75	75	175	50	225

23. It has been established through appeal that the Henwick Park Site could deliver in the region of 225 dwellings, the bulk of which would be delivered within the first five years of the plan period, with no conflict in any technical areas. National policy requires a mix of smaller and medium sized sites and for a realistic assessment of delivery rates from larger sites. The Council's assumed delivery from North East Thatcham is not realistic whilst relying solely on a site of this scale and complexity to deliver the entirety of housing at Thatcham is inherently flawed given the significant likelihood of substantial delays as experienced at Sandleford Park.

#### Delivery of Affordable Homes

24. It is a fact that the Council allocated Thatcham for only minimal growth in the Core Strategy in 2012 in order to give it a period of consolidation. The consequence of minimal housing growth has of course been an associated lack of affordable housing.
25. The NPPF at Paragraph 20 makes it clear that strategic policies should make sufficient provision for housing including affordable housing. Under the heading "Delivering a sufficient supply of homes" it outlines that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies" to include those who require affordable housing.
26. Clearly the site at North East Thatcham would be expected to deliver affordable housing if it eventually comes forward, but as above, first completions on this site cannot reasonably be expected until 2030 at the very earliest (and we consider even that to be highly unlikely). The Council's strategy would therefore mean that no meaningful affordable housing is delivered at the second most sustainable settlement in the district for a period of at least 18 years.
27. The site at Henwick Park would deliver policy compliant affordable housing, i.e a total of 90 dwellings assuming a scheme of 225 dwellings and affordable provision at 40%. As set out



above, a significant proportion of the affordable homes would be delivered within the first five years of the plan period and

Landscape impact

28. The "Landscape and Visual Overview – North East Thatcham Strategic Site Allocation (Draft Policy SP17)" prepared by CSA Environmental and attached to our response to Policy SP13 considers the ability of the proposed allocation to accommodate the proposed development i.e approximately 2,500 dwellings, two primary schools, a secondary school, local centres, a country park and supporting infrastructure.
29. The document provides an overview of the various Landscape Sensitivity Studies which have already considered the potential for development on the edge of Thatcham. Those studies demonstrate that significant expansion at North East Thatcham would be highly visible and would impact the rural setting of the town, the rural transition to the AONB, and the setting of a number of heritage assets. It also highlights that the land at Henwick Park is less sensitive than North East Thatcham, from a landscape and visual perspective, and is a more suitable location for housing.
30. Notably, the "Housing and Economic Land Availability Assessment" (HELAA) from 2020 which forms part of the evidence underpinning the LPR also provides the most up-to-date summary of landscape impacts in connection with North East Thatcham. Under the heading "Will Development Result in Harm to the Natural Beauty & Special Qualities of the AONB" the AONB Unit provides the following response:

*"Yes. Affects the setting of the AONB. Floral Way is a strong settlement edge/boundary which should not be broken by development as it will spill into open countryside and place further pressure for expansion into the neighbouring fields".*

31. Under the heading "Would development be appropriate in the context of the existing settlement form pattern and character of the landscape" it states:

*"West Berkshire LCA (2019) - the site forms part of the Cold Ash Woodland and Heathland Mosaic LCA (WH4). The decreasing separation/coalescence between Thatcham and other settlements together with the loss of gradation between*

*settlement and countryside have been identified as key detractors in this area. The landscape strategy is therefore to retain the individual identity of settlements such as Thatcham and to conserve elements that mark a transition between settlement and countryside.*

*Development to the north of Floral Way does not conform to the current settlement pattern of Thatcham. Land rises to the north and gets quite steep up to Harts Hill Farm.*

*Concern that development would not be appropriate in the context of the existing settlement form, pattern and character of the landscape. Further assessment required if the site were to be considered further”.*

32. The CSA document also provides its own visual appraisal of North East Thatcham and finds that development at the site would impact on a number of key landscape characteristics and sensitivities, as identified in the “West Berkshire Landscape Character Assessment” and in the Council’s landscape evidence base documents. The Thatcham Growth Study provides a masterplan concept for the site and the CSA report outlines that development at the scale shown would result in the following effects on landscape character:

- Development would extend onto the rising ground which forms part of the landscape setting to the north eastern edge of Thatcham;
- The open rising farmland also forms part of the landscape setting to the wooded escarpment which marks the edge of the AONB. Development on the middle slopes will have an adverse effect on the immediate setting of the protected landscape;
- Development would impact on the setting and views to and from the historic farmsteads at Colthrop Manor and Siege Cross Farm, which are local landmarks in views from the south;
- The higher ground and east facing slopes in the eastern part of Area C has a distinctly rural character. This part of the area is more closely related to the wider countryside to the east, than settlement in Thatcham. Development here, as

shown on the masterplan concept would impact on an area of attractive, undulating countryside which continues to the east of this land parcel; and

- Development in Area A will impact on an area of historic landscape.

33. The document ultimately concludes that given the landscape and visual sensitivities identified the draft allocation would not be able to accommodate the amount of development proposed without significant adverse landscape and visual effects.

34. Set against that, the Council will be aware that during the course of the previous public inquiry, it was agreed that the Henwick Park site could accommodate up to 225 dwellings below the 95m AOD contour without any harm in landscape terms. Indeed, the Council withdrew its objection on that basis and a Landscape Statement of Common Ground was agreed. The appeal inspector's report on this issue notes that:

*"The Council withdrew its objection to the visual impact of the scheme, and its effect on landscape character and the setting of the AONB, following the reduction in the scale of the proposal.*

*"It would extend no further northwards on the western side of Cold Ash Hill than the existing housing on the eastern side, appearing as a consolidation of the urban area, and would be perceived as an extension of Thatcham rather than of Cold Ash. In these respects, the circumstances are different from those applying to the land south of Pound Cottage. Nor is there an indication that the development would have a harmful effect on the setting of the AONB. Overall, there is reason to agree the Council's assessment that the present scheme would avoid an unduly harmful visual impact".*

35. As before, the accompanying "Landscape and Green Infrastructure Strategy" at shows that a significant amount of open space would be retained in the northern parts of the site, with the residential element contained below the 95m AOD contour. Thus the same landscape conclusions should apply.

*Cumulative Impacts*

36. It is also noted that the "Site Selection Background Paper" (December 2020) prepared in support of the LPR raises concerns about the cumulative impact of development at both Henwick Park and North East Thatcham when it states that:

*"The site would need to be considered as part of a wider development scheme in conjunction with CA16 and CA17. To the east of the site is THA20 North East Thatcham. Development of all of these sites would result in the perception of the merging Thatcham, Cold Ash and Bucklebury, and would have an adverse impact on the AONB settlement pattern".*

37. The CSA document deals with this issue at paragraphs 4.15 – 4.19, noting that in practice, there is no intervisibility between the Henwick Park and North East Thatcham sites because of the intervening topography and tree cover. Development at Henwick Park would not extend north of the existing built development to the east along Cold Ash Hill and the existing gap to Cold Ash would not be reduced. There is no intervisibility between Cold Ash and North East Thatcham due to intervening landform.
38. Whilst development at both sites would individually extend the urban area of Thatcham, the visual and physical containment from one another would mean that development can be delivered in a way that cumulatively retains the visual and physical separation of Thatcham and its neighbouring settlements.
39. In landscape terms alone therefore, the Site at North East Thatcham is unable to accommodate the quantum of development proposed without significant adverse landscape and visual impacts. Henwick Park however, is able to accommodate in the region of 225 homes without any harm whatsoever, including in landscape terms. There is no barrier in landscape terms to both sites coming forward. The logical approach therefore is to allocate Henwick Park for development comprising circa 225 homes with the remainder at North East Thatcham.

