

Planning Policy
West Berkshire Council
Council Offices
Market Street
Newbury
RG14 5LD

20 Western Avenue
Milton Park
Abingdon, Oxfordshire
OX14 4SH
T +44 1235 821 888

2nd March 2023

Dear Sir / Madam

Re: West Berkshire Local Plan Review Proposed Submission (Regulation 19) Consultation from 20th January 2023 until 3rd March 2023.

I am writing to you on behalf of my client, Mr Steve Hamilton, who is the owner of Land at Hambridge Lake, Hambridge Road, Newbury / Thatcham, RG19 3TR.

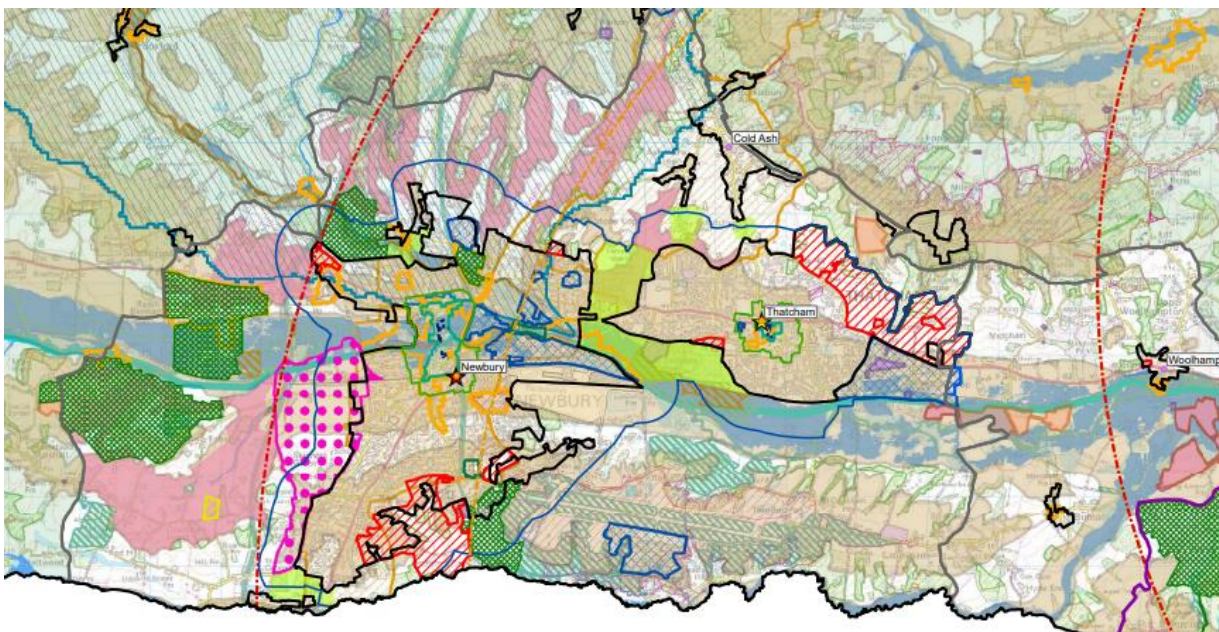
On behalf of our client, we would like to register a strong objection to the following:

- **Policy DM2 Separation of Settlements around Newbury and Thatcham.**

This policy states that:

In order to prevent the coalescence of Newbury and Thatcham and to maintain the separate identity of the distinct settlements around both towns, the following gaps between settlements have been identified and are outlined on the Policies Map:

c. Land between Newbury and Thatcham



Extract from local plan proposals map (proposed gap is light green area in centre of map).