#### Other Technical Issues

40. In addition to the landscape concerns detailed above, the HELAA prepared in connection with the North East Thatcham site (site ref. THA20) points to a number of other significant concerns from a technical perspective as follows:

- **Transport** – Under the heading “Local Highway Capacity” it states that “This includes THA6, THA8, THA10, THA14, THA16 and THA17 combined. This would have a very significant impact on Thatcham, the A4 and the Northern Distributor Road. To accommodate such volumes of traffic, significant improvements would be required along the NDR including many of the junctions and including the junctions onto the A4. The NDR especially would need to be widened and realigned at Heath Lane. This may not be enough. There are concerns regarding the A4 into Newbury and the A4 within Thatcham. New routes across the north of Newbury may be required to link the north of Thatcham to the A339 and M4, and feasibility of these would need to be investigated. THA20 would need to be modelled using the Thatcham VISSIM model.
- **Ecology** – Under the heading “Would development have adverse nature conservation impacts” the Thames Valley Environmental Research Centre conclude “High risk of adverse nature conservation impacts” - Priority habitats with site and within a 500m radius surround:
  - Ancient woodland within 500m.
  - European protected species within 500m.
  - Priority species within 500m.
  - Site of Special Scientific Interest within 500m.
  - Site of Special Scientific Interest Impact Risk Zone within 500m.
  - Local Wildlife Sites within 500m.
- **Air Quality, Pollution & Contamination** – Site near A4 and Thatcham Air Quality Management Area. Significant worsening of nitrogen dioxide and particulate matter. On the area around Siege Cross Farm, high risk of noise and vibration problems to future residents from road and commercial. Medium risk to neighbours from commercial on central parts of site.
- **Heritage** – Potential harm to the setting of Siege Cross Farm: Barn at Siege Cross Farm (Grade II), Cart at Siege Cross Farm (Grade II) and barn at Calthrop Manor (Grade II). Previous appeal decision SoS concluded that development would lead to a loss of elements of the historic landscape, only partially mitigated by retention of buffer zones



around buildings. The Council's Archaeology Officer has commented that care needed as parts of the site are early enclosure and post-Parliamentary enclosure".

- **Flooding and Drainage** – Surface water flood flow route through parts of site. Attenuation measures necessary. Limited potential for infiltration on parts of site due to high ground water on the northern part of site which may reduce developable area. Further due diligence is required to establish whether the proposed quantum of development is achievable.

41. Previous representations submitted on behalf of Croudace Homes made the point that this site is no longer comparable to the Siege Cross scheme previously considered by the Secretary of State due to its vastly enlarged scale. As such, the previous comments at appeal stage can no longer be applicable. As set out above, the HELAA in fact highlights very significant issues associated with development of the scale in this location. There is nothing to suggest at this time that conflict in terms of landscape, transport, ecology and air quality can be overcome.
42. In contrast, the previous appeal scheme and decision by the SoS made it clear that there were no technical issues whatsoever precluding development of the Henwick Park site. The accompanying "Landscape and Green Infrastructure Strategy" show how a revised scheme, slightly updated to take into account the latest drainage information following liaison with the Local Authority, would respect all of the previously agreed parameters.
43. Under the heading "Suitability Conclusions" the HELAA suggests that the entirety of the Henwick Park Site would be unacceptable due to coalescence concerns, but that development on the southern area may be suitable. As set out above, the extent of the developable area has been discussed at length and agreed as being acceptable.
44. It also references the need for attenuation measures to mitigate the impacts of a surface flood flow route. The site would in fact provide a significant component of the wider Thatcham Surface Water Management Plan. Since the previous appeal decision, the design of that element has been subject to extensive discussions with the Council's engineers to ensure that it fits with the wider masterplan for this site. This element could be fully funded and provided by the Henwick Park development potentially providing a reduced flood risk for houses south of the site at no cost to the public purse.

45. If the North-East Thatcham site is not deleted entirely, the very significant technical concerns detailed above should result in a smaller allocation than currently proposed. The site at Henwick Park has no technical constraints whatsoever and should be allocated for approximately 225 dwellings in order to make up the shortfall.

### **Thatcham Strategic Growth Study**

46. Within previous representations made at Regulation 18 stage, Croudace Homes supported the principle of a Masterplan for Thatcham, but was clear that in order for this process to be carried out robustly and effectively, local landowners and developers should be fully engaged in the process from the outset and throughout. More specifically, the process should have involved meetings in due course between landowners / developers, representatives of the Council, other relevant stakeholders and the appointed masterplanners. In order to achieve maximum value from this process, Croudace Homes also considers that the appointed masterplanners must look at greenfield land adjoining the edge of the settlement and should consider a variety of growth scenarios for the town.
47. Clearly that exercise was eventually published alongside the current consultation as the three part Thatcham Strategic Growth Study (December 2020). Croudace Homes has significant concerns regarding the preparation and content of the document as set out below:

#### Preparation

48. Croudace Homes were first made aware of a potential masterplanning exercise for Thatcham following discussions with Bryan Lyttle on 19<sup>th</sup> December 2018. It was suggested that the Council were seeking financial contributions from developers promoting sites at Thatcham. A sum of £20,000 was requested from Croudace.
49. Croudace responded by letter dated 11<sup>th</sup> Jan 2019 confirming agreement in principle but advising that should a contributions be sought that officers should seek approval from members to ensure the process would be fair and transparent. Croudace Homes subsequently attended meetings as follows:

- 25<sup>th</sup> January 2019 - meeting with David Locke Associates.
- 8<sup>th</sup> March 2019 – workshop session

50. No request for payment was ultimately received from the Council and Croudace Homes was not invited to any other sessions in connection with the Masterplan.

51. Croudace Homes has submitted a Freedom of Information request to the Local Authority requesting full details regarding the funding of this exercise and involvement of other site promoters.

#### Content

52. Clearly the Thatcham Strategic Growth Study is presented in three parts. Alternative possible options for growth (other than North East Thatcham) are considered but the third part of that study is devoted entirely to the proposed allocation at North East Thatcham. In connection with Henwick Park, it outlines that:

“Sites at Henwick Park (primarily CA12) were chosen not to be included in the Stage 3 study. Although potentially suitable to support expansion, they are disconnected from the contiguous area for strategic growth identified in the Stage 2 study. The Stage 3 report will concentrate on concept masterplanning for the North East (NE) Thatcham area, but the principles developed for the expansion of Thatcham on this site should be applied should any development be proposed at Henwick Park”.

53. First and foremost, it is unclear why areas which are not contiguous with North East Thatcham should be discounted as an option for housing growth. Quite the reverse in fact. As set out at length in these representations, seeking to allocate one large strategic site to deliver all of the housing needs at Thatcham is fraught with danger. Any delays in delivery from this site (which is highly likely given the complexity and consortium issues) would mean no houses delivered at Thatcham.

54. Furthermore, the decision to select the North East Thatcham sites is in itself not transparent. Under the heading “Assessment Summary, the Stage 2 report outlines that:

“each site submitted to the HELAA by December 2018 has been scored in the categories Topography, Green and Blue, Heritage & Conservation, Environmental Health and Other”.

“Constraints that would lead to reductions in capacity were scored 1. Minor issues that could affect development were scored 3. Major issues that would be hard to work around viably were scored 10”

“The site constraint points were totalled and plotted on a map. Sites were then grouped into categories quantitatively assessed to be more or less suitable for development across the range of criteria. It should be noted that this assessment is only one of the factors that informs the overall conclusions of this report, which will also be informed by the outputs of the technical workshops”.

“This assessment was then sense-checked with a qualitative assessment of the most appropriate directions of growth based on constraints”.

55. The results of that exercise suggested that all of the North East Thatcham sites were “most suitable for development” with Henwick Park in the second (of three) tiers.
56. First and foremost, the actual scores given to the various sites is not published. Secondly, the rationale for selecting the various categories is unclear. What was assessed under the category “other” is not described, but Croudace Homes is concerned that any assessment of suitability that does not have regard to transport, ecology or contamination is not robust.
57. Furthermore, any suggestion that the assessment was based on a “qualitative assessment of the most appropriate directions of growth based on constraints” is opaque at best. The fact remains that Henwick Park has been subject to assessment by the Secretary of State who confirms that there are no constraints which would preclude development for up to 225 dwellings.
58. The only criticism of the site contained within the HELAA is that development across the entirety of the site would lead to coalescence with Cold Ash. Development of the whole of the site is not and has never been proposed. The extent of the developable area in landscape terms has already been agreed. By contrast the North East Thatcham allocation would infill entirely the gap between Thatcham and the AONB boundary.

59. Any assessment which, based on constraints, concludes that land at North East Thatcham is more suitable for development is fundamentally flawed whilst discounting sites which are not contiguous with North East Thatcham as a matter of principle is entirely contrary to the aims of good planning.
60. The only possible conclusion therefore is that the masterplanning exercise is fundamentally flawed and should not be relied upon as part of the evidence base underpinning the LPR. It has not been subject to full and comprehensive involvement from Stakeholders and has not been appropriately signed off by Members. The proposed allocation of the site at North East is not justified by the evidence available.



## **Appendix H – Fareham Borough Council Local Plan Part 2 Policy DSP40 (Housing Allocations)**

- 5.172 In order to guide development of the proposed housing allocations in the DSP Plan, individual site briefs have been prepared. Prospective developers of the sites should have regard to the development principles and planning requirements set out in the briefs.
- 5.173 The SHLAA (January 2014)<sup>77</sup> identifies housing sites that have a capacity of five or more dwellings. It does not include housing supply associated with the Welborne Plan area. Sites below this threshold have not been assessed in terms of their deliverability/developability as part of the SHLAA or Viability Assessment of Site Allocations and have therefore not been considered as potential housing allocations in this Plan. Currently unidentified sites, below the 5 dwelling threshold, may come forward for housing development in the future (as windfall sites) through the planning application process.
- 5.174 The sites included in this document have also been assessed as part of the SHLAA, Viability Assessment of Site Allocations, Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA). The Council will require sites to be developed in accordance with the policies contained in the relevant parts of the Local Plan and any other applicable planning and design guidance.

#### **Policy DSP40: Housing Allocations**

**The sites set out in Appendix C, Table 8 and shown on the Policies Map are allocated for residential development and should be developed in line with the principles set out in their respective Development Site Briefs.**

**Sites listed in Appendix C, Table 9 and shown on the Policies Map have extant planning permission for residential development and are allocated for residential development. In instances where the planning permission for a site listed in Appendix C, Table 9 lapses, the Council will consider similar proposals and/or the preparation of an additional development site brief to set out the parameters for an alternative form of residential development.**

**All sites listed in Appendix C will be safeguarded from any other form of permanent development that would prejudice their future uses as housing sites to ensure that they are available for implementation during the plan period.**

**Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:**

- i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;**
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;**
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the**

<sup>77</sup> Fareham Borough Council (January 2014) Strategic Housing Land Availability Assessment

- Countryside and, if relevant, the Strategic Gaps**
- iv. It can be demonstrated that the proposal is deliverable in the short term; and**
  - v. The proposal would not have any unacceptable environmental, amenity or traffic implications.**

### **Sub-Division of Residential Units**

- 5.175 The sub-division of existing dwellings within the urban area to two or more self-contained units will help to provide a supply of smaller units. This may play a part in eliminating the need to release greenfield sites for residential development. However, the intensification of residential areas through subdivision may not necessarily meet the anticipated market demands of households and may have detrimental impact on the character of the area or the amenity of local residents.
- 5.176 A converted or sub-divided dwelling should meet adequate space standards and have particular regard to Core Strategy Policy CS17: High Quality Design and the Design Supplementary Planning Document.

### **Policy DSP41: Sub-Division of Residential Dwellings**

**Sub-division of residential dwellings to smaller self-contained units of accommodation will be permitted provided that:**

- i. the proposal, or the cumulative impact of the proposal with other similar proposals, would not adversely affect the character of the area or have unacceptable environmental, amenity or traffic implications, particularly in Conservation Areas;**
- ii. the resultant sub-divided units conform to the space standards and design requirements set out in Core Strategy Policy CS17: High Quality Design and the Design Supplementary Planning Document; and**
- iii. appropriate outdoor amenity space, bin storage and parking provision are provided.**

### **Older Persons' Housing**

- 5.177 The projected increase in older persons (aged over 65) in Hampshire between 2006 and 2026 is 114,000 (53%). This is higher than any other county in the South East, this issue is particularly acute within the PUSH sub-region which includes Fareham<sup>78</sup>. In line with the general increase in the population of older people, it will be important for the Council, through the Local Plan process, to set out policies that will encourage an increase in specialised older person's accommodation to meet current and future demand.
- 5.178 Population data from the 2011 Census estimates the total resident population of Fareham to be 111,600. Of this total, 30,600 (27%) are aged 60 or over and 3,100 (2.7%) are aged 85 or over<sup>79</sup>. According to the Hampshire Long Term Population

<sup>78</sup> Hampshire County Council (November 2009.) [Housing Provision for Older People in Hampshire: Older Persons Housing Study](#).

<sup>79</sup> Census 2011, Population Estimates Summary Tables ([http://www3.hants.gov.uk/factsandfigures/population-statistics/census\\_pages.htm](http://www3.hants.gov.uk/factsandfigures/population-statistics/census_pages.htm))

## **Appendix I – Emerging Fareham Borough Council Local Plan 2037 draft Policy HP4 (Five-Year Housing Land Supply)**



countryside context. Any new boundary treatments proposed should be chosen to minimise visual impact on the character of the surrounding area.

- 5.20 The NPPF supports development of Previously Developed Land (PDL). The definition in the Glossary at Annex 2 of the NPPF excludes residential gardens in the built-up area from the definition of Previously Developed Land (PDL), but not residential gardens in the countryside.
- 5.21 The development of residential gardens has the potential for a number of harmful impacts, including on the character of the area, on biodiversity and living conditions. It is therefore essential that such proposals are controlled in order to protect the character and openness of the countryside, and the character and form of the urban area.

### Flexibility in the Housing Supply

#### Why this policy is needed

- 5.22 The Council is committed to delivering the housing requirement set out in the Local Plan, but it is important to provide a contingency position in the Plan to deal with unforeseen problems with delivery of both allocations and/or commitments. Therefore, further flexibility in the Council's approach is provided in Policy HP4: Five-Year Housing Land Supply. This potentially allows for additional sites to come forward, over and above the allocations in the Local Plan, where the Council cannot demonstrate a five-year land supply against the Local Plan housing requirement.
- 5.23 In the event that the Council does not have a five-year housing land supply the strategic policies of the Local Plan are disengaged and the 'presumption in favour of sustainable development' applies as stated in Paragraph 11 of the NPPF. However, this could create a precedent for unsustainable development. Therefore, a policy is required to reinforce the principles of sustainable development<sup>16</sup> as set out in the NPPF and provide additional guidance on how this would apply to such a development proposal where a five year housing land supply cannot be demonstrated.
- 5.24 In recent appeals<sup>17</sup> the Council has successfully defended speculative, unsustainable developments with a policy guiding the determination of housing applications in cases where the Council cannot demonstrate a five-year supply. In those cases, the Inspector awarded the Adopted Local Plan Policy DSP40<sup>18</sup> full weight in their assessment of the scheme, when the 'tilted balance' was applied. Given this use of a previous adopted policy, the Council is keen to bring the policy into the new Local Plan.