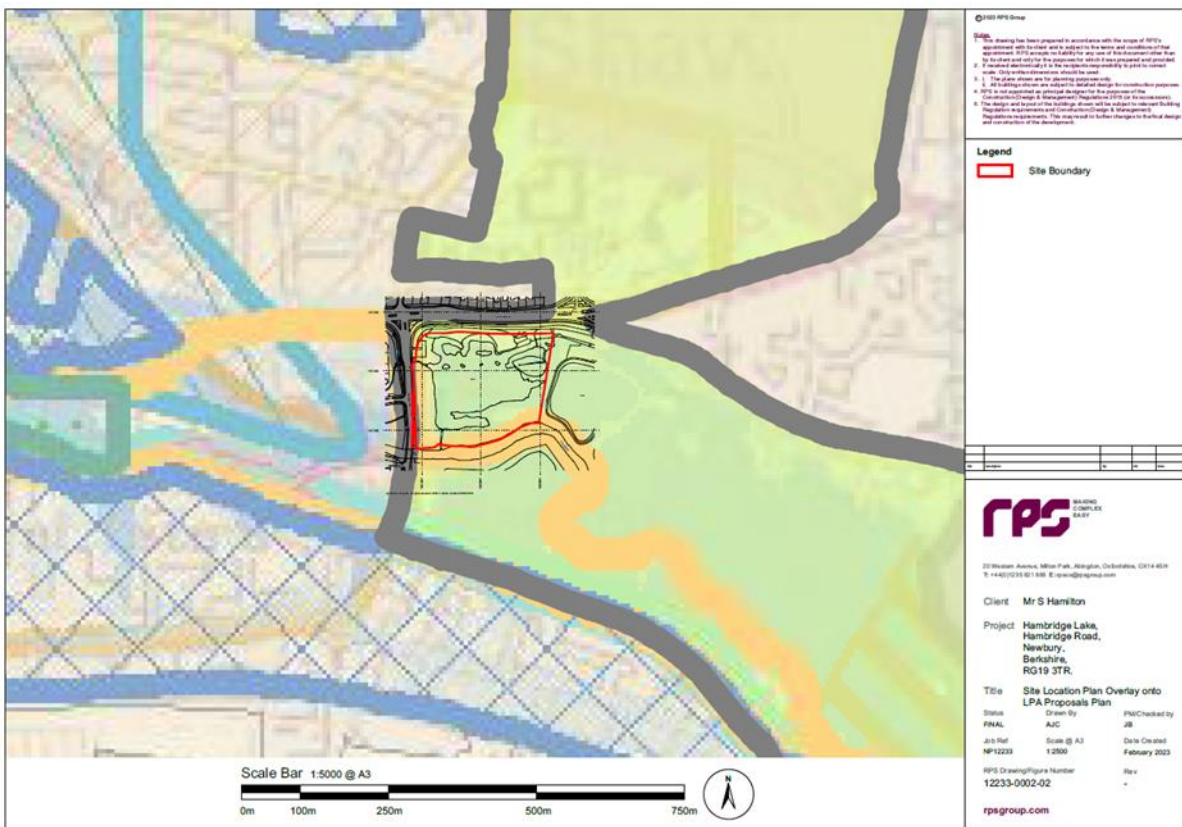
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My clients land lies within the proposed “gap” between Newbury and Thatcham. The policy goes on to say that:

Development which would detract from the open or rural character of these gaps will not be permitted. In these areas development will only be permitted where it:

- i. Would not diminish the clear physical and visual separation between distinct settlements; and*
- ii. Would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development.*

My client objects to this policy, because it seeks to sterilise and prevent development on land that is currently already protected by its countryside status in the adopted local plan. There is no need to add a further layer of constraint. Neither green gaps or wedges are recognised national policy designations, as neither are mentioned in Government guidance i.e. the NPPF and NPPG. Some local authorities choose to designate green gaps or wedges in order to protect land around and between settlements from development. West Berkshire has not designated green gaps or wedges in the past. There must have been a reason for that approach. Perhaps they felt they were not needed. In this context, the designation of the proposed gaps needs to be justified.



Extract from proposals map with my client’s site superimposed on the proposed gap.

The supporting text of policy DM2 states that:

9.8 The overarching spatial strategy for the LPR set out in Policy SP1 focuses development on Newbury and Thatcham. This pressure for development has the potential to lead to the loss of the separate and distinct identity of both settlements and the settlements surrounding them through coalescence. This could either be by physically or perceptually reducing the gaps between them or by introducing an increase of activity which has an urbanising effect. The visual break and sense of openness between these settlements is very important in maintaining the separate identity of individual communities and the Council considers it important that the integrity of this openness is maintained.

Our ref:

This text is flawed, because it is not a logical consequence of allocation of land for development, that other land between settlements will end up being put under pressure for development. Most of the land in the proposed gap between Newbury and Thatcham, to the south of London Road, currently consists of former gravel workings in the form of lakes and wet woodland, which is also a nature reserve and flood zone. The land is already protected by these designations and there is no need to add another layer of constraint, simply because nearby land is proposed for allocation and future development.

9.9 An *Appropriate Countryside Designation Study (2022)* was therefore undertaken of the countryside around Newbury and Thatcham to help determine whether a specific planning designation was needed to safeguard the unique characters and separate identities of the individual settlements. This concluded that should the Council specifically define the particular gaps it wanted to protect, that it would be justified in creating a new green gap policy.

An appeal decision in November 2021 concerning my clients site, is mentioned in the Countryside Designation Study (2022) at paragraph 5.4. The report authors state that:

This appeal case demonstrates that the area between Thatcham and Newbury is currently protected by specified policies relating to landscape character and by the LCA identifying the area as having a strong rural setting that plays an important role in maintaining the distinct separation between the two settlements. The proposed development was identified as having considerable economic benefits to the area, however, these did not outweigh the significant harms to the landscape character.