#### Policy HP4: Five-Year Housing Land Supply

**If the Council cannot demonstrate a five-year supply of land for housing against the housing requirement set out in Policy H1, additional housing sites, outside the Urban Area boundary, ~~may be~~ will be permitted where they meet all of the following criteria:**

- a) The proposal is relative in scale to the five-year housing**

<sup>16</sup> As outlined in paragraph 11 of the NPPF

<sup>17</sup> [APP/A1720/W/18/3199119](#) and [APP/A1720/W/18/3200409](#)

<sup>18</sup> Development Sites and Policy Plan (adopted 2015)





- land supply shortfall;**
- b) The proposal is sustainably located adjacent to, and well related to, the existing urban area boundaries, and can be integrated with the neighbouring settlement;**
  - c) The proposal is sensitively designed to reflect the landscape character and setting of the settlement, is of a scale proportionate to its setting and recognises the intrinsic character and beauty of the countryside and, if relevant, does not significantly affect the integrity of a Strategic Gap;**
  - d) It can be demonstrated that the proposal is deliverable in the short term; and**
  - e) The proposal would not have any unacceptable environmental, amenity or traffic implications.**

### How this policy works

- 5.25 In order to accord with the Development Strategy and Policy DS1: Development in the Countryside, proposals for development outside the urban area boundaries will be strictly controlled. Such proposals will only be considered if the Council cannot demonstrate that it has a five-year land supply against the housing requirements set out in Policy H1 of the Local Plan.
- 5.26 The Local Plan favours development within the urban area and at specified allocation sites. However, in the event that the Council cannot demonstrate a five-year housing land supply a scheme that is proposed outside of the Urban Area boundary would need to meet all of the criteria in Policy HP4. Schemes within the urban area are likely to be policy compliant in any case and specific criteria guiding how the application should be judged is not required, over the requirements of other relevant policies and material considerations within this Plan. The criteria provides a basis to ensure that any proposals coming forward outside the urban area is developed in a sustainable manner, in line with the principles of paragraph 11 of the NPPF. The criteria in HP4 are required to ensure relevant policy considerations are given weight in a scheme's assessment. For instance, the Borough's open countryside contains valued landscape that are of special quality and any scheme that comes forward in the countryside would need to ensure it is sensitively designed to reflect the character of that landscape.
- 5.27 Protecting the character and beauty of the countryside is an important objective and so the careful design of any proposal will be a key consideration. Any proposal must be adjacent to an existing Urban Area boundary and designed to ensure it is as well related, and integrated, to the neighbouring settlement as possible. Any proposal will also need to demonstrate that there will be no unacceptable environmental, amenity or traffic implications and that all other relevant policies in the Local Plan have been duly considered.
- 5.28 To ensure that such additional housing schemes contribute towards any five-year supply shortage the Council will expect detailed information to be submitted to demonstrate the deliverability of the scheme. This should include a detailed programme of delivery specifically setting out when the proposal will be delivered. If deemed necessary, the Council will include a planning condition to limit the commencement time to a year from the date of permission to ensure delivery in the short term. In order to protect areas outside of the existing settlements from unnecessary levels of development, only proposals that are of a scale relative to any identified shortfall will be considered.

**Appendix J – South Northamptonshire Local Plan Part 2 Policies LH6  
(Specialist Housing and Accommodation Needs) and LH7  
(Residential/Nursing Care)**

4.7.5 Northamptonshire County Council's Social Care Accommodation Strategy for Older People 2016-2021 identifies the gaps in provision and sets out the direction the County needs to take to support and enable the delivery of suitable housing and care home provision for older people.

4.7.6 A Study of Housing and Support Needs of Older People across Northamptonshire (March 2017), provides a local context and covers demand and supply, affordability, tenure and type of housing across the County. The key findings from this report found that:

- Social rented older persons' housing stock is generally fit for purpose.
- There is a significant additional stock of retirement bungalows for social rent, which are very popular with tenants.
- The supply of social rented older persons' housing is sufficient to meet the needs but the stock may require upgrading in order to meet modern standards.
- Potential demand for sale housing exceeds demand for shared ownership.
- Potential demand for retirement housing with an annual target of 306 units a year for sale and shared ownership across West Northamptonshire; this equates to 91 retirement units per annum across South Northamptonshire.

**Housing for specialist needs:**

4.7.7 Specialist needs housing is intended for people with physical disability, frail elderly people, young vulnerable people, people with learning disability, mental health or sensory disability. It allows residents to live a higher quality of life near to where they have support or where they are familiar with their surrounding area. As with housing for older people, schemes for specialist housing will need to be considered in accordance with the settlement hierarchy to ensure that day-to-day needs can be met in a sustainable way and contribute to opportunities to maximise their health, quality of life, increase independence and avoid social isolation.

4.7.8 Key features of specialist housing include:

- self-contained individual dwellings with their own front door irrespective of whether the dwelling is for rent, sale or shared ownership,
- it can include communal areas such as lounges and restaurants,
- a scheme manager or other types of support service and varying levels of personal care and support.

4.7.9 Specialist accommodation may be delivered on sites that would not normally be permitted for housing development because they are subject to planning policies of restraint.



- 4.7.10 The delivery of specific specialist schemes for older or vulnerable people should be considered in partnership with other agencies to ensure they meet specific identified needs. Housing for older and more vulnerable people will also be controlled through conditions and planning obligations. This is to ensure that specialist housing is not being used as a mechanism to circumvent other policies in this plan. Restrictions on occupancy will apply to resales to ensure these properties meet specialist needs in perpetuity.
- 4.7.11 In some circumstances, specialist housing may be of a character that meets complex needs arising from only a few individuals located across the region or indeed in the wider area. Where clearly evidenced need exists, the Local Plan supports the provision of such developments within and adjacent to the confines of Rural Service Centres, to ensure that facilities are appropriately served by supporting services and infrastructure, and accessible by a number of transport modes.

#### **POLICY LH6: SPECIALIST HOUSING AND ACCOMMODATION NEEDS**

1. **Proposals to meet older persons/specialist housing needs for two or more dwellings will be supported on suitable sites that are within settlement confines subject to the following criteria:**
  - a. the location is well served by public transport or within walking distance of community facilities (within 400m) such as shops, medical services, public open space, and social networks appropriate to the needs of the intended occupiers, or where this is not the case, such facilities are provided on site; and
  - b. the scale, form and design of the development is appropriate to the client group and in relation to the settlement where it is located; and
  - c. highway, parking and servicing arrangements are satisfactorily addressed; and
  - d. gardens and amenity space are provided and are of an appropriate size and quality.