We consider that they have concluded, as the appeal inspector did, that the area between Newbury and Thatcham is already protected by local plan policies and that the harm to biodiversity and green infrastructure outweighed the economic benefits of the proposal. At no point in his decision letter, does the inspector mention there being a “gap” between Newbury and Thatcham, or that existing policy to protect the rural area is in any way sub-standard. Consequently, there is no need to add a further layer of constraint. Existing countryside policies will ensure that unduly harmful development will not be permitted.

My clients land is in Parcel 4, identified in the report as: *a relatively small parcel located between Newbury and Thatcham to the north of the railway line but to the south of the A4. It contains a number of lakes and a large part of the parcel is within flood zone 3.*

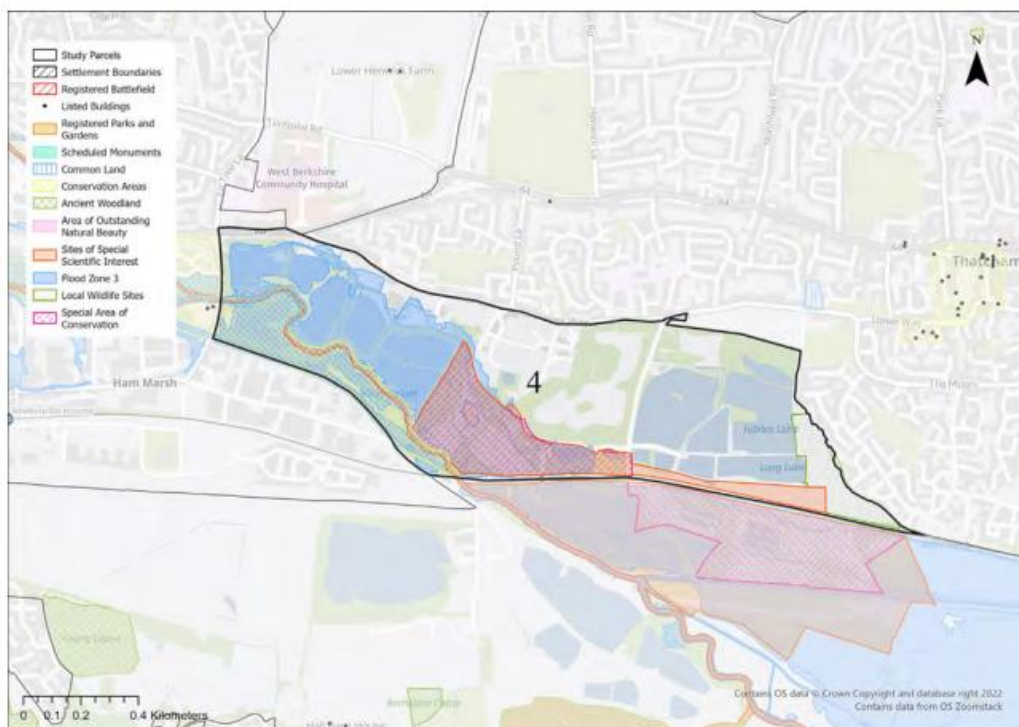


Figure 9 – Parcel 4 Designations and Constraints

Our ref:

Green Gap/Wedge Summary

Purpose	Does this parcel meet this purpose?	Comment
Purpose/Criteria 1: Does the area prevent development that would result in the merging or significant erosion of the gap between neighbouring settlements.	Yes	Yes this parcel provides an essential gap between Newbury and Thatcham, where development would significantly visually or physically reduce the perceived or actual distance between them. .
Purpose/Criteria 2: Does the area provides a 'green lung' into urban areas (i.e. penetrating from open countryside into an urban area	No	This parcel does not provide a green lung into an urban area.
Purpose 3/Criteria 3: Provides essential green infrastructure	Yes	Yes – part of the area provides fishing lakes and the Thatcham Nature Discovery Centre. The area also contains rights of way and recreational routes for walking etc along the River Kennet and the Kennet & Avon Canal.
Green Gap/Wedge Summary		Parcel 4 forms an essential gap between Newbury and Thatcham and also provides important green infrastructure. On this basis, the entire parcel is recommended for potential Green Gap/Wedge designation

The assessment of the proposed gap fails to mention that unsuitable development on the area would be prohibited by existing policies, such as LV1 and CS19. In addition, existing green / blue infrastructure and rights of way would be protected by policies CS17 and CS18. In this context, there is no need for a further designation of “local gap” and another, unnecessary layer of constraint.

The report concludes with regard to parcel 4, as follows:

Parcel 4 (whole) – this parcel provides an essential gap between Thatcham and Newbury where development would significantly visually or physically reduce the perceived or actual distance between them. Part of this parcel was subject of an appeal (Hambridge Lake, Hambridge Road) which is discussed in Chapter 5. The inspector concluded that although the role that the appeal site plays in maintaining separation between the settlements may be limited in its physical extent, it is nonetheless an important role. This separation role remains particularly important along the southern side of the London Road given the near coalescence of Newbury and Thatcham to the north.

The authors of the report appear to have placed a great deal of emphasis on the fact that an appeal was dismissed in respect of my clients land at Hambridge Lake and this justifies the designation of the whole parcel as green gap. In fact, the opposite is the case, because the inspector found that the proposed development was not acceptable in the context of existing policies, none of which mention the gap or any need for a gap. The appeal decision made it clear that existing policies protected land outside of settlements from unacceptable development. The inspector made no mention of a gap or the need for a policy to protect the gap. Therefore, there is no need for a further layer of constraint.

9.10 Gaps are a long established planning tool used to prevent the coalescence of settlements in order to maintain their separate identity. A clear gap between distinct settlements helps maintain a sense of place for residents of, and visitors to, the settlements on either side of the gap. They prevent development in areas where there is the greatest risk of coalescence and so ensure that by retaining a sense of openness, local distinctiveness is maintained.

West Berkshire Council has managed perfectly well for many years without a specific local plan policy seeking to protect gaps between settlements. A recent appeal decision at Hambridge Lake has demonstrated that existing policies are perfectly adequate when it comes to protecting rural areas and green infrastructure from development that is considered to be harmful. Just because other council’s have adopted policies to protect gaps, it doesn’t necessarily follow on that West Berkshire Council has to do the same. There is no justification for this policy. It is not needed and it is just another unnecessary layer of constraint.

9.11 The identified gaps set out in the policy have not been specifically defined to protect the landscape character of the countryside around Newbury and Thatcham, the Council’s approach to which is set out in

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Policy SP8. It is important to recognise that the gaps are not a local landscape designation. Landscape character assessment can be used however to inform and understand how the settlement pattern has developed, the nature of the individual character and setting of each distinct settlement, the pattern of the separation between them and how the landscape functions to maintain that separation.

This paragraph contradicts itself. It is clear that the gaps between Newbury and Thatcham are proposed for designation in order to prevent the two settlements from merging into each other. The quality of the landscape is not relevant. The proposed gaps are not landscape designations and the quality of the landscape in the gaps is not a determinative factor. However, the paragraph then goes on to say that “*landscape character assessment can be used however to inform and understand how the settlement pattern has developed, the nature of the individual character and setting of each distinct settlement, the pattern of the separation between them and how the landscape functions to maintain that separation.*” This is a direct contradiction of the first part of the paragraph, which says that the designation of gaps is not intended to protect the landscape character of the area concerned. Gaps are like green belts in that they have a planning function, but the quality of the landscape and other environmental factors are not a consideration. This paragraph further shows that the gap policy is flawed and not fit for purpose.

9.12 The land included within each identified gap performs an important role in defining the settlement character of the area and separating settlements at risk of coalescence. In defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements has been included.

It is not agreed that that “no more land than necessary” has been proposed for designation as gap. On the contrary, a very large area indeed has been proposed as gap. With regard to the area of gap to the south of the A4, where my clients land is location, most of the proposed gap is former gravel workings, which now consist of lakes and wet woodland. The area is protected by environmental designation, such as SSSIs and Nature Reserves. There is no need for a further layer of constraint and there is certainly no need for such a large area to be designated.

9.13 Currently, the parcel of land between Thatcham and Upper Bucklebury does not meet the criteria for designation as an essential gap. However, the Council acknowledges that this situation may change depending on how the North East Thatcham strategic site is delivered. The relationship between the proposed development and the country park to the north of the site will be critical in this regard. In accordance with the recommendations made in the Appropriate Countryside Designation Study (2022), further assessment as to an appropriate essential gap in this area will need to be carried out when the extent of the built development on the site has been established.

This matter is not relevant to my client’s land. Therefore, we have no comment.

Summary

In summary, we consider that policy DM2 Separation of Settlements around Newbury and Thatcham is unnecessary and flawed. The policy should be deleted from the draft local plan. The policy just adds a further layer of constraint, which is not necessary or reasonable. Once policy DM2 is deleted, the supporting text in paragraphs 9.8 to 9.13 should also be removed from the local plan.

It is hoped that these representations, submitted on behalf of Mr Steve Hamilton, will be given due consideration by the council in the evolution of the emerging West Berkshire Local Plan.

However, if you have any queries, please do not hesitate to contact me.

Yours faithfully



Jim Bailey

Director – Planning

RPS Group