**Proposals for older persons/specialist housing on suitable sites immediately adjacent to the settlement confines of Rural Service Centres and Primary Service and Secondary Villages (A) should meet all of criteria (a) to (d) above and**

  - e. the scale of development should be clearly justified by evidence of need in the district; and
  - f. evidence is provided which demonstrates that there are no alternative suitable available sites within the adjacent confines.
2. **Proposals for specialist housing and accommodation to meet clearly evidenced needs arising from outside the district will be considered where they relate to suitable sites that are within or immediately adjacent to the confines of the Rural Services Centres.**

**Delivers Objective: 4**

## 4.8 Residential/Nursing Care

4.8.1 Communal establishments form their own category of housing for older and other residents, these include residential and nursing homes providing accommodation care and/or nursing for people whose care or health needs means they cannot live independently. Residents of such establishments will have a bedroom rather than a self-contained dwelling.

4.8.2 The Study of Housing and Support Needs of Older People across Northamptonshire (March 2017) identified 5,332 care home places in Northamptonshire<sup>9</sup>, equivalent to 4.3% of the population aged 65 and over. This is a higher figure than the national average 3.2% (2011 Census). This shows there is a requirement for an additional 1056 care home places by 2030 across Northamptonshire, of which almost 50% (471) are required in South Northamptonshire.

**Table 4: Target provision of additional care home places<sup>10</sup>**

District	Total population aged 65 and over and over 2030	Care places required (2.9% of population)	Current supply	Target provision (2017-2030)
Corby	14,600	423.4	268	155.4
East Northants	27,300	792	501	291
Kettering	25,000	1018	790	228
Wellingborough	19,800	574	528	46
Daventry	23,100	629	370	259
Northampton	47,000	1262	1656	-394
South Northants	26,600	771	300	471
Total	183,400	5,319	4,410	1056

4.8.3 These targets make no allowance for increase in retirement housing provision which can reduce demand for care homes. The report suggests that 'it will be necessary to keep targets and achievements in provision of retirement housing and care homes under review and to collect and monitor information from retirement housing providers on the proportion of residents who receive regular domiciliary care and who would otherwise be in a care home'. The number of residential care home and nursing places is likely to form part of the review of the Part 1 Local Plan. As such, Policy LH7 provides a general approach as to how proposals will be considered and assessed in accordance with other policies in this plan.

<sup>9</sup> Source Northamptonshire County Council Care Home Customers and Population

<sup>10</sup> Housing and Support Needs of Older People Study March 2017: Target provision of additional care home places.



## **POLICY LH7: RESIDENTIAL AND NURSING CARE**

<b>1</b>	<b>Proposals for residential care homes/nursing care will be supported on suitable sites that are within or adjoining the settlement confines of Rural Services Centres, Primary Service Villages or Secondary Service Villages (A):</b>
<b>2</b>	<b>Where proposals relate to sites adjoining settlement confines they will be subject to the following criteria:</b> <ol style="list-style-type: none"> <li><b>a. the local need or requirement for the facility is clearly evidenced; and</b></li> <li><b>b. evidence is provided which demonstrates that there are no suitable available sites within the confines of settlements within the same or adjoining parishes.</b></li> </ol>
<b>3</b>	<b>Residential institutions which fall within Use Class C2 and do not provide self-contained accommodation or support independent living are not classified as housing and will not expected to contribute to the provision of affordable housing.</b>
<b>Delivers Objective: 4</b>	

### **4.9 Affordable housing**

- 4.9.1** The district is considered an affluent area, Households on lower/medium incomes find it difficult to find suitable affordable accommodation that meets their housing needs, which results in these households moving away to areas with typically lower house prices. However this is not a cycle we want to continue and therefore it is important that we work to improve the supply and choice of high quality residential accommodation that meets local residents' needs. Policy LH8 sets out the council's requirements in the provision of affordable housing across the district. WNJCS Policy H2 sets out the amount of affordable housing in the district by delivering 40% in the market towns; 50% in the rural areas; and 35% in the Northampton Related Development Area.
- 4.9.2** In 2014 the Government published a written ministerial statement (WMS) on affordable housing, exempting small sites from affordable housing requirements. Subsequently the online Planning Practice Guidance was amended accordingly. Paragraph 63 of the NPPF (2018), brings this exemption forward into policy. Policy LH8; accords with revised national policy and the threshold for affordable provision will be triggered for major developments, defined as those that include 10 or more dwellings, or sites that are 0.5ha or greater.
- 4.9.3** A tenure split of 70% affordable housing for rent to 30% affordable home ownership is proposed, which is in accordance with the recommendations made at paragraph 6.24 of the West Northamptonshire Housing Market Evidence 2017 (LP2EVHOU-9). It also ensures that the 10% affordable home ownership as required under paragraph 64 of the NPPF (2019) can be delivered as part of the overall affordable product for the site.

## **Appendix K – West Lancashire Local Plan Policy RS6 (A “Plan B” for Housing Delivery in the Local Plan)**

**7.59** Although some temporary accommodation will not require planning permission, in most cases permission will be required. Operators should always check with the Council's Planning Department, but normally planning permission is required in the following cases:

- If the workers will be housed for longer than a normal planting, growing, or picking season;
- If caravans and other related buildings (e.g. canteens and toilets) are to be kept on site permanently;
- If a change of use to an existing building is involved; or
- If hardstandings and permanent services (e.g. water supply or septic tank) need to be constructed.

**7.60** The Council wishes to assist in supporting a healthy rural economy within the context of national and local planning policies. Permanent buildings or caravans which are kept on site for a number of months can reduce the open character of the Green Belt and have an adverse impact on the landscape and the amenity of local residents. Therefore, the above policy has been introduced to limit the impact of this type of development on the local area.

**7.61** The Council has also produced Supplementary Planning Guidance on Accommodation for Temporary Agricultural Workers, which is relevant to the implementation of this policy.

### Other Local Planning Policy and supporting documents

- Accommodation for Temporary Agricultural Workers SPG (2007)

## 7.6 Policy RS6: A "Plan B" for Housing Delivery in the Local Plan

### Context

**7.62** Policy GN2 sets out several sites across the Borough that are safeguarded from development for the needs of a "Plan B", should it be required. Appendix E sets out the key issues in relation to delivery and risk for each individual policy. For Policies SP1 and RS1, these delivery issues often revolve around a similar concern – what if a key site or location for residential development cannot be delivered? Ultimately, this leaves the outcome of the locally-determined target for residential development not being met, unless a viable alternative can be found.

**7.63** Therefore, while it is hoped that all aspects of the Local Plan will be deliverable, and they have been selected because the Council believes that they are, it is prudent to have a "Plan B" prepared in case a key site(s) for residential development does not come forward for development during the plan period. Policy RS6 provides the Council with the ability to enact such a "Plan B" should it become apparent through monitoring that the Local Plan's residential targets are not being met.

**7.64** An additional consideration is the fact that the Local Plan covers a long period (15 years) and, in relation to the locally-determined targets, it is not unreasonable to expect some change in the evidence for those targets over the 15 years, potentially resulting in new targets. Therefore, the Local Plan should be flexible enough to address these changes, as well as any other reasonable change in circumstance, without a wholesale review of the Plan.

### Policy RS6

#### A "Plan B" for Housing Delivery in the Local Plan

The "Plan B" sites safeguarded in Policy GN2 will only be considered for release for housing development if one of the following triggers is met:

- Year 5 review of housing delivery

If less than 80% of the pro rata housing target has been delivered after 5 years of the Plan period, then the Council will release land from that safeguarded from development for "Plan B" to enable development to an equivalent amount to the shortfall in housing delivery.

- Year 10 review of housing delivery

If less than 80% of the pro rata housing target has been delivered after 10 years of the Plan period, then the Council will release land from that safeguarded from development for "Plan B" to enable development to an equivalent amount to the shortfall in housing delivery.

- The housing target increasing as a result of new evidence

If, at any point during the 15 year period of the Plan, the Council chooses to increase its housing target to reflect the emergence of new evidence that updates the existing evidence behind the housing target and which would undermine the existing target, then an appropriate amount of land will be released from that safeguarded from development for "Plan B" to make up the extra land supply required to meet the new housing target for the remainder of the Plan period.

### Justification

**7.65** The Council believe that the locally-determined targets that have been set in this Local Plan are fair and reasonable in light of all the available evidence at this time. However, it is possible that targets for residential development will rise, meaning that new locations for development would need to be identified, and so in this situation the "Plan B" would also provide the flexibility required to accommodate this rise.

**7.66** In essence, the Council's "Plan B" for the Local Plan involves the release of land from the Green Belt and its allocation as safeguarded land under Policy GN2. This land would be safeguarded from development until the above triggers in Policy RS6 are reached. Until these triggers are reached the land will be protected from development in a similar way to Green Belt (see Policy GN2) and in such a way as to not prejudice the possible future development of this land if the "Plan B" is triggered.

**7.67** The supply of land safeguarded from development for the “Plan B” in Policy GN2 (which has a total capacity of 830 dwellings) is more than sufficient to allow for at least 15% extra on top of the 15-year housing target being proposed in the Local Plan (15% of 4,860 dwellings = 729 dwellings). This percentage is based on the need to ensure that even the largest of the housing allocations in the Local Plan is covered by the flexibility of the “Plan B”, should it fail to be delivered.

**7.68** Ongoing monitoring of housing delivery in the Plan period will enable the Council to be prepared for any trigger points in Policy RS6 being reached. If it is anticipated a year before any trigger point is reached (i.e. at the end of Years 4 and 9 of the Plan) that housing delivery is at risk of triggering the “Plan B”, the Council will commence a review of the level and nature of any undersupply compared to housing requirements. This review will also review the “Plan B” sites themselves in order to identify which site(s) are most suitable to release for development at that time (if any, depending on the nature of, and reasons for, the undersupply), should the level of undersupply ultimately trigger the “Plan B” in April of the following year. The quantum of release will be sufficient to meet the identified shortfall in housing delivery compared to the housing requirements.



## **Appendix L – Transport Representation Note**

# West Berkshire Council Regulation 19 Consultation Transport Representation Note

Site: Land at Henwick Park, Thatcham  
Prepared by: MF  
Approved by: JNR  
Date: 3rd March 2023

Tel: 0118 467 4498  
www.motion.co.uk

## 1.0 Introduction

- 1.1 Motion has been instructed by Croudace Homes Ltd to prepare this Transport Representation Note in respect of the West Berkshire Council (WBC) Local Plan Review Regulation 19 consultation.
- 1.2 This Transport Representation has reviewed the emerging Local Plan and the evidence basis upon which the document has been based.
- 1.3 For highways, this includes the Local Plan Review Transport Assessment Report Phase 1 (December 2020) and the Local Plan Review Phase 2 Transport Assessment Report (July 2021), both prepared by WBC, and the West Berkshire Strategic Transport Model Local Plan Forecasting Report (March 2022), prepared by WSP.
- 1.4 Croudace Homes are currently promoting a site on land at Henwick Park, to the north of Heath Lane and Bowling Green Road within Thatcham. This site was previously subject to a planning application for an up to 225 dwelling residential-led development which was refused after call in by the Secretary of State after the Planning Inspector recommended the Appeal be allowed. There were no transport related reasons for refusal and all transport matters were agreed with WBC prior to the Appeal.

## 2.0 Impacts of Potential Development Sites

### WBC Evidence Base

- 2.1 It is noted that the North-east Thatcham site allocation has reduced from 2,500 to 1,500 dwellings in the Regulation 19 consultation, though the evidence base has been prepared for the full site allocation.
- 2.2 The WBC Phase 1 Transport Assessment included an assessment of potential Local Plan site allocations, including the Henwick Park site within Scenario 1a of the assessment. This TA includes an assessment using the West Berkshire strategic transport model (built with VISUM) and the Thatcham VISSIM model which suggests that delays may be experienced at the A4/Floral Way roundabout with the inclusion of Local Plan development around Thatcham.
- 2.3 The WSP Strategic Transport Model Local Plan Forecasting Report (March 2022) utilises the strategic transport model to assess the operation of the highway network with and without Local Plan development. The Local Plan development scenarios include the land at Henwick Park site, despite this development not being allocated as a site for development within the Local Plan Review.
- 2.4 The modelling assessment includes a number of potential mitigation options to mitigate the impacts of the North-east Thatcham site allocation, with the conclusion that there are low levels of highway demand increases across the Local Plan scenarios.
- 2.5 The Phase 2 TA prepared by WBC excludes the Henwick Park development site from the assessment. More detailed scheme options are put forward for the full 2,500 site allocation to mitigate the impacts of the North-east Thatcham development, with this modelling identifying minimal changes in traffic flow conditions within Thatcham as a result of the Local Plan development and mitigation schemes.
- 2.6 The above evidence base clearly demonstrates that development in addition to the potential 2,500 dwellings at North-east Thatcham can be accommodated on the local highway network within Thatcham, with a number of mitigation and demand management schemes put forward by the North-east Thatcham allocation.

## Emerging Policy Requirements

- 2.7 The draft site allocation (Policy SP17) for the North-east Thatcham development site requires "*mitigation of the development's impacts on the highways network with improvements to existing junctions where they are needed...*".
- 2.8 This accords with the evidence base modelling assessment which identifies potential schemes to mitigate the impacts of the North-east Thatcham development on the local highway network. This includes:
- ▶ Converting the Pipers Way/A4 roundabout to a signalised junction;
  - ▶ Converting the Colthrop Way/A4 roundabout to a signalised junction; and
  - ▶ Providing two lanes eastbound on the A4 from Floral Way to Colthrop Lane.
- 2.9 The Phase 2 TA has assessed four future year scenarios:
- ▶ A 2036 Core Forecast, growing existing conditions using TEMPro growth factors;
  - ▶ A 2037 with Local Plan development using a TRICS based trip rates for all development sites;
  - ▶ A 2037 scenario with refined trip rates for the North-east Thatcham site; and
  - ▶ A 2037 scenario with the refined trip rates and the above mitigation schemes.
- 2.10 The TA identifies that traffic in Thatcham would grow by 119 vehicles in the weekday morning peak hour between the refined trip rate and the Core Forecast scenario, with the mitigation schemes attracting vehicles onto the network, with an increase of 464 compared to the Core Forecast. For reference, the TRICS trip rate scenario increases trips by 1,454 compared to the Core Forecast scenario.
- 2.11 A similar trend occurs in the weekday evening peak hour, with an increase of 93 vehicles between the refined trip rate and Core Forecast scenarios, with the mitigation scheme increasing traffic flows by 632 compared to the Core Forecast. For reference, the TRICS trip rate scenario increases trips by 745 compared to the Core Forecast scenario.
- 2.12 Policy SP23 relates to transport and states that residential development above 60 dwellings will need to be accompanied by a Transport Assessment.
- 2.13 It is agreed that a Transport Assessment should accompany major development schemes in the Thatcham area. This should assess the impact of the development on the local highway network to identify the impact on junction operation, and therefore whether mitigation measures are required based on the development quantum proposed.

## Land at Henwick Park Analysis

- 2.14 Motion has undertaken a junction modelling assessment to assess the impacts of the land at Henwick Park site on the highway network based on surveyed traffic flows collected in 2023, which indicates that some junctions on the A4 corridor and some of the mini-roundabout junctions on the Northern Distributor Road would operate close to theoretical capacity in the future year scenarios including the Henwick Park potential allocation. As such, there is likely to be a requirement for some capacity improvements, alongside demand management measures to increase the number of residents travelling via sustainable modes of travel.
- 2.15 For the Henwick Park site, benefits can be provided to the local highway network in the form of a junction improvement at the Heath Lane/Cold Ash Hill mini-roundabout junction, which is shown to operate over capacity in the base year when assessed using the Junctions 9 ARCADY modelling software. An allocation at the Henwick Park site would facilitate the provision of a full roundabout junction at this site, indicatively shown in Figure 2.1. This would mitigate impacts of the development on the Northern Distributor Road as identified in a baseline modelling assessment.



Figure 2.1: Indicative Heath Lane/Cold Ash Hill Roundabout Upgrade

- 2.16 Although dwelling numbers and development mix would be a matter for any subsequent planning application, for the purposes of this note, the site has been assessed for 325 residential dwellings, in accordance with the up to 325 dwellings identified within the HELAA for the CA12, CA16 and CA17 sites and assessed within the WBC transport evidence base. This indicates that the site has the potential to generate 194 two-way vehicular trips in the weekday morning peak hour and 221 two-way vehicular trips in the weekday evening peak hour using TRICS trip rates. This is significantly lower than the impact of the North-east Thatcham allocation TRICS assessment scenario and does not take into account potential modal shift that could occur due to changes in workforce working from home and travel planning initiatives such as improved public and sustainable transport opportunities.
- 2.17 In view of the above, it is considered that the above mitigation alongside the measures set out within the Phase 2 TA to mitigate the North-east Thatcham development would therefore allow for the allocation of both development sites within the plan period, especially with the reduction to 1,500 dwellings for the North-east Thatcham allocation within the plan period.
- 2.18 It is noted that the development impact on the A4 through the centre of Thatcham is minimal due to the location of the land at Henwick Park development site. The location of Henwick Park would allow any vehicles travelling east or west on the A4, for example to access Newbury, the A34 or M4 and Reading, to utilise the Northern Distributor Road and avoid routing along the A4 in the centre of Thatcham and therefore reducing the potential impacts on congestion and air quality within the Air Quality Management Area.
- 2.19 Given the conclusions of the above analysis and the evidence base prepared by WBC and WSP regarding the network in the area, it is considered that there is scope for both Henwick Park and North-east Thatcham to

be accommodated within the Local Plan Review period on the local highway network, with each development site having differing levels of impact on junctions on the local highway network, as set out within the various mitigation schemes referenced above.

### 3.0 Sustainable Transport Opportunities

- 3.1 There are significant sustainable transport opportunities associated with the potential allocations within Thatcham.
- 3.2 The land at Henwick Park site benefits from a location adjacent to a number of bus routes, allowing for potential route diversions or service alterations to facilitate an increased patronage on existing services in the area. With the advent of the North-east Thatcham allocation, services within Thatcham will improve to incentivise residents to make use of the bus to access Thatcham and Newbury town centres and Thatcham railway station.
- 3.3 In addition to travel by sustainable modes, there are noted to be a network of cycle routes which provide linkage towards Thatcham town centre and Newbury, via a mixture of on and off-road cycle routes. With the increasing popularity of e-bikes and the potential opportunities provided by e-scooters, Newbury and Thatcham town centres and Thatcham railway station are located within a convenient travel of the site, with residents able to utilise the predominantly flat routes to access these destinations.
- 3.4 Development sites coming forward could safeguard land within the development for mobility hubs, to further incentivise the use of these modes of travel which could form part of the package of Travel Plan measures associated with development.
- 3.5 In view of the above, it is considered that development in Thatcham benefits from a choice of travel modes to provide sustainable access to a number of amenities and destinations, such as Thatcham, Newbury and Reading.

### 4.0 Summary

- 4.1 This Transport Representation Note has been prepared for the Regulation 19 Consultation of the WBC Local Plan Review.
- 4.2 This Note has reviewed the transport evidence base associated with the Local Plan, alongside a review of junction analysis modelling undertaken to assess the impact of the land at Henwick Park site on the local highway network.
- 4.3 As identified within the evidence base, a mixture of demand management measures and capacity improvements could accommodate the development traffic of both the Henwick Park and North-east Thatcham sites on the local highway network.
- 4.4 These demand management measures could promote improved public transport links to the northern Thatcham area, alongside encouraging active travel modes such as e-bikes and potentially e-scooters which could improve the linkage to Thatcham and Newbury town centres and further reduce the impacts of proposed development on the local highway network.
- 4.5 Overall, the analysis work undertaken both within the Local Plan evidence base and for the Henwick Park development site indicates that both developments can be suitably accommodated on the local transport network and therefore there is no reason why both developments could not come forward for development within the Local Plan Review period.



**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	Mr
First Name:*	George	Jack
Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*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):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	Chapter 3
Policy:	
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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.*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

## 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:*

*The opportunity to discuss matters of legal compliance and soundness with the Planning Inspector, together with proposed modifications to the Plan.*

*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	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
The adoption of the Local Plan Review	<input checked="" type="checkbox"/>

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

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

**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>
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<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.*
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	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:	Mr	Mr
First Name:*	George	Jack
Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*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):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	Chapter 4
Policy:	
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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.*

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## 5. Independent Examination

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

Yes

☒

No

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

*The opportunity to discuss matters of legal compliance and soundness with the Planning Inspector, together with proposed modifications to the Plan.*

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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	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
The adoption of the Local Plan Review	<input checked="" type="checkbox"/>

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Signature		Date	03/03/2023
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**West Berkshire Local Plan Review 2022-2039****Proposed Submission Representation Form****Ref:***(For official use only)*

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	<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>

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**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	SP1
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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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## 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

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**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

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The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
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Signature		Date	03/03/2023
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Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*Mandatory field



**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	SP3
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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
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*Please give reasons for your answer:*

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### 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

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*Please give reasons for your answer:*

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Yes

☒

No

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*\*Mandatory field*

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	Chapter 6
Policy:	
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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
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*Please give reasons for your answer:*

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### 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

X

*Please give reasons for your answer:*

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## 5. Independent Examination

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Yes

☒

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Telephone number:	[REDACTED]	[REDACTED]

\*Mandatory field

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	SP12
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**2. Soundness**

*Please see the guidance notes for an explanation of what 'soundness' means.*

### Do you consider the Local Plan Review is sound?

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NPPF criteria	Yes	No
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## 5. Independent Examination

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

Yes

☒

No

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

*The opportunity to discuss matters of legal compliance and soundness with the Planning Inspector, together with proposed modifications to the Plan.*

*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

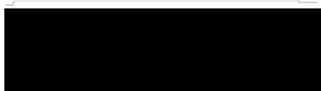
**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
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Signature		Date	03/03/2023
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	<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>

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**PART A: Your Details**

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First Name:*	George	Jack
Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*Mandatory field



**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	SP13
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

☒

No

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**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

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Telephone number:	[REDACTED]	[REDACTED]

\*Mandatory field

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	SP14
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

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### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

☒

No

☐

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	SP15
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

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**2. Soundness**

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*Please give reasons for your answer:*

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### 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

X

*Please give reasons for your answer:*

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Yes

☒

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	SP17
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

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**2. Soundness**



*Please see the guidance notes for an explanation of what 'soundness' means.*

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

Section/paragraph:	
Policy:	SP18
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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.*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

## 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:*

*The opportunity to discuss matters of legal compliance and soundness with the Planning Inspector, together with proposed modifications to the Plan.*

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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	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
The adoption of the Local Plan Review	<input checked="" type="checkbox"/>

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Signature		Date	03/03/2023
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	<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>

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	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:	Mr	Mr
First Name:*	George	Jack
Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

*\*Mandatory field*



**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	SP19
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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
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<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:*

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### 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

X

*Please give reasons for your answer:*

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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

☒

No

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**Do you wish to be notified of any of the following?**

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*Tick*

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Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*Mandatory field

**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	Chapter 8
Policy:	
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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
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<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:*

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### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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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## 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:*

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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*

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Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*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):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	RSA2
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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
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*Please give reasons for your answer:*

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### 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

X

*Please give reasons for your answer:*

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### 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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## 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

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

Section/paragraph:	
Policy:	RSA14
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

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**2. Soundness**



*Please see the guidance notes for an explanation of what 'soundness' means.*

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NPPF criteria	Yes	No
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Yes

☒

No

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	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:	Mr	Mr
First Name:*	George	Jack
Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

*\*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):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	RSA15
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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.*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

## 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:*

*The opportunity to discuss matters of legal compliance and soundness with the Planning Inspector, together with proposed modifications to the Plan.*

*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	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
The adoption of the Local Plan Review	<input checked="" type="checkbox"/>

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

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



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

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	<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**

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Telephone number:	[REDACTED]	[REDACTED]

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**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	RSA16
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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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## 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:*

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## 6. Notification of Progress of the Local Plan Review

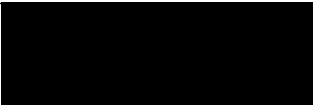
**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
The adoption of the Local Plan Review	<input checked="" type="checkbox"/>

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Signature		Date	03/03/2023
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**PART A: Your Details**

*Please note the following:*

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Title:	Mr	Mr
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Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
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**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	RSA17
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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
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*Please give reasons for your answer:*

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### 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

X

*Please give reasons for your answer:*

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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

☒

No

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*Tick*

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Signature		Date	03/03/2023
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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	RSA19
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**2. Soundness**



*Please see the guidance notes for an explanation of what 'soundness' means.*

### Do you consider the Local Plan Review is sound?

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NPPF criteria	Yes	No
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*Please give reasons for your answer:*

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### 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

X

*Please give reasons for your answer:*

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### 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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Yes

☒

No

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*Please tick all that apply:*

*Tick*

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Last Name:*	Hopkins	Dickinson
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Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*Mandatory field

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	RSA20
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**2. Soundness**

*Please see the guidance notes for an explanation of what 'soundness' means.*

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Yes

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No

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*Please give reasons for your answer:*

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## 5. Independent Examination

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

Yes

☒

No

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

*The opportunity to discuss matters of legal compliance and soundness with the Planning Inspector, together with proposed modifications to the Plan.*

*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	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
The adoption of the Local Plan Review	<input checked="" type="checkbox"/>

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

Signature		Date	03/03/2023
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**West Berkshire Local Plan Review 2022-2039****Proposed Submission Representation Form****Ref:***(For official use only)*

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	<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>

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- 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**

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	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:	Mr	Mr
First Name:*	George	Jack
Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*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):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	RSA21
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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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## 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

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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*

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	<b>By email:</b> <a href="mailto:planningpolicy@westberks.gov.uk">planningpolicy@westberks.gov.uk</a>
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Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*Mandatory field



**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	RSA22
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

☒

No

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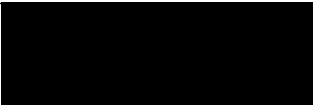
**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

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Signature		Date	03/03/2023
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Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
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\*Mandatory field



**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	RSA23
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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
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*Please give reasons for your answer:*

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### 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

X

*Please give reasons for your answer:*

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### 4. Proposed Changes

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Yes

☒

No

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**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	Chapter 9
Policy:	
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**2. Soundness**



*Please see the guidance notes for an explanation of what 'soundness' means.*

### Do you consider the Local Plan Review is sound?

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*Please tick all that apply:*

NPPF criteria	Yes	No
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### 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

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Yes

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No

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Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
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Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	DM2
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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.*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

## 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:*

*The opportunity to discuss matters of legal compliance and soundness with the Planning Inspector, together with proposed modifications to the Plan.*

*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	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
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Signature		Date	03/03/2023
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	<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>

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**PART A: Your Details**

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	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:	Mr	Mr
First Name:*	George	Jack
Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*Mandatory field

**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	Chapter 11
Policy:	
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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
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*Please give reasons for your answer:*

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### 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

X

*Please give reasons for your answer:*

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### 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

☒

No

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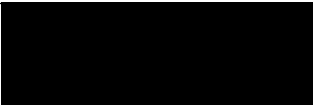
**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
The adoption of the Local Plan Review	<input checked="" type="checkbox"/>

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Signature		Date	03/03/2023
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**PART A: Your Details**

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	<b>Your details</b>	<b>Agent's details (if applicable)</b>
Title:	Mr	Mr
First Name:*	George	Jack
Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*Mandatory field



**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	DM18
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

☒

No

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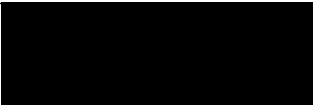
**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
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Signature		Date	03/03/2023
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**PART A: Your Details**

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	<b>Your details</b>	<b>Agent's details (if applicable)</b>
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First Name:*	George	Jack
Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* <i>Please include postcode:</i>	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*Mandatory field



**Part B – Your Representation*****Please use a separate sheet for each representation***

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
---	--

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

Section/paragraph:	
Policy:	DM19
Appendix:	
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

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**2. Soundness**



*Please see the guidance notes for an explanation of what 'soundness' means.*

### Do you consider the Local Plan Review is sound?

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NPPF criteria	Yes	No
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*Please give reasons for your answer:*

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### 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

X

*Please give reasons for your answer:*

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### 4. Proposed Changes

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☒

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**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	
Appendix:	1
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**1. Legally Compliant**

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**Do you consider the Local Plan Review is legally compliant?**

Yes

☐

No

☒

*Please give reasons for your answer:*

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NPPF criteria	Yes	No
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Yes

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No

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**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	Mr
First Name:*	George	Jack
Last Name:*	Hopkins	Dickinson
Job title (where relevant):	Strategic Land Promoter (South)	Principal Planner
Organisation (where relevant):	Croudace Homes	Nexus Planning
Address* Please include postcode:	Croudace House Tupwood Lane Caterham Surrey CR3 6XG	Suite 3, Apex Plaza 3 Forbury Road Reading RG1 1AX
Email address:*	[REDACTED]	[REDACTED]
Telephone number:	[REDACTED]	[REDACTED]

\*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):	Nexus Planning on behalf of Croudace Homes
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	
Policy:	
Appendix:	2
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

**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:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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

X

*Please give reasons for your answer:*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

### 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.*

*Please refer to supporting Representations Report (March 2023) submitted alongside this form.*

## 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:*

*The opportunity to discuss matters of legal compliance and soundness with the Planning Inspector, together with proposed modifications to the Plan.*

*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	<input checked="" type="checkbox"/>
The publication of the report of the Inspector appointed to carry out the examination	<input checked="" type="checkbox"/>
The adoption of the Local Plan Review	<input checked="" type="checkbox"/>

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

Signature		Date	03/03/2023
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Your name or organisation (and client if you are an agent):	Nexus Planning on behalf of Croudace Homes
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Policy:	
Appendix:	8
Policies Map:	Yes.
Other:	Supporting evidence base documents.

**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?**

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*Please give reasons for your answer:*

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